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# Small Business and the Risk Management Program

## Small Entity Compliance Guide

Chemical accidents can occur at businesses of any size. Many small businesses handle propane, ammonia, chlorine, and other chemicals that could pose a risk to the surrounding community if an accident were to occur. Working together through their trade associations, some industries already have adopted standard operating practices that help to reduce the risk of accidents, improve overall performance, and limit costly downtime. The U.S. Environmental Protection Agency established chemical accident prevention requirements in June 1999 for businesses of all sizes that use hazardous chemicals. This is known as the Risk Management Plan (RMP) rule.

### What does the RMP rule require?

This regulation requires companies of all sizes that use certain chemicals to develop a “Risk Management Program.” This is a regular program of activities designed to prevent an accidental chemical release from occurring. Many of these activities, such as training employees and inspecting and maintaining your equipment, are essential to any successful business. Other activities, such as evaluating the dangers associated with your operations and determining how to make them safer, are things that you think about on a regular basis. The required RMP rule activities can be grouped into three major categories identifying:

- The potential effects of a chemical accident;
- Steps the facility is taking to prevent an accident; and
- Emergency response procedures should an accident occur.

### What do I need to do to comply with the RMP rule?

To comply, you will need to develop a risk management program and then prepare and submit a written summary of your program (a “Risk Management Plan”) to EPA. You will submit your plan to a central online EPA repository.

### How will my information be used?

In addition to your prepared chemical emergency response procedures, your plan will be available through a secure data system to state and local officials involved in planning for and responding to chemical emergencies. These plans provide valuable information to local fire, police, and emergency response personnel to prepare for and respond to chemical emergencies in your community. In this way, the people who live near your business, and the police and firefighters who protect them, will learn more about the hazards of the chemicals that you use and the steps you are taking to prevent accidents. Your plan will also be available to the public upon request, although there are restrictions on public access to certain sensitive offsite consequence analysis information in the plan. Making RMPs available to the public fosters communication and awareness to improve accident prevention and emergency response practices at the local level.

#### NOTICE

*This guide was prepared pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (“SBREFA”), Pub. L. 104-121 as amended by Pub. L. Number 110-28. THIS DOCUMENT IS NOT INTENDED, NOR CAN IT BE RELIED UPON, TO CREATE ANY RIGHTS ENFORCEABLE BY ANY PARTY IN LITIGATION WITH THE UNITED STATES. The statements in this document are intended solely as guidance to aid you in complying with the Chemical Accident Prevention Provisions and the implementing regulations in 40 CFR part 68. EPA may decide to revise this guide without public notice to reflect changes in EPA’s approach to regulating the Chemical Accident Prevention Provisions or to clarify and update text. To determine whether EPA has revised this guide and/or to obtain copies, contact EPA’s Small Business Ombudsman Hotline at (800) 368-5888 or (202) 566-1970 in DC, or consult the EPA’s Risk Management Program website at [www.epa.gov/rmp](http://www.epa.gov/rmp). The full text of the rule is available online [here](#).*

### What's next?

Facilities must have their Risk Management Program in place and an RMP submitted no later than the date on which a chemical is first present above a threshold quantity in a process at their facility.

The regulation requires that your plan be submitted to a central repository managed by EPA. To assist you:

1. EPA has worked with trade associations and other industry groups to develop a series of [industry-specific guidances](#) that help walk businesses through creating their Risk Management Program. Examples of businesses that can obtain these guidances are chemical warehouses, water treatment facilities, propane wholesalers, chemical distributors, and ammonia refrigeration systems.
2. EPA has developed online RMP submission software, [RMP\\*eSubmit](#), and associated guidance. RMP\*eSubmit is the only way to submit RMPs to EPA. It improves data quality and enables facilities to access their RMP 24 hours day, 7 days a week.

Once your RMP is submitted, it will be reviewed for accuracy and completeness. A site visit may also be conducted at your facility by either EPA, state, or local officials to determine whether your plan accurately reflects your Risk Management Program in operation.

