Update provides information related to Executive Order 13650 – Improving Chemical Safety and Security. The articles contained herein are provided for general purposes only. EPA does not accept responsibility for any errors or omissions or results of any actions based upon this information. Please consult the applicable regulations when determining compliance. Mention of trade names, products, or services does not convey, and should not be interpreted as conveying official EPA approval, endorsement, or recommendation. The information should be used as a reference tool, not as a definitive source of compliance information. Compliance regulations are published in 40 CFR Part 68 for CAA Section 112(r) Risk Management Program and 40 CFR Part 355/370 for EPCRA.
Process Safety Management and Risk Management Plan Regulatory Requirements

During stakeholder outreach as part of EO 13650 and during OSHA's PSM SBREFA (Small Business Regulatory Enforcement Fairness Act), OSHA and EPA received multiple comments from stakeholders expressing confusion on the applicability and overlap between OSHA’s Process Safety Management (PSM) standard and EPA’s Risk Management Plan (RMP) regulation. In the Clean Air Act Amendments of 1990, Congress required OSHA to adopt the PSM standard to protect workers and required EPA to protect the community and environment by issuing the Risk Management Plan Rule (RMP). PSM and RMP were written to complement each other in accomplishing these Congressional goals. PSM requires a program with 14 specified management system elements. The RMP rule is broken into three programs with requirements based on the threat they pose to the community and environment. Most facilities that fall under the scope of both PSM and RMP fall into RMP Program 3. Many of the requirements in RMP Programs are identical to PSM’s requirements. The overlap in coverage between the two standards is close but not complete. The Working Group on Chemical Safety and Security developed a tool to help facilities understand the requirements when they are covered by both regulation. The tool also references the elements that are a part of the Center for Chemical Process Safety (CCPS) Risk Based Process Safety Guidelines. CCPS Risk Based Process Safety is not a regulatory requirement, however it does provide helpful guidance for process safety programs.

https://www.osha.gov/chemicalexecutiveorder/psm_terminology.html

Reporting Mixtures on the Tier II Report

If a hazardous chemical is part of a mixture, you have the option of reporting the entire mixture or only the portion of the mixture that is a particular hazardous chemical (e.g., If a hazardous solution weighs 100 lbs. but is composed of only 5% of a particular hazardous chemical, you can indicate either 100 lbs. of the mixture or 5 lbs. of the chemical). The option used for each mixture at your facility must be consistent with the option used in your Section 311 reporting. Because Extremely Hazardous Substances (EHS) are important to local emergency planning requirement under EPCRA section 303, EHSs have lower reporting thresholds under EPCRA section 312. The amount of an EHS at a facility (both pure EHSs and EHSs in mixtures) must be aggregated for purposes of threshold determination. It is suggested that the aggregation calculation be done as a first step in determining whether a reporting threshold has been met or exceeded. Once you determine whether a threshold for an EHS has been reached, you may report the mixture or product name as it appears on the SDS. You must also report any EHSs present in the mixture. You do not need to report any non-EHSs in the mixture, but may if you wish to do so. Although you have an option to report either the mixture or the EHS, as provided in 40 CFR 370.14, you must be consistent with your EPCRA section 311 reporting.

https://www.epa.gov/epcra/tier-ii-forms-and-instructions

Elemental Mercury Preventing Spills and Exposure at Home and in the Community

A number of folks have asked about this issue, and one of the best resources is the EPA Region 6 LEPC newsletter that was devoted to this topic. They partnered with ATSDR to provide information on mercury, suggestions for preventing elemental mercury spills and exposure in our communities, and guidance on spill cleanup and disposal. http://www.ndsasa.org/safety%20meetings/mercury.pdf

Upcoming Meetings/Conferences:

- California SERC, October 26, Sacramento, CA, http://www.caloes.ca.gov

This update provides information related to Executive Order 13650 – Improving Chemical Safety and Security. The articles contained herein are provided for general purposes only. EPA does not accept responsibility for any errors or omissions or results of any actions based upon this information. Please consult the applicable regulations when determining compliance. Mention of trade names, products, or services does not convey, and should not be interpreted as conveying official EPA approval, endorsement, or recommendation. The information should be used as a reference tool, not as a definitive source of compliance information. Compliance regulations are published in 40 CFR Part 68 for CAA Section 112(r) Risk Management Program and 40 CFR Part 355/370 for EPCRA.