



Risk Management Program Regulatory Updates

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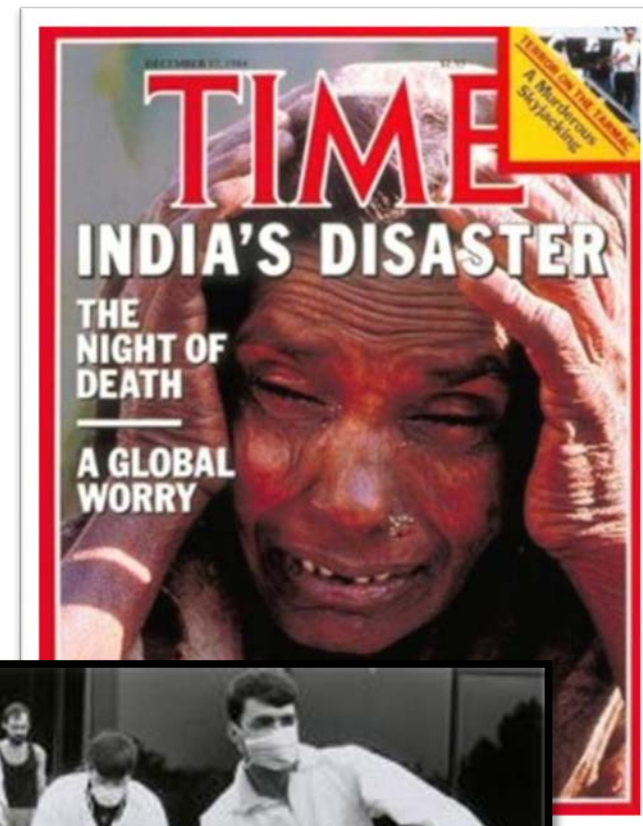
Today's Agenda

- Introductions
- Brief background
 - Emergency Planning and Community Right-to-Know Act (EPCRA)
 - Clean Air Act (CAA) 112(r)
- Common Region 7 inspection/case findings
- Status of changes to the Risk Management Program regulation



Union Carbide

- Bhopal, India December 2, 1984
 - Massive release of methyl isocyanate gas from Union Carbide pesticide plant
 - Killed 3,800 and injured tens of thousands
- Institute, West Virginia August 11, 1985
 - Cloud of methylene chloride and aldicarb oxime released (used in pesticide manufacture)
 - Six workers injured; > 100 residents hospitalized





EPCRA Goals

- Tailor a chemical emergency program to community needs
- Provide public with “right-to-know” attitude and information
- Included
 - Formation of emergency planning framework
 - Facilities report
 - Inventories (Tier II)
 - Releases that are occurring (accidental and routine)

Industry involvement is key to a successful Local Emergency Planning Committee (LEPC)



