

**STATEMENT SUPPORTING THE
INFORMATION REQUEST FOR THE ACCIDENTAL RELEASE PREVENTION
REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT;
SAFER COMMUNITIES BY CHEMICAL ACCIDENT PREVENTION**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection Request

Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention, EPA ICR No. 2725.01, OMB Control No. 2050-NEW.

1(b) Short Characterization

This information collection request (ICR) accounts for requirements in the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention proposed rule. The proposed revisions seek to improve chemical process safety, assist in planning, preparedness, and responding to RMP accidents, and improve public awareness of chemical hazards at regulated sources. To accomplish this, these proposed provisions include several changes to the accident prevention program requirements, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions or points of clarification.

This ICR estimates burden for existing and new sources that are required to comply with the proposed RMP revisions.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Risk Management Plans

The proposed changes to the current RMP rule would improve safety at facilities that use and distribute hazardous chemicals. EPA believes that the RMP regulations have been effective in preventing and mitigating chemical accidents in the United States and that the proposed revisions, by giving special consideration to concerns about climate change and environmental justice and building on lessons learned from the current regulatory program, could further protect human health and the environment from chemical hazards through advancement of process safety. These revisions are informed by EPA's review of the current RMP rule and information EPA gathered from public listening sessions held in June and July 2021.

The statutory authority for this action is provided by section 112(r) of the Clean Air Act (CAA) as amended (42 U.S.C. § 7412(r)). Each modification of the RMP rule that EPA proposes in this document is based on EPA's rulemaking authority under CAA section 112(r)(7) (42 U.S.C. § 7412(r)(7)). When promulgating rules under CAA section 112(r)(7)(A) and (B), EPA must follow the procedures for rulemaking set out in CAA section 307(d) (see CAA sections 112(r)(7)(E) and 307(d)(1)(C)). Among other things, CAA section 307(d) sets out requirements for the content of proposed and final rules, the docket for each rulemaking, opportunities for oral testimony on proposed rulemakings, the length of time for comments, and judicial review. The agencies implementing the Risk Management Program rule use RMPs to evaluate compliance with the Chemical Accident Prevention Provisions in 40 CFR part 68 and to identify sources for inspection that may pose significant risks to the community. Citizens may use the

information to assess and address chemical hazards in their communities and to respond appropriately in the event of a release of a regulated substance.

2(b) Use/Users of the Data

Risk Management Plans

The information collected in the risk management plans (RMPs) is critical for assisting government agencies in assessing the quality and thoroughness of a source's hazard assessment, prevention program, and emergency response program. The information also is used by State and local emergency planners to prepare or modify community response plans, identify hazards to the community and provide a basis for working with sources to prevent accidents. The public uses the information to understand the risks posed by accidental releases and to respond to warnings and advice should a release occur.

Risk Management Programs

Documentation of the implementation of risk management programs is necessary to assist government agencies in determining whether a source has complied with the regulations. In some cases (e.g., safety information and operating procedures), the documentation is a critical requirement of the rule and provides the basis for other rule elements. The documentation also is important to provide a basis for the facility's ability to ensure implementation (e.g., training and maintenance records), to audit compliance, and to review past activities. Furthermore, records of past analyses can limit the burden of updates by reducing the need to repeat analyses for elements that are unchanged since the previous review.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

In the United States, the Emergency Planning and Community Right to Know Act (EPCRA) was enacted in 1986 to promote community emergency planning and preparedness and provide local responders and the public with information about the chemical hazards in their community (42 U.S.C. 11002 et seq.). In 1990, sections 112(r) and 304 of the CAA were enacted to help prevent severe chemical facility accidents. Section 304 required the Occupational Safety & Health Administration (OSHA) to publish a chemical process safety standard (Process Safety Management, or PSM standard) to prevent accidental releases of chemicals that could pose a threat to employees. Section 112(r) required the Environmental Protection Agency (EPA) to publish Accidental Release Prevention Program regulations to prevent chemical releases or minimize their consequences if they occur. CAA section 112(r) requires the owner or operator of an affected facility to develop and file a Risk Management Plan with EPA, the U.S. Chemical Safety Board (CSB) (also established under the section), the State, and local response agencies. OSHA adopted its PSM standard (codified at 29 CFR 1910.119) in 1992 (57 FR 6403, Feb. 24, 1992). However, not all the information in the RMP registration section, and almost none of the information in the prevention program and hazard assessment sections of the RMP, is submitted to EPA under other regulations. The EPCRA section 312 Tier II forms, which also include some information similar to that in the RMP registration form, are submitted only to States and local planning authorities, not to EPA.

3(b) Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency will

notify the public of the proposed ICR through publication of a Federal Register notice. EPA will address any comments it receives in response to the Federal Register notice.

3(c) Consultations

Under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of the ICRs before submitting an original or renewal ICR to OMB for review and approval. EPA held virtual public listening sessions on June 16 and July 8, 2021, and had an open docket for public comment (86 FR 28828; May 28, 2021). In the request for public comment, the Agency asked for information on the adequacy of revisions to the RMP regulations completed since 2017, incorporating consideration of climate change risks and impacts into the regulations and expanding the application of environmental justice. EPA received a total of 27,828 public comments in response to the request for comments. This includes 27,720 received at regulations.gov, 35 provided during the listening session on June 16, 2021, and 73 provided during the listening session on July 8, 2021. Most of the comments received in the docket were copies of form letters related to four different form letter campaigns. The remaining comments included 302 submissions containing unique content. Of the 302 unique submissions, a total of 163 were deemed to be substantive (*i.e.*, the commenters presented both a position and a reasoned argument in support of the position). Information collected through these comments has informed this proposed information collection.

