

EPA's Proposed RMP Rule Should Provide Compliance Flexibilities for Small Businesses

On May 13, 2016, the Office of Advocacy (Advocacy) filed a comment letter with the U.S. Environmental Protection Agency (EPA) regarding its proposed rule entitled, “*Accident Release Prevention Requirements for the Risk Management Programs (RMP) under the Clean Air Act.*” A complete copy of Advocacy’s letter to EPA may be accessed at: <http://www.sba.gov/advocacy/>.

- On March 14, 2016, EPA issued the proposed rule, which will:
 - Require third-party audits and incident investigation root cause analyses for Program 2 and Program 3 processes
 - Require an additional analysis of safer technology and alternatives for the process hazard analyses for some Program 3 processes
 - Mandate development of responding capacity for facilities without a capable or willing local emergency response agency
 - Increase information disclosure requirements to the public and responding agencies including a requirement for public meetings

Under the Regulatory Flexibility Act (RFA), EPA recognized that the rule will have an impact on small businesses. Consequently, a SBREFA panel was convened to examine and consider alternatives to minimize the impacts on small businesses.

- Based on small business feedback, Advocacy is concerned that this rule will result in unnecessary burdens and substantial costs for small businesses without improving safety at facilities that use and handle chemicals.
- Advocacy urges EPA to carefully address the concerns expressed by the SERs during the SBREFA panel, and to provide flexibility based on the concerns of small businesses

For more information, visit Advocacy’s website at <http://www.sba.gov/advocacy>, or contact Assistant Chief Counsel Tayyaba Waqar by email at twaqar@sba.gov or by phone at 202-205-6790.