

New Mandates Could Derail Chemical Safety Program, Undermine Security and Weaken Supply Chain



WHAT IS IT? EPA established the Risk Management Program (RMP) rule to prevent and mitigate the release of certain hazardous substances. Facilities covered by the rule must develop comprehensive written plans that outline steps for preventing accidents and that provide valuable information to emergency responders to prepare for and respond to potential chemical emergencies. EPA reviews the plans, conducts inspections, and penalizes companies for not taking sufficient action. RMP is one of several federal programs that regulates safety at chemical facilities.

WHAT'S THE PROBLEM? Despite decades of success and reducing chemical related incidents by 80%, EPA has made sweeping changes to the RMP rule that impose complex, unnecessary, and risky new mandates. When commenting on EPA's initial proposal, the Small Business Administration called on the Agency to withdraw its unjustifiable new requirements. Instead, EPA further expanded the scope of new requirements. The final rule will cost facilities more than \$250 million per year, over three times the cost of EPA's 2022 proposal. These requirements add to the regulatory burdens for facilities that are part of the nation's critical infrastructure, including those that use or produce vital chemistries to disinfect water, manufacture semiconductors, and produce energy.

COMPROMISE NATIONAL SECURITY

Facilities currently provide a variety of information, including chemical inventories, to government regulatory agencies, law enforcement, and local emergency planners. However, EPA's new rule weakens safeguards put in place after 9/11 to prevent sensitive information from falling into the wrong hands. The new rule jeopardizes national security by creating opportunities for terrorists to gather information and disrupt responses to emergencies.

UNWORKABLE MANDATES

EPA's new rule requires facilities to conduct extensive analysis of potential alternative technologies and chemical processes and will force facilities to adopt measures even when the analysis shows that they only theoretically improve safety. These requirements will divert company safety expertise and other resources away from core safety priorities.

NOT EVIDENCE-BASED

The EPA did not follow its own data generated under RMP showing that a small percentage of regulated facilities reported incidents. If it had done so, EPA would have focused on improving safety performance at these facilities rather than creating sweeping new requirements for the facilities that have strong safety records.

HOW CAN EPA GET BACK ON TRACK? ACC supports the success of RMP and remains committed to working with EPA to prevent accidental chemical releases. We urge the agency to rethink its questionable new regulatory mandates and focus on building on the program's longstanding success.

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Cost of EPA's regulatory mandates have **tripled from original proposal**



Over 90% of these new costs will fall on **facilities that have not had an accident** in the past five years