3(d) Effects of Less Frequent Collection

Sources are required to comply with RMP requirements, included those proposed herein if ultimately promulgated. Less frequent collection than that specified in the rule may result in outdated emergency response contact information, personnel unacquainted with emergency response requirements, and poor response capability at the time of an accidental release.

3(e) General Guidelines

CAA section 112(r)(7)(B)(iii) requires that sources update their RMPs periodically. To maintain consistency with OSHA PSM requirements, EPA's implementing rule requires sources to update process hazard analyses (PHAs) and hazard assessments every five years. Thus, sources are required to maintain such documentation for five years (and in the case of the PHA, for the life of the covered process), which is greater than the three years specified in OMB's general guidelines.

3(f) Confidentiality and Sensitive Questions

(i) Confidentiality

Certain elements mandated in the regulation for the RMP may require the submittal of data viewed as proprietary, trade secret, or confidential (e.g., confidential business information, or CBI). EPA has adopted procedures for sources to claim certain information as CBI.

(ii) Sensitive Questions

No questions of a sensitive nature are included in any of the information collection requirements covered in this ICR. The information collection requested complies with the Privacy Act of 1974 and OMB Circular A-108.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents

The total number of respondents for this ICR renewal period is 14,226 (i.e., 11,740 sources + 13 State/local agencies + 2,473 Local Emergency Planning Committees (LEPCs)). A more detailed discussion of the respondent universe for this ICR period is provided in section 6(d).

4(b) Information Requested

Data requirements and respondent activities vary by program level. Program 1 requires the smallest amount of data and respondent time, while Program 3 requires the most. Sources with Program 3 processes are those that do not meet Program 1 but are subject to OSHA's PSM Standard, or those in any of the ten North American Industry Classification System (NAICS) codes listed in 40 CFR 68.10(d)(1). Program 2 processes are those that do not meet Program 1 or 3 eligibility requirements.

(i) Data Items

New Prevention Program Provisions

Safer Technology and Alternatives Analysis (STAA)

Under the proposed rule, facilities with Program 3 processes in NAICS code 324 and 325, located within one mile of another facility with a process in NAICS code 324 or 325, would be required to conduct a STAA. Because EPA is proposing to require STAA only in industries with the most frequent and severe documented and continuing accidents, EPA expects the total burden of the STAA provision to be lower than the total burden that would have been imposed by the 2017 amendments rule's proposed STAA provision, which applied more broadly.

Backup Power for Perimeter Monitors

The proposed rule would require perimeter monitoring equipment associated with prevention and detection of RMP-regulated substances to have standby or backup power. Currently, many facilities voluntarily have backup power installed for perimeter monitors. This proposed provision would require backup power where perimeter monitors are already in place.

Emergency Response Activities

Community Notification of RMP Accidents

The proposed rule would require all facilities with Program 2 or 3 processes to provide accidental release notification and data to local responders and ensure that a community notification system is in place. EPA assumes all facilities with Program 2 or 3 processes will have to take some additional steps to coordinate with local responders to ensure a process is in place to transfer accidental release notification and data to local responders and ensure the ability to use a community notification system.

Information Availability

Information Availability

The proposed rule would require all facilities to disclose certain chemical hazard information to the public residing within 6 miles of the facility in the language requested by the requester. These are new information availability requirements, not currently required. The facility or its parent company, if applicable, also would have to provide ongoing notification that the information is available upon request for those members of the public. This could include a company website stating that information is

available, providing notification at public libraries, in local papers, or via other means appropriate for particular communities and facilities.

The information to be disclosed includes:

1. Names of regulated substances at the facility
2. Safety Data Sheets (SDS)
3. Accident history information
4. Emergency response program information
5. LEPC or local response agency contact information.

(ii) Respondent Activities

Rule Familiarization

RMP facility staff will spend time to review the final rule and determine which provisions apply to their facility. Most of the proposed provisions revise current requirements rather than introducing completely new provisions. Many of the provisions are straightforward, e.g., those regarding Information Availability. Others apply only after an RMP-reportable accident, e.g., root cause analysis. Still others, such as the STAA, are expected to take time to understand -- however they apply to a limited number of facilities.

Prevention Program Provisions

Safer Technology and Alternatives Analysis (STAA)

Facilities with Program 3 processes in NAICS code 324 and 325, located within one mile of another facility with a process in NAICS code 324 or 325, would be required to conduct a STAA. All facilities in NAICS 324 using hydrofluoric acid (HF) in an alkylation unit, regardless of proximity to another NAICS 324- or 325-regulated facility, would also be required to conduct a STAA. The STAA requirement includes two parts: the initial analysis to identify alternatives, and a practicability study to determine the costs and assess the reasonableness of implementing technology alternatives.

Root Cause Analysis

Facilities in Programs 2 and 3 that have had an RMP-reportable accident determine the underlying causes as part of their incident investigation. A root cause analysis is a structured process led by a person trained in the methodology. The time required may vary considerably based on the complexity of the processes involved.

