

EPA Risk Management Program (RMP) Final Rule

Guidance Document



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EPA Final Risk Management Plan (RMP) Rule

Portion of the rule	Old Requirements (Current Regulation until May 10, 2024)	New Requirements under 2024 Final Rule (Effective May 10, 2024)	SOCMA Impact
Hazard Evaluation	<p>For Program 2 Prevention Programs:</p> <ul style="list-style-type: none"> Requires owner/operator to conduct a review of hazards associated with the regulated substances, processes and procedures. Owners/operators must document the results of the review and ensure problems are resolved in a timely manner. The review must be updated at least once every 5 years. <p>For Program 3 Prevention Programs:</p> <ul style="list-style-type: none"> Perform process hazard analysis to identify, evaluate and control hazards involved in the process. At least every 5 years after completion of the initial process hazard analysis, it must be updated and revalidated. 	<p>For Program 2 and 3 Prevention Programs-- Same as previous requirements but additional requirements:</p> <ul style="list-style-type: none"> Adds new definition of “natural hazards” to mean meteorological, environmental, or geological phenomena that have the potential for negative impact, accounting for impacts due to climate change. Hazard review/process hazard analysis must identify natural hazards that could cause or exacerbate an accidental release. Hazard review/process hazard analysis must address stationary source siting. Owner/operator must ensure monitoring equipment associated with prevention and detection of accidental releases from covered processes has standby or backup power to provide continuous operation. Operating procedures must include documentation when monitoring equipment associated with prevention and detection of accidental releases from covered processes is removed due to safety concerns from imminent natural hazards. <p>Program 2 Prevention Programs:</p> <ul style="list-style-type: none"> Hazard review must address safeguards used or needed to control the hazards or prevent equipment 	<ul style="list-style-type: none"> “Natural hazards” will now need to be considered in hazard evaluations (Program 2) and process hazard evaluations (Program 3).

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		<p>malfunction or human error including standby or emergency power systems</p> <p>Program 3 Prevention Program facilities:</p> <ul style="list-style-type: none"> • Process hazard analysis must also include engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases and standby or emergency power systems. • Risk management plans must document recommendations declined from natural hazard, power loss, and siting hazard evaluations and justifications. 	
Safer Technology and Alternatives Analysis (STAA)	No provisions for STAA.	<p>For Program 3 Program Facilities:</p> <ul style="list-style-type: none"> • Risk Management plan must include inherently safer technology (IST) or design (ISD) measures implemented since last process hazard analysis, if any. • Process hazard analysis must address safer technology and alternative risk management measures for the following covered processes and must meet the following requirements: <ul style="list-style-type: none"> ○ For processes in petroleum refining (NAICS 324) and chemical manufacturing (NAICS 325): owner/operator must consider and 	<ul style="list-style-type: none"> • STAA evaluation only applies to Program 3 processes in chemical manufacturing and petroleum refining NAICS codes. • Only a subset of these industries must implement measures for each STAA.

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		<p>document, in the following order of preference, IST or ISD, passive measures, active measures, and procedural measures. A combination may be used.</p> <ul style="list-style-type: none"> • For a subset of these facilities (facility has had at least one RMP-reportable incident since the facility’s most recent PHA; is co-located sources within 1 mile of each other; or refinery HF alkylation processes), they are also required to document the practicability of the IST and ISD. And, for any IST and ISD implemented, the owner/operator must submit to EPA a description. • This subset must also implement at LEAST one passive measure or an IST or ISD, or combination of active and procedural measures equivalent to or greater than the passive measure. <ul style="list-style-type: none"> ○ If no passive measures or IST or ISD are implemented, owner must implement at least one active measure. If no active measures are taken, must implement at least one procedural measure. • Passive and active measures not implemented must be documented with evidence as to why the measure if not practicable. This determination cannot be solely based on reduced profits or costs. 	

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Incident Investigation/Root Cause Analysis	<p>No requirement to perform a root cause analysis.</p> <p>For Program 2 and 3 Prevention Programs:</p> <ul style="list-style-type: none"> • Owners/operators required to investigate each incident which resulted in or could reasonably have resulted in a catastrophic release within 48 hours of the incident. • The investigation team must consist of at least one person knowledgeable in the process involved or other persons with appropriate knowledge to investigate the incident. The team must prepare a report at the end of the investigation. • Owner/operator must promptly address and resolve investigation findings and recommendations. Findings must be reviewed with all affected personnel. • Incident investigation reports must be retained for 5 years. 	<p>Same requirements plus:</p> <ul style="list-style-type: none"> • The incident investigation report must be completed within 12 months of the incident unless the implementing agency approves of an extension. • The report must include factors that contributed to the incident, including: <ul style="list-style-type: none"> ○ Initiating event. ○ Direct and indirect contributing factors. ○ Root causes - root causes must be determined by conducting an analysis for each incident using a recognized method. 	<ul style="list-style-type: none"> • EPA is not finalizing a definition of “near miss” nor requiring Root Cause Analysis to be performed and documented for near misses.
Third Party Compliance Audits	No requirements for third-party audits.	For Program 2 and Program 3 Prevention Programs:	<ul style="list-style-type: none"> • Companies will now be required to

