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The Port Neches disaster shows the risk of Trump rolling back environmental regulations

The Trump administration gutted the Obama administration regulations a week before the explosion.

By Thomas O. McGarity
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Two Texas tragedies provide fitting bookends for the fate of a regulation that the Environmental Protection Agency issued to protect first responders and the neighbors of companies that manufacture and store highly hazardous chemicals.

In April 2013, an explosion at a fertilizer blending and distribution plant in West killed 15 people, hospitalized 260 others, and destroyed or damaged 150 nearby buildings, including two schools and a nursing home.

Then, last week, a series of explosions at the TCP chemical plant in Port Neches injured three workers and forced the evacuation of thousands of people from residential neighborhoods on the day before Thanksgiving.

When I was growing up in Port Neches in the 1960s, the air that I breathed riding my bike to the junior high school two blocks downwind from the TCP plant (then called Neches Butane) was sometimes so putrid that I hurried to get indoors. Across the city park from our home, the Neches River was so polluted that the only fish that could survive were alligator gar, a Jurassic-era species that can breathe air when the water is too polluted.

Today, the air around Port Neches is much cleaner (though by no means perfect), and the river supports a variety of fish. The dramatic change came about because the many petrochemical plants in the area had to comply with regulations written by EPA under laws that Congress passed in the early 1970s and implemented by the Texas Commission on Environmental Quality.

One of those laws called on EPA to write regulations requiring the facilities that keep extremely hazardous substances like butadiene in amounts greater than specified quantities to implement “risk management plans” to ensure against catastrophic releases of chemicals into the air.

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After the West explosion, President Barack Obama ordered the EPA to issue stronger regulations to improve safety and security at those facilities. The EPA published the promised regulations in January 2017.

It is too soon to tell whether the TCP plant was in compliance with the Obama administration regulations. We do know that it has been out of compliance with its permit requirements in 12 of the last 36 quarters, and that it released more than 61,000 pounds of butadiene, a known human carcinogen, in 2018.

Ironically, the Donald Trump administration gutted the Obama administration regulations a week before the explosion as part of its ongoing effort to roll back regulations that many petrochemical businesses don't like.

Other rules that the Trump administration has withdrawn or gutted include EPA's Clean Power Plan to reduce greenhouse gases from power plants, the Department of Transportation's regulation requiring "high hazard" trains hauling 70 or more cars filled with oil or ethanol to install better brakes, and the Department of Interior's blowout prevention rules aimed at preventing another oil disaster in the Gulf of Mexico like the Deepwater Horizon explosion. The list goes on and on.

It is a good idea to revisit rules periodically to see if they are still working, and all of the recent presidential administrations have undertaken such lookbacks. But the Trump administration's wholesale assault on regulations designed to protect neighbors, workers and the environment is unprecedented and dangerous.

As the 2020 elections approach, many issues will be on the agenda. The fate of the regulatory programs that protect us from irresponsible companies should be high on the list.

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