Third-party Audits

The current rule requires Program 2 and Program 3 facilities to conduct a compliance audit at least once every three years. The proposed rule would require Program 2 and Program 3 facilities that have had two RMP-reportable accidents within the past five years, or facilities with a Program 3 process in NAICS codes 324 or 325 within one mile of another facility with a process in NAICS codes 324 or 325, to contract with an independent third-party to conduct the next required audit.

Employee Participation Plan

The proposed rule would require that the employee participation plan include and ensure effective methods are in place so that employees and their representatives have authority to refuse to perform a task when doing so could reasonably result in a catastrophic release and to recommend to the operator in charge of a unit that an operation or process be partially or completely shut down based on the potential for a catastrophic release.

Emergency Backup Power for Perimeter Monitors

EPA is proposing to require perimeter monitoring equipment associated with prevention and detection of accidental releases from RMP-regulated processes to have standby or backup power to ensure compliance with the intent of the rule. Facilities with perimeter monitoring equipment that do not have backup power would need to acquire backup power. Many continuous emissions monitoring systems have low power requirements. EPA assumes that affected facilities will implement backup power using a small generator at a total cost of \$1,000 for their monitoring equipment.

The burden estimates are presented in section 6(a) of this ICR.

Emergency Response Activities

Community Notification of RMP Accidents

The proposed rule would require all facilities with Program 2 or 3 processes to provide accidental release notification and data to local responders and ensure that a community notification system is in place. EPA assumes all facilities with Program 2 or 3 processes will have to take some additional steps to coordinate with local responders to ensure a process is in place to transfer accidental release notification and data to local responders and ensure the ability to use a community notification system. The burden estimates for community notification of RMP accidents are presented in section 6(a) of this ICR.

Information Availability

The proposed rule would require facilities to make certain information available upon request to community members living within 6 miles of a facility either through file sharing, providing information at a public library or other public offices, or providing it via e-mail or on the facility's website. The burden estimates for information availability are presented in section 6(a) of this ICR.

5. THE INFORMATION COLLECTED — AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Federal, State, and Local Government Activities

Burden to State and Local Agencies and Others

The proposed rule would affect State and local government entities including entities that own RMP facilities, 2,473 LEPCs, and 13 States with delegated implementing agencies. The proposed rule would impose both direct and indirect costs. Direct costs are associated with activities required by RMP facilities owned by government entities. Indirect costs are associated with (1) RMP facilities owned by government entities, LEPCs, and State implementing agencies reviewing the proposed rule and (2) LEPCs coordinating with facilities regarding community notifications.

Burden to the Federal Government

There is no expected additional burden to the Federal government.

5(b) Collection Methodology and Management

The information required by STAA will be collected in a STAA clearinghouse.

5(c) Small Entity Flexibility

For most small entities, EPA is not proposing additional regulatory requirements beyond what already exist in the RMP regulations. EPA is proposing adding regulatory text to emphasize that natural hazards and loss of power are among the hazards that must be addressed in hazard reviews and PHAs.

5(d) Collection Schedule

For STAA, by 3 years after the effective date of the final rule, the owner or operator of a source with a regulated RMP process involving HF alkylation, or a source with a process in NAICS code 324 or 325, located within 1 mile of another NAICS code 324 or 325 RMP facility process, must have completed or updated their PHA to include a STAA.

For incident investigation root cause analysis, the owner or operator of a source that experiences any RMP-reportable accident more than 3 years after the effective date of the rule must conduct a root cause analysis for their incident investigation of the accident.

For third-party compliance audits, the owner or operator of a source where a second RMP-reportable accident occurs within 5 years—or of a source where one reportable accident in an RMP-regulated process in NAICS code 324 or 325, located within 1 mile of another source's RMP-regulated NAICS code 324 or 325 process, occurs after 3 years of the effective date of the final rule—must obtain a third-party audit for their next required compliance audit.

For employee participation, by 3 years after the effective date of the final rule, the owner or operator of a source must have updated or developed—and begun implementing—an employee participation plan that addresses employee consultation when resolving PHA, compliance audit, and incident investigation recommendations and decisions; stop work authorities; and RMP accident and non-compliance reporting.

For emergency response, by 3 years after the effective date of the final rule, the owner or operator of a non-responding source must have onsite documentation of emergency response public notification procedures. Also, by 3 years after the effective date of the final rule, owners or operators of non-responding and responding sources must have the means to ensure that a community notification system is in place to warn the public of releases. In addition, for any RMP-reportable accident occurring more than 3 years after the effective date of the final rule, sources must provide appropriate and timely data and information to local responders detailing their current understanding and best estimates of the nature of the release. Finally, by 3 years after the effective date of the rule, emergency exercise evaluation reports must include documentation of specific exercise elements.

For information availability, this means that by 3 years after the effective date of the final rule, the owner or operator must make the required chemical hazard information available to the public upon request and provide notification to the public that the information is available.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Respondent Burden

This section of the document presents the respondent burden for each of the information collection activities covered in the ICR. The source-level (unit) burden applied to various types of sources and sectors is based on the size of the source and on the number and complexity of the processes at the sources in each sector.

