

National Enforcement and Compliance Initiative: Reducing Risks of Accidental Releases at Industrial and Chemical Facilities

EPA Document # 315F23001

February 2023

Federal Facility Compliance Under EPA's National Enforcement and Compliance Initiative to Reduce Accidental Releases at Industrial and Chemical Facilities

- Attention federal facilities with Clean Air Act (CAA) stationary sources that make, use, and store extremely hazardous substances -- this advisory notifies you about U.S. EPA's National Enforcement and Compliance Initiative (NECI) to reduce the risk to human health and the environment by reducing the likelihood of chemical accidents at these facilities.
- EPA found that many regulated facilities are not adequately managing risks that chemical accidents pose or ensuring the safety of their facilities to protect surrounding communities.
- The goal of this NECI is to reduce the risk to communities by improving safety measures at these regulated facilities.
- EPA advances risk reduction by conducting inspections and enforcement activities at facilities subject to the CAA chemical accident prevention requirements and developing compliance assistance materials for the regulated community.
- View EPA's CAA Chemical Accident Risk Reduction (CARR) NECI: <https://www.epa.gov/enforcement/national->

Federal Facility Responsibilities Under the Clean Air Act Chemical Accident Prevention Regulations

Section 118 of the CAA requires federal facilities to “comply with federal, state, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of air pollution in the same manner and to the same extent as any nongovernmental entity.” These requirements include chemical accident prevention regulations in Section 112(r) of the CAA.

Under Section 112(r) of the CAA, facilities that use certain quantities of extremely hazardous substances are regulated by the Risk Management Program (RMP) rule for chemical accident prevention. The RMP rule requires facilities with hazardous substances at or above established threshold quantities to develop a Risk Management Plan which:

- Identifies the potential effects of a chemical accident,
- Identifies steps the facility is taking to prevent an accident, and
- Outlines emergency response procedures should an accident occur.

These plans, which must be revised and resubmitted to EPA every five years, provide valuable information to local fire, police, and emergency response personnel so that they can prepare for and respond to chemical emergencies in their communities.

Facilities that use these and other hazardous substances are also subject to a broader statutory obligation under the CAA Section 112(r)(1), the General Duty Clause (GDC), which applies to any stationary source facility producing, processing, handling, or storing regulated substances or other extremely hazardous substances at any quantity. Facilities subject to the GDC are responsible for:

- Knowing the hazards posed by the chemicals and assessing the impacts of possible releases,
- Designing and maintaining a safe facility to prevent accidental releases, and
- Minimizing the consequences of accidental releases that do occur.

How Does This Initiative Affect Federal Facilities?

This NECI is intended to ensure that all regulated entities, including federal facilities, comply with all CAA regulatory requirements, including the RMP and GDC requirements. If noncompliance is identified, EPA and other regulatory partners will use their enforcement authorities to return facilities to compliance.

Federal agencies must ensure that their facilities are in compliance with chemical accident prevention regulations to reduce risk to the public, including vulnerable and overburdened communities that are often located near federal facilities and installations. Federal agencies should utilize the full range of compliance assurance tools, including those listed below, and other available resources to ensure that proper safeguards are in place to prevent accidental chemical releases at their facilities.

EPA is highlighting this priority area for federal facilities so they may take the necessary steps to promptly address any noncompliance. Specifically, EPA recommends that federal facilities with water treatment systems, refrigeration systems, controlled temperature laboratories, animal and plant health inspection services, and other operations that involve the use, handling, or storage of extremely hazardous chemicals subject to the RMP and GDC requirements review their compliance obligations.

How do I Check the Compliance Status of Facilities Affected by RMP & GDC Requirements?

Facilities are encouraged to assess their compliance status in the following way:

- Use EPA's Enforcement & Compliance History Online (ECHO) tool to access your detailed facility report. EPA recommends that federal facilities review their compliance status in EPA's ECHO database on a regular basis.

If your facility is identified in ECHO as being in noncompliance with its CAA requirements, EPA recommends you take prompt corrective actions to address this noncompliance. If you believe the noncompliance designation is a data error, EPA recommends that you use the "Report Data Error" function in ECHO to report the error or work with your delegated authority (either an authorized state or EPA) to resolve the issue.

EPA strongly recommends that federal partners **register for an ECHO Gov account** at <https://echo.epa.gov/> to have access to functions that are only available to ECHO Gov users. To register for an ECHO Gov account, you will need to validate your government email by following these steps:

- 1) From the ECHO main page click "Contact Us" in the upper right-hand corner.
- 2) Select the "Help" drop down menu.
- 3) Select "Get Access"
- 4) Click "Register and Log in to ECHO Gov"
- 5) Follow Registration steps. The registration form will ask users to provide an EPA point of contact. (See contact information below.)

Helpful Resources

FedCenter

FedCenter.gov is the federal government's home for comprehensive environmental stewardship and compliance assistance information for federal facility managers and their agencies. FedCenter can be found at: www.fedcenter.gov, and is a collaboration of the U.S. EPA, U.S. Corps of Engineers, and numerous other federal agencies.

- [Compliance – Clean Air Act](#)
- [Chemical Management](#)
- [Facility Regulatory Tour](#)
- [Information About Your Facility](#)

EPA Websites

For more information on a variety of CAA RMP and GDC requirements and resources, visit:

- [CARR NECl website](#)
- [CAA and Federal Facilities](#)
- [List of RMP Regulated Substances](#)
- [RMP Rule](#)
- [Guidance for Facilities on RMPs](#)
- [GDC under CAA Section 112\(r\)\(1\)](#)

If you have any questions please reach out to John Bobka (Bobka.John@epa.gov, 202-564-0253) or Chelsea Dixon (Dixon.Chelsea@epa.gov, 202-564-2592), at the U.S. EPA Federal Facilities Enforcement Office in the Office of Enforcement and Compliance Assurance.

Disclaimer

This Compliance Advisory addresses select provisions of EPA regulatory requirements using plain language. Nothing in this Compliance Advisory is meant to replace or revise any EPA regulatory provision, or any other part of the Code of Federal Regulations, the Federal Register, or the Clean Air Act.