### Am I covered?

The type and quantity of chemicals that you use will determine whether you must submit an RMP, not the size of your company. The toxic and flammable chemicals (“regulated substances”) covered by this regulation include materials that many small businesses commonly use and store. If you handle, use, or store any of these substances above a certain quantity, you will be required to develop a Risk Management Program. For example:

<b>If you have...</b>	<b>in excess of...</b>
Propane (not used as fuel on site or held for sale as fuel at a retail facility)	10,000 pounds (a 2,500-gallon water capacity tank)
Chlorine	2,500 pounds
Ammonia (anhydrous)	10,000 pounds

then you may be subject to the RMP requirements. Be advised, you may have other chemicals that require a Risk Management Program. The complete list of regulated substances is available [here](#). This rule will apply to many cold storage warehouses, water treatment systems, food processors, chemical and metal products manufacturers, chemical wholesalers, propane wholesalers, and agricultural chemical retailers.

### What do I have to do?

If you are covered, EPA encourages you to contact the RMP Hotline or a Regional Representative (see contacts below) and view the [RMP website](#) to determine what requirements apply to your operations. The rule requires covered facilities to develop and implement safe business practices to identify and manage risks.

You must analyze worst-case releases, document a five-year history of serious accidents, coordinate with local emergency responders, and submit an RMP to EPA. If an accidental chemical release could affect the public, you must also analyze more realistic scenarios and develop and implement a prevention program that includes identification and control of hazards, written operating procedures, training, maintenance, and incident investigation. Most sources will need to coordinate with local emergency responders once a year and will need to practice notifying authorities, so they are ready in case there is an accidental release. If your employees respond to accidental releases, you also must implement an emergency response program, including developing an emergency response plan and holding periodic exercises.

### **Good News! You already do some of this!**

The good news is that many small businesses are already complying with several of these requirements because they are part of the way you operate safely. The following is a list of programs and activities that you may be required to do, but will not have to duplicate if you are doing them as part of your normal operations:

- Employee training on operating procedures for equipment;
- Employee training on Safety Data Sheets to comply with the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard;
- Maintenance and inspection of your equipment and processes; and
- Documentation of equipment specifications.

In addition, if you are already subject to the OSHA Process Safety Management Standard you are likely to be in compliance with almost all of the prevention program requirements in the RMP rule. Finally, if you already have an emergency response program, you are likely to be in compliance with most parts of EPA's RMP rule.

### **Why am I required to do this?**

The Risk Management Program is intended to prevent serious chemical accidents that could affect public health and the environment and improve the response to accidents that do occur. This regulation builds upon the Emergency Planning and Community Right-to-Know Act (EPCRA, also known as SARA Title III), which requires facilities to submit chemical inventory information to state and local governments to help community officials plan for and respond to chemical accidents.

This program is also an extension of successful Federal and industry standards that established practices for preventing hazardous chemical incidents. Facilities that voluntarily adopted industry standards for accident prevention or have complied with related Federal and state programs have found that the benefits outweigh the initial costs through:

- Improved operating performance due to better training and safer operations;
- Avoidance of serious accidents involving evacuation, injury, and even death;
- Better community and employee relations;
- Fewer chemical accidents; and
- Reduction in downtime caused by equipment malfunctions.

Complying with the Risk Management Program requirements will put you on the road toward these important benefits. In addition, your RMP will help your local fire, police, and emergency medical personnel (who must prepare for and respond to chemical accidents) and will be useful to the public in understanding the chemical hazards in your community. The availability of your RMP is intended to stimulate communication between industry and the public to improve accident prevention and emergency response practices at the local level.

Additionally, EPA has recently determined that [Reducing Risks of Accidental Releases at Industrial and Chemical Facilities](#) is among the most important environmental priorities and has therefore deemed the Risk Management Program as a National Compliance Initiative. This designation has allowed EPA to devote a full range of compliance assurance tools, including additional compliance assistance, targeted inspections, and informal and formal enforcement actions to achieve the goals of the initiative.

