



Fact Sheet: Risk Management Program Emergency Response Exercises

Title 40 of the Code of Federal Regulations Part 68

This fact sheet summarizes the exercise requirements of the Emergency Response portion of a facility's Program. It provides guidance for how a facility can comply with existing regulations and what emergency responders can expect from a facility.

Background

The Clean Air Act (CAA), Section 112(r)(7) requires EPA to publish regulations and guidance for chemical accident prevention and mitigation at facilities with large amounts of highly hazardous chemicals. In response, EPA promulgated the Chemical Accident Prevention Provisions, codified at Title 40 of the Code of Federal Regulations (CFR) Part 68 in 1996. These provisions require subject facilities to submit a Risk Management Plan (RMP) and create a Risk Management Program (Program) to detect and prevent or minimize the potential for catastrophic releases. EPA structured these regulations to address three core elements required by the CAA: a hazard assessment, an accident prevention program, and an emergency response program.

Emergency response planning is a key component of a facility's Risk Management Program. These plans spell out emergency health care, employee training measures, and emergency notification procedures to inform response agencies and the public if an accident occurs. **Changes to the regulations in 2017 and 2024 require that covered facilities periodically exercise those plans to ensure accuracy and functionality.**

The creation, maintenance, and exercise of an emergency plan helps the facility and local response agencies prepare for and respond to chemical accidents, minimize the effects of accidents, and help neighboring residents to better understand the chemical hazards in their communities. Exercising the emergency plan also ensures that the plan is effective and efficient so that responders immediately know the best response actions for each facility's unique chemical hazards.

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Frequently Asked Questions

How is a facility required to prepare for an emergency?

The regulations require companies that have listed substances above threshold quantities in a process to develop a Risk Management Program. A facility's Program contains an Emergency Response element which includes

who is expected to respond in the event of an emergency, their role, how they are going to be made aware of the emergency, and equipment available to them.

Activities such as training employees and inspecting and maintaining emergency response equipment, are also essential to any successful accident response plan. The regulations require a facility to coordinate with community emergency responders. EPA has published guidance that goes into more detail and provides additional resources in Chapter 8 of the General Risk Management Program Guidance.

What are local emergency planning committees required to do under this rule?

Local responders have no requirements under the RMP regulations. The regulations do require subject facilities to provide information to response organizations. Local responders should have this information available to refine the community's response planning.

How do companies follow the emergency response element requirements?

To comply with the regulations, a facility needs to develop an emergency program or procedures. These are often contained in one of two types of RMP emergency plans, one for

responding facilities and one for non-responding facilities.

- A "Responding Facility" plans to respond to an emergency using its own personnel and equipment, even if those resources are supplemented by community resources and personnel. The Responding Facility is required to develop and implement an "Emergency Response Plan" (ERP) meeting the requirements at 40 CFR Section 68.95.
- A "Non-responding Facility" relies on community resources to react to an emergency, even if facility personnel advise responders during an emergency or the facility addresses incidental releases. The Non-responding Facility is required to meet the requirements at 40 CFR Section 68.90. Typically, an "Emergency Action Plan" (EAP) developed under the OSHA requirements at 29 CFR Section 1910.38 includes the notification mechanism required by the EPA's accident prevention regulations.

An emergency plan needs to be maintained, updated, and exercised. Exercise requirements are different for responding and non-responding facilities. Both responding and non-responding facilities are required to annually perform a Notification Exercise. Responding facilities are also required to conduct Table-top and Field exercises.

