



## EPA Proposes Further Delay of Revised RMP Rule

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As we reported in the April issue of *Environmental Notes*, the Trump administration issued a final rule on March 16, 2017 that delayed the effective date of regulations making significant changes to requirements applicable to Risk Management Plans (RMP) under §112(r) of the Clean Air Act (CAA). These changes were made in the waning days of the Obama administration, and were strongly opposed by many in industry. The effective date of the rule was delayed to June 19, 2017.

The Administration's action was spurred in part by a February 28, 2017 petition to reconsider the rulemaking filed by an industry group identified as the "RMP Coalition." EPA may grant the petition "if in [EPA's] judgment the petitioner raises an objection... impractical to raise during the comment period..." On April 3, 2017, EPA issued a proposed rule to delay implementation of the rule even further – to February 19, 2019 – "to allow the Agency time to consider petitions for reconsideration...and take further regulatory action, which could include proposing and finalizing a rule to revise the Risk Management Plan amendments." In addition, EPA held a public hearing on April 19, 2017 to accept comment on how it should proceed.

EPA's actions send a clear message that the revised RMP regulations are unlikely ever to become effective in their current form. We'll keep you apprised of developments.

**82 Fed. Reg. 16146 (April 3, 2017); 82 Fed. Reg.13968. (March 16, 2017).**

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