

EPA Proposed Risk Management Plan Updates



We read it so you don't have to....

The EPA has proposed substantive updates to the Safer Communities by Chemical Accident Prevention (SCCAP) rule under the Risk Management Program (RMP).

This proposal addresses 14 major areas and signals a shift in how EPA intends to align RMP with OSHA PSM, reduce duplication, and reassess regulatory burden.

EPA's stated objectives:

- Avoid duplicative regulatory requirements
- Realign RMP with OSHA PSM
- Remove requirements where data does not show a measurable reduction in accidental releases

Here's what you need to know:

1. Safer Technologies and Alternatives Analysis (STAA)

- Potential refinements to when STAA is required – to apply to all *new* Program 3 processes, regardless of NAICS code This would include removal of the new requirement for STAA and practicability implemented in the 2024 SCCAP ruling

- Possible alignment adjustments to reduce overlap with PSM hazard evaluations A new performance-based approach to STAA would be taken
- Alternative options Potential requirement for STAA implementation including facilities: Found to have not reported RMP accidents With one accident that resulted in offsite injuries Found to have multiple “serious” violations during an EPA inspection; and With substantial property damage due to a reportable accident

2. Information Availability

- Proposal to provide RMP information through the RMP public data tool instead of requiring owners or operators to provide this information to members of the public upon request
- Potential to rescind requirements of information availability, including: Notification of availability of information Timeframe to provide requested information Declined recommendations documentation Access in multiple languages Recordkeeping, including documenting the notification method and location in the RMP
- Adjustments to balance transparency and security
- Alternative Options Removal of all SCCAP rule information availability provisions, retaining the RMP Public Data Tool, but not codifying it, with same modifications as above Removal of all SCCAP rule provisions and take the RMP Public Data Tool offline permanently

3. Third-Party Audits

Co-Proposal of

- Rescinding of the 2024 third-party audit provisions, removing uncertainty for regulated entities and implementing agencies

AND

- Modification of the 2024 provisions to focus on facilities with two accidents in a five-year period require data on audits to be submitted to the EPA, and put in place a sunset provision after the regulations have been in effect for 10 years

Alternative Options:

- Other ways to identify/target facilities and/or processes that could benefit from a third-party compliance audit

- A clearer definition of “conditions” that would provide regulatory certainty to the provision

4. Employee Participation

- Proposal to rescind requirements at 40 CFR 68.62 (a)(2) for owners/operators of facilities with Program 2 processes to provide training on the employee participation plan
- Proposal to rescind requirements at 40 CFR 68.62 (a)(2) for owners/operators of facilities with Program 3 processes to provide training on the employee participation plan, while maintaining the requirement to provide annual notification the the plan is available
- Rescind the requirement for owners/operators of facilities with Program 2 and 3 processes to develop a reporting process for employees
- Rescind the requirement for owners/operators at facilities with Program 3 processes to consult with employees on addressing recommendations and findings from PHAs
- Alignment with OSHA PSM participation requirements
- Alternative Options Retaining the requirement of training on the employee participation plan A requirement for owners/operators to develop and implement a process for employee reporting to the owner/operator Requiring employee training to place emphasis specific safety and health hazards

5. Community & Emergency Responder Notification

- Clarification of responsibility for notification the community of an accidental release through wording modification
- Modification to documentation requirements Type of community notification system Whether the local responder or the owner/operator will send the notification to the community

6. Stationary Source Siting

- Rescind the amplifying regulatory text for Program 3 facilities under [40 CFR 68.67\(c\)\(5\)](#) and for Program 2 facilities under [40 CFR 68.50\(a\)\(6\)](#), *i.e.*, the language “including the placement of processes, equipment, and buildings within the facility, and hazards posed by proximate stationary sources, and accidental release consequences posed by proximity to the public and public receptors.”
- Alignment with OSHA PSM requirements

- Continuation of emphasis on the significance of evaluating all external hazards
- Alternative Options Retaining clarifying language from the 2024 SCCAP rule, except for the language “and hazards posed by proximate stationary sources” Amplifying language be addressed as guidance, outreach, or compliance assistance

7. Natural Hazards

- Re-evaluation of expanded hazard assessment language
- Alignment with existing risk assessment practices
- Alternative Options Modify the regulatory text at [40 CFR 68.50\(a\)\(1\)](#) and [68.67\(c\)\(1\)](#) to state: “The hazards, *including natural hazards*, . . .” Developing compliance assistance tools that could provide data on natural hazards that could adversely impact facility processes

8. Power Loss

- Removal of the 2024 SCCAP provisions of emphasis on hazard evaluation from power loss and the requirement to have backup/standby power for air pollution control/monitoring equipment associated with the prevention and detection of accidental releases from RMP-related processes
- Alignment with OSHA PSM PHA language
- Alternative Options Implementation opportunities for the EPA to ensure that power loss is being evaluated Information that the EPA could collect to better target safety and/or compliance issues

9. Declined Recommendation Documentation

- Changes to documentation requirements when facilities decline hazard analysis recommendations for natural hazards, power loss, siting, and RAGAGEP
- Alternative options Retaining the 2024 SCCAP rule requirements for documenting declined recommendations

10. Emergency Response Exercises

- Development of a mechanism for facility owners and operators to indicate an inability to coordinate with LEPCs despite a good faith effort to do so

11. PSI & RAGAGEP

- Clarifications regarding documentation of Recognized and Generally Accepted Good Engineering Practices (RAGAGEP)
- Alignment with OSHA expectations and wording

12. Deregistration Form Information Collection

- Modifications to reporting and data collection fields designed to help compile data and identify safer alternatives that could be implemented at other facilities

13. Hot Work Permit Retention

- Potential reduction in record retention duration to be held until the completion of the hot work operations
- Alignment with OSHA PSM Standard
- Alternative Options Requirement for a source to retain only the most recent hot work permit per process for up to 3 or 5 years Requirement for a source to retain a hot work permit if there was an accidental release during work addressed by the permit

14. Retail Facility Definition

- Proposed adjustments to clarify exemption scope

What This Means for Facilities

- Some compliance burdens may be reduced
- Expect closer harmonization with OSHA PSM
- Public transparency requirements could shift