

## EPA's Finalized Amendments to the RMP Rule

The U.S. Environmental Protection Agency (EPA) **finalized amendments** to the **Accidental Release Prevention Requirements for Risk Management Programs (RMP)** under the Clean Air Act, Section 112(r)(7). The amendments aim to **modernize EPA's RMP regulations** as required under Executive Order (EO) 13650. EO 13650 directs the federal government to carry out a number of tasks intended to prevent chemical incidents, such as the explosion in West, TX on April 17, 2013.



The amendments are intended to:

- **Address and improve accident prevention** program elements
- **Enhance the emergency preparedness** requirements
- Ensure LEPCs (Local Emergency Planning Committees), local emergency response officials, and the public can **access information in a user-friendly format** to help them **understand the risks** at RMP facilities and better prepare for emergencies.

**The final rule is effective on February 19, 2019.**

More information about the changes and how it affects facilities is found below.

## MAJOR CHANGES

### Compliance Audits

The next required compliance audit shall be a third party audit (within 12 months) when one of the following occurs:

- **An accidental release** meeting the criteria in Code of Federal Regulations (CFR) at 40 CFR 68.42 from a covered process at a stationary source
- An implementing agency required a third-party audit **due to conditions at the stationary source** that could lead to an **accidental release of a regulated substance**, or a **previous third party audit failed** to meet the **competency or independent requirement**

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**Third Party auditors shall have written policies and procedures to ensure all personnel comply with competency and independence requirements.**

### Third Party Competency Qualifications:

- Knowledge of requirements
- Experience with the stationary source type and the process being audited
- Trained or certified in proper auditing techniques

## Independence Requirements:

- Perform all activities **impartially**
- **Receive no financial benefit** from the audit outcome, apart from auditing services payment
- Not conducted **past research, development, design, construction, or consulting services** for the owner or operator for the **past two years**
- **Not provide other business or consulting services**, including assistance to implement findings and recommendations **for at least two years following final audit report submission**
- Ensure third party personnel **sign and date a conflict of interest statement** documenting they meet independence criteria
- Ensure third party personnel **do not accept future employment** with the owner or operator for at least two years following the final audit report submission

### *The audit report must:*

- **Identify all persons** participating on the audit team (names, titles, employers/affiliations, qualifications, and any information demonstrating the competency requirements are met)
- Describe or **incorporate the policies and procedures** by reference
- **Document the auditor's evaluation**, for each covered process, of the owner or operator's compliance
- **Document the findings of the audit**, including any identified compliance or performance deficiencies
- **Summarize any significant revisions** between draft and final versions of the report
- **Include the 40 CFR 68.80 certification**, signed and dated by the third-party auditor or leading third-party audit team member

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## Process Hazard Analysis

Facilities with **Program 3 processes** with North American Industrial Classification System (NAICS) **codes 322** (paper manufacturing), **324** (petroleum and coal products manufacturing), or **325** (chemical manufacturing) shall be required to consider safer technology or design, passive measures, active measures, and procedural measures. The owner or operator shall determine the practicability of the inherently safer technologies and designs considered.

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## Emergency Response

The owner or operator shall coordinate response needs with the local emergency planning and response organizations, at least annually, or more often if necessary, to address changes. For responding stationary sources, coordination includes establishing appropriate schedules and plans for field and tabletop exercises.

### Emergency Response Exercises

#### *Notification exercises*

At least once each calendar year the owner or operator of stationary source with a Program 2 or 3 process shall conduct an exercise of the stationary source's emergency response notification mechanisms.

### *Field exercises*

The owner or operator shall conduct field exercises involving the simulated accidental release of a regulated substance. The owner or operator should consult with local emergency response officials to determine the frequency for field exercises, but at a minimum shall conduct one field exercise at least once every ten years.

### *Tabletop exercises*

The owner or operator shall conduct a tabletop exercise involving simulated accidental release of a regulated substance. The owner or operator should consult with local emergency response officials to determine the frequency for table top exercises, but at a minimum shall conduct one table top exercise at least once every three years.

### *Documentation*

The owner or operator shall prepare an evaluation report within 90 days of each exercise. The report shall include a description of the exercise scenario, names and organizations of participants, an evaluation of exercise results including lessons learned, recommendations for improvement or revisions to the emergency response program, and a schedule to promptly resolve any recommendations.

## MORE INFORMATION

Interpreting and implementing new rules and regulations can be challenging, but Providence can help -- whatever your needs may be. We have experience with risk management plans, compliance audits, program evaluations, and numerous other RMP/Process Safety Management (PSM) services. Give us a call today!

