

RMP/PSM Update and Pitfalls

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Accidental Release Changes - Timeline

- ***President Obama signs EO 13650, "Improving Chemical Facility Safety and Security," August 1, 2013***
- ***Final comments (OSHA-PSM) were due March 31, 2014;***
- ***Final comments (EPA-RMP) were due October 31, 2014;***



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Accidental Release Changes – Timeline (cont'd)

- ***EPA convenes a Small Business Advocacy Review (SBAR) panel to receive input from Small Entity Representatives (SERs) – July 2015 – January 2016;***
- ***EPA hosts public hearing on 3/29/16;***
- ***Final rule in Federal Register – 1/13/17 (effective date of 3/14/17);***
- ***The final effective date of this rule now moved to March 21, 2017.***



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What's changed??



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Final Amendments to the RMP Rule

- ***Address and improve accident prevention program elements;***
- ***Enhance the emergency preparedness requirements;***
- ***Ensure LEPCs (Local Emergency Planning Committees), local emergency response officials, and the public can access information in a user-friendly format to help them understand the risks at RMP facilities and better prepare for emergencies.***



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Accident Prevention Program Revisions

- *Rule requires all facilities with Program 2 or 3 processes to conduct a root cause analysis as part of an incident investigation of a catastrophic release or an incident that could have reasonably resulted in a catastrophic release (i.e., a near-miss);*



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Accident Prevention Program Revisions

- ***Rule requires regulated facilities with Program 2 or 3 processes to contract with an independent third-party, or assemble an audit team led by an independent third-party, to perform a compliance audit after the facility has an RMP reportable accident.***



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Accident Prevention Program Revisions

- ***Final revision to the prevention program adds an element to the process hazard analysis (PHA), which is updated every five years. Specifically, owners or operators of facilities with Program 3 regulated processes in NAICS codes 322 (paper manufacturing), 324 (petroleum and coal products manufacturing), and 325 (chemical manufacturing) are required to conduct a safer technology and alternatives analysis (STAA) as part of their PHA, and to evaluate the practicability of any inherently safer technology (IST) identified.***



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Emergency Response Revisions

- *Owners or operators of all facilities with Program 2 or 3 processes are required to coordinate with the local emergency response agencies at least once a year to determine how the source is addressed in the community emergency response plan and to ensure that local response organizations are aware of the regulated substances at the source, their quantities, the risks presented by covered processes, and the resources and capabilities at the facility to respond to an accidental release of a regulated substance.*



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Emergency Response Revisions

- *Additionally, all facilities with Program 2 or 3 processes are required to conduct notification exercises annually to ensure that their emergency contact information is accurate and complete.*



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Emergency Response Revisions

- *All facilities subject to the emergency response program requirements of subpart E of the rule (or “responding facilities”) conduct field exercises and tabletop exercises. The frequency of these exercises shall be established in consultation with local emergency response officials, but at a minimum, full field exercises will be conducted at least once every ten years and tabletop exercises conducted at least once every three years.*



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Emergency Response Revisions

- *Responding facilities that have an RMP reportable accident, and document the response activities in an after-action report comparable to the exercise evaluation reports may use that response to satisfy the field exercise requirements.*
- *In addition, owner and operators of responding facilities that conduct exercises to meet other Federal, state or local exercise requirements may satisfy the RMP exercise requirements provided that the scope of the exercise includes the objectives of an RMP exercise.*



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Enhanced Availability of Information

This action includes various enhancements to the public availability of chemical hazard information. The rule requires all facilities to provide certain basic information to the public, upon request.

- The owner or operator of the facility shall provide ongoing notification of availability of information elements on a company Web site, social media platforms, or through some other publicly accessible means.***



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Enhanced Availability of Information

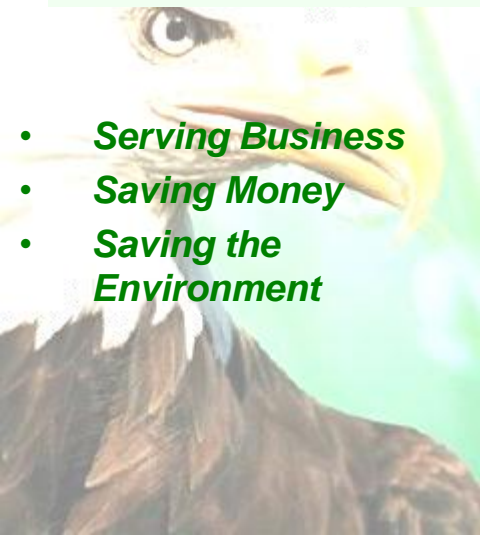
- ***The rule also requires all facilities to hold a public meeting for the local community within 90 days of an RMP reportable accident.***



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What does that mean for me & my facility??



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Updating your RMP/PSM Program - BMP Based on EPA Findings (cont'd)

- **DOCUMENT** your employee participation – **DON'T SIMPLY SAY** you involve employees – **HAVE SOMETHING TO ACTUALLY PROVE IT;**
- When you have a chemical covered under PSM only or **BOTH RMP & PSM** (where thresholds may be different), **STRONGLY** suggest addressing it within the framework of the RMP; and,
- If you have listed chemicals (or others listed somewhere) that are below threshold amounts, remember that you **ARE STILL SUBJECT TO** the general duty clause. **DO A HAZARD ASSESSMENT/ OCA ANYWAY!**



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Updating your RMP/PSM Program – BMP Based on EPA Findings

- *Make sure your written program **ACCURATELY** reflects what you really do;*
- ***MAKE SURE** your supporting documentation actually **REFLECTS** what is in your **WRITTEN PLAN**;*
- *Monitor your dates, i.e. annual oper. procedure certs, reporting personnel changes, compliance audit due dates, re-submittal, etc.;*
- *Document **ANY** progress/ activity on required action items;*
- *Inspections mean **NOTHING** if they're not documented . Document your inspections and inspection process;*



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Updating your RMP/PSM Program - BMP Based on EPA Findings (cont'd)

- *DOCUMENT* your emergency response drills & activities **AND APPROPRIATE FOLLOW UP ACTIVITIES!**;
- *Make sure your EPCRA, Emissions Report/ EIQ, and other reports actually say the SAME THING;*
- *Find someone to do your 3rd party audits that **ACTUALLY KNOWS** what they're doing **AND** make sure they provide you with documentation necessary to fix what's broke;*
- *Add the tracking systems necessary to follow through on maintenance activities, inspections, and other changes that have been identified as necessary;*



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Final thought on enforcement.....

“...the Accidental Release provisions have the greatest potential for enforcement activity of any regulation currently on the books....”

- ***Ranking EPA Enforcement Official***



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QUESTIONS??

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