

EO13650: CHEMICAL SAFETY & SECURITY

EPA Region 9





EO 13650 Five Thematic Areas

- Strengthening community planning and preparedness;
- Enhancing Federal operational coordination;
- Improving data management;
- Modernizing policies and regulations; and
- Incorporating stakeholder feedback and developing best practices

Strengthening Community Planning and Preparedness

- ▶ Integrated Public Alert and Warning System (IPAWS)
- ▶ IP Gateway
- ▶ Enhancing and upgrading CAMEO suite of applications
<https://www.epa.gov/cameo>
- ▶ On-line training resources for first responders and emergency planners: <http://www.epa.gov/epcra/epcra-training-states-tribes-lepcs-local-planners-and-responders-non-section-313>
- ▶ Fact Sheet, *How to Better Prepare Your Community for a Chemical Emergency: A Guide for State, Tribal, and Local Agencies*:
<https://www.epa.gov/epcra/how-better-prepare-your-community-chemical-emergency-guide-state-tribal-and-local-agencies>
- ▶ 2016 Marks the 30th anniversary of EPCRA
 - ▶ August's theme will celebrate industry's successful work with LEPCs



Incorporating Stakeholder Feedback and Developing Best Practices

- ▶ Chemical safety and security best practices webpage:
<https://www.osha.gov/chemicalexecutiveorder/LLIS/index.html>
- ▶ This repository was created to collect industry best practices that have resulted in successful, productive, safer, and more secure operations
- ▶ These include best practices in the areas of Technology, Training, Safer Alternatives, Process Safety, and Administration
- ▶ First Responders, Industry, Environmental-Community-Labor and Federal, State, local and Tribal stakeholders have already shared and continue to share best practices



Modernizing Policies and Regulations

- ▶ OSHA PSM Request for Information and SBREFA
- ▶ The Chemical Facility Anti-Terrorism Standards Act of 2014
- ▶ DHS CFATS Advance Notice of Proposed Rulemaking
- ▶ EPA RMP Request for Information
- ▶ EPA Proposed Rule: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7)



EPA Proposed Modifications to RMP Rule

- ▶ Third party compliance audits
- ▶ Incident investigation/root cause analysis
- ▶ Safer Technology and Alternatives Analysis (STAA)
- ▶ Coordination with Local Responders
- ▶ Emergency Response Exercises
- ▶ Information Availability



• **Third Party Audits** – This provision would require a facility that has an RMP reportable accident to use an independent third party to conduct its next scheduled audit. The proposal contains criteria for auditor competence and independence.

• **Incident Investigations and Root Cause Analysis** – The proposal would require an incident investigation after any incident that resulted in or could have resulted in a catastrophic release. The facility would identify the root cause of (i.e., the fundamental reason for) the incident and submit a report.

• **Safer Technology Alternatives Analysis** – Program 3 facilities in three industry categories (paper manufacturing, coal and petroleum products manufacturing, and chemical manufacturing) would be required to evaluate safer technology and alternatives when conducting the process hazard assessment already required by the current RMP rule.

• **Local Coordination** – The proposal would increase communication with Local Emergency Planning Committees (LEPCs) by requiring annual coordination by facilities with LEPC to clarify response needs, emergency plans, roles, and responsibilities.



• **Emergency Response Exercises** – The proposal would require responding facilities to conduct annual tabletop emergency response exercises with a field exercise every 5 years. All facilities would perform annual notification exercises.

• **Information Sharing to LEPC's** – The proposal would add new disclosure requirements for facilities to LEPCs. LEPCs would receive Incident Investigation Reports, a summary of inherently safer technology adopted according to a Safer Technology Alternatives Analysis, and emergency response exercise reports. The public would receive chemical hazard information, summaries of emergency response exercises, and LEPC contact information.

• **Increasing Access to Existing Public Information** – The proposal seeks input on increasing the public's access to existing public information to assist participation in accident preparedness planning, including chemical hazard information, summaries of emergency response exercises, and LEPC contact information.

RMP NPRM Information

- ▶ NPRM published in FR on 14 March, 2016
- ▶ Rule and supporting materials available at public docket
 - ▶ www.regulations.gov, docket ID# EPA-HQ-OEM-2015-0725
- ▶ 60-day public comment period ended 13 May, 2016
 - ▶ Comments submitted via regulations.gov
 - ▶ Early summary of input: EPA received approximately 300 unique comments, 100 substantive, including some as long as 500 pages. EPA received a number of mass mailer type comments as well.
- ▶ Public hearing in Washington, DC, on March 29, 2016;
<https://www.epa.gov/rmp/public-hearing-proposed-changes-risk-management-program-rmp-rule>



EPA Plans and Priorities

- ▶ Finalize Proposed RMP Modernization Rule
- ▶ Prepare to implement (beginning in FY17) National Enforcement Initiative for Chemical Accident Prevention-Office of Enforcement and Compliance Assurance (OECA) Led Project
- ▶ Develop additional guidance materials (e.g., IST, Root cause analysis, Oil and Gas Safety Alert)
- ▶ Continue to train EPA RMP Inspectors on Advanced Processes, including Ammonia Refrigeration



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PSM SBREFA Considerations Scope

- Clarifying the exemption for atmospheric storage tanks
- Expanding the scope to include Oil- and Gas-Well Drilling and Servicing
- Resuming Enforcement for Oil and Gas Production Facilities
- Expanding PSM coverage and requirements for reactivity hazards
- Updating and expanding the list of HHCs in Appendix A of the existing PSM standard
- Amending Paragraph (k) of the Explosives and Blasting Standard to cover dismantling and disposal of explosives and pyrotechnics under the requirements of PSM.



PSM SBREFA Considerations Provisions

- ▶ Enhanced employee participation and stop work authority
- ▶ Evaluation of updates to applicable recognized and generally accepted good engineering practices (RAGAGEP)
- ▶ Requiring safer technology and alternatives analysis
- ▶ Covering the mechanical integrity of any critical equipment
- ▶ Requiring coordination of emergency planning with local emergency-response authorities
- ▶ Requiring formal documentation with management signature(s), approving the actions taken (or lack thereof) in order to resolve PHA team recommendations
- ▶ Requiring root cause analysis
- ▶ Requiring third-party compliance audits
- ▶ Requiring additional management-system elements
- ▶ Minor modifications which largely codify existing OSHA interpretations of the PSM standard.