



**Accidental Release Prevention
Requirements: Risk Management
Programs under the Clean Air Act;
Common Sense Approach
Chemical Accident Prevention
Proposed Rule**

**Informational Webinar for Tribes
March 2026**



Agenda

Background

Discussion of proposed provisions and costs

Tribal impacts

How to comment and additional resources



Existing Regulatory Framework

- The Risk Management Program is one of several programs that address chemical facility safety and security:
 - OSHA Process Safety Management (PSM) standard - Management program for highly hazardous chemicals aimed at preventing and minimizing occupational/onsite exposure
 - Emergency Planning and Community Right-to-know (EPCRA) requirements - Local emergency planning and preparedness, emergency release notification, community right-to-know: provision of hazardous chemical storage inventory and toxic chemical release inventory to the community and first responders
 - CAA Section 112(r)(1) general duty clause - Facility owner/operators have a general duty to prevent and minimize releases
 - ATF requirements for explosives
 - State/local requirements (e.g., NJ, Contra Costa County, CA regulations)



Risk Management Program Rule

- Promulgated in 1996 under Section 112(r) of the Clean Air Act Amendments of 1990
- Applies to all stationary sources with processes that contain more than a threshold quantity of a regulated substance (approx. 11,500 sources; 140 regulated toxic or flammable substances in 40 CFR 68.130)
 - Includes a wide variety of industry sectors including: refining, chemical manufacturing, energy production, ammonia refrigeration, water treatment, bulk storage, chemical distribution, agricultural retail, and chemical warehouses
- Requires the source to develop a [Risk Management Plan \(RMP\)](#)
 - The plan addresses elements aimed at preventing accidental releases and reducing the severity of releases that occur
 - Required to prepare and submit an RMP to EPA at least every 5 years
- Covered processes fall within one of three prevention program levels based on:
 - The potential for offsite consequences from a worst-case accidental release;
 - Accident history; and
 - Regulation under OSHA PSM



RMP Facility Universe ~11,500 facilities*

*some facilities have multiple processes of different program levels

Program 1

~700 processes

Processes that would not affect the public in the event of a worst-case release & no accidents with offsite consequences in the last five years

- Small quantities of flammables, less volatile toxics
- Limited accident prevention including hazard assessment and emergency response requirements

Program 2

~4,000 processes

- Processes not eligible for Program 1, not subject to Program 3
- Agricultural ammonia distributors
- Water & wastewater treatment in Federal OSHA states
- Additional hazard assessment, accident prevention, management, and emergency response requirements

Program 3

~7,000 processes

Processes subject to OSHA's PSM standard or in one of 10 specified NAICS codes picked based on accident history

- Larger facilities or those with complex processes
- Examples include: refining, chemical manufacturing, energy production, water treatment in OSHA state-plan states
- Covered by accident prevention program equivalent to OSHA PSM and additional hazard assessment, management, and emergency response requirements



Program Level Requirements Comparison

PROGRAM 1	PROGRAM 2	PROGRAM 3
<ul style="list-style-type: none"> • Worst-case scenario analysis • 5-year accident history 	<ul style="list-style-type: none"> • Offsite consequence analysis • 5-year accident history • Document management system 	<ul style="list-style-type: none"> • Offsite consequence analysis • 5-year accident history • Document management system
Prevention Program		
<ul style="list-style-type: none"> • Certify no additional prevention steps needed 	<ul style="list-style-type: none"> • Safety information • Hazard review • Operating procedures • Training • Maintenance • Incident investigation • Compliance audit 	<ul style="list-style-type: none"> • Process safety information • Process hazard analysis (PHA) • Operating procedures • Training • Maintenance • Incident investigation • Compliance audit • Management of change • Pre-startup review • Contractors • Employee participation • Hot work permits
Emergency Response Program		
Coordinate with local responders	Develop plan/program and coordinate with local responders	Develop plan/program and coordinate with local responders



RMP Rule Recent Changes

- January 2017 - RMP Amendments Rule
- December 2019 - RMP Reconsideration Rule
- March 2024 - RMP Safer Communities by Chemical Accident Prevention (SCCAP) Rule
- January 20, 2025 – Executive Orders 14148 and 14154
- March 12, 2025 - Administrator Zeldin announced reconsideration of the 2024 rulemaking
 - EPA initiating a new rulemaking – “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention”



