



**Testimony by
CPR Senior Policy Analyst David Flores
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My name is David Flores, and I am a Senior Policy Analyst for the Center for Progressive Reform

In the last year alone, climate change and extreme weather have worsened the harm to workers, communities, and the environment caused by industrial facilities that have inadequately prepared for risks posed by natural disaster.

In August, the Bio-Lab chemical plant in Westlake, Louisiana was damaged by Hurricane Laura, caught fire, and sent toxic, potentially deadly, chlorine smoke into surrounding communities. Now the multinational corporation that owns the plant is seeking \$50 million dollars from the public to rebuild.

In February, Winter Storm Uri contributed to power outages during a week-long period in Texas, with reports of least 3.5 million pounds of excess air pollution from plants due to emergency shut-down and start-up.

And just last week, the extreme heat dome in the Pacific Northwest, attributed to climate change, melted electricity transmission lines; caused hardscapes to buckle and crack; and, quite possibly, degraded chemical storage tanks and other facilities.

Today, with my co-authors, I am pleased to present the findings and recommendations of our paper, Preventing Double Disasters. A third of RMP facilities in the states and territories are exposed to heightened risks of flooding, wildfire, storm surge, and rising sea levels.

EPA should reform RMP regulations to require facilities to assess these risks and adopt chemical release prevention practices that can withstand the risk of climate- and natural disaster-related hazards. Among other recommendations in our report, the Agency should reform RMP rules to specifically require process hazard analysis for these events and corresponding hazard reductions, as well as third-party audits to identify specific practices, such as backup power generation, inherently safer technology, and other equipment and practices that are explicitly responsive to site-specific natural disaster risks. These and other requirements should at least be implemented through both the rules and incorporation of the RMP into the permitting process through Title V of the Clean Air Act.



Perhaps tens of thousands of discrete chemical process operations, and likely thousands of facilities are located within areas at high risk of natural disasters. Most of these facilities are not subject to RMP even though they pose a risk of harm to workers, the public, and the environment due to chemical fires, explosions, and other fugitive releases. The administration should redefine eligibility criteria to expand coverage to more facilities in areas at risk due to climate. This could be accomplished by expanding RMP requirements to cover all processes at facilities where one or more processes are already subject to RMP; and by expanding the universe of hazardous chemicals subject to RMP, especially flammable, explosive, and other reactive chemicals.

The current rules lack deadlines for certain requirements and, for others, the deadlines are inadequate to ensure timely compliance, meaning risks of chemical disaster persist for unreasonably long periods of time. This is especially urgent because in the case of natural disasters, these risks are growing due to climate change. Developing prevention and response procedures and implementing climate-responsive practices, testing, assessment, inspections, emergency response exercises – all of these requirements, existing and proposed, must be written in clear and enforceable language with prompt deadlines that prioritize protecting human health and safety as required by Clean Air Act statute, and with the authorities and obligations of regulators, regulated facilities, workers, and the public clearly defined.

Thank you.