

TECH TIP



EPA General Duty Clause for Ammonia Refrigeration Industry

Have you considered lowering your ammonia thresholds to avoid regulatory requirements from the US EPA or OSHA? If you have, you wouldn't be alone. However tempting the prospect, reducing your inventory won't necessarily alleviate the regulatory burden to provide a safe working environment for your staff or the community.

In 1990, Congress amended the Clean Air Act to include Section 112(r)(1) known as the General Duty Clause (GDC)¹. Under the GDC, facilities are required to identify hazards that may result from accidental releases by using appropriate hazard assessment techniques, designing and maintaining a safe facility, taking such steps as are necessary to prevent releases, and minimizing the consequences of those accidental releases that do occur, according to EPA guidance².

In June 2019, the US EPA issued a memorandum outlining a National Compliance Initiative (NCI)³ for fiscal Year 2020-2023 highlighting increased enforcement of the GDC. The goal, reportedly, is to reduce the risk to human health and the environment by decreasing the likelihood of accidents. Ideally, industry would strive to improve safety, increase compliance with existing requirements, and promote coordination with local authorities.

The February 2019 issue of the US EPA Compliance Assurance and Enforcement Focus⁴ focuses directly on the Ammonia Refrigeration Industry in the New England Area. It is understood, methodologies and practices for heightened enforcement for facilities with more than 1,000lbs of ammonia will begin in New England and spread to other portions of the country through the NCI enforcement period. This 1,000lbs is considerably less than the 10,000lb threshold for the related Risk Management and Process Safety Management Program regulatory requirements.

According to the issue, to adhere to GDC and avoid penalty, facilities should begin by conducting a process hazard review to identify hazards of operating the system, the existing safety measures to reduce those hazards, and how accidental releases may impact personnel and the community. Findings from the process hazard review should then be included as considerations in the facility's emergency program and communicated with local authorities.

Best practice dictates process hazard review methodologies and the level of detail should be relative to the complexity of the system. Compliance professionals should evaluate the intricacies of their system and potential vulnerabilities to select the appropriate path for their facilities.

Need Help? Risk Management Professionals can provide additional guidance and support⁵.

Resources

- [1. Clean Air Act Section 112\(r\)\(1\)](#)
- [2. EPA General Duty Clause Guidance](#)
- [3. EPA National Compliance Initiative](#)
- [4. Compliance Assurance and Enforcement Focus](#)
- [5. RMP General Duty Clause Audits](#)

EPA Inspections Addressing Actions at HazMat Facilities (2019)



About the Author:

Mr. Bray is a Technical Consultant and has been involved in a variety of activities associated with emergency preparedness planning and Risk Management. He has 10 years' experience supporting the regulatory community and much of his time has been spent focusing on best practices for the Ammonia Refrigeration Industry. Connect with Ryan on [LinkedIn](#).



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