

# Risk Management Program (RMP) Proposed Rule Analysis





## 2022 RMP Proposed Rule Analysis

The Risk Management Program (RMP) Rule requires facilities using extremely hazardous substances to develop a Risk Management Plan that must be revised and resubmitted to EPA every five years. The following is a comparison of the current version of the rule with the proposed rule (published August 31, 2022) and SOCMA's advocacy efforts.

	<b>Current RMP Rule</b>	<b>Proposed Rule</b>	<b>Effective Date</b>	<b>SOCMA Advocacy/Impact</b>
<b>Safer Technologies and Alternatives Analysis (STAA)</b>	No requirement	All chemical manufacturing facilities located within 1 mile of another RMP-regulated petroleum, coal or chemical manufacturing facility must put in place safer technology and alternative risk management measures to eliminate or reduce risks from process hazards.	3 years after the effective date of the final rule.	Safety is at the foundation of the specialty chemical industry. SOCMA advocated against STAA mandates as they are subjective and lead to business uncertainty.
<b>Third-Party Compliance Audits</b>	No requirement	A third-party audit is required when: <ul style="list-style-type: none"><li>• A facility has an accidental release that resulted in deaths, injuries, and significant property damage onsite, and known offsite deaths, injuries, evacuations, sheltering in place, property damage, and environmental damage and the facility is located within 1 mile of another RMP-regulated petroleum, coal or chemical manufacturing facility.</li><li>• A facility has two such accidental releases within five years.</li><li>• An implementing agency mandates a third-party audit.</li></ul>	3 years after the effective date of the final rule.	SOCMA opposes mandatory third-party audits because an external auditor is unlikely to have the requisite understanding of an individual facility that is necessary to make improvement recommendations for a batch manufacturer. Further, internal company experts have the most knowledge and are best positioned to complete these audits and implement changes based on their findings.

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<b>Information Disclosure Requirements</b>	No requirement	<p>Any member of the public within 6 miles of the facility may request the following information, which must be provided within 45 days of a request:</p> <ul style="list-style-type: none"> <li>Names of regulated substances</li> <li>Safety data sheets for all regulated substances</li> <li>Five-year accident history of the facility</li> <li>Summary of the emergency response program</li> <li>List of scheduled emergency response exercises</li> <li>Contact information of the Local Emergency Planning Committee (LEPC).</li> </ul> <p>Companies must also provide ongoing notification on their website, social media platforms, or other publicly accessible means where such information may be requested by the public.</p>	3 years after the effective date of the final rule.	While SOCMA fully supports transparency, and the specialty chemical industry works closely with LEPCs and the public, these information-sharing mandates do not, and must, include explicit exemptions or opt outs for security and protection of trade secrets.
<b>Incorporation Of Natural Hazards and Power Loss into Hazard Analysis</b>	Not explicitly required in hazard reviews or evaluations	Natural hazards (including those that result from climate change) and loss of power must be addressed in Program 2 hazard reviews and Program 3 process hazard analyses. Justification must be included in the company plan when hazard evaluation recommendations are not adopted.	Resubmission of revised plans due 4 years after the effective date of the final rule.	Initial read is members already incorporate natural hazards and power loss into hazard analysis and will not materially affect SOCMA manufacturers. However, seeking further input from SOCMA members through SOCMA's EHS committee.
<b>Incorporation Of Facility Siting into Hazard Analysis</b>	Not explicitly required in hazard reviews or evaluations	Facility siting should be addressed in hazard reviews and explicitly define the facility siting requirement for Program 2 hazard reviews and Program 3 process hazard analyses. Justification must be included in the facility risk management plan when siting hazard recommendations are not adopted.	Resubmission of revised plans due 4 years after the effective date of the final rule.	Facility siting likely already occurs in hazard analysis, but SOCMA is working with members from the EHS committee to ensure this provision is properly crafted and that there are no unintended consequences.

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<b>Root Cause Analysis for Reportable Incidents</b>	No requirement	A formal root cause analysis incident investigation must be conducted when facilities have an RMP-reportable accident.	3 years after the effective date of the final rule.	Facilities that experience an RMP release likely already complete a root cause analysis, but SOCMA is working with EHS committee members to affirm.
<b>Employee Participation</b>	No requirement	Employee participation is mandated in resolving process hazard analyses, compliance audit and incident investigation recommendations and findings. Program 2 and Program 3 employee participation plans must include opportunities for employees to anonymously report RMP-reportable accidents or RMP non-compliance issues.	3 years after the effective date of the final rule.	SOCMA supports the participation of qualified employees in the appropriate analysis, audits, investigations and recommendations. SOCMA is working with EHS committee members to ensure these provisions are properly crafted.
<b>Community Notification of RMP Accidents</b>	No requirement	Non-responding RMP facilities must develop procedures for informing the public about accidental releases and provide release notification data to local responders. Facilities must also implement a community notification system for RMP-reportable accidents.	3 years after the effective date of the final rule.	SOCMA is working with members and seeking input to ensure this provision is properly crafted and that there are no unintended consequences.
<b>Emergency Response Exercises</b>	No annual coordination requirement	Facilities must conduct field exercises every 10 years unless local responders indicate such frequency is infeasible.	Revised emergency response field exercise frequency by March 15, 2027.	SOCMA is working with members and seeking input to ensure this provision is properly crafted and that there are no unintended consequences.
<b>Miscellaneous, Technical and Conforming Changes</b>	Not applicable	<ul style="list-style-type: none"> <li>• Program 3 process safety information must be kept up to date.</li> <li>• Hot work permits must be kept for five years.</li> <li>• Harmonizes Program 2 and Program 3 requirements with Recognized and Generally Accepted Good Engineering Practices (RAGAGEP).</li> </ul>	Varied.	Not applicable.

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		<ul style="list-style-type: none"> <li>• RAGAGEP must be used in process hazard analyses.</li> <li>• Defines storage incident to transportation and the retail exemption.</li> </ul>		
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