Familiarization with the Regulations

EPA has adopted a methodology that assigns labor estimates based on facility types to reflect that certain facilities will have to dedicate more time to familiarize themselves with rule provisions that apply only to them. EPA projects that the time facilities spend to review the final rule and determine which provisions apply will be consistent with the time they spent to review the 2017 amendments rule because the number and content of provisions are similar. EPA projects that all facilities with simple processes would need four hours to review the rule as would the few complex facilities in Program 1 and Program 2. Complex facilities in Program 3 are projected to spend 292 hours reviewing the rule. LEPC's are projected to spend five hours reviewing the rule. Delegated State and local implementing agencies are projected to spend four hours reviewing the rule.

Prevention Program Rule Provisions

Safer Technology Alternatives Analysis (STAA)

An initial analysis and documentation is required of all facility processes. EPA believes that some facilities may already have conducted such analyses but has taken the conservative approach of assuming that all facilities subject to the STAA provision will conduct them for all processes as a result of the proposed rule. Following the initial analysis, EPA is proposing that a practicability assessment be conducted if the initial analysis determines the existence of inherently safer alternatives. EPA expects a practicability assessment to occur only when warranted by the outcome of an initial analysis. EPA also anticipates that some facilities will conduct practicability studies to address alternatives considered in multiple initial analyses. Consequently, some complex firms are assumed to conduct practicability studies that address up to 12 different alternatives. EPA is retaining the estimates of the hours required to conduct an initial analysis from the 2017 amendments rule RIA and updating the costs to 2020 dollars. For large complex facilities, EPA estimates that a total of 738 engineering hours will be required,¹ for Small/Medium facilities, a total of 130 hours will be required (20 hours of management, 0.5 hours of corporate management, 3.5 hours of attorney time, 82.5 hours of engineering, and 23.5 hours of production staff support).²

The technical practicability assessment considers the extent of process redesign, its engineering implications, and possible costs. To estimate the cost of the practicability study, referred to in some literature and comments as a feasibility study, EPA maintains the approach developed for the amendments rule RIA. That approach is to identify "reference" STAA projects for the sectors affected by the provision, estimate costs of the reference projects, and apply a percentage to the project cost to calculate the practicability study cost. EPA adopts the same 1.2 percent of project costs that was estimated for the amendments rule RIA.³ EPA then applies the 1.2 percentage estimate to project costs to

¹ Labor hours taken from average unit cost estimate submitted by Public Comment EPA-HQ-OEM-2015-0725-0579 provided by AFPM. EPA derived labor hours from the unit cost estimate provided by the commenter using standard wage rates.

² Labor hours taken from the midpoint of the high and low labor hour estimates submitted by Public Comment EPA-HQ-OEM-2015-0725-0594 made by CSAG. EPA used the midpoint of the commenter's high and low labor hour estimates to represent the labor burden of small/medium complex facilities.

³ For a detailed explanation of how the estimate was developed, see Appendix D in the amendments rule final RIA: US EPA. Regulatory Impact Analysis. Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7). Dec 16, 2016. (EPA-HQ-OEM-2015-0725-0734).

estimate the practicability study cost (see the Regulatory Impact Analysis for the proposed rule for additional detail; Section 4.4).

Exhibit 1 displays the hours and costs assumed for each task by labor category and type of facility, and the resulting per facility cost estimates.

Exhibit 1: Hourly Labor and Unit Costs for STAA (2020 dollars).

Sector	Labor Hours					Facility Cost
	Manager	Corporate Mgmt.	Attorneys	Engineers	Production	
Initial Analysis						
Refineries	0	0	0	738	0	\$74,000
Chemical Manufacturers	20	0.5	3.5	82.5	23.5	\$13,000
Sector			Facility Cost			
Practicability Analysis						
Refineries			\$2.5 million			
Chemical Manufacturers			\$30,000			

Root Cause Analysis

Facilities in Programs 2 and 3 that have had an RMP-reportable accident would be required to determine the underlying causes as part of their incident investigation. A root cause analysis is a structured process led by a person trained in the methodology. The time required may vary considerably based on the complexity of the processes involved.

In the baseline, facilities are already required to conduct incident investigations. Management time is expected to be devoted primarily to decisions concerning resolution of corrective actions arising from the investigation. EPA assumes that these activities would require roughly the same amount of time whether corrective actions relate to root causes or other contributing causes. For simple facilities, EPA assumed that labor for root cause analyses would require management time and additional time evenly distributed between production staff and engineers. For complex facilities, in addition to facility management, EPA estimated that due to the facility's size and complexity, attorney hours would be required, along with the acknowledgment of corporate management, requiring 0.5 hours of corporate manager time. EPA also estimated that multiple hours of engineering and production staff would be required to conduct the analysis.

Complex facilities are estimated to require 132.5 total hours (68 hours of management, 0.5 hours of corporate management, 6 hours of attorneys, 30 hours of engineers, and 28 hours of production staff) for a root cause analysis and simple facilities are estimated to require 14 total hours (6 hours of management, 4 hours of engineering, and 4 hours of production). These hour estimates apply to root cause analyses of RMP-reportable accidents and reflect the additional time required for root cause analyses over and above incident investigation.

Third-party Audits

The current rule requires Program 2 and Program 3 facilities to conduct a compliance audit at least once every three years. The proposed rule would require Program 2 and Program 3 facilities that have had two RMP-reportable accidents within the past five years, or facilities with a Program 3 process in NAICS codes 324 or 325 that have had one accident and are located within one mile of another facility with a process in NAICS codes 324 or 325, to contract with an independent third-party to conduct the next required audit. The amendments rule RIA estimated the cost of hiring a third-party to conduct an audit. The audit required under this proposed rule would have the same estimated cost, so the estimated costs in the ICR are based on the unit costs and labor hours estimated under the amendments rule, updated to 2020 dollars (see Exhibit 2).⁴

Exhibit 2: Hourly Labor and Unit Costs for Hiring Third-party Auditors (2020 dollars).

