

**Congress of the United States**  
**Washington, DC 20515**

November 15, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Administrator Wheeler:

It has come to our attention that plans to finalize the May 2018 Proposed Risk Management Program (RMP) Reconsideration Rule are under final review at the Office of Management and Budget. If finalized, this rulemaking would undo critical safety measures put in place to help prevent dangerous and deadly incidents at approximately 12,500 chemical facilities across the United States. Accordingly, we write to ask that you immediately withdraw the RMP Reconsideration Rule.

Efforts to roll back these commonsense measures are being orchestrated on behalf of industry petitioners, which runs directly counter to the Environmental Protection Agency's (EPA) stated mission of protecting human health. The EPA must stand up for workers, first responders, and fence-line communities by withdrawing this potentially life-threatening Rule.

When the EPA finalized the Chemical Disaster Rule, it took concrete steps to strengthen community preparedness against chemical disasters. This included modest but important incident prevention measures, improved emergency response coordination and planning, and community access to safety-related information. It is unacceptable that the EPA would seek to roll back progress made to better protect the roughly 177 million Americans living and working within harm's way of these RMP facilities.

The Chemical Disaster Rule was delayed by this administration for one year and 191 days. In that time, at least 73 publicly known incidents occurred at RMP-covered facilities. In ordering the EPA to vacate their delay and implement the updates, the United States Court of Appeals for the D.C. Circuit held that the EPA's action "makes a mockery of the statute," and found the delay illegal and unreasonable.<sup>1</sup> Now, after having its unlawful delay blocked in court, the EPA appears to be moving forward undeterred with its rollback proposal. These actions undermine the agency itself, willfully disregarding the mission of regulating polluters and protecting the American people.

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<sup>1</sup> [https://www.cadc.uscourts.gov/internet/opinions.nsf/D635BFF007DFAA56852582EC00509B00/\\$file/17-1155-1746106.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/D635BFF007DFAA56852582EC00509B00/$file/17-1155-1746106.pdf)

agency itself, willfully disregarding the mission of regulating polluters and protecting the American people.

On August 20, 2019, a coalition of 14 state attorneys general submitted supplemental comments into the EPA's docket on this matter.<sup>2</sup> These updated comments make clear that the original 2017 RMP Amendments Rule is necessary for the protection of public health and safety. Since 2017, there have been a number of incidents that demonstrate the ongoing need for stronger protections at chemical facilities. Those include:

- Philadelphia Energy Solutions Refinery explosion in Philadelphia, Pennsylvania.<sup>3</sup> This explosion launched a 38,000-pound vessel across the Schuylkill River on June 21, 2019 and released around 676,000 pounds of hydrocarbons and 3,271 pounds of hydrofluoric acid into the air.<sup>4</sup>
- Intercontinental Terminals Company fire in Deer Park, Texas, on March 17, 2019. This fire led to 700 local residents to seek medical attention, created 20 million gallons of waste, and produced a mile-high plume and a four-day fire.<sup>5</sup>
- Husky Energy Oil Refinery explosion in Superior, Wisconsin, on April 26, 2018. This incident injured 36 people and forced the evacuation of the entire town.<sup>6</sup>

As the U.S Chemical Safety and Hazardous Investigation Board has continued to demonstrate, these types of industrial failures are both highly destructive and eminently preventable. In order to prevent further avoidable incidents, loss of life and property, we strongly urge you to withdraw the May 2018 Proposed RMP Reconsideration Rule and direct the EPA to enforce the RMP requirements as finalized in the 2017 Chemical Disaster Rule.

Thank you very much for your attention to this matter. We appreciate your consideration and look forward to your response.

Sincerely,



Mary Gay Scanlon  
Member of Congress



Lisa Blunt Rochester  
Member of Congress

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<sup>2</sup> <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-1998>


<sup>3</sup> <https://www.nbcphiladelphia.com/news/local/Massive-Fire-Reports-of-Explosions-at-South-Philadelphia-Refinery-Philadelphia-Energy-Solutions-I-76-Closed-511615281.html>

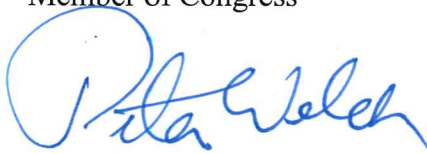
<sup>4</sup> <https://whyy.org/articles/faulty-old-pipe-caused-pes-refinery-explosion-sending-a-bus-size-piece-of-debris-flying-across-schuylkill/>


<sup>5</sup> <https://www.texastribune.org/2019/03/19/everything-you-need-know-about-deer-park-terminal-fire/>


<sup>6</sup> <https://www.cbsnews.com/news/wisconsin-refinery-explosion-evacuations-today-2018-04-26/>

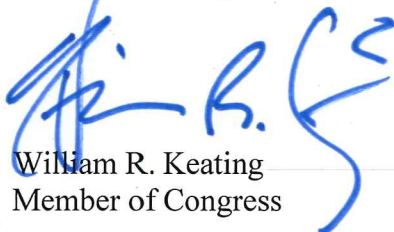



  
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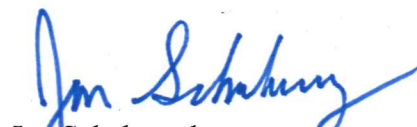
  
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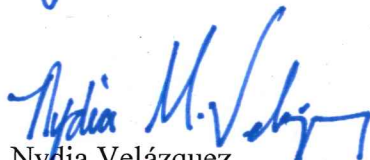
  
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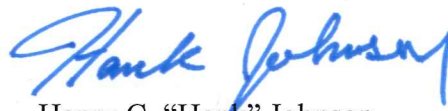
  
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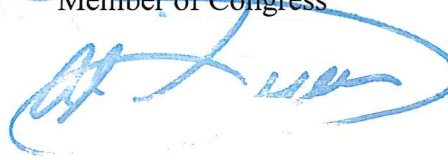
  
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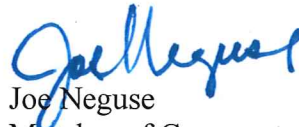
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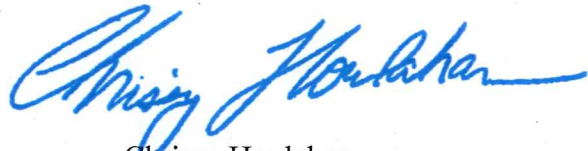
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