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		<ul style="list-style-type: none"> • Owners/operators must certify they have evaluated compliance with this requirement at least every 4 years. • The next required compliance audit must be a third-party audit when one or more conditions apply: <ul style="list-style-type: none"> ○ An accidental release has occurred; or ○ An implementing agency requires a third-party audit due to conditions that could lead to an accidental release or when a previous third-party audit did not meet the competency or independence criteria. The implementing agency must provide the owner written notice describing basis for this determination. The owner will have an opportunity to consult with the agency about the determination and may appeal a final determination. • In conducting third-party audits, the owner or operator must engage a third-party auditor that meets all of the competency and independence criteria in the rule. • The auditor must prepare an audit report. Within 90 days of receiving the final audit report, the owner or operator must determine an appropriate response to each finding and document a schedule for addressing deficiencies and date completed. 	<p>conduct third-party compliance audits if certain conditions are met. This includes meeting stringent requirements for the selection of third-party auditors.</p> <ul style="list-style-type: none"> • Companies will be responsible for implementing corrections to deficiencies identified by these audits and report this information to their Boards of Directors. • EPA did not finalize its proposal to require third-party audits of every covered process at a facility. Compliance audits will remain consistent with the current practice, which allows for representative sampling.

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		<ul style="list-style-type: none"> • The findings report and documentation of actions taken to address deficiencies must be submitted to the Board of Directors or comparable committee. • Third-party audits must take place during the “next required compliance audit,” which is at least every 3 years. • Risk management plan must include date of most recent audit, expected date of completion of any changes resulting from the audit, and findings declined from a third-party compliance audit and justification. 	
Employee Participation	<p>No requirements for Program 2 Prevention Programs.</p> <p>For Program 3 Prevention Programs -- Owner or operator must:</p> <ul style="list-style-type: none"> • Develop a written plan regarding implementation of employee participation. • Consult with employees and their representatives on the conduct and development of process hazards analyses and the other elements of the process safety management in this rule. 	<p>Program 2 Prevention Programs- Owners/operators must:</p> <ul style="list-style-type: none"> • Develop a written plan regarding implementation of employee participation. • Distribute annual written or electronic notice to employees and their representatives indicating the employee participation plan is readily available to view and how to access it. • Provide training as often as necessary to ensure employees and their representatives (and management involved in the process) are informed of the plan. • Develop and implement a process to allow employees and their representatives to report 	<ul style="list-style-type: none"> • Companies must solicit input from employees and their representatives for more decisions (e.g., process hazard analysis, audits), but EPA limits this to employees knowledgeable in the process. • Certain employees will have stop work authority. • EPA also requires more from companies

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	<ul style="list-style-type: none"> Provide employees and their representatives access to process hazard analysis and all other information required to be developed under the rule. 	<p>to the owner/operator or EPA unaddressed hazards that could lead to a catastrophic release, accidents but not reported under § 68.195, and any other noncompliance. They can do so anonymously. Such reports must be maintained for three years.</p> <ul style="list-style-type: none"> Employees and their representatives must have access to hazard reviews. <p>Program 3 Prevention Programs-- Same as current requirements plus additional requirements. Owners/operators must follow same requirements as Program 2 programs plus:</p> <ul style="list-style-type: none"> Consult with employees knowledgeable in the process and their representatives on addressing, correcting, resolving, documenting, and implementing recommendations and findings of the process hazard analysis, compliance audits, and incident investigations. Provide employees knowledgeable in the process and their representatives authority to recommend that a process or operation be partially or completely shutdown based on the potential for a catastrophic release. 	<p>to ensure their employees and representatives can report to EPA about unaddressed hazards.</p>
Emergency Response	For Program 2 and 3 Prevention Programs, owners and operators must:	Same as current requirements plus additional requirements:	<ul style="list-style-type: none"> EPA has included a defined frequency in which field exercises must be conducted

