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FOR PROGRESSIVE REFORM**

**Virtual Public Hearings on the U.S. EPA Risk Management Program Safer Communities  
by Chemical Accident Prevention Proposed Rule  
September 28, 2022**

Good evening. I appreciate the opportunity to speak with you today regarding the U.S. Environmental Protection Agency's implementation of the Risk Management Program Safer Communities by Chemical Accident Prevention Proposed Rule, which proposes revisions to the Risk Management Program (RMP).<sup>1</sup>

In 2021, the Center for Progressive Reform [co-authored a policy brief](#) with Earthjustice and the Union of Concerned Scientists recommending several key regulatory changes to the RMP.<sup>2</sup> While the draft RMP rule adopted some of our recommendations, there's tremendous potential for improvement.

Ensuring an adequate Risk Management Program rule is not only essential to addressing the very real impacts of climate change at these facilities, but also to protecting vulnerable communities who are facing environmental injustices. Although the rule improves key protections, as noted in our 2021 brief, the draft rule falls short in significant ways.

EPA should amend the draft rule to expand coverage of RMP regulations to certain facilities in areas exposed to a heightened risk of wildfires, flooding, storm surge, or coastal flooding, as well as to more substances (e.g., ammonium nitrate) and processes.

The rule should also require facilities to:

- Install and maintain real-time or near real-time fence-line air monitors and share that data with nearby communities and officials.
- Reduce or replace hazardous chemicals and processes when safer technology or chemicals are available.
- Provide emergency response notifications in multiple languages.
- Evaluate and assess risks associated with climate- and natural disaster-related hazards and adopt and implement chemical release prevention and safety practices that can respond to those hazards.
- Account for the cumulative health impacts in their plans, evaluations, assessments, and siting considerations.

## The Need for Stronger Chemical Facility Rules

EPA references several chemical disasters, among other reasons, as the impetus for the new draft rule. One of these incidents was the massive explosion and resulting fire that occurred at the Philadelphia Energy Solutions oil refinery on the banks of the Schuylkill River in Philadelphia in 2019.<sup>3</sup> The disaster released more than 5,000 pounds of deadly hydrofluoric acid, along with hazardous quantities of cancer-causing benzene. Only five minor injuries were reported because of this accident; however, there were likely many other negative health impacts felt by community members that were not reported. Philadelphia Energy Solutions shut down the refinery and filed for bankruptcy shortly after the incident. Approximately 1,000 workers lost their jobs as a result.

While the refinery closed a little over three years ago, the 1,300-acre complex is still being dismantled and continues to leak unsafe levels of benzene (at least two to three times the federal threshold in some reports) in the process. According to a tool developed by the Drexel Urban Health Collaborative that measures cancer risks and outcomes in Philadelphia neighborhoods, the two neighborhoods closest to the oil refinery have a higher number of cancer cases relative to the rest of the city.

The disaster highlights the need for stronger RMP regulations, including a requirement that facilities that use, store, or produce hazardous chemicals shift to recognized safer alternatives. Stronger regulations are essential to protect the health and livelihoods of the communities surrounding these facilities — and may even be a matter of life or death for some workers and nearby residents.

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<sup>1</sup> Environmental Protection Agency, Risk Management Program Rule, <https://www.epa.gov/rmp>.

<sup>2</sup> Flores, D., Kalman C., Mabson, M., Minovi, D., “Preventing Double Disasters, How the U.S. Environmental Protection Agency Can Protect the Public from hazardous chemical releases worsened by natural disaster”, Center for Progressive Reform, Earth Justice, Union of Concerned Scientist, July 2021, <https://cpr-assets.s3.amazonaws.com/documents/preventing-double-disasters-final.pdf>.

<sup>3</sup> MayKuth, A., “S. Philly Refinery Blast Released 5,000 Pounds Of A Deadly Chemical, Federal Investigators Say,” *The Philadelphia Inquirer*, Oct. 16, 2019, <https://www.inquirer.com/business/deadly-chemicals-philly-refinery-explosion-fire-new-findings-20191016.html>.