



April 19, 2017

Comments on Proposed Rule: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date.

Docket ID No. EPA-HQ-OEM-2015-0725

My name is Jessica Eckdish and I am speaking today as a representative of the BlueGreen Alliance, a coalition of the nation's largest labor unions and environmental organizations, collectively representing millions of members and supporters. Thank you for the opportunity to testify today. We ask that you stand up for industrial workers, first responders, and fence-line communities by rejecting any effort to delay implementation of EPA's recently finalized amendments to the Risk Management Program (RMP).

Among the 150 major industrial chemical incidents that occur each year in our nation, the need to update the RMP standards became particularly clear four years ago at the Richmond, California refinery, where an 8-inch diameter pipe carrying fuel oil ruptured, releasing flammable vapors that quickly expanded 100 yards in all directions, engulfing 19 refinery workers. Less than two minutes later, the vapor cloud ignited into a massive fireball and plume of smoke that spread over the northeastern Bay Area.

During that brief window, 18 of the Chevron employees crawled to safety; the last worker, a Chevron firefighter, climbed into the cab of his engine moments before the flames rolled over it. Thankfully, he survived. But the disaster wasn't confined to the plant: in the following hours, some 15,000 people in the communities downwind of the plant sought medical attention for symptoms of exposure to smoke and fire gases. According to the U.S. Chemical Safety and Hazard Investigation Board (CSB), among the reported health effects were chest pain, shortness of breath, headaches, and sore throat; about 20 people were admitted to hospitals for treatment.

According to the CSB, in the years leading up to the fire, Chevron's managers had learned from their own engineers in at least six different reports that pipes in the plant's crude unit were corroding and needed inspection and replacement. Managers ignored those warnings, even after a corroded pipe failed in 2007, causing a fire that injured a Chevron employee. By 2009, Chevron engineers warned of the potential for a "catastrophic failure," and yet still managers deferred action. By 2012, the crude unit piping failed exactly where the engineers had predicted it would.

The Chevron incident illustrates that these incidents are preventable. From 2004 to 2013 alone, there were over 1,500 reported incidents nationally, including chemical releases, fires, and

explosions at RMP-covered facilities that caused harm to workers and communities.¹ These incidents caused over \$2 billion in property damage, resulted in orders to evacuate or shelter in place for half a million people, and caused 17,099 injuries and 58 deaths.

Today, at least one-in-three schoolchildren in America attend a school in the vulnerability zone of a hazardous facility. At least 50 percent of students in the states of Utah, Rhode Island, Texas, Louisiana, Nevada, Delaware, and Florida are in these danger zones.² Too many Americans have had to evacuate, shelter in place, or race to pick up their child from school as an industrial fire burns or a chemical release heads their way.

Moreover, the industry itself recognizes that the existing RMP regulations are deeply lagging behind advancements in industrial process safety that the industry has made since the regulations were first adopted 25 years ago.

The industry's 700-page text on this topic is entitled Guidelines for Risk Based Process Safety and published by the Center for Chemical Process Safety of the American Institute of Chemical Engineers. Nearly every important petrochemical company in America is represented on the text's advisory committee. The document articulates the following three key findings that support the need for the basic improvements EPA is seeking in the RMP rule:

- 1) "After an initial surge of activity, process safety management activities have appeared to have stagnated within many organizations;
- 2) "Incident investigations continue to identify inadequate management system performance as a key contributor to the incident; and
- 3) "Audits reveal a history of repeat findings indicating chronic problems whose symptoms are fixed again and again without effectively addressing the technical and cultural root causes."

The conclusion is that the effectiveness of process safety management programs in U.S. companies have plateaued or declined since 1992. The result is a continuing record of chemical releases, fires and explosions.

The industry professionals who understand process safety recognize the need for reform. The modest revisions to the RMP rules were developed with extensive input from many of these experts, and they reflect the industry's own interests in broadly improving process safety. While the revisions are intended to protect the safety of workers, first responders and communities, there is no question that they will also help ensure the integrity and operation of the nation's critical industrial infrastructure.

¹ Data that chemical facilities reported to EPA show a total of 2,291 industrial incidents from 2004-2013, including releases where impacts on-site or to local communities were not known, not measured, or not reported to EPA. EPA-HQ-OEM-2015-0725-0002.

² Ctr. for Effective Govt, *Kids in Danger Zones* (Sept. 2014), <http://www.foreffectivegov.org/sites/default/files/kids-in-danger-zones-report.pdf>.

EPA's modest new requirements have already gone through an extensive stakeholder consultation process conducted jointly with other agencies, including the Department of Homeland Security (DHS) and Department of Labor (DOL). This process included public listening sessions across the country, a public request for information, a Small Business Advocacy Review panel, and a two-month public comment period where thousands of people weighed in on the merits of the rule.

We cannot afford to wait two more years for these basic improvements to take effect. We request that you take action to protect first responders, industrial workers, communities and our nation's infrastructure by rejecting this extension of these important improvements.

Thank you again for this opportunity to testify. We urge you to implement the RMP revisions as quickly as possible. Thank you.

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