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RISK MANAGEMENT PLAN (RMP) AUDIT PROGRAM

To date, over 14,500 facilities nationwide have submitted Risk Management Plans (RMP's) to EPA in accordance with the Risk Management Program regulation (40 CFR Part 68). Each implementing agency (either a State agency that has obtained delegation of the RMP program or an EPA Regional Office) is required to periodically audit RMPs to assess whether the plans are adequate or need to be revised to comply with the regulation. The implementing agency may verify RMP information against independent sources of information and conduct on-site verification. The audit requirements are found in 40 CFR 68.220.

FACTSHEET

What Is the Risk Management Program?

Section 112(r) of the Clean Air Act (CAA) requires EPA to publish rules and guidance for chemical accident prevention. The rules promulgating the list of regulated substances (published January 31, 1994) and the Risk Management Program provisions (published June 20, 1996) are found at 40 CFR Part 68. The Risk Management Program contains three elements: a hazard assessment, a prevention program, and an emergency response program. The entire program is to be described and documented in an RMP, which is submitted to EPA.

Owners or operators of a stationary source with more than a threshold quantity of a regulated substance (one of the 140 listed toxic and flammable substances in 40 CFR Section 68.130) in a process, as determined under section 68.115, must submit an RMP.

Why Is EPA Conducting RMP Audits?

RMP audits help ensure compliance with the Risk Management Program. EPA may require companies to modify their RMP to ensure that the RMP meets the requirements of the regulation.

How Was My Facility Selected for an RMP Audit?

Each implementing agency has flexibility in identifying facilities for RMP audits. Your facility may have been selected because of:

- Previous accident history of the facility;
- Accident history for other facilities in the same industry;
- Quantity of RMP-regulated substance onsite;
- Proximity to public and environmental receptors;

- Presence of specified regulated substances (e.g., chlorine, ammonia);
- Hazards identified in the RMP; or
- A neutral, random oversight scheme.

What Can I Do to Prepare for the Audit?

The RMP audit will focus on the RMP and underlying safety programs. The audit will consist of a document review and/or an on-site visit. The auditor(s) will review your RMP for completeness and compliance with the regulations. The auditor(s) will generally review your supporting documentation for RMP program elements.

Auditors will follow the *Guidance for Auditing Risk Management Plans/Programs under Clean Air Act 112(r),* issued by EPA. This guidance contains recommended actions and procedures that will be generally followed during an RMP audit. Appendix C is an audit checklist. You can obtain a copy at www.epa.gov/ceppo/pubs/audit_gd.pdf.

What Should I Expect Following the Audit?

The auditors will prepare an audit report summarizing their observations and conclusions. A copy of this report will be sent to your facility, the State Emergency Response Commission, the Local Emergency Planning Committee, and upon request, to any other federal, state, or local agency. Based on the report, the implementing agency may also issue a written preliminary determination report. This preliminary determination will outline revisions to the facility's RMP to ensure that it meets the regulations. The preliminary determination will also include a timetable for implementation of the revisions.

Your facility has 90 days to submit a written response to the preliminary determination report. Your response should indicate whether you agree to implement the revisions according to the suggested timetable. If you disagree with any portions of the preliminary determination report, your response should explain why and suggest alternative revisions.

After reviewing your response, the implementing agency will issue a final determination that includes a timetable for completion. You will have 30 days after completing the last action in the timetable in which to revise the RMP submission.

What Is EPA's Third-Party Audit Program?

EPA Region III has been collaborating on a research effort with The Wharton School and other stakeholders to explore the possibility of using third-parties, such as insurance companies and safety consultants, to audit small business compliance with the RMP rule. A few third party audits are being conducted as a pilot in Pennsylvania. EPA Region III has selected and trained third party auditors who will conduct document reviews and on-site visits and summarize their findings in audit reports. As part of the pilot, EPA inspectors will conduct separate audits to verify the accuracy and thoroughness of the third-party audits and to get feedback from the participating facilities about the experience. The results of the pilot project will be shared with insurance companies, trade associations, public interest groups, and regulatory agencies.

For More Information on the RMP Audit Program:

Visit EPA's Chemical Emergency Preparedness and Prevention Office homepage at www.epa.gov/ceppo or contact the Emergency Planning and Community Right-to-Know hotline at (800) 424-9346 or (703) 412-9810.