North Carolina
Chemical Accident Prevention Program

RMP NEWS

Summer 2002 Information and News on the Risk Management Program (112 (r) of the Clean Air Act)

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For More Information

Internet Resources:
Division of Air Quality, Chemical Accident Prevention Program—http://daq.state.nc.us/toxics/risk/112r/

North Carolina Emergency Management, Risk Management Program—www.ncem.org/hazmat/RMPPAGE1.htm

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Proposed Federal Site Security Rules

The US Environmental Protection Agency (EPA) is proposing site security requirements for facilities that are regulated by Section 112(r) of the Clean Air Act Amendments. The US EPA may require facilities to conduct vulnerability assessments and implement assessment recommendations. EPA may recommend using the Department of Justice's Vulnerability Assessment Methodology and expand on the Security Guidelines for the Chemical Industry released by the American Chemistry Council.

The US EPA plans to release more details about proposed rules later this summer.

Coordinating Emergency Response with LEPCs

Created by the Emergency Planning and Community Right to Know Act (EPCRA), Local Emergency Planning Committees (LEPCs) are tasked with protecting their communities from chemical releases. They are mandated to create a community emergency plan, collect and provide chemical information to the public, and promote community awareness of chemical hazards.

The Risk Management Program requires facilities to coordinate their emergency response with LEPCs and local emergency responders (40 CFR §§ 68.90 & 68.95). "Coordination" depends on whether or not the facility has an on-site emergency response team. Regulated facilities are not required to develop emergency response capabilities.

Facilities **without** on-site emergency response team:

- Coordinate with local responding agencies to ensure they are prepared to respond to any emergency at facility.
- Ensure covered toxic chemicals are included in community emergency plan developed under the Emergency Planning and Community Right to Know Act (EPCRA).
- Coordinate emergency response for covered flammable chemicals with local fire department.

Facilities **with** on-site emergency response team:

- Develop emergency response plan which includes "procedures for informing the public and local emergency response agencies about accidental releases" (40 CFR § 68.95 (a) (1) (i).
- Ensure plan is coordinated with community emergency response plan developed under the Emergency Planning and Community Right to Know Act (EPCRA).

Coordination could also involve inviting LEPC members to tour facility and actively participating in the LEPC. If your county does not have an active LEPC, contact your local fire department and emergency management office to coordinate response to chemical releases. Contact information for county emergency management offices can be found at http://www.ncem.org/serc/localcontacts.htm or by contacting Tina Howard, North Carolina Emergency Management.

Public Access to Chemical Information

In an effort to promote community awareness and facility accountability, the chemical information in Risk Management Plans were originally intended for public review on the internet. However, the FBI raised concerns about the use of air dispersion models of chemical release scenarios (called offsite consequence analysis or OCA) for criminal or terrorist intent. In August 1999, Congress enacted the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act ("CSISSFRRA") which restricted public access to OCA sections of Risk Management Plans. The OCA information was prohibited from publication on the internet and distribution in hard copy format, however, the rest of the Risk Management Plans were published on the internet. Only "covered persons", those tasked with preventing, planning or responding to chemical releases, had unrestricted access to OCA. The CSISSFRRA final rule created opportunities for the public to view this information through federal sources, such as federal reading rooms and an online vulnerability system that indicated whether an address falls within the chemical release impact area, and encouraged states and local emergency planning committees to enhance access.

Since the terrorist attacks on September 11, access to the chemical safety information in the Risk Management Plans has been limited. The US EPA temporarily removed Risk Management Plans from the internet while they evaluate the risk of publishing the chemical information. Additionally, several laws have been introduced to limit access to chemical information:
Critical Infrastructure Information Security Act of 2001 (S. 1456, Bennett)—Prohibits release of critical infrastructure information without consent of submitting party.
Community Protection from Chemical Terrorism Act (S. 2579, Bond)—Limits access to off-site consequence analysis, or chemical release scenarios.

The information is still available at federal reading rooms. A member of the public may view up to 10 facilities per month located anywhere in the nation and an unlimited number of facilities located within the LEPC jurisdiction of the person's home or business. Nonetheless, no federal reading rooms have opened in North Carolina.

Another way of receiving chemical hazard information is through an Internet-based system that will indicate whether a person's home or business is located within impact zones of a chemical release. This system, the Vulnerable Zone Indicator System, is available via the Internet at www.epa.gov/ ceppo/vzis.htm.

Several LEPCs in North Carolina are providing read-only review of Risk Management Plans with OCA. Contact your LEPC for more information.

Compliance Audits

Facilities that submitted Risk Management Plans in June 1999 must conduct a compliance audit by their anniversary date in 2002. Under the Risk Management rule, facilities that have Program Level 2 and 3 processes must conduct self-audits of their program every three years. Sections 68.58 and 68.79 state that owners/operators must certify that they have evaluated process for compliance, included at least one knowledgeable person in evaluation, wrote report of findings, and corrected deficiencies. These reports must be retained for five years.

Shelter-in-Place Initiative

Do you know how your community will be protected from chemical exposure in the event of a chemical release? Emergency officials may protect the public in two ways—evacuation and in place sheltering. Evacuation consists of moving the public away from danger. If there is not enough time to evacuate, sheltering inside a building, shutting off outside air and waiting for the hazardous plume to pass may be a safe alternative.*

Although it is an effective and safe means to limit public exposure to chemical releases, few counties and states have planned for shelter in place actions. Pre-planning for in place sheltering will better prepare the public, reduce panic during emergencies, and allow emergency officials to prepare for rapid decision-making.

The North Carolina Chemical Accident Prevention Program has teamed with counties and LEPCs to facilitate the development of shelter in place plans and exercises of the plans. The four counties and LEPCs of Edgecombe, Gaston, Henderson and Transylvania have offered to serve as pilot programs.

If you are interested in participating in this important protective measure, contact your local emergency management office or LEPC.

*Reference-National Institute for Chemical Studies, Sheltering in Place as a Public Protective Action, June 2001.

State RMP Enforcement Actions

Facility	Violation	Penalty
6/19/2001		
3 Nomaco facilities in Edgecombe, Franklin, & Wake Counties	Failure to submit RMP by 21 June 2000	$5,224
10/30/2001		
Linpac Plastics, Wilson County	Failure to submit RMP by 21 June 2000	$5,408
9/12/2001		
Southern Resin,	15A NCAC 2D .2103	$8,807