

TECH TIP

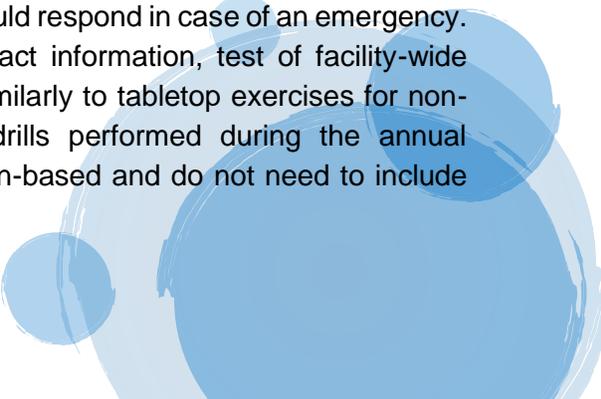
EPA Risk Management Program (RMP) Reconsideration Final Rule – 40 CFR 68

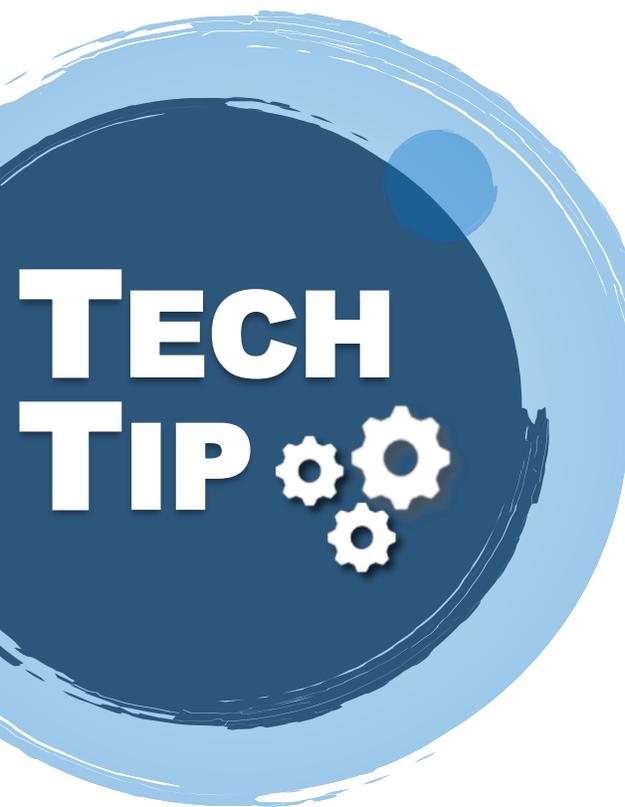
How do I ensure my RMP-regulated facility stays compliant? The EPA's RMP Reconsideration Final Rule (FR) solidified the importance of existing 40 CFR 68 regulations related to emergency planning and availability of public information. This was an effort to streamline requirements for facilities that are also governed by Occupational Safety and Health Administration's Process Safety Management (OSHA's PSM) and prevents conflicting regulations.

Much has not changed regarding these rules which remain intact in 40 CFR 68; however, the assignment of new compliance dates is worth noting. The requirements included in this amendment are as follows:

- **Notification exercises:** At least once each calendar year, the owner or operator of a stationary source with any Program 2 or Program 3 process shall conduct an exercise of the stationary source's emergency response notification mechanisms required under §68.90(b)(3) or §68.95(a)(1)(i), as appropriate, before **December 19, 2024**, and annually thereafter.
- **Tabletop exercises:** The owner or operator shall conduct a tabletop exercise involving the simulated accidental release of a regulated substance. As part of coordination with local emergency response officials required by §68.93, the owner or operator shall consult with these officials to establish an appropriate frequency for tabletop exercises, and shall conduct a tabletop exercise before **December 21, 2026**, and at a minimum of at least once every three years thereafter.
- **Public meetings:** The owner or operator of a stationary source shall hold a public meeting to provide information required under § 68.42(b), no later than 90 days after any RMP reportable accident at the stationary source with any known offsite impact specified in § 68.42(a). This applies to any RMP reportable accident with offsite impact that occurs after **March 15, 2021**.

Annual notification drills are not new to EPA RMP-regulated facilities, but the standard makes it clear that facilities that are **non-responding** or are governed by an **Emergency Action Plan (EAP)**, are also required to exercise procedures for notifying local agencies that would respond in case of an emergency. Notification drills can include a confirmation of emergency contact information, test of facility-wide notification systems, and an evacuation plan drill. This applies similarly to tabletop exercises for non-responding facilities. Although they may encompass similar drills performed during the annual notification exercise, tabletop exercises are considered discussion-based and do not need to include emergency response deployment.





The FR amendment to the public meeting requirement provides clarification that only accidents resulting in **offsite impacts** are held to this rule. 40 CFR 68.42 identifies that offsite impacts include offsite deaths, injuries, evacuations, sheltering in place, property damage, and environmental damage. The discussion around excluding onsite impacts from this FR amendment was to refocus the intention of the public meeting. The public can provide more insight of the workings of the surrounding area at risk than the intricacies onsite of a regulated facility.

Make a plan. Compliance dates have a tendency to creep up on us. A good course of action is to review your current RMP, understand the objectives of the EPA's RMP Reconsideration FR, and ask questions along the way. If you have any questions regarding the FR or your facility's RMP, please feel free to reach out as RMP has many engineers available who would happily provide guidance.

For more information, join RMP's "Process That" segment on EPA's RMP Reconsideration FR, where Kayla Cervera will be joining Senior Engineer,

Stephanie Smith, to discuss common deficiencies observed in Emergency Planning & Response Programs and how to conduct successful tabletop exercises. Visit us on RMP's [LinkedIn](#) page for dates and details. Please send an email to Producer@RMPCorp.com if you have a specific question you would like addressed during the webcast.



Resources

[EPA 40 CFR 68](#)

[EPA RMP Reconsideration Final Rule Fact Sheet](#)

About the Author:

Ms. Kayla Cervera is a Project Engineer with Risk Management Professionals. She has supported a variety of activities associated with the California Accidental Release Prevention Program (CalARP), Environmental Protection Agency's Risk Management Plan (EPA's RMP) and Occupational Safety and Health Administration's Process Safety Management (OSHA's PSM) Program and specializes in Program Development and Five-Year Updates in compliance with current regulatory standards.

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