



TECH TIP

New RMP Requirement: Availability of Information to the Public

New Regulatory Requirement

The Safer Communities by Chemical Accident Prevention (SCCAP) rule that was placed into effect in 2024 resulted in regulatory updates to the Environmental Protection Agency's (EPA's) Risk Management Plan (RMP). Regulatory updates established by the revisions to the SCCAP rule include revisions to existing prevention program elements as well as the development of new RMP requirements. Facilities are now required to have applicable information from the RMP submittal available to the public as well as a requirement to provide additional chemical hazard information to applicable members of the public that provide a formal request. The

specific requirements established by this new regulatory requirement are identified within **40 CFR §68.210**. Adherence to this regulatory requirement is required by **May 2027**. Understanding this regulatory requirement and what it will require of facilities will assist in effective implementation of this requirement.

What information must be provided?

The EPA has identified the specific information that must be made available in **40 CFR §68.210(d)**. Any documents that do not pertain to the covered chemicals or regulated process are outside the applicability to the EPA's RMP requirements and will not apply to this regulatory requirement. The documents listed below must be provided and should be specific to the chemical hazard that is present within the regulated process:

- **Regulated Substance Information:** Names of regulated substances held in a process.
- **Safety Data Sheets (SDS):** SDSs for all regulated substances located at the facility.
- **Accident History Information:** Five-year accident history information required to be reported under **40 CFR §68.42**.
- **Emergency Response Program:** Summary of the facility's emergency response provisions, including:
 - whether the stationary source is a responding stationary source or a non-responding stationary source,
 - name and Phone Number of the local emergency response organization, and
 - procedures for informing the public and local emergency response agencies about accidental releases (for Responding Stationary Sources only).
- **Exercises:** List of scheduled exercises within one(1) year from date of request including field, tabletop, and notification exercises as applicable. Specific dates are not required to be included in the list.
- **Local Emergency Planning Committee (LEPC) Contact Information:** Information includes LEPC name, phone number and web address



- **Declined Recommendations and Justifications:** Include declined recommendations pertaining to external events analysis and minimum safety requirements required under **40 CFR §68.170(e)(7)** and **§68.175(e)(7) through (9)**. Provide justifications for declining of recommendations.

Who can request information and timeframe for providing documentation?

As established in **40 CFR §68.210(d)**, the facility is required to provide the information identified above to “any member of the public residing, working, or spending significant time within **six (6) miles** of the fenceline of a stationary source.” An important detail to note is that the **six (6) mile radius** applicability applies from the fenceline of the property and the **radius does not start from the location of the covered process**. All requests made by individuals that meet the applicability criteria should be provided within **45 days** of receiving a request in accordance with **40 CFR §68.210(g)**.

Notification Requirements

Facilities are also required to provide ongoing notification that the information above is available to applicable members of the public. Ongoing notification can be achieved through the company website, social media platforms, or through other publicly accessible means. Requirements of these notifications include the following.

- Identifying that the information identified in **40 CFR §68.210(d)** is available for request by members of the public that meet the applicability criteria.
- Providing instructions on how to request the information and any instructions needed for verification of applicability to the **six (6) mile** requirement. Request methods can include but are not limited to email, mailing address, telephone, or website request.
- Identifying where to access information on community preparedness, if available, including shelter -in-place and evacuation procedures.

Additional Requirements

Languages

40 CFR §68.210(e) requires that requested information be made available in English or in at least any two (2) other commonly spoken languages by the population potentially affected, as requested. Useful information regarding the commonly spoken languages of an area can be determined using resources such the United States Census Bureau and the demographic information available via the American Community Survey.



Public Meetings

For facilities that have had an RMP-reportable release with any known offsite impact, as classified in **40 CFR §68.42(a)**, the information required under **40 CFR §68.42(b)** shall be made available at a public meeting no later than **ninety (90) days** after the incident.

Recordkeeping

The owner or operator shall maintain a record of the members of the public requesting the chemical hazard information for **five (5) years** in accordance with **40 CFR §68.210(h)**.



Resources

EPA SCCAP Rule

[eCFR :: 40 CFR 68.210 -- Availability of Information to the Public](#)

[eCFR :: 40 CFR 68.42 -- Hazard Assessment](#)

[eCFR :: 40 CFR 68.170 -- Risk Management Plan](#)

[United States Census Bureau](#)

About the Author:

Mr. Cardoza is a Project Engineer and has been involved in a variety of activities associated with the California Accidental Release Prevention Program (CalARP), Environmental Protection Agency's Risk Management Plan (RMP) and Occupational Safety and Health Administration's Process Safety Management (PSM) Program. He specializes in developing programs to meet CalARP/RMP/PSM Requirements and conducting audits of such programs to drive development.



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