



CLEAN AIR ACT SECTION 112(r): ACCIDENTAL RELEASE PREVENTION / RISK MANAGEMENT PLAN RULE

When Congress passed the Clean Air Act Amendments of 1990, Section 112r required EPA to publish regulations and guidance for chemical accident prevention at facilities using substances that posed the greatest risk of harm from accidental releases. These regulations were built upon existing industry codes and standards (available at: <http://www.epa.gov/emergencies/lawsregs.htm#fraccident>) and require companies of all sizes that use certain listed regulated flammable and toxic substances to develop a Risk Management Program, which includes a(n):

- Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases scenarios;
- Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and
- Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g., the fire department) should an accident occur.

By June 21, 1999, a summary of the facility's risk management program (known as a "Risk Management Plan" or "RMP") was to be submitted to EPA. At the end of 2008, EPA had RMPs from about 14,000 facilities. The plans must be revised and resubmitted every five years. There are other circumstances described in the RMP regulations, however, which may require a more frequent submission. New facilities must submit a completed RMP as soon as they have a covered chemical above the threshold quantity.

The Risk Management Program is about reducing chemical risk at the local level. The RMP information helps local fire, police, and emergency response personnel (who must prepare for and respond to chemical accidents), and is useful to citizens in understanding the chemical hazards in communities.

WHO IS COVERED BY THE RMP REGULATIONS?

Owners and operators of a facility (stationary source) that manufactures, uses, stores, or otherwise handles more than a threshold quantity of a listed regulated substance in a process, must implement a risk management program and submit a single RMP for all covered processes at the facility. "Process" means any activity involving a listed regulated substance, including any use, storage, manufacturing, handling, or onsite movement of such substances, or combination of these activities. The regulations do not apply to transportation, including storage incident to transportation. However, transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source are considered part of the stationary source, and are potentially covered by the regulations. See the *General Guidance on Risk Management Program for Chemical Accident Prevention (40 CFR Part 68)* at: <http://www.epa.gov/emergencies/docs/chem/Toc-final.pdf> for more information on regulatory coverage.

WHAT CHEMICALS ARE COVERED?

The regulation includes a List of Regulated Substances under section 112(r) of the Clean Air Act, including their synonyms and threshold quantities (in pounds) to help assess if a process is subject to the Part 68 rule or the general duty clause. A link to EPA's list of regulated substances and their threshold quantities can be found at: <http://www.epa.gov/emergencies/content/rmp/index.htm>. The regulated substances are listed in four tables, two listing the regulated toxic substances (alphabetically and by CAS number) and two listing the regulated flammable substances (alphabetically and by CAS number). States who have taken delegation of the Clean Air Act, Section 112(r) program may have additional requirements for the federally listed chemicals, and/or additional listed chemicals.

(NOTE: Listed flammable substances used as fuel or held for sale as fuel at a retail facility are not covered by the Part 68 regulations. However, flammable substances used for some other purpose, such as a chemical feedstock or when held for sale as fuel at a wholesale facility are covered by the regulations.) The threshold quantities for toxics range from 500 to 20,000 pounds. For all listed flammables, the threshold quantity is 10,000 pounds.

WHAT ARE "PROGRAM LEVELS"?

An underlying principle of the regulations is that "one size does not fit all." EPA has classified processes into three Programs to ensure that individual processes are subject to requirements that appropriately match their size and the risks they pose. As a result, different facilities covered by the regulations may have different requirements depending on their processes.

Program Level 1 (<http://www.epa.gov/emergencies/docs/chem/Chap-02-final.pdf>) applies to processes that would not affect the public in the situation of a worst-case release (in the language of Part 68, processes "with no public receptors within the distance to an endpoint from a worst-case release") and with no accidents with specific offsite consequences within the past five years. Program 1 imposes limited hazard assessment requirements and minimal accident prevention and emergency response requirements.

Program Level 2 (<http://www.epa.gov/emergencies/docs/chem/Chap-02-final.pdf>) applies to processes not eligible for Program 1 or subject to Program 3. Program 2 imposes streamlined accident prevention program requirements, as well as additional hazard assessment, management, and emergency response requirements.

Program Level 3 (<http://www.epa.gov/emergencies/docs/chem/Chap-02-final.pdf>) applies to processes not eligible for Program 1 and either subject to OSHA's Process Safety Management (PSM) standard under federal or state OSHA programs or classified in one of ten specified North American Industrial Classification System (NAICS) codes. Program 3 imposes OSHA's PSM standard as the accident prevention program as well as additional hazard assessment, management, and emergency response requirements.

Based on their limited potential for serious offsite consequences, facilities are not required to implement a prevention program, an emergency response program, or a management system for Program 1 processes. Facilities with processes in Program 2 and Program 3 must address each of the three RMP elements described above for those processes. For more detailed information, consult the *General Guidance on Risk Management Programs for Chemical Accident Prevention (40 CFR Part 68)* or one of the industry-specific guidance documents available at:

<http://www.epa.gov/emergencies/guidance.htm> for an explanation of what is involved for each of the RMP elements.

WHERE DO YOU GO FOR MORE INFORMATION?

Visit the Risk Management Program Web site at: <http://www.epa.gov/emergencies/rmp> for current information and sign up for the listserv to receive periodic updates.