

# Agenda

	<b>Topic Area</b>	<b>Recommended Action</b>
1	Root Cause Analysis (RCA)	Keep and Revise
2	Emergency Coordination	Keep and Revise
3	Emergency Drills/Exercises	Keep and Revise
4	Compliance Auditing	Remove and Replace with Guidance
5	Training	Remove amendments and Defer to OSHA
6	Safer Technology Alternatives Analysis (STAA)	Completely Rescind
7	Third-Party Audits (TPA)	Completely Rescind
8	Information Sharing (LEPC and Public)	Completely Rescind

# Topic Areas to Keep and Revise

## ● Root Cause Analysis (RCA)

- Component of robust RMP/PSM Management System
- Reference to “near-miss” is too vague and should be removed

## ● Emergency Coordination

- Industry/local government coordination is necessary, responsible and beneficial
- LEPCs best suited to articulate needs and were not well vetted during initial rulemaking. During reconsideration LEPCs and other local responders should be asked to comment more on appropriate levels of coordination

## ● Emergency Drills/Exercises

- Preparation through differing levels of drills/exercises with industry/local responders is necessary, responsible and beneficial
- Final rule requirements should be streamlined to allow for flexibility.
- As with emergency coordination, the impact on local (external) resources was not well vetted and those stakeholders should be asked to comment on their constraints

# Compliance Auditing

## ● Concerns with “each covered process” requirement

- Not a clarification - dramatically expands scope of audit requirement
- Inconsistent with OSHA & CCPS guidance of auditing a representative sample of covered processes
- Misplaces focus on “each covered process” rather than testing the effectiveness of the “management system” that governs all processes
- Discourage “deep dives” because resource will need to be reallocated

## ● Costs and time constraints are prohibitive for a robust audit of “all covered processes”

## ● Third-party audit requirements not justified and will not make refineries safer

- Accidental Release Trigger
  - “Accidental release” elements not consistently defined across all covered processes
  - Assumes that accidental release indicates a systemic problem
  - Requiring audit within 12-months takes focus off “root cause” analysis of triggering incident
  - Most refineries could trigger this requirement nearly every year
- Auditor Independence Requirements
  - Overly restrictive and narrows the pool of available third-party auditors
  - Would disqualify current third-party auditors without justification
  - Will weaken third-party audits with auditors unfamiliar with operations/practices

# Training

- Rule Amendment significantly expands definition of individuals involved in “operating a process” to include non operators
- EPA preamble considerably expands operations training, and even directly conflicts with OSHA (e.g., maintenance technicians)
- Safety training requirements are best deferred to OSHA and should mirror OSHA requirements and interpretations

# Safer Technology and Alternatives Analysis (STAA)

- **STAA is not compatible with PHA process**
  - PHA teams not equipped to complete STAA and feasibility analyses
  - Existing PHA methods (e.g., HAZOP) ensure risk reduction without preference to a particular control measure
- **STAA is not appropriate for existing processes**
  - An STAA-like analysis is appropriate and is already a consideration for new units
- **Cost benefit analysis greatly underestimates costs without any demonstrated benefits**
  - Diverts money and resources from more beneficial risk reduction projects
  - Fails to consider feasibility analysis  $\approx$  2.5% of total project cost
  - Assuming one feasibility analysis per facility/year
    - Modest project (\$25MM) = \$0.625MM per PHA
    - Large unit replacement (\$500MM) = \$12.5MM per PHA