RMP Common Sense Rule Proposed Provisions

- Safer Technologies and Alternatives Analysis (STAA)
- Information Availability
- Third-Party Audits
- Employee Participation
- Emergency Response
- Stationary Source Siting, Natural Hazards, and Power Loss Evaluation
- Declined Recommendations Documentation
- Process Safety Information & Recognized and Generally Accepted Good Engineering Practices (RAGAGEP)
- Collection of Deregistration Information
- Other Technical Changes



Safer Technologies and Alternatives Analysis (STAA)

2024 SCCAP rule:

Initial Evaluation: P3 facilities in NAICS 324 (petroleum refining) and 325 (chemical manufacturing)

- Review of available technologies and alternatives. *The owner or operator shall consider and document, in the following order of preference inherently safer technology or design, passive measures, active measures, and procedural measures.*

Practicability Assessment: P3 facilities in NAICS 324 and 325

- within 1 mile of another 324/325 P3 RMP facility
- with HF alkylation unit (regardless of proximity)
- having one accident since the facility's most recent PHA
- *Determine capability of being successfully accomplished within a reasonable time, accounting for environmental, legal, social, technological and economic factors. Environmental factors would include consideration of potential transferred risks for new risk reduction measures.*

Implementation: Same universe as practicability assessment

- *Implement at least one passive measure, or an inherently safer technology or design, or a combination of active and procedural measures equivalent to or greater than the risk reduction of a passive measure.*



Safer Technologies and Alternatives Analysis (STAA)

Common Sense rule proposes to:

- Rescind STAA evaluation requirements at refineries and chemical manufacturing facilities
- Rescind STAA practicability and implementation requirements for subset of refineries and chemical manufacturing facilities
- Require STAA evaluation for new covered processes
 - New = newly designed and built processes at existing or newly operating facilities which would commence operation 3 years after the effective date of this rule, if finalized



Information Availability

2024 SCCAP rule:

- Upon request, a facility must provide populations residing, working, or spending significant time in 10 km radius with specific chemical hazard information;
 - Chemical name
 - Safety data sheet (SDS)
 - Accident history
 - Emergency response program
 - Exercises
 - Local emergency official contact
 - Declined recommendations from new provisions (STAA, natural hazards, etc)
- Offer language translations of information in at least 2 major languages in community;



Information Availability

Common Sense rule proposes to:

- Provide chemical hazard information through the RMP Public Data Tool
- Rescind requirements for facilities to provide chemical hazard information upon request and related requirements that mandate how and when such information should be provided, including: notification of availability of information, timeframe to provide requested information, declined recommendations, access in multiple languages, recordkeeping, and reporting of the method of communication and location of the notification that information is available



Third-Party Audits

2024 SCCAP rule:

- **Applicability.** Conduct a third-party compliance audit after:
 1. One accidental release
 2. An implementing agency requires it because (1) conditions at the facility that could lead to an accidental release, (2) a previous third-party audit failed to meet the competency or independence criteria.
- **Auditor criteria** (1) Act impartially; (2) Receive no financial benefit from the outcome of the audit, (3) Sign a conflict-of-interest statement (4) Do not accept future employment with the owner or operator for 2 years.
- **Report timeline.** Complete report within 12 months.
- **Declined audit recommendations.** Include findings declined from third-party compliance audits and categorical justifications in the RMP.



Third-Party Audits

Common Sense rule proposes:

- Co-proposing two options
 1. Rescind all third-party audit provisions added by the 2024 SCCAP rule
 2. Modify provisions –
 - require third-party audits for sources that have had 2 accidents within a 5-year period;
 - require data on third-party audits to be submitted to EPA;
 - put in place a sunset provision after regulations have been in effect for 10 years



Employee Participation

2024 SCCAP rule:

Written plan of action to include:

- **Recommendation Decisions: P3 facilities;** consultation with employees on addressing, correcting, resolving, documenting, and implementing recommendations of PHAs, incident investigations, and compliance audits
- **Stop Work Authority: P3 facilities**
 - Recommend to the operator in charge of a unit that an operation or process be partially or completely shut down
 - Allow a qualified operator in charge of a unit to partially or completely shut down an operation or process
- **Compliance Reporting: P2 and P3 facilities;** how employees can report RMP-reportable accidents or related RMP non-compliance issues to employer or EPA

Plan Training: P2 and P3 facilities



Employee Participation

Common Sense rule proposes:

