

## RMP Rulemaking Redux - Again



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In the latest step in the ongoing Risk Management Program (RMP) revision saga, the U.S. Environmental Protection Agency (EPA) published a [proposed rule](#) in the Federal Register on February 24, 2026. This proposed rule would reflect a shift towards deregulation and performance-based compliance that, if finalized, would significantly alter several compliance obligations currently scheduled to begin in May 2027. It would also realign the RMP requirements with the Occupational Safety and Health Administration (OSHA) Process Safety Management (PSM) standard. These changes follow EPA Administrator Lee Zeldin's March 12, 2025 [announcement](#) that the Trump administration would reconsider the 2024 Biden administration's RMP amendments. Our [prior alert](#) provides a more detailed summary of the history of the RMP rulemaking.

## Background: Thirty Years of RMP Changes

The RMP regulations in [40 C.F.R. Part 68](#), captioned Chemical Accident Prevention Provisions, implement [section 112\(r\)\(7\) of the Clean Air Act](#). The Clinton EPA adopted the original RMP regulations in [1994](#) (list of regulated substances) and [1996](#) (accident prevention regulations). The Obama EPA [adopted](#) regulations to amend Part 68 in 2017 in response to President Obama's executive order directing EPA, OSHA, and other agencies to "develop options for improved chemical facility safety and security that identifies improvements to existing risk management practices." EPA published these amendments in the Federal Register shortly before the first inauguration of President Trump, and added requirements for multiple changes to the RMP, including the following:

- ◆ Safer technology and alternative analyses (STAAs) by chemical manufacturers, paper manufacturers, and petroleum and coal products manufacturers, including consideration of inherently safer technology, as part of their PHAs;
- ◆ Third-party audits (rather than self-audits) in some circumstances;
- ◆ Emergency response coordination with local authorities, including emergency response exercises;
- ◆ Public availability of Risk Management Plans and chemical hazard information.

EPA set the compliance dates for each of these provisions in either 2021 or 2022.

EPA, under the first Trump administration, [rescinded](#) and modified many of the 2017 amendments in December 2019. These rescission amendments took effect upon publication and, therefore, prior to any of

the principal Obama-era revisions. One exception was 40 C.F.R. § 68.10(b), which took effect on March 14, 2018, and stated, “The owner or operator of a stationary source shall comply with the emergency response coordination activities in § 68.93, as applicable.”

The Biden EPA subsequently proposed reinstating many of the Obama-era provisions in 2022. EPA [finalized](#) this reinstatement rule in March 2024, and it became effective in May 2024. Per the extension of the compliance dates in 40 C.F.R. § 68.10, the new rule would go into effect as follows:

(g) By May 10, 2027, the owner or operator shall comply with the following provisions promulgated on May 10, 2024:

1. Standby or backup power for continuous operation of monitoring equipment associated with prevention and detection of accidental releases from covered processes in §§ [68.50\(a\)\(3\)](#) and [68.67\(c\)\(3\)](#);
2. Third-party audit provisions in §§ [68.58\(f\)](#) through [\(h\)](#), [68.59](#), [68.79\(f\)](#) through [\(h\)](#), and [68.80](#);
3. Incident investigation root cause analysis provisions in §§ [68.60\(h\)](#) and [68.81\(h\)](#);
4. Safer technology and alternatives analysis provisions in § [68.67\(c\)\(9\)](#) and [\(h\)](#);
5. Employee participation provisions in §§ [68.62](#) and [68.83](#);
6. Emergency response provisions in §§ [68.90\(b\)](#) and [68.95\(a\)](#); and
7. Availability of information provisions in § [68.210\(d\)](#) through [\(h\)](#)...

(i) By May 10, 2028, the owner or operator shall comply with the risk management plan provisions of [subpart G of this part](#) promulgated on May 10, 2024.

Some states and industry groups challenged the Biden-era reinstatement rule, also known as the 2024 Safer Communities by Chemical Accident Prevention (SCCAP) rule, resulting in consolidated cases. See *State of Oklahoma v. EPA*, No. 24-1125 (filed May 9, 2024). Some industry groups also submitted a [petition for reconsideration](#) of the reinstatement rule in May 2024, which the Biden EPA subsequently [denied](#) in December 2024.

## Trump Administration 2.0

The Biden-era RMP rule went into effect in 2024, but the compliance dates for most requirements were still more than two years away. In February 2025, the industry groups that had challenged the reinstatement rule filed a new petition for review seeking review of EPA’s denial of their request for reconsideration. *National Association of Chemical Distributors v. EPA*, No. 25-1075 (D.C. Cir., filed Feb. 24, 2025). On March 6, 2025, EPA filed an unopposed motion to hold the first two cases in abeyance (with status reports every 90 days) “while EPA undertakes a new rulemaking to reassess elements of the underlying rule challenged here.” The United States Court of Appeals for the District of Columbia Circuit granted that motion on March 11, 2025. The next day, on March 12, Administrator Zeldin [announced](#) that the RMP rule was among the regulations the Trump administration was planning to promptly reconsider.