Facility Type	Total Hours for Contracting Process			Facility Labor Cost	Auditor Fee	Total Facility Cost
	Mgm't	Attorneys	Engineers			
Simple w/ 0-19 FTEs	64	8	0	\$7,653	\$32,602	\$40,255
Simple w/ 20-99 FTEs	88	8	36	\$12,622	\$32,602	\$45,224
Simple w/ 100+ FTEs	60	8	112	\$15,004	\$32,602	\$47,606
Complex w/ 0-19 FTEs	64	8	0	\$9,943	\$86,939	\$96,882
Complex w/ 20-99 FTEs	88	8	36	\$16,814	\$86,939	\$103,753
Complex w/ 100+ FTEs	60	8	112	\$20,648	\$86,939	\$107,587
Small Government	60	0	50	\$9,649	\$32,602	\$42,252
Large Government	120	0	78	\$24,109	\$86,939	\$111,048

Employee Participation Plan

Facilities with Program 2 processes currently are not required to have an employee participation plan. Therefore, they would need to develop an employee participation plan. Training employees on the employee participation plan or the updated plan is assumed to be covered by ongoing training related to the prevention program. Therefore, EPA estimates the cost for Program 2 facilities to develop a new employee participation plan and Program 3 facilities to make minor adjustments to current employee participation plans.

EPA assumes that the development of an employee participation plan for a facility with Program 2 processes is a comparable burden to that for developing an employee participation plan for a facility with Program 3 processes. The 1996 RMP RIA did not include costs for employee participation plans for facilities with Program 3 processes, based on the assumption that those costs were already adequately accounted for under the OSHA PSM program. EPA therefore relied on the 1992 OSHA PSM RIA as the basis for the costs for employee participation plans for facilities with Program 2 processes. Facilities

⁴ BEA National Income and Product Accounts (NIPA) Table 1.1.9. Implicit Price Deflators for Gross Domestic Product. https://apps.bea.gov/iTable/iTable.cfm?reqid=19&step=3&isuri=1&nipa_table_list=13&categories=survey.

with Program 3 processes will need to update current employee participation plans. EPA assumes that this would be a minimal effort, and that regardless of facility complexity, 0.5 hours for an engineer and 0.5 hours for a production level staff would be required (see Exhibit 3 and Exhibit 4).

Exhibit 3: Hourly Labor and Unit Costs for Employee Participation Plan Development: Facilities with Program 2 Processes (2020 dollars).

Facility Type	Mgr.	Corp. Mgr.	Atty.	Eng.	Prod. Staff	Facility Cost
Simple (<20 FTE)	0	0	0	1	0.5	\$89
Simple (20+ FTE)	0	0	0	3	0.5	\$228
Complex (<20 FTE)	0	0	0	1	0.5	\$129
Complex (20+ FTE)	0	0	0	3	0.5	\$330

Exhibit 4: Hourly Labor and Unit Costs for Employee Participation Plan Update (2020 dollars).

Facility Type	Mgr.	Corp Mgr.	Atty.	Eng.	Prod. Staff	Facility Cost
Simple	0	0	0	0.5	0.5	\$55
Complex	0	0	0	0.5	0.5	\$79

Emergency Backup Power for Perimeter Monitors

EPA is proposing to require perimeter monitoring equipment associated with prevention and detection of accidental releases from RMP-regulated processes to have standby or backup power to ensure compliance with the intent of the rule. Facilities with perimeter monitoring equipment that do not have backup power would need to acquire backup power. Many continuous emissions monitoring systems have low power requirements. EPA assumes that affected facilities will implement backup power using a small generator at a total cost of \$1,000 for their monitoring equipment.

6(b) Estimating Respondent Costs (*Sources, Local Responders, and State Implementing Agencies*)

(i) Estimating Labor Costs

The Agency used the Bureau of Labor Statistics (BLS) May 2020 Occupational Employment and Wage Estimates⁵ to construct a weighted wage rate for different occupational categories. For all rule provisions, labor hours were assumed to be distributed across six general labor categories: Management, Corporate Management, Attorneys, Engineers, Production Staff, and Local Responders. The weighted wage rates for complex facilities (NAICS 324 and 325) were estimated separately from simple facilities because wages paid by these facilities are higher than in wholesale and government sectors, which dominate the simple facilities category. For each of the NAICS codes representing industries in the simple facilities category that are affected by the rule provisions (Food and Beverage, Agricultural Facilities, etc.), standardized BLS Occupation Titles were identified to correspond to the six general labor categories. BLS wages were then adjusted to account for fringe benefits and overhead. Fringe benefits includes payments to cover items such as paid leave, supplemental pay, insurance, and retirement. Overhead includes resources to cover items such as office space and administrative personnel issues. Applying the June 2020 national average benefit ratio of 0.46⁶ and an overhead cost ratio not inclusive of

⁵ See https://www.bls.gov/oes/2020/may/oes_nat.htm.

