

FEBRUARY 17, 2026 | PROCESS SAFETY MANAGEMENT (PSM)

# EPA To Revamp the Risk Management Plan (RMP) Rule ... Again

BY VALERIE BUTERA &amp; ERIC J. CONN

By [Valerie Butera](#) and [Eric J. Conn](#)

On February 13, 2026, the U.S. Environmental Protection Agency (EPA) released a prepublication version of its "[Common Sense Approach to Chemical Accident Prevention Proposed Rule](#)" (the Proposed Rule), which proposes amendments to its Risk Management Program (RMP) regulations, largely by rolling back provisions of the [2024 Safer Communities by Chemical Accident Prevention Rule \(the 2024 SCCAP rule\)](#). The proffered changes aim to avoid duplicative regulations, realign RMP with OSHA's PSM standard, and eliminate unnecessary financial and administrative burdens on chemical facilities.

## Background

Amendments to the RMP regulations have been emblematic of the pendulum swing that often occurs when presidential administrations change – imposing more or less burdensome requirements on the regulated community depending on who is in office. In 2017, the Obama administration rolled out a midnight regulation, "RMP Amendments Final Rule," which introduced burdensome RMP requirements for accident prevention, response, and public disclosure of information. But most of these provisions never went into effect, rescinded in 2019 by the Trump administration's "RMP Reconsideration Final Rule." In 2024, the Biden administration's 2024 SCCAP rule not only restored many of the requirements from the 2017 rule, but it also imposed many new obligations. The Trump administration's Proposed Rule would roll back the majority of the changes made by the 2024 SCCAP rule and largely return the RMP regulations to their mid-2000s state.

## Tight Timeline for Comments

Once published in the Federal Register, rulemaking is expected to move quickly. The planned virtual public hearing on the Proposed Rule is set to occur just 14 days from the date of publication, and those wishing to comment must register to do so no later than 11 days after the date of publication. Comments on information collection requests under the Paperwork Reduction Act are due 30 days from the date of publication, and comments on the Proposed Rule itself are due 45 days from the date of publication.



## The Proposed Amendments

The critical actions EPA details in the Proposed Rule include:

1. **Safer Technologies and Alternatives Analyses (STAA)** – EPA is proposing to rescind both the STAA practicability assessment requirement (40 CFR 68.67(c)(9)(ii)), which requires facilities to consider the practicability of adopting inherently safer technologies and designs (IST/ISD) and document explanations when recommendations from those practicability assessments are not implemented, and the requirement to implement IST/ISD (40 CFR 68.67(h)). The STAA evaluation requirement (40 CFR 68.67(c)(9)(i)) would be retained but modified to apply only to new Program 3 processes, regardless of NAICS code. Processes considered new would commence operation three years after the effective date of the Proposed Rule, and would include processes designed and added to existing RMP facilities and those designed and built at newly operating facilities.
2. **Third Party Compliance Audits** – EPA is proposing two options. EPA would rescind third-party compliance audit triggers, procedures, and auditor competency requirements. (40 CFR 68.10, 68.58(f) through (h), 68.59, 68.79(f) through (h), and 68.80). Alternatively, so that EPA can fully evaluate the efficacy of third-party auditing, EPA would modify the third-party audit requirements, applying them only to facilities with two accidents in a five year period, requiring data on the third-party audits to be submitted to the EPA, and sunsetting the provision after the regulations have been in effect for 10 years.
3. **Natural Hazards** – EPA proposes removing amplifying regulatory text that emphasizes that natural hazards are among the hazards that must be addressed in Program 2 hazard reviews and Program 3 PHAs.
4. **Power Loss** – EPA is proposing rescinding the requirements:
  - emphasizing hazard evaluation from power loss for Program 2 and Program 3 processes in hazard reviews and PHAs (40 CFR 68.50(a)(3), 68.67(c)(3));
  - for facilities to have standby or backup power for air pollution control or monitoring equipment associated with the prevention and detection of accidental releases from RMP-regulated processes; and
  - to document when monitoring equipment associated with the prevention and detection of accidental releases from covered processes is removed due to safety concerns from imminent natural hazards(40 CFR 68.52(b)(9) and 68.69(a)(4)).
5. **Information Availability** – EPA is proposing to rescind the requirement to provide individuals who live, work, or spend a significant amount of time in the area within a 6-mile area of a covered source with information regarding relevant chemical hazards upon request (40 CFR 68.210). Multiple related provisions on information availability would also be removed, including notification of availability of information, timeframe to provide requested information, declined PHA recommendations, access in multiple languages, recordkeeping, and documenting the notification method and location in the RMP.

The Proposed Rule would instead make data available on the RMP Public Data Tool for each facility, including:

- regulated substance names;
- Safety Data Sheets for all regulated substances;
- accident history information;

- emergency response information (including whether the facility is a responding or non-responding facility, name and phone number of LEPC, and notification procedures in the event of a release); and
- scheduled exercises.

The EPA also proposes to modify the RMP Public Data Tool by removing the map display and limiting the search function to county or facility name, permitting residents to search for facilities nearby that they may be unaware of, while balancing facility security concerns.