## Proposed Amendments

The second Trump EPA’s proposed revisions to the RMP are broad and would roll back or narrow major portions of the SCCAP rule. Some key changes from the SCCAP include:

## **Safer Technologies and Alternatives Analysis (STAA)**

EPA proposes to eliminate the SCCAP STAA requirements for existing Program 3 processes in NAICS codes 324 (petroleum and coal products manufacturing) and 325 (chemical manufacturing), including the practicability assessments and mandatory implementation applicable to a subset of those facilities. Instead, the proposal would require STAA only for newly designed and built Program 3 processes (regardless of NAICS code) at both existing and newly operating facilities. Industry had argued in previous rulemakings that STAA considerations are much more useful in the design of new facilities or units than in those with in-place technology that might be prohibitively expensive to alter significantly.

## **Information Availability**

The proposal would end facility obligations to provide chemical hazard information directly to the public upon request and instead would rely on EPA's RMP Public Data Tool as the exclusive mechanism for disclosure. EPA also proposes limiting the tool's search functions to county or facility name and eliminating mapping while rescinding the SCCAP's multilingual, notification, and 45 day fulfillment requirements. These changes would respond to longstanding industry concerns that site security could be compromised if the broader information distribution required under the Biden EPA amendments were implemented.

## **Third-Party Compliance Audits**

EPA offers two options in the proposed rule: rescind the SCCAP third party audit requirements entirely or narrow them to facilities with two or more RMP reportable accidents within five years. The proposal also would remove implementing agency triggers, appeal processes, and the auditor "cooling off" period. It would sunset any remaining audit program after 10 years. The first option would fully address industry concerns about third-party audit requirements. The second would limit the scope of the requirements, since few facilities have had one reportable accident, and far fewer have had two in five years.

## **Employee Participation**

EPA proposes to rescind most of the SCCAP rule's employee participation elements, including mandatory training on participation plans, anonymous reporting systems, and stop work authority requirements. The rule would generally revert to OSHA aligned provisions, but it would retain the SCAAP rule's requirement for annual notice of availability of the facility's employee participation plan.

## **Community and Emergency Responder Notification**

The proposal would clarify that local emergency officials, not facilities, typically issue public alerts during accidental releases. EPA proposes requiring RMP submissions to include only two data elements: the type of community notification system and the party that sends alerts. The SCCAP rule's documentation requirements for demonstrating a facility-responder "partnership" would also be removed.

## **Emergency Response Exercises**

The proposed rule would retain the existing field and tabletop exercises for emergency response exercises outlined in [40 C.F.R. § 68.96](#), but EPA requests comment on whether facilities should be required to document good-faith attempts to engage local emergency responders. If EPA were to require such documentation, EPA requests parties to comment on what requirements should exist and the retention periods for those documents.

## Stationary Source Siting, Natural Hazards, and Power Loss

The proposal would remove the SCCAP rule's prescriptive siting, natural hazard, and power loss analysis language. In EPA's view, such requirements are redundant; the hazard evaluation requirements already require them of the RMP. EPA would also rescind the requirement for backup power on monitoring equipment and related documentation obligations.

## Declined Recommendations, Safety Information and Recognized and Generally Accepted Good Engineering Practices (RAGAGEP), and Retention of Hot Work Permits

EPA proposes to eliminate the SCCAP rule's "declined recommendations" reporting requirements for natural hazards, siting, power loss, and RAGAGEP gap analyses, while retaining SCCAP's requirement that Program 3 process safety information be kept up to date. The proposed rule would revert certain RAGAGEP requirements to pre 2024 language. It would also remove SCCAP's three year retention requirement for hot work permits. That would restore the previous requirement to retain permits until the work is completed, consistent with OSHA's PSM requirement.

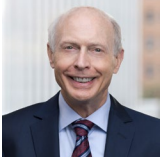
## Next Steps

EPA is accepting comments through March 26, 2026. Additionally, EPA will hold a virtual public hearing on March 10, 2026, from 12 pm until at least 5 pm EST. Interested parties may [pre-register](#) to speak at the hearing by March 7, 2026.

Because the SCCAP rule compliance dates remain legally operative until EPA finalizes the new rule, facilities should document progress and maintain compliance pathways while monitoring this rulemaking. Facilities should also continue to address risks presented by natural hazards, regardless of the outcome of the proposed regulatory change for that issue.

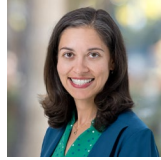
*Beveridge & Diamond's [Occupational Safety and Health](#) practice is available to assist clients with their comments and with strategy discussions on how to proceed in this shifting regulatory landscape. For more information, please contact the authors.*

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