U.S. Environmental Protection Agency
Office of Inspector General

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February 10, 2009

At a Glance

Catalyst for Improving the Environment

Why We Did This Review

The purpose of the Risk Management Program under Section 112(r) of the Clean Air Act is to reduce the likelihood of airborne chemical releases that could harm the public, and mitigate the consequences of releases that do occur. We conducted this review to assess U.S. Environmental Protection Agency (EPA) implementation and oversight of this program.

Background

Under the Risk Management Program, stationary sources that have more than the threshold quantity of regulated substances on-site in any one process must implement a risk management program. All covered facilities must submit a Risk Management Plan (RMP) to EPA that describes and documents the facility's hazard assessment, and its prevention and response programs. Facilities must update and re-submit these plans at least every 5 years and when changes occur.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

To view the full report, click on the following link: www.epa.gov/oig/reports/2009/20090210-09-P-0092.pdf

EPA Can Improve Implementation of the Risk Management Program for Airborne Chemical Releases

What We Found

EPA can improve its program management and oversight to better assure that facilities covered by the Clean Air Act's Risk Management Program submit or re-submit an RMP. EPA had not established national procedures for identifying covered facilities that had not submitted RMPs. For the 5 States reviewed, we identified 48 facilities in 3 States that reported large amounts of covered chemicals stored on-site that had not filed RMPs. These facilities are potential RMP non-filers. For example, 10 such facilities reported having over 100,000 pounds of ammonia on-site at one time, which is 10 times greater than the regulatory threshold. Further, the status of nearly one-third (452 of 1,516) of the facilities EPA identified in 2005 as being past their due date for re-submitting an RMP had not been resolved and updated in the RMP National Database as of March 2008. Also, State permitting agencies did not properly include program requirements as a condition of facilities' Title V operating permits. When properly administered, the Title V process can help ensure that covered facilities submit RMPs to EPA and comply with program requirements.

EPA can also strengthen its inspection process to provide greater assurance that facilities comply with Risk Management Program requirements. EPA had not inspected or audited over half (296 of 493) of the high-risk facilities identified by EPA's Office of Emergency Management (OEM). Since most States have not accepted delegation of the program, EPA is responsible for ensuring compliance for over 84 percent of facilities nationwide. Of the 296 uninspected high-risk facilities managed by EPA, 151 could each impact 100,000 people or more in a worst-case accident. Accident data suggest uninspected high-risk facilities are more than five times as likely to have an accident than uninspected lower-risk facilities.

EPA has made efforts to improve the program. OEM funded studies to assess facility accident rates and used this information to develop and distribute a list of high-risk facilities to help regions better prioritize inspection efforts.

What We Recommend

We recommend that EPA implement additional management controls to identify facilities with regulated chemicals that have not filed RMPs. We also recommend that EPA develop inspection requirements to target higher-priority facilities for inspection and track its progress in completing inspections of these facilities. The Agency concurred with all of our recommendations.