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	<ul style="list-style-type: none"> Conduct an exercise of their emergency response notification mechanisms once per year. Records of each notification exercise must be maintained for five years. Develop and implement an emergency response exercise program involving facility emergency response personnel and contractors, which must include field and tabletop exercises. Owners/operators must prepare an evaluation report within 90 days of each field and tabletop exercise. When planning emergency response field and tabletop exercises, coordinate with local public emergency response officials and invite them to participate in the exercise. <p>Owners and operators can satisfy the requirements to conduct notification, field or tabletop exercises through:</p> <ul style="list-style-type: none"> Exercises conducted to meet other Federal, state or local exercise requirements (if the exercises meet the requirements of the rule), or 	<ul style="list-style-type: none"> Owners and operators must conduct a field exercise before March 15, 2027, and at a minimum at least once every ten years thereafter, unless the appropriate local emergency response agencies agree in writing that such frequency is impractical. Current recommended elements of the evaluation report to be prepared within 90 days after each field and tabletop exercise are now mandatory (change from “should” to “shall”). The owner or operator must also maintain and implement procedures for informing the public and the appropriate Federal, State, and local emergency response agencies about accidental releases and partnering with these response agencies to ensure that a community notification system is in place to warn the public within the area potentially threatened by the accidental release. Under the old rule, facilities where employees will not respond to accidental releases of regulated substances are exempt from emergency response program requirements if five conditions are met. In the new rule, EPA adds more requirements to condition 3: “Appropriate mechanisms are in place to notify emergency responders when there is a need for a response.” EPA also adds the requirement that the mechanisms include providing timely data and information detailing the current understanding and best estimates of the nature of the accidental release. 	<p>(the previous requirement which gave owner discretion to determine appropriate frequency).</p> <ul style="list-style-type: none"> EPA also includes requirements to increase owner/operator coordination and partnership with local emergency responders.

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	<ul style="list-style-type: none"> Through response to an accidental release provided the response includes actions required in the rule. 	<p>This condition may be satisfied through notification mechanisms designed to meet other Federal, state or local notification requirements.</p>	
Information Availability	<ul style="list-style-type: none"> The RMP must be available to the public. Owners and operators must hold public meetings to provide information about the accidental release no later than 90 days after any RMP reportable accident with any known offsite impact. Information classified or restricted by Federal agencies will be regulated by their applicable laws. 	<p>Same requirements as current rule and additional requirements. The additional requirements are:</p> <ul style="list-style-type: none"> The owner/operator must provide upon request by any member of the public residing, working, or spending significant time within <u>6 miles</u> of the fenceline of the facility the following hazard information for all regulated processes: names and SDSs for regulated substances held in process, 5-year accident history, information about compliance with emergency response program, information about exercises, LEPC contact information, and declined recommendations and justifications. The information must be made available in English or in at least any two other commonly spoken languages by the population potentially affected, as requested. Owner/operator must provide ongoing notification on a company website, social media, or through other publicly accessible means that the information is available to the public, instructions for how to request information, and where to access information on community preparedness (including shelter-in-place and evacuation procedures). 	<ul style="list-style-type: none"> Companies have to comply with significantly more requirements for making information about chemical hazards public. Companies will need to create websites or other publicly accessible platforms to communicate the required information to the public.

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		<ul style="list-style-type: none"> Owners/operators must provide requested information within 45 days of request and maintain records of members of the public requesting information for 5 years. 	
<p>Recognized and generally accepted good engineering practices (RAGAGEP)</p>	<p>Program 2 Prevention Programs:</p> <ul style="list-style-type: none"> The owner or operator must ensure that the process is designed in compliance with RAGEGEP. Compliance with Federal or state regulations that address industry-specific safe design or with industry-specific design codes and standards may be used to demonstrate compliance. The owner or operator must perform inspections and tests on process equipment. Inspection and testing procedures must follow RAGAGEP. <p>Program 3 Prevention Programs:</p> <ul style="list-style-type: none"> Process safety information (equipment information)- The owner or operator must document that equipment complies with RAGAGEP. 	<p>Program 2 and 3 Prevention Programs are now harmonized so they are identical:</p> <ul style="list-style-type: none"> The owner or operator must ensure and document that the process is designed in compliance with RAGEGP. EPA adds requirement that third-party auditors must be experienced with the stationary source type and processes being audited and applicable RAGAGEP. <p>Program 3 Prevention Programs:</p> <ul style="list-style-type: none"> Process hazard analyses include any gaps in safety between the codes, standards or practices to which the process was designed and constructed and the most current version of applicable codes, standards or practices (RAGAGEP gap analysis). In the risk management plan, must include recommendations declined from safety gaps between codes, standards, or practices to which the process was designed and constructed and the most current version of applicable codes, standards, or practices. 	<ul style="list-style-type: none"> EPA now requires documentation of compliance with RAGAGEP and that third-party auditors be experienced with RAGAGEP. Companies also have to perform a RAGAGEP gap analysis. Companies must document recommendations declined from gap analysis.

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	<ul style="list-style-type: none"> Inspection and testing procedures for process equipment must follow RAGEGEP. 		
Compliance Dates	N/A	<ul style="list-style-type: none"> May 10, 2027- owners/operators must comply with requirements: <ul style="list-style-type: none"> Third-party audits Incident investigation/root cause analysis Standby or backup power for continuous operation of monitoring equipment associated with prevention and detection of accidental releases from covered processes STAA Employee participation Emergency response Information availability March 15, 2027, owners/operators must comply with the revised emergency response field exercise frequency provisions, or within 10 years of the date of an emergency response field exercise conducted between March 15, 2017 and August 31, 2022. May 10, 2028- owner/operator must update and resubmit RMPs to reflect new data elements. 	