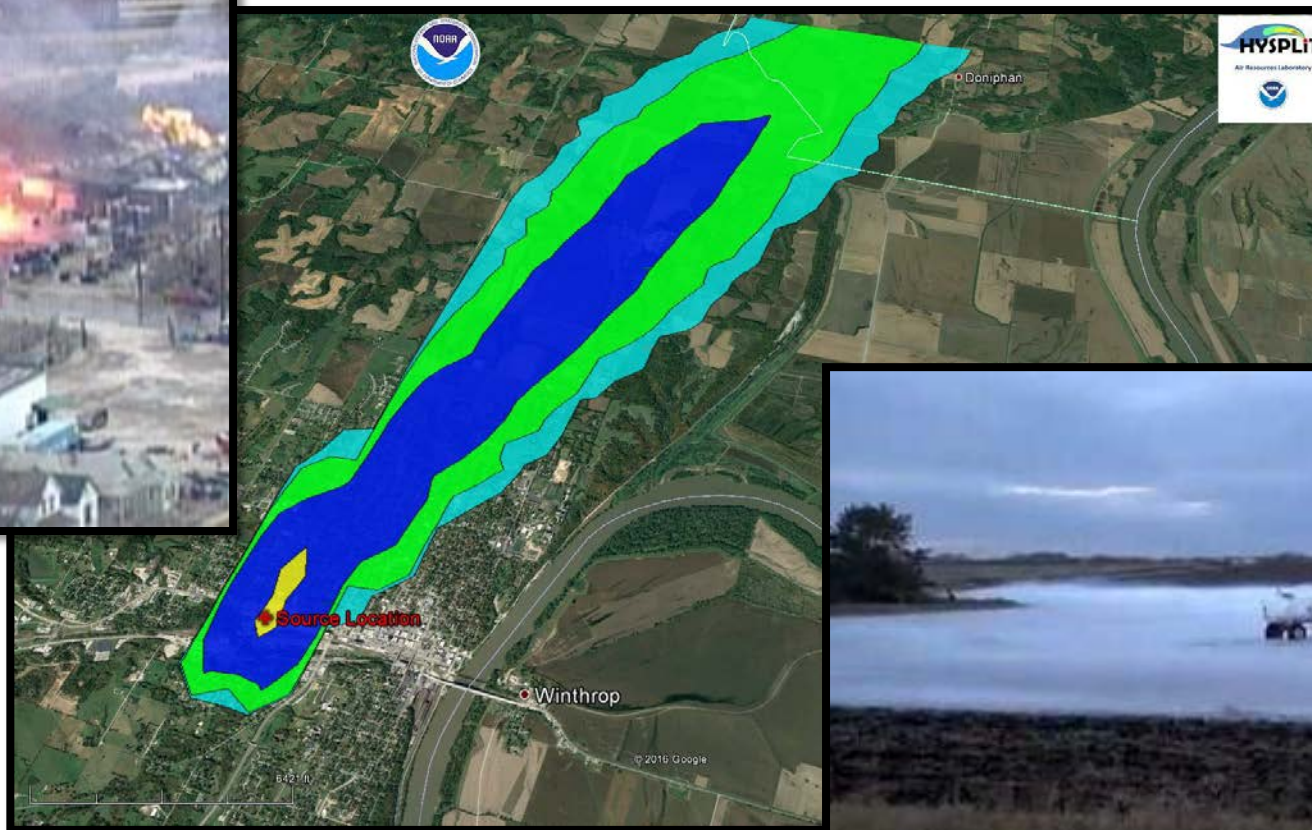
From Response to Prevention

Clean Air Act Amendments of 1990

- General Duty Clause - Section 112(r)(1)
 - No thresholds, no list of regulated substances
 - Facilities must identify hazards, design and maintain a safe facility to prevent releases, and minimize consequences of releases that do occur
- OSHA's Process Safety Management (PSM) - 1992
- EPA's Risk Management Program - Section 112(r)(7)
 - 40 CFR 68 regulation - 1999
- Established Chemical Safety Board (CSB) to investigate incidents
 - Became operational in 1998