Emergency Program Exercise Requirements - Responding Facility
40 CFR Section 68.95 (Emergency Response Plan)

Requirement	Citation	Deadline/Effective Date
Exercise Plan	40 CFR Section 68.10(d)	Current requirement
Annual Notification Exercise	40 CFR Section 68.96(a)	Due as of December 19, 2024
Tabletop Exercise	40 CFR Section 68.96(b)(2)	Effective December 21, 2026
Field Exercise	40 CFR Section 68.96(b)(1)	Effective March 15, 2027

Emergency Program Exercise Requirements – Non-responding Facility
40 CFR Section 68.90(b) (Could be part of an Emergency Action Plan)

Requirement	Citation	Deadline/Effective Date
Exercise Plan	40 CFR Section 68.10(d)	Current requirement
Annual Coordination with Responders	40 CFR Section 68.90(c)	Current requirement
Annual Notification Exercise	40 CFR Section 68.96(a)	Due as of December 19, 2024

Annual Notification Exercise

RMP facilities (responding and non-responding) are required to conduct annual Notification Exercises. This annual exercise tests the facility's method for alerting responders and members of the public when an accident occurs. The purpose of a notification exercise is to ensure facility personnel understand how to initiate the facility's notification system, verify that the emergency contact information is current, and confirm that critical information is being clearly communicated. Notification exercises can be completed as part of tabletop or field exercises, or as part of the preparation for tabletop or field exercises.

The RMP emergency plan (EAP or ERP) is the guide for conducting the annual Notification Exercise. Notification Exercise Requirements are found at 40 CFR Section 68.96(a) and 40 CFR Section 68.95(a)(1)(i) for responding facilities and 40 CFR Section 68.90(b)(3) for non-responding facilities.

Testing 9-1-1

It is possible to test a facility's 9-1-1 service by contacting the local emergency communications center non-emergency number and arranging to schedule a test call.

Search the web for an area's "emergency communication center non-emergency number."

Example

The following is an example of how to conduct the annual Notification Exercise:

- Start and end each call by clearly indicating the call is a drill, such as, stating: “THIS IS AN EXERCISE. THIS IS AN EXERCISE. THIS IS AN EXERCISE.”
- Call each of the contacts listed in the response plan.
 - All RMP Emergency Plans are expected to have the National Response Center [800 424 8802] on their contact list.
 - Non-responding facility’s Notification Exercises must include contacting local emergency services.
 - Other contacts that might be appropriate include: 9 1 1, local emergency communications center, HazMat Team, fire department, and hospital.
- To schedule a test of a facility’s 9-1-1 service, contact the local emergency communication center on their non-emergency number and arrange to schedule a test call.
- During the exercise, the person making the notification calls documents contacts called, the name of the person who received the call, the time of each call, notes relevant to the exercise, and a list of required corrections to ensure the contact list and emergency plan are current.
- After the Notification Exercise, make corrections to all copies of the emergency plan.

Coordination with Emergency Responders

An RMP-subject facility is required to coordinate with local responders on an annual basis to address changes: at the facility, in the emergency response/action plan, or in the community emergency response plan. Because a Local Emergency Planning Committee (LEPC) or Tribal Emergency Planning Committee (TEPC) consists of representatives from many local emergency planning and response agencies, it is likely to be the best source of information about the critical emergency response issues in the community. Coordination will also clarify roles and responsibilities of local, State, and Federal responders and facility personnel in the case of an accidental release. Coordination efforts might also

help a facility determine whether it will respond to accidental releases of regulated substances or rely on local response authorities.

While LEPCs and TEPCs are not required to participate in exercises at the facility, EPA strongly encourages coordination to maximize the effectiveness of the combination of facility and community resources. Where coordination is not possible, the facility should document its attempts to coordinate with local responders regardless of their willingness to respond.

Table-top Exercises

RMP responding facilities are required to conduct tabletop exercises involving the simulated accidental release of an RMP listed substance at a frequency established during a facility’s coordination with local emergency planning and response officials and at least

every three (3) years. A responding facility must conduct one (1) tabletop exercise before December 21, 2026, and then every three (3) years thereafter.

Tabletop exercises are discussion-based sessions where emergency responders meet in a classroom setting to discuss their roles during an emergency. The scope of discussions includes: the responding facility's procedures to notify the public and the appropriate Federal, State, and local emergency response agencies; procedures and measures for emergency response including evacuations and medical treatment; identification of a facility's emergency response personnel and/or contractors and their responsibilities; procedures for emergency response equipment deployment; and any other action identified in the emergency response plan, as appropriate.

