

Environment Alert

June 14, 2017

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

On June 12, 2017, Environmental Protection Agency (EPA) Administrator Scott Pruitt announced another extension to the effective date of the Obama-era rule amending federal Risk Management Program (RMP) requirements for chemical facilities, oil refineries and other industries. The EPA has extended the rule's effective date until February 19, 2019, in order to allow time for its reconsideration of the rule and provide additional comment opportunities. The 20-month extension follows an initial three-month extension issued in March 2017.

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.

Contact Information

If you have any questions concerning this alert, please contact:

Charles L. Franklin
clfranklin@akingump.com
202.887.4378
Washington, D.C.

Stacey H. Mitchell
shmitchell@akingump.com
202.887.4338
Washington, D.C.

David H. Quigley
dquigley@akingump.com
202.887.4339
Washington, D.C.