



EPA Delivers on Promise to Delay Risk Management Plan Requirements for Chemical Plants and Refineries

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The RMP amendments were drafted pursuant to a 2013 Executive Order on Improving Chemical Facility Safety and Security (EO 13650) following several catastrophic chemical facility incidents, including an explosion at a fertilizer plant in West, Texas. The EPA issued the final amendments just a week before President Trump took office, citing the need to reduce the likelihood of accidental releases at facilities and improve emergency response when they do occur. If implemented, the amendments would impose additional public notice, reporting, accident prevention and emergency response planning obligations on facilities that use or store certain high-risk substances, depending on the nature and risk of the facility's operations. Facilities in the chemical, petrochemical and petroleum sectors would be subject to the most onerous new requirements, including process hazard analysis to identify potential inherently safer technologies, more regular and detailed coordination with local officials, and requirements for root cause analysis and third-party compliance auditing following certain releases or near-releases.

The EPA has indicated that it will use the additional 20 months to review and consider questions and concerns raised in multiple petitions for reconsideration and other comments received during the public comment period and public hearing.

Akin Gump will continue to monitor the EPA's review of this rule, including future opportunities for public comment or engagement with the administration.

Categories

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