An evaluation report is done within 90 days of each tabletop exercise. The evaluation report should include a description of the scenario, names, and organizations of each participant; an evaluation of the exercise results including lessons learned; recommendations for improvement or revisions to the ERP and exercise program; and a schedule to promptly address and resolve the recommendations.

Alternatively, this tabletop exercise requirement may be satisfied through participation in an exercise conducted to meet other Federal, State, or local exercise requirements, provided that the alternative exercise meets the requirements of 40 CFR Section 68.96(b)(2) & (3) and an evaluation report is done within 90 days.

Field Exercises

RMP responding facilities are required to conduct field exercises involving the simulated accidental release of an RMP listed substance at a frequency established during the facility's

coordination with local emergency planning and response officials [40 CFR 68.93] at least every ten years, unless the appropriate local emergency response agencies agree in writing that such frequency is impractical. A responding facility must conduct an exercise by March 15, 2027 and every ten years thereafter. Any field exercise conducted after March 15, 2017 satisfies the exercise requirement for ten years after the date of the exercise.

Field exercises shall involve tests of the responding facility's ERP, including deployment of emergency response personnel and equipment. The scope of a field exercise should include: tests of procedures to notify the public and the appropriate Federal, State, and local emergency response agencies; exercise of procedures and measures for emergency response actions including evacuations and medical treatment; tests of communications systems; mobilization of facility emergency response personnel and/or contractors, as appropriate; coordination with local emergency responders; procedures for equipment deployment; and any other action identified in the responding facility's ERP [40 CFR Section 68.96(b)(1)(ii)].

An evaluation report is prepared within 90 days of each field exercise. The evaluation report should include a description of the scenario, names and organizations of each participant, an evaluation of the exercise results including lessons learned, recommendations for improvement or revisions to the ERP and exercise program, and a schedule to promptly address and resolve the recommendations.

Alternatively, this field exercise requirement may be satisfied through participation in an exercise conducted to meet other Federal, State, or local exercise requirements, provided that the alternative exercise meets the requirements of 40 CFR Section 68.96(b)(1) &

(3) and an evaluation report is done within 90 days.

Where can I get help?

Questions:	Answers:
Where can I get current information for the RMP and guidance for my operations?	EPA RMP Rule website: www.epa.gov/rmp • https://www.epa.gov/rmp/risk-management-plan-frequent-questions • https://www.epa.gov/rmp/risk-management-program-guidance-and-fact-sheets • https://www.epa.gov/rmp/guidance-facilities-risk-management-programs-rmp • https://www.epa.gov/rmp/general-rmp-guidance-chapter-4-offsite-consequence-analysis
Where can I get guidance about the Emergency Response requirements of the RMP regulations?	RMP Reconsideration Rule www.epa.gov/rmp/final-risk-management-program-rmp-reconsideration-rule RMP Guidance, Chapter 8: Emergency Response Program www.epa.gov/rmp/guidance-facilities-risk-management-programs-rmp
How can I keep up with the most recent updates to the RMP regulations?	RMP Safer Communities by Chemical Accident Prevention http://www.epa.gov/rmp/risk-management-program-safer-communities-accident-prevention-final-rule
Who can answer my questions about the Risk Management Program and emergency plans?	Information Center for Chemical and Oil Regulations Email: epcra-rmp-oil-infocenter@epa.gov
Who can answer my questions about submitting my Risk Management Plan or how to use RMP*eSubmit reporting software (https://www.epa.gov/rmp/rmpesubmit)?	RMP Reporting Center Email: RMPRC@epacdx.net Phone: (703) 227-7650 Hours: Monday - Friday 8:00 a.m. - 5:00 p.m. (Eastern Time) * Closed Federal holidays
Where can I find out more about testing 9-1-1 services?	911.gov website www.911.gov/calling-911/frequently-asked-questions