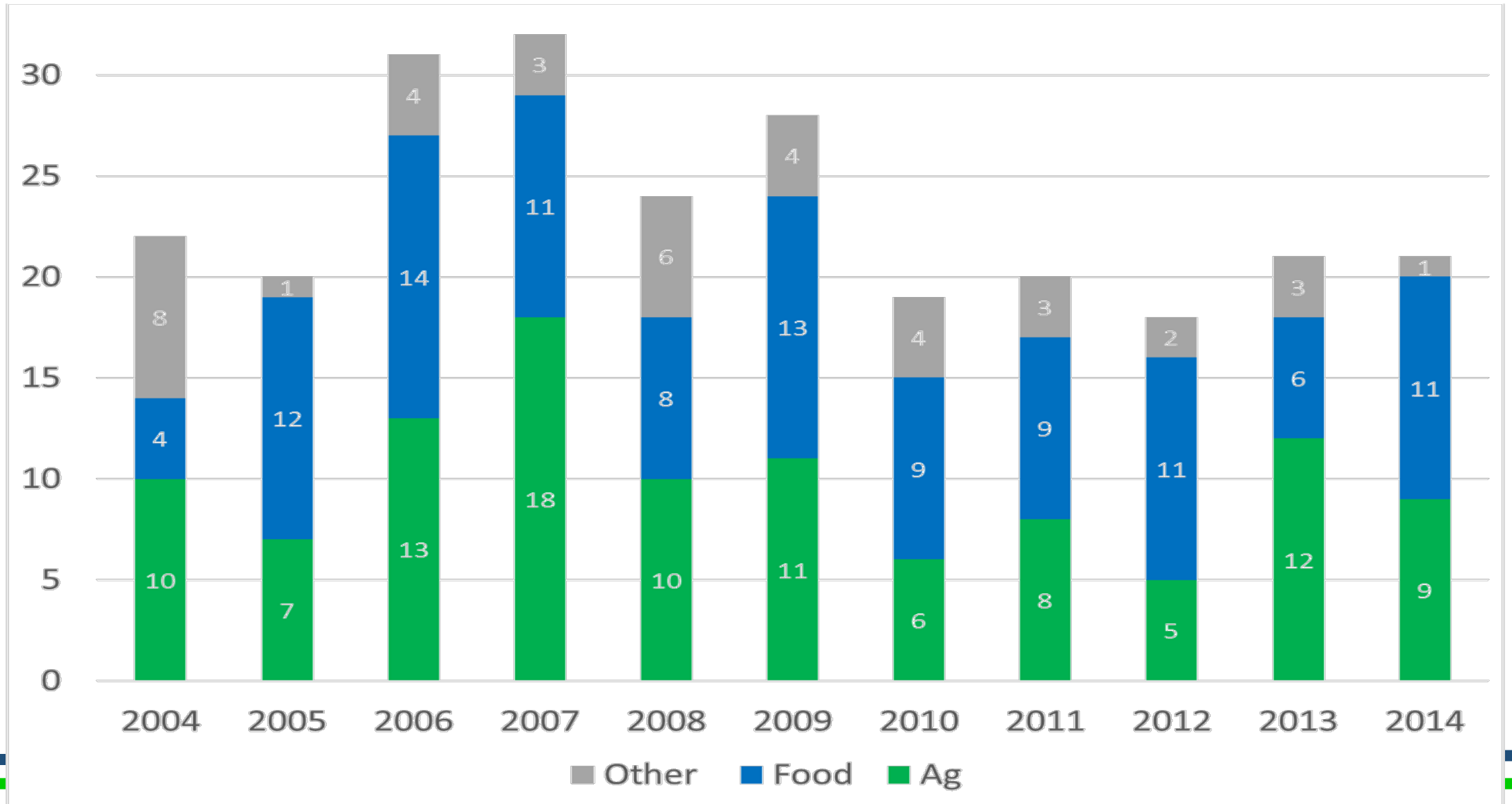


Clean Air Act 112(r) Purpose – Prevent Accidents Which Cause Harm





Region 7 Risk Management Program Accidents 2004-2014





Key to Accident Prevention

Utilize industry standards or recognized and generally accepted good engineering practices (RAGAGEP)