⁶ Bureau of Labor Statistics Employer Costs for Employee Compensation. For June 2020, Table 1 shows that for

benefits of 0.3, the Agency multiplied the wage rates for each BLS Occupation Title by a factor of 1.76 to create a fully loaded wage rate.⁷ After loaded wage rates were established for each industry, they were combined to form a weighted average based on the prominence of each industry within its universe of facilities, either simple or complex. Exhibit 5 presents the wage rates the Agency used in the analysis.

Exhibit 5: Weighted-Average Loaded Hourly Wage Rates (2020 Dollars)

Labor Category	Simple Facilities	Complex Facilities
Management	\$103.06	\$135.63
Corporate Management	\$105.24	\$134.46
Attorneys	\$132.14	\$157.85
Engineers	\$69.31	\$100.43
Production Staff	\$39.69	\$56.61
Local Responders	\$71.19	\$71.19

Sources: https://www.bls.gov/oes/2020/may/oes_nat.htm and <http://www.bls.gov/news.release/ecec.nr0.htm>.

(ii) Estimating Capital and Operations and Maintenance Costs

Capital Costs

The analysis includes the capital cost associated with acquiring a generator to provide backup power for perimeter monitoring. The costs of equipment purchased for facilities required to implement backup power are not amortized. Although individual equipment items are relatively low cost, some facilities may choose to finance equipment purchases to spread the costs over several years, while others may treat them as an operating expense and pay them in a single year. By not amortizing equipment costs in this analysis, EPA is making the conservative assumption that facilities will pay these initial costs in a single year (year 1), which EPA believes is likely given the assumption that the generator for backup power cost will cost \$1,000 and that each facility will purchase only one generator that will last for the entire 10-year period of analysis and beyond.

Operating & Maintenance (O&M) Costs

The analysis used an ongoing cost when costs for years 2 and 3 of the ICR period (and beyond) were different from the initial cost components. If costs for years 2 and 3 were the same as the initial year (with some variation based on the annual frequency), then multiplying the initial cost by the annual frequency accounted for any continuing costs.

6(c) Estimating Agency Burden and Cost

There are no expected additional burden estimates to the Federal government.

6(d) Estimating the Respondent Universe and Total Burden and Costs

In this section, EPA first describes the estimated respondent universe. EPA then estimates the annual burden to respondents under the information collection requirements covered in this ICR.

(i) Respondent Universe

civilian workers, on average for the nation, fringe benefits were 31.5% of total compensation, and 46.0% of wages.

⁷ For details explaining this approach, please see Handbook on Valuing Changes in Time Use Induced by Regulatory Requirements and Other EPA Actions, National Center for Environmental Economics, EPA-236-B-15-001 December 9, 2020.

Current RMP Facilities

Exhibit 6 presents the numbers of facilities according to RMP reporting as of December 31, 2020, by industrial sector and chemical use.

Exhibit 6: Number of Affected Facilities by Sector as of December 31, 2020

Sector	NAICS Codes	Number of facilities	Chemical Uses
Administration of environmental quality programs (i.e., governments, government owned water)	92, 2213 (Government-owned)	1,449	Use chlorine and other chemicals for water treatment
Agricultural chemical distributors/wholesalers	11, 424 (except 4246, 4247)	3,315	Store ammonia for sale; some in NAICS 111 and 115 use ammonia as a refrigerant
Chemical manufacturing	325	1,502	Manufacture, process, store
Chemical wholesalers	4246	317	Store for sale
Food and beverage manufacturing	311, 312	1,571	Use (mostly ammonia) as a refrigerant
Oil and gas extraction	211	719	Intermediate processing (mostly regulated flammable substances and flammable mixtures)
Other	21 (except 211), 23, 44, 45, 48, 491, 54, 55, 56, 61, 62, 71, 72, 81, 99	246	Use chemicals for wastewater treatment, refrigeration, store chemicals for sale
Other manufacturing	313, 314, 315, 326, 327, 33	375	Use various chemicals in manufacturing process, waste treatment
Other wholesale	421, 422, 423	39	Use (mostly ammonia) as a refrigerant
Paper manufacturing	321, 322	55	Use various chemicals in pulp and paper manufacturing
Petroleum and coal products manufacturing	324	156	Manufacture, process, store (mostly regulated flammable substances and flammable mixtures)
Petroleum wholesalers	4247	367	Store for sale (mostly regulated flammable substances and flammable mixtures)
Utilities/Water/Wastewater	221 (non-government-owned water)	519	Use chlorine (mostly for water treatment) and other chemicals
Warehousing and storage	493	1,110	Use (mostly ammonia) as a refrigerant
Total		11,740	

Implementing Agencies

EPA estimates that during the period covered by this ICR, 13 State and local agencies will maintain a delegation of authority from EPA to implement the RMP program in their States.

Local Emergency Planning Committees

During the period covered by this ICR, 2,473 LEPCs will participate in coordination activities and emergency exercises.

Summary

Based on the above information, the total number of respondents for this ICR period is 14,226 (i.e., 11,740 sources + 13 implementing agencies + 2,473 LEPCs).

(ii) Annual Respondent Burden and Costs

Familiarization with the Regulations

EPA analyzed the cost of rule familiarization, which, while not a provision of the proposed rule, is an activity that occurs under every rulemaking. See Exhibit 7.

