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EPA's RMP Rule: Failures to Protect the American People/American Manufacturing: U.S. House of Representatives Subcommittee on Environment, Manufacturing, and Critical Materials Hearing

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The United States House of Representatives Subcommittee on Environment, Manufacturing, and Critical Materials of the Energy and Commerce Committee held a May 7th Hearing titled:

EPA's RMP Rule: Failures to Protect the American People and American Manufacturing

Section 112(r) of the Clean Air Act requires that United States Environmental Protection Agency ("EPA") publish regulations and guidance for chemical accident prevention for facilities that use certain hazardous substances.

These regulations and guidance have been denominated by the EPA as the Risk Management Program ("Rule").

EPA promulgated the RMP Rule in 1996. It requires the facilities using extremely hazardous substances to develop a Risk Management Plan which:

- Identifies the potential effects of a chemical accident
- Identifies the steps the facility has taken to prevent an accident
- Details emergency response procedures should an accident occur

A key objective of such requirements is to provide necessary information to local fire, police, and emergency response personnel so that they can prepare for and respond to chemical emergencies.

EPA on March 1st promulgated revisions to the RMP Rule. General subject areas addressed by the revisions might be denominated as:

- Safer technologies/chemical alternatives
- Accident prevention
- Third-party auditing
- Incident investigations

The May 7th Subcommittee Hearing Memorandum stated that the following issues would be examined:

- What is risk in the context of an industrial facility?
- What kinds of risks are presented by RMP-regulated facilities, and does the final rule reduce, increase, or change their risk profiles?
- Are there issues complying with the new RMP rule, and what are the impacts that compliance will bring?
- By law, RMP regulations are supposed to be “reasonable.” Do stakeholders consider these requirements reasonable?

Witnesses at the Hearing included:

- The Honorable Gentner Drummond, Attorney General, State of Oklahoma
- Jatin Shah, Senior Principal Consultant, BakerRisk
- Richard Erstad, Vice President and General Counsel, Hawkins, Inc. on behalf of the Alliance of Chemical Distributors
- James “Jim” Savage, Legislative Representative, United Steelworkers International Union

A copy of the Subcommittee Memo and a link to the Witnesses’ prepared testimony can be found [here](#).