- **For Program 2 & 3 processes, rescind requirements related to:**
 - Training on the employee participation plan
 - Compliance reporting
 - Retaining a record of reports for 3 years
- **For Program 3 processes, rescind requirements related to:**
 - Recommendation decisions (consultation with employees on addressing PHA, compliance audit, and incident investigation recommendations)
 - Stop work authority
- **Retain:**
 - Requirement for P2 to develop employee participation plan and provide access to hazard reviews and other prevention program information
 - Requirement for P2 and P3 to provide annual notice of plan



Emergency Response

2024 SCCAP rule:

- Require **non-responding facilities** (already a requirement for responding facilities) to develop **procedures for informing the public about accidental releases**.
- Provide **release notification** data to local responders.
- Partner with local responders to ensure a **community notification system** is in place.
- Require **mandatory reporting requirements for emergency response exercises**.
- Require a **10-year frequency for field exercises** unless local responders indicate that frequency is infeasible.



Emergency Response

Common Sense rule proposes:

Community and Emergency Responder Notification

- Modify requirements to clarify who is responsible for community notification – emphasize that owners or operators are responsible for coordinating with local officials

Emergency Response Exercises

- Retain 10-year field exercise frequency but seeking comment on changes needed to address lack of mechanism for owners or operators to indicate an inability to coordinate with LEPCs/TEPCs despite good faith efforts



Stationary Source Siting, Natural Hazards, and Power Loss Evaluation

2024 SCCAP Rule:

Stationary Source Siting

- Language added to hazard evaluation regulatory text to amplify evaluation of stationary source siting.

Natural Hazards

- Language added to hazard evaluation regulatory text to amplify evaluation of “*natural hazards*”

Power Loss

- Language added to hazard evaluation regulatory text to amplify evaluation of standby or emergency power systems.
- Require standby or backup power for air monitoring equipment.
- Require operating procedures to include documentation of removal of monitoring equipment during natural disasters.



Stationary Source Siting, Natural Hazards, and Power Loss Evaluation

Common Sense rule proposes:

- Rescind amplifying text related to stationary source siting
- Rescind amplifying text related to natural hazards
- Rescind amplifying text related to standby or emergency power systems
- Rescind requirement for standby or backup power for monitoring equipment



Declined Recommendations Documentation

2024 SCCAP Rule:

Declined Recommendations:

- Report in RMP justifications for declining hazard evaluation and PHA recommendations from natural hazards, power loss, and siting recommendations for Programs 2 & 3 and declined recommendations from RAGAGEP gap analysis for Program 3.

Common sense rule proposes to rescind these changes.



Process Safety Information & Recognized and Generally Accepted Good Engineering Practices (RAGAGEP)

2024 SCCAP Rule:

- P3 process safety information to be kept up-to-date as it is already for P2.
- Clarify the identical requirement for P2 and P3 processes to ensure processes are designed in compliance with recognized and generally accepted good engineering practices (RAGAGEP).
- Program 2 safety information: remove phrase related to Federal and State regulations.
- Gap analysis for P3 process hazard analysis to limit sources from using older versions of RAGAGEP that do not address current known hazards.



Process Safety Information & Recognized and Generally Accepted Good Engineering Practices (RAGAGEP)

Common Sense rule proposes:

- Retain “up to date” language in PSI .
- Rescind clarifying text related to ensuring and documenting Program 2 and 3 processes are designed and maintained in compliance with RAGAEP.
- Retain change in Program 2 safety information to remove phrase related to Federal and State regulations.
- Rescind RAGAGEP gap analysis for Program 3 in the PHA.



Other Technical Changes

2025 Common Sense Rule proposes:

Hot Work Permit Retention

- Rescind 3-year retention requirement (requirement added by 2024 SCCAP rule)

Retail Facility Definition

- Amend definition to include alternate timeframes for sales to determine exemption (2024 SCCAP rule added requirement for retail exemption to apply to sales in a calendar or fiscal year)



Collection of Deregistration Information (new)

- Retain voluntary nature of information collection upon deregistration
- Request additional information related to the use of safer technologies and alternatives in deregistration form



Estimated Costs

In total, the EPA estimates annualized cost savings of \$234.7-240.3 million at a 3% discount rate and \$236.2-241.9 million at a 7% discount rate.