Exhibit 7: Rule Familiarization (2020 dollars)

Facility Type	Unit Cost	Facilities	Total Cost (incurred in Year 1)
Simple	\$412	10,082	\$4,156,336
Program 1 and Program 2 Complex	\$543	131	\$71,070
Program 3 Complex	\$26,874	1,527	\$41,036,980
LEPCs	\$515	2,473	\$1,274,378
Delegated Implementing Agencies	\$412	13	\$5,359
Total		14,226	\$46,544,124

Prevention Program Rule Provisions

Safer Technology Alternatives Analysis (STAA)

EPA believes RMP facilities located in States with existing requirements similar to the proposed STAA requirement are likely already conducting activities that would satisfy EPA’s proposed requirement. EPA also believes this cost would be reduced over 10 years after the first five-year PHA cycle because after the initial PHA, EPA requires owner/operators to update and revalidate a PHA to ensure that the PHA is consistent with the current processes. This is a much less costly activity than conducting the initial PHA and STAA. In order to estimate costs conservatively, EPA estimates this cost as identical in both the first and second year cycles in the period of analysis. EPA is not proposing to require implementation of any particular alternative technologies identified in the STAA. Exhibit 8 presents the estimated costs for the provision.

Exhibit 8: Estimated Annualized Costs for STAA Provision (2020 dollars)

Facility Type	Annual Frequency	Unit Cost	Processes	Total Annualized Cost
Initial Phase Analysis				
Refineries	0.2	\$74,115	796	\$11,799,138
Chemical Manufacturers	0.2	\$12,881	826	\$2,127,881
Total			1,622	\$13,927,019
Practicability Analysis				
Refineries	0.2	\$2,549,389	67	\$35,072,025

Facility Type	Annual Frequency	Unit Cost	Processes	Total Annualized Cost
Chemical Manufacturers	0.2	\$29,994	470	\$2,819,429
Total			537	\$37,891,454
Grand Total				\$51,818,473

*Totals may not sum due to rounding.

Root Cause Analysis

The total costs of this provision are provided in Exhibit 9.

Exhibit 9: Total Undiscounted Costs for Root Cause Incident Investigation (2020 dollars)

Facility Type	Unit Cost	Avg. Annual Number of Accidents (2016-2020) per year	Total Annualized Cost
P2 Accident - Simple	\$2,141	12.8	\$27,406
P2 Accident - Complex	\$14,835	0.2	\$2,967
P3 Accident - Simple	\$2,141	40.2	\$86,073
P3 Accident - Complex	\$14,835	41.2	\$611,205
Total		94.4	\$727,651

Third-party Audits

The analysis projects that the annual number and distribution of accidents among types of facilities will remain the same and that in any one year, the number of facilities conducting a third-party audit will be equal to the number of active facilities with two or more accidents, or one accident at a facility with a NAICS 324 or 325 Program 3 process within 1 mile of another facility with a 324 or 325 process within a five-year period.⁸ That is, although the approximately 109 third-party audits for the Program 2 and Program 3 facilities that had two or more reportable accidents (and facilities with a Program 3 NAICS 324 or 325 process that had one reportable accident) from 2016 to 2020 may occur up to three years after the five-year period of releases, depending on when the previous audit occurred, the analysis projects over time that 109 facilities would conduct such an audit each year.⁹ The breakout for total costs is shown in Exhibit 10.

Exhibit 10: Total Annual Undiscounted Costs for Third-party Audits (2020 dollars)

Facility Type	Annual Frequency	Unit Cost	Facilities	Total Initial Cost
Simple w/ 0-19 FTEs	1	\$40,255	5	\$201,276
Simple w/ 20-99 FTEs	1	\$45,224	4	\$180,896
Simple w/ 100+ FTEs	1	\$47,606	11	\$523,668
Complex w/ 0-19 FTEs	1	\$96,882	3	\$290,646
Complex w/ 20-99 FTEs	1	\$103,753	13	\$1,348,783
Complex w/ 100+ FTEs	1	\$107,587	70	\$7,531,114
Small Government	1	\$42,252	2	\$84,503
Large Government	1	\$111,048	1	\$111,048
Total			109	\$10,271,934

Employee Participation Plan

The RMP rule currently requires only facilities with Program 3 processes to develop an employee participation plan. The proposed rule would require all facilities with a Program 2 process to newly

⁸ EPA recognizes that subsequent to the proposed rule being finalized, accident rates may change.

⁹ The number of audits may be overstated because some facilities will have the same set of reportable accidents in multiple five-year periods.

develop an employee participation plan, in addition to facilities with Program 3 processes. These newly developed employee participation plans, as well as all facilities with Program 3 processes which already have an employee participation plan, would need to include newly explicit language for reporting RMP-reportable accidents or other related RMP non-compliance issues. Exhibit 11 presents the costs for the provision.

Exhibit 11: Estimated Costs for Employee Participation Plan Provision (2020 dollars)

Facility Type	Annual Frequency	Unit Cost	Facilities	Total Cost
Program 2 requirement to develop new employee participation plan				
Simple 0-19 FTEs	1	\$89	3,415	\$304,476
Simple 20+ FTEs	1	\$228	496	\$112,982
Complex 0-19 FTEs	1	\$129	29	\$3,733
Complex 20+ FTEs	1	\$330	35	\$11,536
Total			3,975	\$432,726
Program 3 requirement to update current employee participation plan				
Simple	1	\$55	5,578	\$304,009
Complex	1	\$79	1,527	\$119,898
Total			7,105	\$423,906
Grand Total			11,080	\$856,633

*Totals may not sum due to rounding.

