

Olson, Jeryl

From: US EPA Superfund, TRI, EPCRA, RMP and Oil Information Center
[callcenter_oswer@lists.epa.gov]
Sent: Wednesday, December 07, 2011 2:30 PM
To: Olson, Jeryl
Subject: [callcenter_oswer] Website Availability of Non-OCA RMP Data

To interested parties -

As you know, EPA regulates certain hazardous chemical facilities under 40 CFR Part 68 - known as the EPA Chemical Accident Prevention or Risk Management Plan (RMP) program. EPA is aware that state and local communities are major stakeholders in the RMP program, and as such the Agency would like to alert you to a step we are taking to improve the efficiency of this program.

Current EPA plans call for the re-establishment of Internet access to the non Off-site Consequence Analysis (OCA) sections of the RMP database beginning in July of 2012.

Under the Risk Management Plan program, hazardous chemical facilities must submit RMPs to EPA. The Agency maintains a national electronic database of RMPs, and that database currently includes plans from approximately 13,000 active RMP facilities.

EPA identifies two categories of information contained within or derived from RMPs. These are:

- * Off-site Consequence Analysis (OCA) information, which includes the portions of RMPs that describe a regulated facility's worst-case release scenario(s) and alternative (more likely) release scenarios, and also includes any statewide or national facility rankings developed by EPA which is derived from this information
- * Non-OCA information, which includes the remaining portions of RMPs, including facility registration information, information about the history of serious accidental releases at the facility, information about the facility's accident prevention and emergency response programs, and an executive summary

Under the law, public access to OCA information is very limited. In August 1999, the President signed Public Law 106-40, the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act (CSISSFRRRA). Among other things, CSISSFRRRA responded to concerns over the sensitivity of OCA information by restricting public access to the information and requiring EPA and the Department of Justice (DOJ) to publish regulations establishing methods for public access to OCA information that would minimize the risk of its criminal use. CSISSFRRRA, and subsequent regulations enacting it (40 CFR Chapter IV), provide full OCA information access only to "covered persons" - including Federal, State, and local government officials, their agents or contractors, and other specified individuals with an official need for the information. CSISSFRRRA prohibits covered persons from disclosing to the public OCA information, including statewide or national rankings derived from OCA information, except in certain circumstances.

The law and its implementing regulations do allow members of the public limited access to OCA information in designated Federal reading rooms, which are usually located in EPA Regional Offices or Department of Justice offices in each state. Additionally, owners of covered facilities may make their facility's OCA information available to the public, but are not required to do so.

On the other hand, there are no legal restrictions on the distribution of non-OCA RMP information. In late 1999, shortly after the RMP regulation went into effect, EPA made non-OCA RMP information available to the public via the Agency's Internet website. However, after the terrorist attacks of September 11, 2001, EPA made a voluntary decision to remove all RMP data from the Agency website. Since that time, members of the public desiring access to current non-OCA RMP information from EPA must either visit a Federal reading room, or send a Freedom of Information Act (FOIA) request to the Agency. As an Agency, we have received repeated FOIA requests for access to the non-OCA portions of RMPs that we are compelled to grant. Thus, the failure to have the non-OCA portions of the RMP database accessible through EPA's website has led to bureaucratic burden on the requesters

and the Agency without any significant additional protection of the information.

EPA is now planning to once again make the non-OCA portion of the RMP national database available to the general public via the Agency's website. The Agency believes that restoring public access to this information may be very useful to members of the public and most significantly, will ease access to essential information for critically important public sector EPA partners such as police, fire fighters, medical emergency responders, emergency management planners, State Emergency Response Commissions (SERCs), and Local Emergency Planning Commissions (LEPCs).

For example, we believe that access to non-OCA RMP data via the EPA website will be useful to the FBI as it seeks to maximize the effects of outreach programs and to successfully engage potential partners in the national effort to combat terrorism; to DHS Chemical Security planners seeking to evaluate the scope and penetration of their programs, both voluntary and regulatory; to agencies evaluating risk analytic processes, critical infrastructure: in short, myriad partners in the national preparedness effort. In such cases, the streamlined access afforded by a public access website should prove to be a major step forward in efficiency. We are especially confident that a simple access system will be very effective in restoring access to this type of information to our non-federal preparedness and response partners.

Please Note - Access to OCA information will continue to be restricted in accordance with CSISSFERRA and 40 CFR Chapter IV.

Current EPA plans call for Internet access to the non-OCA sections of the RMP database to be activated in July 2012. Prior to that time, we would like to obtain feedback from our stakeholders and address any questions or concerns that you may have. If you have any questions concerning EPA's decision or plans to make RMP non-OCA information available via the Internet, or would like more information, please contact EPA's Office of Emergency Management, at 202-564-8600 or by email at stanton.larry@epa.gov, or to our Deputy Director, Dana Tulis, at dana.tulis@epa.gov

Thank you.

Lawrence M. Stanton, Director
Office of Emergency Management
Office of Solid Waste and Emergency Response
US Environmental Protection Agency