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From West, Texas, to Washington, DC: How a 2013 Explosion Still Shapes EPA's Risk Management Program

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On April 17, 2013, a fire broke out at the West Fertilizer Company storage and distribution facility in West, Texas, a small town just north of Waco. About 20 minutes later, while emergency services personnel were responding to the fire, an ammonium nitrate explosion occurred. The blast killed 15 people, including 12 first responders, injured over 160 people, damaged or destroyed more than 150 buildings in the surrounding area, and left behind a crater 93-feet wide and 12-feet deep.

For emergency responders and regulators, this tragedy revealed a harsh reality: Vital information about hazardous materials stored at industrial sites was not always reaching those who needed it. For federal policymakers, the incident triggered a regulatory chain reaction that is still ongoing more than a decade later.

The explosion not only devastated a Texas community, it initiated a reevaluation of the Environmental Protection Agency's Risk Management Program. This program, created by the 1990 Clean Air Act amendments, requires facilities that use, store or handle certain hazardous substances to create a plan addressing accident prevention, hazard assessments and emergency response procedures, with increasingly stringent requirements for higher-risk processes.

Where We Are Now: RMP in 2026

As of 2026, the RMP is entering its fourth major rulemaking cycle since the explosion in West, Texas. Every administration since Obama's

has amended the program, with Democratic administrations imposing more stringent requirements and Republican administrations dialing those requirements back. Very few EPA programs have undergone this level of regulatory turmoil in such a short time.

The current rule is the Biden administration's 2024 RMP overhaul, although many of its significant requirements do not go into effect until 2027. Meanwhile, the Trump administration published a new proposal in the Federal Register on Feb. 24 aiming to undo parts of the Biden rule before the requirements fully take effect.

For operators in the oil and gas, refining, power and chemical manufacturing sectors, the result is not only regulatory fatigue but real uncertainty about compliance moving forward.

Round One: The Obama Administration's Response

The regulatory response to the explosion began in August 2013 with President Obama's Executive Order 13650. This order instructed the EPA and OSHA to review chemical facility safety regulations, ultimately leading to the EPA's 2014 request for information on potential RMP revisions.

These efforts resulted in the January 2017 issuance of final amendments to the program. This "midnight" rule, finalized just days before the start of President Trump's first term, greatly expanded the prevention program requirements,

including:

- Mandatory root-cause incident investigations for RMP-reportable accidents,
- Third-party compliance audits triggered by a single qualifying incident, and
- Safer Technology and Alternatives Analysis requirements for certain Program Level 3 facilities

The rule also enhanced emergency response coordination and information sharing with first responders and the public. Industry challenged the rule and the incoming Trump administration undertook various efforts to delay the new requirements while the EPA developed new amendments to the program, seeking to undue many of the Obama administration's changes.

Round Two: Trump and the First Rollback

The first Trump administration sought to undo much of the 2017 rule, culminating with a 2019 final rule, which rescinded all three core prevention-focused changes: expanded incident investigations, third-party audits and STAA requirements.

However, it did not undue everything, leaving in place certain emergency preparedness requirements, including requirements related to coordination with local first responders and emergency exercises, although the compliance deadlines were pushed out several years. In addition, public information requirements were dialed back and protections for confidential business information were added.

The process was not entirely without challenges, however, as courts invalidated EPA's attempts to delay the compliance dates in the Obama amendments, resulting in a period of time where certain provisions of the 2017 rule became effective. The resulting confusion among even experienced compliance professionals forced EPA to issue

guidance detailing which requirements of the Obama amendments were effective based on their compliance dates, pending issuance of the 2019 amendments.

Round Three: The Biden Administration Goes Beyond Obama

In 2024, the Biden administration reversed course once more. Its final rule reinstated the Obama-era prevention requirements and introduced new requirements addressing risks from natural hazards and enhancing the public's access to information, consistent with the Biden administration's focus on climate change and environmental justice.

Among other changes, the 2024 rule expanded hazard analysis requirements, introduced new public data access tools and strengthened mandates for employee participation.

For many facilities, the practical effects were delayed, but the long-term planning burden remained.

Round Four: Trump Part Two and a "Common Sense" Course Correction

The Trump administration's 2026 proposed rule does not seek to erase the RMP framework. Instead, it focuses on what the EPA describes as overly burdensome or unsupported parts of the 2024 rule.

Key proposed changes include:

- STAA: Eliminated for existing processes but retained, with no mandatory implementation requirement, for newly designed facilities.
- Third-party audits: Two proposed options, including complete rescission or a narrower trigger requiring two RMP-reportable accidents within five years, with a 10-year sunset.
- RAGAGEP gap analysis: Rescinded, while keeping the need to maintain current process safety information.

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- Natural hazard analysis: Removed from required process hazard analyses.
- Public information: Retention of the RMP public data tool but with significantly limited search capabilities due to security concerns.

The proposal is presented as a sensible approach to chemical accident prevention. Whether courts will agree remains to be seen as legal challenges are almost certain regardless of how EPA finalizes the rule.

What Companies Should Be Doing Now

For regulated facilities, the February 2026 proposal does not eliminate short-term risk. It adds another layer of uncertainty.

Several practical takeaways stand out:

- Keep preparing for 2027 Biden-rule compliance dates. Those requirements remain active unless a final Trump rule is adopted and survives legal challenges.
- Do not assume rescinded provisions are permanently gone. Previous RMP revisions show that controversial requirements often reappear in narrower or modified forms.
- Maintain close alignment between RMP obligations and OSHA's Process Safety Management standard. The EPA's retrenchment does not limit independent OSHA enforcement.
- Treat documentation of hazard analyses, employee participation and emergency coordination as ongoing enforcement risk factors, regardless of how the rulemaking concludes.

Looking Ahead to 2027 and Beyond

The lesson from West, Texas, is not just that tragedies prompt regulation. It is that, once expanded, chemical safety

regulations are seldom dialed back in a straightforward or predictable manner.

The RMP rules have now been rewritten four times in just over a decade. Another rewrite is likely, no matter who is in the White House in 2029.

For regulated entities, the only stable strategy is to prepare for more volatility and focus on the basics: sound process safety programs, thorough documentation and proactive engagement with regulators and local responders.

The pendulum will swing again. The only uncertainty is how far it will go.

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