

Advocacy's Comments on EPA's Proposed Revisions to its RMP Requirements

On August 31, 2022, the Environmental Protection Agency (EPA) published proposed revisions to its Risk Management Program (RMP) regulations under the Clean Air Act. EPA is proposing to reestablish previously rescinded requirements for a safer technologies and alternatives analysis, root cause analysis incident investigation, third-party compliance audits, emergency response exercises, and information availability. In addition, EPA is proposing new requirements for employee participation, and emergency response requirements.. The agency is also proposing to amend its existing requirements for natural hazards, loss of power, and facility siting in hazard evaluations, among other changes.

On October 28, 2022, the Office of Advocacy (Advocacy) filed public comments on this proposed rule. First, Advocacy is concerned with EPA's proposal to add costly requirements to its existing regulations without providing any quantitative benefits. Second, Advocacy is concerned that the agency's small business impact analysis does not provide adequate factual basis to support its certification, under the Regulatory Flexibility Act, that the rule will not have a significant economic impact on a substantial number of small entities. Third, Advocacy is concerned that EPA's proposed requirements may be inconsistent, duplicative of, and overlap with other existing federal requirements.

Advocacy recommends the following:

- EPA should withdraw the rule and expend its resources on compliance assistance with and enforcement of the existing RMP requirements instead of imposing additional requirements to the RMP regulations.
- EPA must improve its small entity impact analysis to support the factual basis for its Regulatory Flexibility Act certification by providing a more granular analysis. EPA should also address underestimated and missing costs.
- EPA should consult and coordinate with relevant federal agencies such as the Occupational Safety and Health Administration, the Department of Transportation, and other EPA program offices to ensure that the proposed regulations do not impose duplicative, overlapping, or inconsistent requirements on regulated entities

A complete copy of Advocacy's letter to EPA [is available online](#). For more information, please contact Tayyaba Zeb, Assistant Chief Counsel, at tayyaba.zeb@sba.gov.