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ADMINISTRATIVE WATCH ADDRESSES ENVIRONMENTAL, HEALTH & SAFETY ISSUES

RISK MANAGEMENT PLAN UPDATES DUE IN JUNE 2004 - NEW DATA ELEMENTS REQUIRED

Facilities covered by the Chemical Accident Prevention Rule (40 CFR Part 68) are required to submit the first five-year update to their risk management plans ("RMPs") by June 19, 2004. These updates must include three new data elements and must reflect other changes made by the United States Environmental Protection Agency ("EPA") on April 9, 2004 to the Chemical Accident Prevention Rule. *See* 69 Fed. Reg. 18819. Specifically, the recent amendments:

- Require that information on reportable chemical accidents be added to the RMP within six months of the accident date. Previously, facilities could wait until the next required RMP update to add information regarding accidents.
- Require that changes to emergency contact information be reported within one month. Previously, facilities were not required to update their RMPs to reflect a change in ownership until the next required RMP update.
- Remove the requirement to include a brief description of the off-site consequence analysis in the RMP executive summary. In response to the events of September 11th and other terrorist threats, EPA concluded that having a description of the off-site consequences in the executive summary poses a substantial security risk.
- Add three new RMP data elements: (1) the e-mail address for the facility's emergency contact; (2) the purpose and type of any submission that revises or otherwise affects previously filed RMPs; and (3) the name, address and telephone number of the contractor/consultant who prepared the RMP (if any).

- Clarify that the five-year deadline for updating RMPs that were originally filed early (before June 19, 1999) is June 19, 2004. Some facilities that submitted their initial RMPs prior to the original compliance date received notice from the EPA that updates to their RMPs would be due earlier than June 19, 2004. The revisions clarify that any facility filing their RMP before June 19, 1999 will have until June 19, 2004 to file an update. In addition, the clarification indicates that the five-year anniversary deadline for facilities that submitted their initial RMPs after the original compliance date (or for facilities that updated their RMPs since their original submission) is five years from the postmark date of their latest submission.

The revisions relating to the addition of reportable chemical accidents, changes to emergency contact information and the description of off-site consequence analysis are effective immediately. Facilities have until June 19, 2004 to add the three new RMP data elements to their RMPs. Even facilities that are not required to submit a complete five-year update by June 19, 2004 are required to revise their RMPs to add the three new required data elements.

If you have any questions regarding the revisions to the Chemical Accident Prevention Rule or need assistance in updating your RMP in order to comply with the recent revisions to the Chemical Accident Prevention Rule, please contact Mike Winek, Brandon Coneby, or any of the other Environmental Health and Safety attorneys at Babst, Calland, Clements and Zomnir, P.C. at 412-394-5400.

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