

May 10, 2022

Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Administrator Regan,

As faith communities, faith leaders, and faith organizations serving communities across the U.S., we are writing to urge the Environmental Protection Agency (EPA) to adopt a strengthened Risk Management Program (RMP), or chemical disaster prevention rule, to protect communities across the United States.

More than 177 million Americans, many of whom belong to our faith communities, live, work, play, pray and go to school near the over 12,000 high-risk facilities across the country that use or store highly dangerous chemicals - all of which are vulnerable to disaster if the appropriate prevention measures are not taken. Over 1 million workers staff these facilities, and over 24 million children and adults attend or work at schools in these danger zones. Many of our churches, temples, mosques and sacred sites are also located in these zones.

At least a third of these RMP facilities (almost 4,000) are exposed to risks of wildfire, storm surge, flooding, and sea level rise, which are increasing dramatically as the climate changes. Without the full protection of an improved RMP rule, these facilities present a constant risk of deadly chemical releases.

Chemical releases, fires, and explosions occur across the United States almost constantly. In just ten years, there were over 1,500 reported chemical releases or explosions at RMP facilities nationwide. These caused over \$2 billion in property damages; evacuation or "shelter in place" of half a million people; over 17,000 reported injuries; and 59 reported deaths. With lax reporting requirements and no systematic health surveillance in place, these numbers likely underestimate the problem. People who live in the potential disaster zones around many facilities are disproportionately people of color and low-income, and many communities host multiple - sometimes dozens - of hazardous facilities. People in these communities experience cumulative impacts, including higher rates of COVID-19 hospitalization, higher asthma and cancer rates, and toxic chemical exposure from multiple sources. They have the least resources to prepare for, respond to, and recover from these disasters.

Extreme weather events often result in double disasters for many communities, both from the effects of flooding, fires and high winds , and from chemical releases when facilities aren't required to prepare or plan for these climate events. In the best of cases, it results in near-misses. These extreme weather events are increasing due to climate change, yet the current RMP program fails to account for this reality or require facilities to plan for climate-related events. During last year's Hurricane Ida, for example, at least nine RMP facilities in Louisiana reported chemical releases in the first week after the event. The full impact of these events have not and may never be determined, since at least 13 of Louisiana's Department of Environmental Quality ambient air monitors were unable to collect data as a result of power loss from the hurricane. As Ida traveled up the coast, it was only by chance, not prevention planning, that flooding produced by "the most severe storms to hit Wilmington [Delaware] in recent memory" missed multiple nearby RMP facilities when it inundated neighboring communities.

Chemical disasters not only cause injuries, deaths, long-term health impacts, and property damage, but also have broader social, economic, and business consequences for our communities. For example, when the Philadelphia Energy Solutions Refinery closed after a devastating series of explosions in 2019, over 1,000 workers were laid off with no severance and almost no notice. Job loss creates additional stress and strain on families that can have rippling effects throughout the community.

Avoiding an incident could save lives and save some companies upwards of \$220 million per incident in costs related to emergency response, equipment repairs, fines, profit loss, and workers' compensation. This estimate doesn't include the social and economic costs of worker injuries, fatalities, and other community-wide damage. In addition to being injured or killed first in chemical disasters, workers are often disproportionately impacted by the economic impacts of preventable incidents.

The RMP rule also needs to be expanded to cover more facilities that can have similar (and worse) effects. For instance, a 2014 chemical release that contaminated West Virginia's largest drinking water supply caused a four-day, \$61 million economic loss, and affected nearly 75,000 workers each day, many of whom were low-wage workers who lost their wages when they were unable to work due to business closures. These losses did not include the costs of cleaning up the leak, emergency expenditures, or analysis beyond the initial four-day period. Some areas were without clean water for over a week and the chemical lingered in the system for nearly 3 months. The chemical had never been adequately tested to understand its health effects and hundreds of people visited the emergency room with symptoms of exposure. The people most affected by this incident included the elderly, low-wage service workers, those with the least

resources to flee the affected area to find safe haven, and those with inadequate access to transportation and alternative clean water sources.

Our communities of faith cannot wait any longer for companies to voluntarily decide to do the right thing, or remove these hazards at their convenience. Chemical incidents can be prevented by incorporating common-sense policies into a strengthened RMP. Many safer chemicals and processes already exist, and more can be developed. What is missing, but urgently needed, are national requirements for facilities to transition to safer alternatives whenever possible, and other proven measures that can help prevent disasters. **We need our federal government and EPA to have the moral courage to implement these protections.**

As you consider what should go into a new RMP rule, we urge you to prioritize hazard reduction, meaningful worker participation, and environmental justice. More specifically, we call on the EPA to ensure that the new rule will:

1) Prevent disasters by requiring hazard reduction. Many of the chemical facility incidents from the past could have been prevented. Moving forward, the EPA can use existing policy approaches as models, such as the California refinery Process Safety Management rule, the Contra Costa County (CA) Industrial Safety Ordinance, and the New Jersey Safer Technology rule. Root cause analyses of significant incidents, independent third-party safety audits, and other best practice prevention measures such as inherently safer technologies should be mandatory.

2) Better prepare chemical facilities for potential climate impacts. This can be done by: expanding RMP coverage to more facilities in areas prone to natural disasters; building prompt implementation and compliance deadlines into new rules; requiring safer shutdown and startup procedures; collecting and publicly sharing air emissions data in real time; and requiring that communities receive timely information about natural disaster response plans in ways that are clearly communicated to those at risk.

3) Include common sense emergency response and incident management measures. Back-up power, alerts in multiple languages (including advance community notification), real-time fence-line air monitoring, leak detection and repair, emergency response exercises, and similar best practices should not be optional.

4) Increase enforceability, corrective action, and accountability. Clean Air Act Title V permits under 40 CFR § 68.215 must have sufficient terms to assure RMP compliance, and require

meaningful worker involvement, participation, and stop work authority (including an anonymous safety and near-miss hotlines). Clear, expeditious compliance deadlines are essential.

5) Expand coverage of the RMP program. The current scope of the RMP program is woefully inadequate. More facilities, processes and chemicals (including ammonium nitrate and other reactives) must be covered. One process or part of a facility should trigger coverage for the whole facility.

6) Account for cumulative health impacts from multiple polluting facilities and underlying vulnerabilities. RMP facilities are frequently located in close proximity to each other, as well as additional facilities that continuously release multiple pollutants. Oftentimes, communities neighboring these facilities - disproportionately made up of people of color and low-income people - are faced with a host of other social and environmental conditions that increase their susceptibility to health threats. Human bodies don't experience one health threat at a time, they experience them cumulatively. When chemical disasters occur, the health hazards can be even more extreme. EPA must recognize that more layers of prevention are needed to protect communities where these cumulative hazards exist.

As faith leaders, it is our role to protect our communities, and particularly those who are at greatest risk of harm. We and those we are morally sworn to protect are unwilling to continue living with the constant threat of chemical disasters that could destroy our neighborhoods, businesses, and communities, when safer chemicals and technologies exist. Injuries, death and disease are not acceptable risks, and our communities are not sacrifice zones. The lives and health of workers inside facilities and communities most affected should be the first - not the last - consideration when developing the new RMP rule. Your swift action is needed to protect our communities from additional chemical disasters and environmental injustices.

Sincerely,

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Martha J Hill, Charleston, WV

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