EPA to Rewrite Risk Management Plan Regulations

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The Environmental Protection Agency (EPA) has announced plans to reconsider the Biden-era Clean Air Act Risk Management Plan (RMP) final rules. These rules, which took effect in May 2024, were the last in a long line of rulemakings aimed at updating the RMP process that started in the Obama administration. The Biden-era RMP rules required covered facilities to adopt new accident prevention and emergency preparedness measures, conduct a "safer technologies and alternatives analysis" (STAA), conduct third-party audits after incidents and provide greater transparency to local communities and emergency responders.

On March 6, 2025, the EPA filed a motion with the Court of Appeals for the D.C. Circuit to hold the appeal of the Biden-era rule in abeyance, as the EPA begins a new notice-and-comment rulemaking to reassess the RMP rules. This request follows legal challenges from industry groups that argue the regulations impose excessive costs with limited safety benefits. While the EPA has not yet detailed the scope of the revisions, key elements of the current rule that could be reconsidered include STAA provisions, third-party audit requirements and availability of sensitive chemical information to surrounding communities.

The regulatory landscape remains uncertain. While some Biden-era requirements were being phased in over several years, the pending rewrite may pause or reverse compliance obligations. Industry groups, including the American Chemistry Council, have called for immediate relief, citing the need to balance safety with economic competitiveness.

We recommend that the facility monitor the evolving regulatory environment. Proactive risk management, regular safety audits and engagement with industry associations can help mitigate potential liabilities during this transition period.

If you have questions about how the EPA's actions may impact your operations, please contact a member of Haynes Boone's Environmental or Crisis Management Practices, or one of the attorneys listed below.

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