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**Contact:**

Rick Hind, Legislative Director with Greenpeace USA, (202) 413-8513, [rick.hind@greenpeace.org](mailto:rick.hind@greenpeace.org),  
Jerry Slominski, Federal Legislative Director with USPIRG, (202) 531-3313, [jslominski@pirg.org](mailto:jslominski@pirg.org),  
Eric Whalen, Communications Coordinator with Coming Clean, (971) 998-8786,  
[ericwhalen@comingcleaninc.org](mailto:ericwhalen@comingcleaninc.org)

## **40,000+ People Urge EPA To Take Chemical Disasters Seriously, Require Safer Alternatives To Save Lives**

### ***125 Groups Ask EPA To Warn Residents Living Next To Facilities At Risk Of Catastrophic Explosions Or Chemical Releases***

[Washington, D.C.] – Representatives of The Coalition to Prevent Chemical Disasters gathered outside the Environmental Protection Agency's (EPA) federal offices to present comments from over 125 organizations and 40,000 members of the public gathered over the preceding 60 day comment period. Responding to EPA's proposed "Modernization of the Accidental Release Prevention Regulations," people from across the nation, many living in the shadow of facilities in greatest need of increased safety measures, listed numerous shortcomings of the proposed rule.



"Since the April 17, 2013 West, Texas disaster that inspired this rule, there have been over 82 deaths and 1,600 injuries resulting from accidental chemical releases or explosions at facilities across the nation," said **Jerry Slominski, Federal Legislative Director with USPIRG**. He continued, "EPA has the opportunity to save lives and prevent these disasters right now by requiring safer technologies and processes wherever possible. Posterity will not look kindly on our failure to prevent chemical disasters if EPA doesn't strengthen its proposal."

In the wake of the fully preventable fertilizer explosion in West, TX, which killed 15 and injured over 200, President Obama issued Executive Order #13650 which directed EPA to modernize safety and security regulations for certain high risk chemical plants. However, EPA's proposed rule fails to require any facilities to adopt safer technologies, nor would these assessments be made available to the general public. Coalition representatives noted that the Clean Air Act states: "the Administrator shall promulgate reasonable regulations and appropriate guidance to provide the greatest extent practicable, for the prevention and detection of accidental releases..." By assessing safer technologies without requiring facilities to adopt available safer alternatives, EPA is practically ensuring our nation will suffer another major, preventable chemical disaster in the near future.

"A [recent national poll](#) found that a majority of likely voters support new federal requirements to use safer chemical processes to prevent future disasters," said **Rick Hind, Legislative Director with Greenpeace USA**. He continued, "Anything short of requiring the use of feasible alternatives would be

arbitrary and capricious, and would violate EPA's legal obligation to truly prevent chemical disasters. In addition, the proposed rule is unlawful, arbitrary, and capricious as it fails to require safer alternative assessments of 10,850 covered facilities, or about 88% of the facilities under consideration. Millions live, work, and go to school within the vulnerability zones of these facilities daily--and will receive zero consideration for inherently safer options under EPA's proposed rule."

Community members and chemical safety organizations were also concerned that the proposed rules allow these facilities to conceal the results of their assessments from the residents, schools, and hospitals nearby.

"If these rules are implemented without improvements, communities wouldn't be notified if any hazardous chemical facilities could be made safer," said **Jessica Hodge, Advocacy Communications Manager with Earthjustice**. She continued, "I think it's the responsibility of the owners of these facilities to prevent explosions or releases of dangerous gas. The proposed rule would leave communities to prepare for catastrophic disasters and sometimes suffer through these accidents even though many of these tragedies are preventable, and EPA won't require facilities to reveal the safer alternatives."

Some communities face more danger than others. A [recent report](#) by The Center for Effective Government found that across the nation, poor and people of color communities face disproportionate impacts from chemical facility disasters. Among other findings, the report determined that:

- People of color are almost twice as likely to live within a mile of Risk Management Program (RMP) facilities which are regulated by EPA's proposed rule.
- Low-income people are 1.5 times more likely to live near these facilities.
- Over 12,000 schools are located within a mile of a hazardous facility, putting 4.9 million students (one in ten) in danger. Children of color and those receiving free lunch are more likely to attend these schools.

"According to our recent demographic analysis, we learned people of color and the poor are disproportionately living fenceline to some of our nations most egregious operations," said **Michele Roberts, Co-Coordinator of the Environmental Justice Health Alliance**. She continued, "Our government must muster up the moral and political courage to assure that no community be permitted to live, learn, worship and be educated in the shadows of potential catastrophic harm. Unfortunately, their moral and political reality is the possibility of sheltering in place from potential explosions. This must cease to exist."

Other notable officials submitted comments in support of stronger chemical facility safety rules, including [a letter from former EPA Administrator Governor Christine Todd Whitman](#) and [two retired generals: Lieutenant General Russel L. Honoré and Major General Randy Manner](#). The United States Chemical Safety and Hazard Investigation Board (CSB) also submitted [comprehensive comments to EPA](#) asking for stronger rules to protect public safety. All of these parties urged EPA to require chemical facilities to implement inherently safer technologies (IST) where feasible, yet EPA appears to be ignoring these requests in it's proposed rule.

Community groups noted that instead of preventing loss of life, the proposed rule is largely focused on post-disaster measures such as accident investigations, emergency response, evacuations and shelter in place. Without more emphasis on prevention, many more response resources will be needed for the additional incidents and resulting deaths, injuries and property damage that will occur.

According to the EPA, in the past 10 years nearly 60 people died, some 17,000 people were injured or sought medical treatment, and almost 500,000 people were evacuated or sheltered-in-place as a result of accidental releases at chemical plants. During that time, more than 1,500 incidents were reported causing over \$2 billion in property damages.

"More than one hundred million Americans — across the country — live near factories, water treatment plants, and other industrial sites that make or use dangerous chemicals. These are high-risk zones. People are in danger of injury, illness, or even death in the case of leaks, spills, explosions, or sabotage at these facilities," said **Trisha Sheehan, Deputy Field Manager for Moms Clean Air Force**. She continued, "Unfortunately, the EPA's proposed rule fails to require a switch to safer chemicals and technology where they are available and affordable — which is placing millions of children at risk where they learn and play. We are urging EPA Administrator Gina McCarthy to protect families living near chemical facilities. Our kids and communities deserve to be safe from dangerous chemical plants which threaten our schools, homes, and communities."

Among the other ways the proposed rule fails to adequately protect the public:

- It fails to require chemical facilities to send their safer alternatives analysis (STAA) to the EPA or share with the public.
- It exempts 87 percent of the 12,543 (RMP) chemical facilities from requirements to conduct STAAs, including water treatment facilities, some of which put major cities at risk of a catastrophic release of chlorine gas.
- Although the proposed rule's projected annual cost would be a fraction of the average cost of damages wrought by chemical disasters, the rule fails to require facilities to assess the avoided costs and catastrophic liability facilities would benefit from by adopting safer chemical processes.
- It fails to establish a publicly accessible clearinghouse of safer available alternatives that could encourage and support the adoption of safer alternatives by more facilities.
- It suggests using a patch work of company web sites, libraries or government offices to disclose information on facility hazards to emergency planners and community residents, but fails to propose a one stop 24/7 access to the same information via an EPA web site.
- It fails to propose buffer zones around existing facilities or restrictions on the location of new facilities in populated areas.

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The Coalition to Prevent Chemical Disasters is composed of over 100 environmental justice, labor,

public health, national security, and environmental organizations. Find out more about the coalition here: <https://preventchemicaldisasters.org/>