### **Have there been major changes to the requirements of the RMP Rule since 1999?**

Yes. EPA conducted a multi-year review of potential improvements to the RMP rule which culminated in 2019 in a set of enhancements to the emergency response provisions and other changes. These enhancements ensure first responders have access to all necessary safety information and resolve important security concerns. In short, the new requirements include:

- Conducting public meetings within 90 days of a qualifying accident with offsite impacts;
- Performing annual coordination activities with local emergency responders;
- Developing emergency response exercise plans and schedules;
- Conducting emergency response notification drills;
- Conducting emergency response tabletop exercises; and
- Conducting emergency response field exercises.

Details of the new requirements and their corresponding compliance dates can be found [here](#).

### **Are RMP inspections conducted?**

Yes. Each year, EPA and delegated implementing agencies perform inspections at selected RMP-regulated facilities. Inspections are conducted by Federal, state or local government inspectors to help ensure compliance with the RMP rule. They involve on-site verification of the facility's implementation of their Risk Management Program. Activities typically include document review, process walkthroughs and employee interviews. Noncompliance with the RMP rule discovered as a result of an inspection can lead to enforcement actions by a Federal, state or local implementing agency.

### **How much are the penalties for violations of the Risk Management Program?**

Currently, as allowed by law, EPA may assess penalties of up to a maximum of \$48,192, per day of violation. The Agency will make subsequent annual adjustments to this amount in order to account for inflation.

## Where can I get help?

Questions:	Answers:
Where can I find out whether this rule applies to my operations?	<p><b>EPA Hotline: RMP Information Center</b>            Contact the <a href="mailto:RMPPRC@epacdx.net">RMP Reporting Center (RMPPRC@epacdx.net)</a> or at (703) 227-7650, for questions about the <a href="#">RMP*eSubmit</a> reporting software.            Hours of Operation:            Monday - Friday: 8:00 AM to 5:30 PM Eastern Time</p> <p><b>EPA RMP Regional Representatives</b>  <a href="https://www.epa.gov/rmp/epa-regional-rmp-contacts">https://www.epa.gov/rmp/epa-regional-rmp-contacts</a></p>
Who can answer my questions?	<p><b>EPCRA, RMP &amp; Oil Information Center</b>            800-424-9346 or 703-348-5070 in the Washington, DC area            Hours of Operation:            Monday - Friday: 10:00 AM - 5:00 PM Eastern Time            Closed Federal holidays</p>
Where can I order documents?	<p>National Service Center for Environmental Publications (NSCEP) <a href="https://www.epa.gov/nscep">https://www.epa.gov/nscep</a> and            EPA Hotline: RMP Information Center (see above)</p>
<p>Where can I get documents and other resources electronically as well as the latest compliance information?</p> <p>Where can I get guidance designed for my operations?</p> <p>Where can I get information if there is no industry-specific guidance that fits my operations?</p>	<p>EPA RMP Rule website: <a href="https://www.epa.gov/rmp">https://www.epa.gov/rmp</a></p> <ul style="list-style-type: none"> <li>• Industry-specific Guidances</li> <li>• General Guidance for Industry</li> <li>• Offsite Consequence Analysis Guidance</li> <li>• Policies</li> <li>• Fact Sheets</li> <li>• Frequent Questions</li> </ul>
Where can I get details about the 2019 changes to the rule?	<p>Final Risk Management Program Reconsideration Rule website  <a href="https://www.epa.gov/rmp/final-risk-management-program-rmp-reconsideration-rule">https://www.epa.gov/rmp/final-risk-management-program-rmp-reconsideration-rule</a></p>
Where can I find out more about EPA's small business program in general?	<p>EPA Small Business Ombudsman website  <a href="https://www.epa.gov/resources-small-businesses">https://www.epa.gov/resources-small-businesses</a></p>