

Risk Management Program “Voluntary Protection Program”

Abstract

Create a voluntary compliance assurance and protection program at EPA that allows RMP-regulated entities to invite an EPA audit without fear of penalty.

Goals

1. Improve industry-agency relations
2. Avoid litigation
3. Provide certainty to participating companies
4. Encourage a more goal-oriented approach for industry rather than penalty-avoidance behavior
5. Shift EPA’s enforcement focus to “outliers” (bad actors)

Implementation Considerations

- Ensure the program does not conflict with OSHA VPP requirements for PSM-regulated facilities.
- Provide expedited path for PSM-regulated facilities already meeting OSHA VPP requirements.
- Ensure companies have ample opportunity to cure issues identified through the application process so they can participate. Ensure that companies accepted in the program cannot be easily kicked out of the program and assessed penalties for issues identified through periodic audits.
 - If the company does not meet the qualifications, they should have a reasonable period to take corrective actions and be accepted into the program.
 - If the company’s corrective actions do not suffice, EPA may deny their application. The company should then be able to apply again after one year.
 - **EPA may not assess monetary penalties for potential violations discovered through the voluntary inspections**
 - Willful conduct is excluded
- Provide special assistance for small businesses to apply and participate without hassle.
- Five to seven year reevaluation.
- Participating companies would be exempt from penalties for violations discovered during voluntary inspections, but will continue to be inspected, with penalties assessed, for violations found during inspections initiated through complaints and/or incidents.
- Provide for an EPA sponsored ‘consult’ program to provide guidance on developing and implementing compliant programs.