

Opinion

Commentary: The Trump administration's insult to West, Texas

By Thomas O. McGarity

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The Trump administration recently dealt the final blow to the “risk management” regulations that the Environmental Protection Agency issued at the end of the Obama administration in response to a powerful chemical explosion that killed 15 people and destroyed or damaged 150 buildings in West, Texas.

This is only the most recent of dozens of attempts by the Trump administration to roll back protections we rely on the federal government to provide. The Trump EPA replaced the Obama administration's stringent Clean Power Plan to reduce greenhouse gases from power plants with a weak rule that will do far less to forestall climate change. Its Department of Transportation withdrew the Obama administration's regulation requiring “high hazard” trains hauling 70 or more cars filled with oil or ethanol to install better brakes. And its Department of the Interior even weakened the blowout prevention rule that the Obama administration put into place to prevent another BP/Deepwater Horizon oil spill disaster. The list goes on and on.

These assaults on the laws and regulations that protect our health, our safety and our environment have come with such regularity during the past three years that another rollback almost seems normal. But it would be a mistake to conclude that wholesale deregulation is no big deal.

After the 2013 chemical explosion in West, the Obama administration developed new requirements for the 12,500 facilities that keep extremely toxic substances in significant quantities. Under the new rules, companies had to let the public know what chemicals they were holding and report releases of those substances.

Further, companies suffering a catastrophic release or a near miss had to conduct a “root cause” analysis to find out what went wrong. And owners of high-hazard facilities had to evaluate the feasibility of using safer technologies or chemicals. The regulations also promoted better coordination between high-hazard facilities and emergency responders, including requiring field exercises every 10 years.

The chemical industry was not at all pleased with the new safeguards. So, when the Trump administration came to town, the American Chemistry Council, the industry's chief lobbying organization, persuaded newly appointed EPA Administrator Scott Pruitt to stall the measure so officials could dismantle it. A federal court, however, held in August 2018 that the delay was arbitrary, and the regulations went into effect without any significant adverse impact.

Nevertheless, the EPA rewrote the regulations to address the industry's concerns. In the final version, published a week ago, the EPA eliminated the obligations to inform the public of the risky chemicals that would be released in the event of an accident. The agency also scrapped the requirement for high-hazard facilities to explore safer technologies or to conduct "root cause" analyses after major leaks. In short, the Trump administration ripped the heart out of the Obama administration's regulations.

The chemical industry is delighted with this outcome, but people living near major petrochemical companies and chemical storage facilities may sleep less easily knowing that the agency that is supposed to protect them is more concerned about freeing the chemical industry from complying with sensible regulations.

The West tragedy, unprecedented floods and wildfires, and the Deepwater Horizon spill were wake up calls to which the previous administration responded with new protections for all of us. But the current administration is doing everything in its power to undo that progress in the service of a simplistic (and unfounded) belief that unfettered markets are good, and health and safety regulations are bad.

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

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