



National Tribal Air Association's Fact Sheet on EPA's Reconsideration the Risk Management Program Amendments

What is the U.S. EPA's Risk Management Program

Reconsideration Proposed Rule?

The U.S. Environmental Protection Agency (EPA) is reconsidering the final rule on the Risk Management Program (RMP) Amendments (82 FR 4594, January 13, 2017). In early 2017, the EPA received Reconsideration petitions on the amended rule, delaying the effective date of the rule until February 19, 2019. The EPA also developed a Notice of Proposed Rulemaking (NPRM) to reconsider these Amendments, which was published in the Federal Register on May 30, 2018. NTAA is offering comments on the NPRM and on discussion provided in the agency's Regulatory Impact Analysis (RIA), dated April 27, 2018. Several of the changes are listed below.

- Rescinds accident program provisions of the RMP amendments rule in order to reduce regulatory costs. These include:
 - third-party audits
 - incident root-cause analysis
 - safer technology and alternatives analysis
 - public information disclosure
- Modifies emergency coordination and exercise provisions of the Amendments rule to address security concerns with the type of information shared and the exercises include:
 - Retaining Notification Exercises
 - Modify Tabletop and field exercise to remove the 10-year minimum frequency requirement
- Establishes new compliance dates

How do the Changes to the RMP Impact Tribal Air Programs?

As of May 23, 2018, EPA initiated the consultation and coordination process with Tribes and Alaskan Native Villages to solicit input on proposed amendments. Over 200 RMP facilities are located on Tribal lands. Many of these RMP facilities are Program Level 2 (P2) or Program Level 3 (P3). The recent RIA on the Reconsideration rule overlooks Tribal planning exercises or actual responses to accidental chemical releases and hinders planning actions for Tribal communities and Alaskan Native Villages. The plans to rescind several provisions from the Amendment will undermine tribal sovereignty and responsibility to plan actions to respond to regulated chemical accidents. While cutting regulatory costs, RMP facilities will not be required to thoroughly assess chemical safety requirements and evaluate current planning to prevent serious accidents that could impact the health and environment of Tribes. The RIA has no mention of the impact on Tribes and Alaskan Native Villages or the sovereign status of Tribal nations. EPA must incorporate Tribal input in order to make responsible decisions and plans.

Where Can I Find More Information and Submit Comments?

You can access the full documents and more information here:

<https://www.epa.gov/rmp/proposed-risk-management-program-rmp-reconsideration-rule>

To find RMP facilities located on or near any Tribe or Alaskan Native Villages, you can go to <https://www.epa.gov/frs/frs-query-page>. Search by *Tribe* using Tribal Search and selecting *RMP Risk Management Plan* in the National Systems Search.

Submit your comments, identified by Docket ID No. [EPA-HQ-OEM-2015-0725], to the Federal eRulemaking Portal: <http://www.regulations.gov/> Follow the online instructions for submitting comments. ***Comments must be received on or before August 23, 2018.***

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The NTAA has developed comments and will have a template letter available for your use on NTAA's website at www.ntaatribalair.org, under the Policy Response Kits tab. For additional information, please contact Andy Bessler, NTAA Project Director, at Andy.Bessler@nau.edu, or (928) 523-0526.



Thick smoke pours from the fire at the Husky Energy oil refinery in Superior, Wis., April 26, 2018.

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