Summary of Estimated Costs Over a 10-Year Period (Millions, 2022 Dollars)

Cost Elements	Total Undiscounted	Total Discounted (3%)**	Total Discounted (7%)**	Annualized (3%)**	Annualized (7%)**
<i>Costs</i>					
Rule Familiarization (new)	\$13.39	\$13.00	\$12.51	\$1.52	\$1.78
STAA Initial Evaluation (new)	\$88.41	\$75.41	\$62.09	\$8.84	\$8.84
Total Cost*	\$113.04	\$99.33	\$85.11	\$11.64	\$12.12
<i>Cost Savings</i>					
Rule Familiarization (previous)	(\$39.69)	(\$38.54)	(\$37.10)	(\$4.52)	(\$5.28)
Safer Technology Alternatives Analysis (STAA)					
Initial Evaluation (previous)	(\$176.37)	(\$158.16)	(\$138.30)	(\$18.54)	(\$19.69)
Practicability Assessment	(\$256.91)	(\$230.15)	(\$201.02)	(\$26.98)	(\$28.62)
Implementation	(\$1,700.39)	(\$1,438.88)	(\$1,172.59)	(\$168.68)	(\$166.95)
Third-party Audits*	(\$75.23) - (\$18.65)	(\$64.17) - (\$15.91)	(\$52.83) - (\$13.10)	(\$7.52) - (\$1.86)	(\$7.52) - (\$1.86)
Employee Participation Plan	(\$110.09)	(\$93.91)	(\$77.32)	(\$11.01)	(\$11.01)
Backup Power for Perimeter Monitors	(\$3.29)	(\$2.79)	(\$2.27)	(\$0.33)	(\$0.32)
RMP Declined Recommendations and Justifications					
No Backup Power	(\$0.16)	(\$0.13)	(\$0.11)	(\$0.02)	(\$0.02)
Natural Hazards	(\$0.42)	(\$0.36)	(\$0.30)	(\$0.04)	(\$0.04)
Facility Siting	(\$0.42)	(\$0.36)	(\$0.30)	(\$0.04)	(\$0.04)
RAGAGEP	(\$0.28)	(\$0.24)	(\$0.19)	(\$0.03)	(\$0.03)
Community Notification System	(\$2.74)	(\$2.34)	(\$1.92)	(\$0.27)	(\$0.27)
Information Availability	(\$126.98)	(\$108.32)	(\$89.19)	(\$12.70)	(\$12.70)
Total Cost Savings*	(\$2,436.39) - (\$2,492.97)	(\$2,090.08) - (\$2,138.34)	(\$1,733.71) - (\$1,773.44)	(\$245.02) - (\$250.68)	(\$246.84) - (\$252.50)
Total Net Costs*	(\$2,334.60) - (\$2,391.17)	(\$2,001.67) - (\$2,049.93)	(\$1,659.10) - (\$1,698.84)	(\$234.66) - (\$240.31)	(\$236.22) - (\$241.88)



How Could This Proposed Rule Impact Tribes?

- Approximately 260 RMP facilities are located on tribal lands
- Tribes could be impacted by this proposal in 2 ways:
 - As a Tribal government when the Tribal government conducts emergency response or emergency preparedness activities under EPCRA
 - The Tribe may be requested to participate in exercises by RMP-regulated facilities on Tribal lands
 - As an owner or operator of an RMP-regulated facility



Non-federal Emergency Response Entities Under EPCRA

SERCs	TERCs	LEPCs	TEPCs
State Emergency Response Commissions	Tribal Emergency Response Commissions	Local Emergency Planning Committees	Tribal Emergency Planning Committees
SERCs are appointed by the governor of each state to establish LEPCs.	TERCs are established by the Chief Executive Officer of the tribe. TERCs have the same responsibilities as SERCs in the Tribal region.	LEPCs are established by the SERC in each state.	TEPCs are established by the TERC. They have the same responsibilities as LEPCs in the tribal region.
Responsibilities		Responsibilities	
<ul style="list-style-type: none"> • Establish and supervise LEPCs / TEPCs • Review local emergency plan • Establish mechanisms to collect hazardous chemical inventories and information on chemical releases from facilities • Establish procedures to process public information requests 		<ul style="list-style-type: none"> • Prepare and review chemical emergency response plan • Coordinate responses to emergency releases, serving as a focal point in the community for information and holding discussions about chemical risks in the community • Establish procedures to process public information requests 	



How to comment on the proposal and additional resources

- Comments may be submitted on the proposal until **April 10, 2026**
 - <http://www.regulations.gov>
 - Docket ID No. EPA-HQ-OLEM-2025-0313
- [Common Sense Proposed Rule Federal Register Notice.](#)
- [Common Sense Proposed Rule Docket.](#)
- [EPA RMP Common Sense Proposal webpage.](#)
- [EPA RMP webpage.](#)



Questions?