

Protect First Responders and Communities

Oppose Reversal of RMP Rule to Prevent Chemical Disasters

On April 17, 2013, a fertilizer plant explosion in West, TX destroyed homes and a school, killing 15 people including first responders. In response, EPA developed modest but important amendments to the safety rule for facilities that use or store large amounts of very dangerous chemicals that will help protect first responders and communities.

What's at Stake?

The Environmental Protection Agency's (EPA) Risk Management Program (RMP) covers 12,500 commercial and industrial facilities that use or store large amounts of specific highly toxic or highly flammable chemicals. From 2004-2013 there were over 1,500 reported chemical releases or explosions at RMP facilities that caused:

- Over \$2 billion in property damage;
- Evacuation or "shelter in place" of half a million people;
- 17,099 injuries and 58 deaths.

"This is a national security issue, and the Administration must treat it like one, with the kind of urgency we give to weapons of mass destruction overseas."

- **Major General Randy Manner**, US Army (Ret)
Former Acting Director and Deputy Director, Defense Threat Reduction Agency

- **Lieutenant General Russel L. Honoré**, US Army (Ret)
Former commander, Joint Task Force Katrina

What Do the RMP Amendments Do?

After a three-year process that included three separate public comment periods, EPA adopted a modest set of amendments to the RMP rule focused on preventing catastrophes and ensuring that first responders are informed and protected. Key elements include:

- **Improving coordination** between facilities, first responders, and Local Emergency Planning Committees. For example, facilities must coordinate response needs with local emergency management officials, and ensure that local response organizations (such as fire departments) are aware of hazardous substances.
- **Ensuring that lessons are learned** from serious accidents. For example, facilities that have incidents that resulted, or could have resulted, in a catastrophic chemical release must identify the "root cause" of the incident.
- **Identifying safety opportunities** by requiring facilities in industrial sectors with the worst accident records to assess options that might remove hazards as part of

their safety planning. At least 30 million Americans in 47 states no longer live within disaster zones of 284 facilities that found and adopted less hazardous options.

Why Are the RMP Amendments Appropriate and Important?

1. The RMP amendments were developed through an extremely thorough process spanning over three years. The extensive process included:

- A multi-Agency stakeholder input process including 8 public listening sessions around the country and two national webinars, conducted jointly by EPA, the Department of Homeland Security (DHS), and the Department of Labor (DOL);
- A three month public Request for Information with over 100,000 comments;
- Review by a Small Business Advocacy Review (SBAR) panel;
- A 147-page Regulatory Impact Analysis of the proposed rule and alternatives;
- A two month public comment docket on the proposed RMP amendments, which received 44,231 public comments;
- A 259-page response to public comments on the proposed rule;
- Review of both the proposed rule and final rule by the Office of Information and Regulatory Affairs (OIRA).

2. The amendments were developed in consultation with the Department of Homeland Security to “ensure consistency, avoid duplicative requirements, and ensure that security concerns are appropriately addressed.” For example:

- EPA designed the final RMP rule to complement DHS’ Chemical Facility Anti-Terrorism Standards and other relevant federal rules;
- EPA scaled back disclosure elements to address security concerns (the final rule only requires disclosure of information that is largely already in the public domain);
- The final rule retains the RMP program’s long-standing, successful elements that protect Confidential Business Information;

3. The modest amendments have overwhelming public and expert support from at-risk communities, workers, and health, environmental, and other organizations.

- 74% of Americans (including large majorities of Republicans, Democrats, and Independents) support new safety standards for hazardous facilities.
- Many businesses and professional organizations supported amending the RMP rule.
- Over 150 diverse organizations representing communities in potential chemical disaster zones, facility workers, medical and health professionals, security experts, and others supported strengthening the RMP rule.

For More Information, visit www.preventchemicaldisasters.org (the Coalition to Prevent Chemical Disasters) or contact Yogin Kothari (Washington Representative for the Center for Science and Democracy, Union of Concerned Scientists) at 714-906-9916.