**National Fire
Protection Association**

The authority on fire, electrical, and building safety





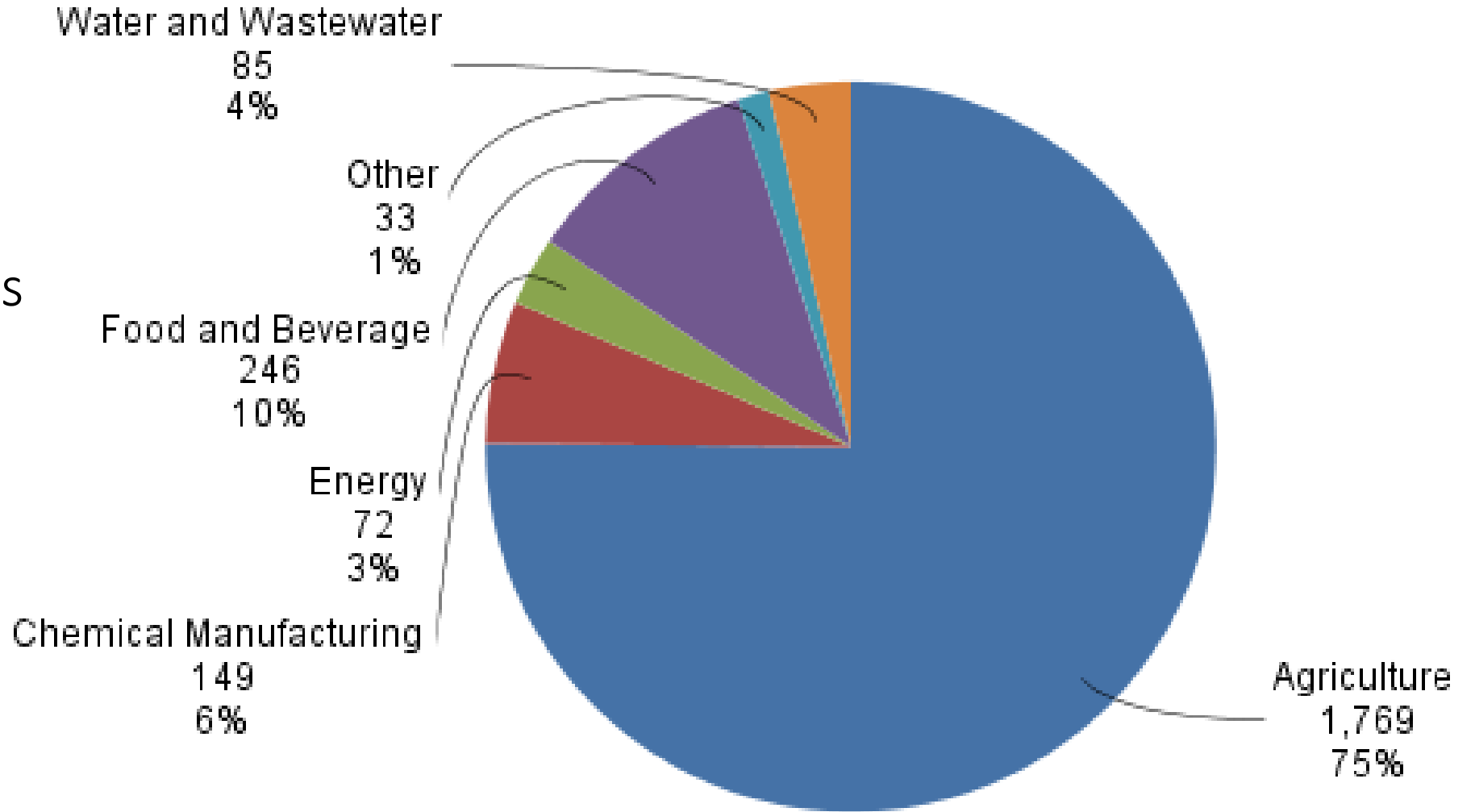
Elements of a Risk Management Program

- Management system
- Hazard assessment
- Prevention program
 - Level 1 – No potential impact to offsite receptors
 - Level 2 – Not program level 1 or 3
 - Level 3 – Facilities in listed NAICS codes or subject to OSHA PSM
- Emergency response planning
- Risk Management Plan (RMP) submission
 - Electronically submit to EPA via the Central Data Exchange



EPA Region 7 Risk Management Program Facilities

1.28 million tons
of anhydrous
ammonia





Quick Ways to Be Added to Our Inspection List

- Have accidents or releases, especially where
 - Several people need treatment or someone dies
 - Public is impacted
 - Significant off-site environmental impact
- Miss a five year Risk Management Plan (RMP) submittal update
- Have >10,000 pounds anhydrous ammonia and no RMP





Issues Cited Relating to Safety Information 40 CFR 68.48/68.65

- Utilize **current** Safety Data Sheet
- Document maximum inventory, temperatures, pressure, flow, and composition
- Document equipment specifications
- Ensure the process is designed in compliance with recognized and generally accepted good engineering practices (RAGAGEP)

Most common Region 7 citation – nearly 75% of facilities



Industry Standards Citations at Region 7 Facilities



Insufficient/Nonexistent Vehicle Barriers

Improper Saddle Configuration



Absent Bulkheads



Industry Standards Citations at Region 7 Facilities (cont.)

- Expired pressure relief valves or hoses
- Tests or internal/external inspections not conducted timely
 - Pressure vessels
 - Underground piping





Issues Cited Relating to Compliance Audits 40 CFR 68.58/68.79

- Not completed every 3 years
 - Play inspector for a day
 - Consider changes at facility and in industry standards
 - Are you doing what you say you are doing?
 - Standard Operating Procedures
 - Maintenance
- Not certified

Second most common citation for Region 7 facilities



Is Your Facility Subject to the General Duty Clause Clean Air Act 112(r)(1)?

- Stationary source
- **No thresholds, no lists of regulated chemicals**
 - Produce, process, handle, or store a regulated substances or other extremely hazardous substance
 - “Other extremely hazardous substances”
 - Any chemicals listed in 40 CFR part 68
 - Any other substance which may due harm due to its toxicity or flammability

How Does a Facility Meet its General Duty Obligations?

- Identify hazards, design and maintain processes to prevent releases, minimize consequences of releases that do occur



OSHA's Attempt to Redefine "Retail"

- July 25, 2015
 - Letter of interpretation announcing a redefinition of "retail"
 - New interpretation would have resulted in all facilities in NAICS codes 44 and 45 being covered under OSHA's PSM Standard
- September 23, 2016
 - D.C. court ruled OSHA could not change the definition through a letter of interpretation

Agriculture facilities remain

Program Level 2 Risk Management Program facilities



40 CFR 68 Rule Modernization Time Line

- July 31, 2014 - Request for information
- November 4, 2015 – Small business advocacy review panel
- March 14, 2016 – Proposed rule published
- January 13, 2017 - Final rule published in federal register
 - Original Effective Date: March 14, 2017
- January 26, 2017 – Regulatory Pause
 - In accordance with the Presidential directive entitled “Regulatory Freeze Pending Review”
 - March 21, 2017 - New effective date



Major Changes to 40 CFR 68 Include



- Conduct root cause analysis
- Perform third party audits after accidents
- Hold public meeting within 90 days of an accident
- Complete annual notification exercises
- Coordinate annually with local emergency response agencies
- Facility information is made available to public upon request
- Changes made to investigations
- Revisions to Risk Management Plans



Important Notes About Risk Management Program Rule Change



- Compliance with emergency response coordination activities required by one year after the effective date
- Risk Management Plans need to reflect new and revised data elements by five years after the effective date
- Final rule and background
<https://www.epa.gov/rmp/final-amendments-risk-management-program-rmp-rule>
- Questions and answers:
<https://emergencymanagement.zendesk.com/hc/en-us/sections/203878207-Final-Amendments-to-RMP-Rule>



For More Information

EPA Chemical Risk Website - www.epa.gov/rmp

Your Speaker

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