

## EPA Risk Management Plan Rule Delayed

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On Tuesday, March 14, 2017, EPA announced it would be [delaying the effective date](#) of the revised **Clean Air Act** 112(r) rule governing Risk Management Plan implementation and development from March 13, 2017 to June 19, 2017. The rule is of concern to the regulated community, comprised of large industrial sources, because it represents enhanced regulatory obligations with questionable result and justification. A Risk Management Plan Coalition, comprised of the American Chemistry Council, American Forest & Paper Association, America Fuel & Petrochemical Manufacturers, American Petroleum Institute, Chamber of Commerce of the United States of American, National Association of Manufacturers, and the Utility Air Regulatory Group filed a [Petition for Reconsideration and Request for Agency Stay Pending Reconsideration and Judicial Review on February 28, 2017](#). This Coalition is also considering appellate litigation of the rule.

Specifically the petition notes, “Unfortunately, the Final Rule undermines safety, creates significant security risks, and does not further prevent criminal acts that threaten facilities, such as the sabotage that led to the tragedy in West, Texas.”<sup>1</sup> The Petition raises objections to: threat of release of security sensitive information that describes facility vulnerabilities; costly and burdensome obligations relative to “each covered process” to include third party audits, the safer technology alternatives analysis (“STAA”) requirements; and procedural failures by the EPA to adhere to Administrative Procedures Act.

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<sup>1</sup> In 2013 there was an ammonium nitrate explosion at a fertilizer plant in West, Texas which was the subject of President Obama's Executive Order 13650 that directed OSHA, EPA, and DHS and other federal agencies to collaborate to consider changes to the RMP program that could be made to

prevent future similar incidents

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