6. **RAGAGEP** – Some of the more controversial changes made to the RMP regulations in the 2024 SCCAP rule involve RAGAGEP. Specifically, the 2024 SCCAP rule requires:
- a conforming change to add “up to date” to the Program 3 PSI requirements (40 CFR 68.65(a)), which had already existed prior to the 2024 rulemaking in the Program 2 safety information (40 CFR 68.48(a));
  - conforming changes to align the Program 2 and 3 regulatory text related to ensuring processes are designed and maintained in compliance with RAGAGEPs (40 CFR 68.48(b) and 68.65(d)(2));
  - a change to the Program 2 safety information to delete the phrase “Compliance with Federal or state regulations that address industry-specific safe design or with industry-specific design codes and standards may be used to demonstrate compliance with this paragraph” (40 CFR 68.48(b)) that does not exist under the corresponding regulatory text for Program 3 (40 CFR 68.65(d)(2)); and
  - a gap analysis for codes and standards under Program 3 in the PHA (40 CFR 68.67(c)(10)).

In the Proposed Rule, EPA proposes:

- retaining the requirement that PSI be kept up to date;
  - eliminating the conforming language related to ensuring processes are designed and maintained in accordance with RAGAGEPs;
  - retaining the deletion of the phrase regarding compliance with Federal or state regulations; and
  - removing the much-maligned RAGAGEP gap analysis requirement (notably, however, EPA reinforces that the requirement that processes be kept compliant with current and up-to-date RAGAGEP exists nonetheless, and EPA has a record of success in enforcing the requirement).
7. **Employee Participation** –EPA is proposing to rescind the requirement for facilities with Program 3 processes to consult employees on addressing recommendations and findings of PHAs, compliance audits, and incident investigations (40 CFR 68.83(c)). The agency would also rescind the requirement for stop work authority (40 CFR 68.83(d)) for Program 3 processes, RMP plan detail training requirements (40 CFR 68.62(a)(2) and 68.83(a)(2)), and the accident and noncompliance reporting provisions (40 CFR 68.62(b) and 68.83(e)).
8. **Community and Emergency Responder Notification** – EPA proposes to simplify emergency notification requirements, including requirements for facilities to implement procedures for informing the public about potential and actual accidental releases (40 CFR 68.90(b)(3), (b)(6) and 68.95(a)(1)(i), (c)); to partner with local response agencies to ensure a community notification system is in place to warn the public about such releases and to document the collaboration (40 CFR 68.90 and 68.95(a)(1)(i)); and to provide necessary entities with initial accidental release information (40 CFR 68.90(b)(3) and 68.95(c)).

Instead, EPA proposes modifications to clarify that facility owners or operators should coordinate with local emergency responders to ensure that, during a release, all necessary information is available to notify the community of the incident. This coordination can occur as part of the annual emergency response coordination meeting under 40 CFR 68.93 and/or notification exercise under the 40 CFR 68.96(a) requirements. If no community notification system is in place, the facility personnel should partner with local officials to determine how to relay information in a timely manner to protect the community from harm.

To clarify who is responsible for notifying the community of an accidental release, the EPA is proposing adding language to 40 CFR 68.90(b)(6) and 68.95(a)(1)(i) to emphasize that facility owners and operators are responsible for coordinating with local officials when community notifications are necessary following an accidental release. Further, the agency proposes to eliminate the documentation requirements under 40 CFR 68.90(b)(6) and 68.95(a)(1)(i), and replace them with the collection of two data elements: **(1)** the type of community notification system; and **(2)** whether the local responder or the owner or operator will send the notification to the community. The EPA is proposing that both data elements be submitted by the owner or operator with their RMP submission to the EPA under 40 CFR 68.180.

9. **Declined Recommendations** – EPA would rollback requirements that Program 2 and Program 3 facilities report justifications for declining hazard analysis and PHA recommendations from natural hazards, power loss, and siting (40 CFR 68.170(e)(7) and 68.175(e)(8)), and that Program 3 facility owners or operators report recommendations declined from safety gaps between codes, standards, or practices under the PHA (40 CFR 68.175(e)(9)).
10. **Emergency Response Exercises** – EPA proposes keeping requirements for Program 2 and Program 3 facilities to conduct field exercises simulating an accidental release once every 10 years, prepare a written report with specific contents, and coordinate with local emergency responders to establish plans for field and tabletop exercises (40 CFR 68.96).
11. **Retention of Hot Work Permits** – EPA would eliminate the requirement to retain hot work permits for three years following completion of hot work (40 CFR 68.85).
12. **Retail Facility Exemption** – The RMP rule excludes flammable substances used as fuel or held for sale at retail facilities from the RMP (40 CFR 68.126). The 2024 SCCAP rule revised the definition of a “retail facility” to add a time period during which to calculate the quantity of a facility’s direct sales to end users — facilities could choose either a fiscal year or a calendar year when determining income from direct sales to end users. EPA proposes amending the definition for retail facility (40 CFR 68.3) to include alternate timeframes to address additional scenarios. Specifically, the definition would provide that “Retail Facility” means a stationary source meeting either of the following criteria:
  - More than one-half of the income from direct sales to end users, or more than one-half of the fuel sold, by volume, is sold through a cylinder exchange program during one of the following periods:
    - Previous full calendar year
    - Previous fiscal year
    - Previous 12 months

Facilities must select one of these timeframes as their basis for assessment and maintain consistency in

their choice for a minimum of three consecutive years.

**OR**

- For new facilities with less than a full calendar year of operational history: More than one-half of the income generated since the commencement of operations is obtained from direct sales to end users, or more than one-half of the fuel sold, by volume, during the same period is sold through a cylinder exchange program. For the purpose of this definition, "commencement of operations" refers to the date on which a threshold quantity of a regulated substance is present at the facility.

### **Next Steps**

EPA appears poised to roll back nearly all of the requirements introduced by the 2017 amendments and the 2024 SSCAP rule, and to do so very quickly. Notably, though, some of the amendments will survive this rulemaking or merely be slightly amended. Reach out to us if you have questions about the impact of this rulemaking on your RMP and/or PSM program.