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EPA's Proposed RMP Rollback: What Facilities Need to Know

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Summary of the 2026 Proposed Rule

On February 24, 2026, the U.S. Environmental Protection Agency (EPA) published a proposed rule titled **Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention** (2026 Proposed Rule). 91 FR 8970. If adopted, the 2026 Proposed Rule would materially revise EPA's Risk Management Program (RMP) regulations, including a rollback of EPA's 2024 Safer Communities by Chemical Accident Prevention rule (2024 SCCAP). This proposed rollback comes less than two years after the 2024 SCCAP regulations were finalized, and before many of those requirements have gone into effect.

EPA explained that the changes proposed in the 2026 Proposed Rule are intended to “improve chemical process safety by avoiding duplicative requirements, realigning RMP requirements with Occupational Safety and Health Administration (OSHA) Process Safety Management (PSM) requirements, and eliminating unnecessary burdens placed on facilities where there is not specific data available to show that the current RMP standards would reduce or have reduced the number of accidental releases.”

The 2026 Proposed Rule is a critical development for entities subject to EPA's Risk Management Program and represents a significant departure from the 2024 SCCAP regulations and a return to many elements of the pre-2024 status quo.

Key Takeaways from the 2026 Proposed Rule

- **Rescission or Modification of 2024 SCCAP Regulations:** The 2026 Proposed Rule would rescind or scale back many of the new requirements under the 2024 SCCAP regulations, including requirements related to safer technology alternatives analysis (STAA), third-party audits, employee participation, public information availability, and more.
- **Alignment with OSHA PSM:** EPA explained that the 2026 Proposed Rule would bring EPA's RMP requirements into closer alignment with OSHA's Process Safety Management (PSM) standard, reducing regulatory divergence and confusion for regulated facilities.
- **Focus on Data-Driven Regulation:** EPA justified its proposals to eliminate or modify regulatory requirements by explaining that there

is insufficient data to demonstrate that the 2024 SCCAP regulations would reduce accidental releases or improve safety outcomes.

- **Reduction in Regulatory Burden:** The proposed changes are anticipated to result in significant cost savings for regulated entities, particularly by removing or scaling back duplicative or burdensome regulatory obligations.

Background: Why Is EPA Proposing These Changes?

After the SCCAP rule was finalized in 2024, the EPA explained that it received feedback from stakeholders and reviewed recent accident data, compliance trends, and the interplay between OSHA and EPA regulatory requirements. Based on that feedback, EPA concluded:

- Many of the new requirements in the 2024 rule (such as mandatory STAA for broad industry sectors and expanded third-party audit triggers) imposed substantial costs with limited evidence of accident reduction benefits.
- The number of RMP-reportable accidents has been declining over the past decade, even before the 2024 SCCAP rule's changes were implemented, suggesting that the existing regulatory framework was largely effective.
- Several SCCAP provisions created new “program levels” or requirements for only a subset of facilities, resulting in regulatory complexity and confusion.
- Stakeholders expressed concerns about duplicative requirements, lack of clarity, and the administrative burden associated with compliance, especially where EPA and OSHA requirements diverged.

Highlights of the Proposed Changes

Key changes in the 2026 Proposed Rule include:

- **Rescind STAA Implementation for Existing Facilities:** The 2024 SCCAP requirement for all Program 3 covered processes in certain sectors (NAICS 324/325—petroleum, coal, and chemical manufacturing) to conduct and implement STAA would be eliminated. The 2026 Proposed Rule would also eliminate the requirement for co-located or HF alkylation processes, or processes with a recent reportable incident, to conduct an inherently safer technology/inherently safer design analysis and to implement at least one passive measure resulting from each STAA practicability assessment. Instead, EPA proposes to require a STAA for new covered Program 3 processes, including consideration and documentation of (in order of preference) inherently safer technology/design, passive, active, and procedural measures, performed by a qualified team including at least one member who works in the process.
- **Limit Third-Party Audits:** EPA advances two alternative proposals regarding third-party audits. Under Proposal 1, the 2024 SCCAP third-party audit requirement would be rescinded. Under Proposal

2, third-party audits would be required only for facilities with two RMP-reportable accidents within five years. Proposal 2 would go into effect three years after publication of the final rule and would sunset after ten years.

- **Scale Back Information Availability Requirements:** The proposal would rescind the 2024 SCCAP requirements for facilities to provide chemical hazard information to the public on request. Instead, EPA proposes to retain and rely on EPA's RMP Public Data Tool, with searches limited to the county-level and with no mapping feature.
- **Limit Employee Participation Requirements:** The 2026 Proposed Rule would eliminate many of the employee participation requirements added in the 2024 SCCAP, including the requirement for covered processes to consult with employees on addressing findings from process hazard analyses, compliance audits, and incident investigations. EPA explained that this change was appropriate because employee participation requirements are more properly addressed by OSHA. The 2026 Proposed Rule retains the requirement for a written employee participation plan and annual notice of that plan.
- **Rescind Added Obligations Related to Consideration of Natural Hazards in Hazard Reviews:** The 2026 Proposed Rule would eliminate the definition of "natural hazard" in the 2024 SCCAP, including language specifically including climate change as a natural hazard. Instead, EPA proposes a return to the pre-2024 approach in which natural hazards were to be considered as a general matter.
- **Rescind Declined Recommendations Requirements:** Under the 2024 SCCAP, regulated facilities were required to document declined recommendations for natural hazards, power loss, siting, and recognized and generally accepted good engineering practices (RAGAGEP) evaluations. The 2026 Proposed Rule would eliminate those requirements.
- **Update Compliance Dates:** EPA proposes to keep certain SCCAP compliance dates (including the May 10, 2027 deadline for specified incident investigation, employee participation, and emergency response provisions) while setting new compliance dates for other elements based on the publication date of any final rule in this rulemaking.

What's Next and What Should Facilities Do?

- **Public Comment Period:** Comments must be received on or before April 10, 2026.
- **Stay Tuned for Final Rule:** The EPA will consider comments and may further revise the proposal before issuing a final rule.
- **Litigation May Follow:** Once a final rule is adopted, it is possible—if not likely—that litigation related to the final rule and EPA's reversal of the 2024 SCCAP will follow.
- **Review Your Compliance Strategy:** Facilities should review the

proposed changes carefully, assess potential impacts, and consider submitting comments. Many of the costly requirements from the 2024 SCCAP rule may be rescinded or modified, but some provisions may remain in effect or be replaced with new requirements.

Conclusion

The 2026 proposed changes to the RMP regulations reflect a major shift in EPA's approach, prioritizing alignment with OSHA, regulatory efficiency, and a focus on data-driven requirements. Facilities subject to RMP should closely monitor this rulemaking, participate in the comment process, and stay prepared for further changes as the regulatory landscape continues to evolve.

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