Emergency Backup Power for Perimeter Monitors

The proposed rule’s backup power provision would require facilities with processes that have perimeter monitors and have identified power loss as a major hazard to implement emergency backup power for their perimeter monitors. Among these facilities, those that have not yet implemented emergency backup power will incur a cost to purchase and install a backup generator for their perimeter monitors. EPA assumes the life of the backup generator to be longer than the 10-year time frame of analysis. EPA makes the conservative assumption that facilities will pay for the backup generator in a lump sum in year 1. Exhibit 12 presents the costs for the provision.

Exhibit 12: Total Undiscounted Costs for Backup Generator for Perimeter Monitors at Facilities with a Perimeter Monitor Process and Power Loss Hazard without Backup Power (2020 Dollars)

Facility Type	Unit Cost	Facilities	Total Cost (incurred in Year 1)
Total	\$1,000	392	\$392,000

Emergency Response

Community Notification of RMP Accidents

The RMP rule currently requires only responding Program 2 and 3 facilities to have procedures in place for informing the public and the appropriate Federal, State, and local emergency response agencies about accidental releases. The proposed rule would require both responding and non-responding Program 2 and 3 facilities to ensure a community notification system is in place. This analysis assumes that facilities are coordinating annually with LEPCs to ensure a community notification system is used to communicate information about RMP-reportable accidents. Exhibit 13 presents the cost for this provision.

Exhibit 13: Costs for Coordinating Community Notification (2020 dollars)

Facility Type	Annual Frequency	Unit Cost	Facilities	Total Cost
Facility Burden				
Simple P2/3	1	\$206	9,288	\$1,914,504

Facility Type	Annual Frequency	Unit Cost	Facilities	Total Cost
Complex P2/3	1	\$543	1,792	\$972,199
Total			11,080	\$2,886,703
LEPC Burden				
Simple P2/3	1	\$71	9,288	\$661,231
Complex P2/3	1	\$142	1,792	\$255,152
Total			11,080	\$916,383
Facility + LEPC BURDEN				
Grand Total				\$3,803,086

Information Availability to the Public

The RMP rule currently does not require facilities to conduct information availability activities. The proposed rule would require all facilities, including those with Program 1 processes, to make information related to RMP compliance available upon request in a manner that is easily accessible to community members living within 6 miles of the facility. The information would include the names and Safety Data Sheets of regulated substances used at the facility, the facility's accident history, emergency response program information, and LEPC contact information. The assumption is that each facility receives 1 request per year from a community member residing within 6 miles of the facility. The breakout of costs related to Information Availability is in Exhibit 14. EPA does not consider the costs to the public in requesting this information but expects these costs to be minimal.

Exhibit 14: Costs for Information Availability Information Sharing Provision (2020 dollars)

Facility Type	Annual Frequency	Unit Cost	Facilities	Total Annualized Cost
Simple	1	\$172	10,082	\$868,953
Small Complex	1	\$472	1,050	\$247,860
Large Complex	1	\$6,279	608	\$1,908,780
Total			11,740	\$3,025,593

6(e) Bottom Line Burden Hours and Costs

(i) Respondent Tally

Exhibit 15 presents the annual average and three-year total for respondent burden and cost.

Exhibit 15: Annual Average and Three-Year Total Burdens (2020 dollars)

Element	Annual Average	Three-year Total
Estimated Total Burden Hours	797,642	2,392,926
Estimated Hours per Source*	56	168
Average Hourly Rate	\$95.72	\$95.72
Estimated Total Cost	\$79,248,522	\$237,745,566
Labor Costs	\$76,352,215	\$229,056,645
Operations and Maintenance Costs	\$2,817,907	\$8,453,721
Capital Costs	\$78,400	\$235,200

* The number of sources is 14,226

Exhibit 16 summarizes the total cost associated with all the requirements covered in this ICR. As shown in the exhibit, EPA estimates the first year's cost of this ICR to be \$117.4 million and the following years, including years 2 and 3 of this ICR period, to be \$70.5 million each.

Exhibit 16: Summary of Estimated Undiscounted Yearly Costs (millions, 2020 dollars)

Cost Elements	Year 1 Costs Undiscounted	Years 2 and 3 Costs (per year) Undiscounted
Rule Familiarization	\$46.5	\$0
Safer Technology Alternatives Analysis	\$51.8	\$51.8
Root Cause Analysis	\$0.7	\$0.7
Third-party Audits	\$10.3	\$10.3
Employee Participation Plan	\$0.9	\$0.9
Backup Power for Perimeter Monitors	\$0.4	\$0
Community Notification System	\$3.8	\$3.8
Information Availability	\$3.1	\$3.1
Total Cost*	\$117.4	\$70.5

*Totals may not sum due to rounding.

(ii) Agency Tally

There are no expected additional burden estimates to the Federal government.

6(f) Reasons for Change in Burden

There is no change in burden as this information collection document incremental, new collection activities being proposed by the Agency.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 56 hours per response. The total annual public reporting burden for all sources is 797,642 hours (2,392,926 hours for three years).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OLEM-2022-0174, which is available for online viewing at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, or to OMB via email to oir_submission@omb.eop.gov. Address

comments to OMB Desk Officer for EPA.