

EPA ANNOUNCEMENT PROVIDES REMINDER OF CHEMICAL ACCIDENT PREVENTION REQUIREMENTS

On November 18, 2019, EPA issued a news release “EPA Announces Settlements to Address Alleged Violations of Chemical Accident Prevention Requirements by Two Companies in Iowa and Nebraska.” The two settlements were part of EPA’s National Compliance Initiative to reduce accidental releases at industrial and chemical facilities.

RMP Maintenance and RAGAGEP

EPA alleged the Iowa company failed to:

- Update and maintain the facility’s management system and assign a qualified person to the overall responsibility of the facility’s Risk Management Program
- Ensure its processes were designed or maintained in conformance with recognized and generally accepted good engineering practices (RAGAGEP)
- Properly conduct hazard reviews and address any deficiencies or hazards found in a timely manner
- Update the accident history of the facility’s Risk Management Plan (RMP) and correct the RMP to reflect two prior accidents

Among the RAGAGEP deficiencies were an inoperable emergency shutoff cable, inadequate signage, inadequate corrosion protection, and an illegible vessel data plate.

EPA alleged the Nebraska company failed to:

- Prepare and submit an RMP to EPA
- Determine and maintain records of an analysis of the off-site consequences of its potential releases
- Perform proper maintenance and place safety barriers designed to prevent collisions with chemical storage tanks
- Properly conduct compliance audits and hazard reviews, and address any hazards found in a timely manner
- Determine and document who would respond to accidental releases

Accident Prevention Is an EPA Priority

The announcement of this enforcement is a reminder that accident prevention requirements, based on Clean Air Act provisions such as the general duty clause (Section 112(r)(1)), are a priority to EPA. Fines and other enforcement consequences can result from failing to have and follow an RMP or failing to continuously evaluate accident prevention strategies to ensure ongoing compliance with RAGAGEP.

To see EPA’s news release

<https://www.epa.gov/newsreleases/epa-announces-settlements-address-alleged-violations-chemical-accident-prevention>