

A photograph of an industrial facility, likely a refinery or chemical plant, featuring large metal pipes, valves, and a prominent black handwheel. The scene is set outdoors with greenery in the foreground. The image is overlaid with semi-transparent green and blue geometric shapes.

EPA'S RMP RULEMAKING

How Bad Could it Really Be?

Matt Paulson

OVERVIEW

- April 2013 – West, Texas fertilizer plant explosion
- August 2013 – Executive Order 13650
- December 2013 – OSHA PSM RFI
- May 2014 – Working Group Report
- July 2014 – EPA RMP RFI
- Dec., 21, 2015 – EPA proposed rule sent to OMB
- March 2016 – Expected publication of EPA proposed rule

WHAT WILL EPA PROPOSAL LIKELY INCLUDE?

- Expanded incident investigation requirements
 - Key issues – definitions of “root cause,” “catastrophic release,” and “near miss”
- Expanded process hazard analysis requirements
 - Key issues – require safer alternatives analysis; definition of “feasible”
- Mandatory third-party audits
 - Key issues - cost, availability, site knowledge, impartiality

WHAT WILL EPA PROPOSAL LIKELY INCLUDE?

- New requirements for coordination with first responders
 - Key issues: ERP requests; annual coordination
- New information sharing requirements
 - Key issues: ERP summary; chemicals on site; accident history
- Emergency response drill requirements
 - Key issues: table tops; drills; LEPC participation

WHAT WILL PROPOSAL LIKELY NOT INCLUDE

- Updates to list of regulated substances
- Definition of RAGAGEP
- Require, as opposed to assess, IST
- Expanded MI requirements
- “Safety Case” regulatory model
- Additional facility siting requirements
- Automated detection and monitoring requirements
- Requirement to release off-site consequence data

ADDITIONAL INFORMATION

- **EO 13650:** <https://www.whitehouse.gov/the-press-office/2013/08/01/executive-order-improving-chemical-facility-safety-and-security>
- **Working Group Report:** https://www.osha.gov/chemicalexecutiveorder/final_chemical_eo_status_report.pdf
- **EPA Docket:** <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OEM-2014-0328-0001>

ADDITIONAL INFORMATION (CONTINUED)

- **EPA Rulemaking Presentation:** Risk Management Modernization Rule, November 19, 2015, Small Business Advocacy Review, Panel Outreach Meeting Presentation (too be provided)

THANK YOU



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