

Environmental Justice Health Alliance for Chemical Policy Reform

February 10, 2017

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 201510

The Honorable Paul Ryan
Speaker of the House
U.S. House of Representatives
1233 Longworth House Office Building
Washington, DC 20515

The Honorable Charles Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
233 Cannon House Office Building
Washington, DC 20515

Dear Congressional Leaders:

On the evening of April 17, 2013, a fertilizer storage facility in the town of West, TX exploded with the force of 15,000-20,000 pounds of TNT, flinging bits of buildings up to 2.5 miles, and destroying or damaging more than 150 buildings including homes and schools. Fifteen people, mostly firefighters, were killed and more than 160 were injured.

In response, the U.S. Environmental Protection Agency (EPA), Department of Homeland Security (DHS), and Department of Labor (DOL) individually and collectively developed policy recommendations and other measures to improve safety and security at facilities that store or use extremely hazardous chemicals. This process, which played out over more than three years, produced the EPA's recently finalized amendments to the Risk Management Plan (RMP) rule and program, which is partly responsible for the safety of 12,500 facilities.

Congress should reject self-interested calls from industries that use extremely hazardous chemicals to overturn the modest changes to the RMP rule, and instead stand with the first responders, at-risk communities, safety experts, workers, small businesses, and others who live at daily risk of a catastrophic chemical release or explosion and supported updates to the rule throughout an extensive and open three-year public process.

Hazardous chemical incidents like the explosion in West, TX are frighteningly common. In just ten years 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.

The RMP amendments were developed through an exhaustive three-year public and review process. That process included:

- A multi-Agency stakeholder input process including eight 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 that received 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 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).

The RMP amendments carefully balance costs to industry against the many economic and health benefits of preventing chemical releases and explosions, and the benefits of sharing information with first responders, communities, and local governments against security concerns. 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.

These targeted RMP amendments have overwhelming public and expert support from at-risk communities, workers, safety, health, environmental, and public interest 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 strengthening the RMP rule to provide greater access to information and more prevention measures, including:
 - Businesses that manufacture and sell consumer products across the U.S., including The Honest Company and Naturepedic;
 - Sustainable business trade associations in CT, KY, MA, MD, NC, NY, OH, PA, WA, and WV;
 - The national American Sustainable Business Council.
- 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.

Our communities must endure the threat of a catastrophic chemical release or explosion 24 hours a day, seven days a week, 365 days a year. The modest RMP amendments adopted by EPA place very little new responsibility or costs on industry, but can help to prevent future disasters.

We are counting on you to stand with the first responders, communities, workers, and small businesses at daily risk of a chemical disaster by respecting the exhaustive three-year, multi-agency public process that developed the RMP amendments and rejecting calls for Congress to overturn these limited but important improvements.

Sincerely,

Michele Roberts
Co-Coordinator
Environmental Justice Health Alliance

Richard Moore
Co-Coordinator
Environmental Justice Health Alliance

And the member organizations of the Environmental Justice Health Alliance:

ALASKA

Alaska Community Action On Toxics
Native Village of Savoonga & ACAT/St.
Lawrence Youth Group

ARKANSAS

Concerned Citizens of Crossett for
Environmental Justice

CALIFORNIA

The Just Transition Alliance
Black Women for Wellness
Physicians for Social Responsibility – Los
Angeles
West County Toxics Coalition
People Organized in Defense of Earth – San
Francisco

CONNECTICUT

Connecticut Coalition for Environmental
and Economic Justice

DELAWARE

Delaware Concerned Residents for
Environmental Justice

FLORIDA

Farmworker Association of Florida

KENTUCKY

Rubbertown Emergency Action
Kentucky Environmental Foundation

LOUISIANA

Mossville Environmental Action Now

NEW MEXICO

Los Jardines Institute
Concerned Residents of Wagon Mound and
Mora County
San Jose Neighborhood Association
Eastern Navajo Dine Against Uranium
Mining
Vecones de Mountain View/Sanbradares de
Justica
Place Matters

NEW YORK

WE ACT for Environmental Justice

TEXAS

Texas Environmental Justice Advocacy
Service (t.e.j.a.s.)
Southwest Workers Union
People Organized in Defense of Earth -
Austin

WEST VIRGINIA

People Concerned About Chemical Safety