

March 6, 2017

United States Senate
Washington, D.C. 20510

RE: Opposition to Senate Joint Resolution 28

Dear Member of Congress:

On behalf of our millions of members and supporters, we urge that you stand up for workers, first responders, and fence-line communities by opposing any effort to use the Congressional Review Act (CRA) to overturn the Environmental Protection Agency's (EPA) recently finalized amendments to the Accidental Release Prevention Requirements for Risk Management Programs (RMP).

Americans look to Congress to protect our air, water, and families. We are counting on you to reject this ill-advised move to block safeguards that would save lives and better protect communities from facing a preventable chemical disaster.

The need to update the RMP standards became clear on April 17, 2013, when a fertilizer plant explosion in West, Texas ripped through that small town killing 15 people, injuring hundreds, and leveling dozens of homes and buildings. Among the dead were 12 first responders. Among the damaged and destroyed buildings were a nursing home and three of West's four schools. The property damage was approximately \$100 million with insurance-related losses pegged at \$230 million.

Unfortunately, there are thousands of industrial facilities throughout our country that pose a substantial risk to facility workers, emergency personnel, and neighboring communities. Tragedies like this are preventable and the need is great. From 2004 to 2013 alone, there were over 1,500 reported incidents, including chemical gas releases, liquid spills, fires, or explosions at RMP-covered facilities that caused harm to workers and communities.¹ These incidents caused over \$2 billion in property damage, resulted in orders to evacuate or shelter in place for half a million people, and caused 17,099 injuries and 58 deaths. Today, at least one in three school children in America attends a school in the vulnerability zone of a hazardous facility. At least 50 percent of students in the states of Utah, Rhode Island, Texas, Louisiana, Nevada, Delaware, and Florida are in these danger zones.² The record is clear that too frequently, too many Americans have had to evacuate, shelter in place, or race to pick up their child from school as an industrial fire burns or a toxic plume heads their way.

The public, particularly fence-line communities – often low income neighborhoods and communities of color who already bear the greatest burden of living next to polluting and high-risk facilities – are looking to Congress for actions to make them safer. Congress should not roll

¹ Data that chemical facilities reported to EPA show a total of 2,291 industrial incidents from 2004-2013, including releases where impacts on-site or to local communities were not known, not measured, or not reported to EPA. EPA-HQ-OEM-2015-0725-0002.

² Ctr. for Effective Govt, *Kids in Danger Zones* (Sept. 2014), <http://www.foreffectivegov.org/sites/default/files/kids-in-danger-zones-report.pdf>.

back the years of progress and bipartisan, interagency work it took to secure stronger chemical facility protections.

EPA's RMP updates provide modest improvements that were transparently and collaboratively crafted with expert input and are supported by overwhelming majorities of the American public. These updates would improve coordination with first responders, require analysis of serious accidents to ensure we learn from past mistakes, and ensure that plants with the worst accident records at least assess a range of options to improve their safety performance and planning.

Further, please oppose any effort to use the extreme instrument of the Congressional Review Act here. A CRA action will chill and likely cripple industrial safety protections for years to come. We cannot wait for basic federal safeguards from industrial incidents, particularly when many industry leaders have demonstrated that alternatives to the status quo are possible and are already implementing advancements in process safety, and other improvements are underway in some states, which are taking steps to ensure that high-risk industries make safety a top priority.

We request that you protect first responders, industrial workers, communities and our nation's infrastructure by vigorously opposing the CRA resolution and any other similar efforts to weaken national protections from chemical disasters.

Sincerely,

AFL-CIO
Alaska Wilderness League
Asbestos Disease Awareness Organization (ADAO)
BlueGreen Alliance
Center for Biological Diversity
Center for Environmental Health
Center for Science in the Public Interest
Clean Air Watch
Clean Water Action
Coming Clean
Communications Workers of America
Earthjustice
Ecology Center
Elders Climate Action
Environmental Defense Fund
Environmental Justice Health Alliance
Food & Water Watch
Green Latinos
Green America
Greenpeace USA
Headwater LLC
Healthy Building Network
Institute for Agriculture and Trade Policy
Institute for Science and Human Values

Interfaith Worker Justice
International Association of Fire Fighters
International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART)
International Union of Bricklayers and Allied Craftworkers
International Union, United Automobile, Aerospace & Agricultural Implement Workers of
America, UAW
Jean-Michel Cousteau's Ocean Futures Society
League of Conservation Voters
Made Safe
Mi Familia Vota
National Employment Law Project
Natural Resources Defense Council
Physicians for Social Responsibility
Progressive Congress Action Fund
Protect All Children's Environment
Rachel Carson Council
Safer Chemicals Healthy Families
Sierra Club
SustainUS
Students for a Just and Stable Future
Union of Concerned Scientists
United Steelworkers
U.S. PIRG
Utility Workers Union of America, AFL-CIO

Alaska

Alaska Community Action on Toxics

California

American Veterans (AMVETS)
Apostolic Faith Center
Azul
California Communities Against Toxics
California Kids Indoor Air Quality
California Safe Schools
Coalition for a Safe Environment
EMERGE
National Association for the Advancement of Colored People San-Pedro Wilmington Branch
#1069
Ricardo Pulido
San Pedro & Peninsula Homeowners Coalition
St. Philomena Social Justice Ministry
Wilmington Improvement Network
Worksafe

Florida

Earth Action, Inc

Illinois

Citizens Against Ruining the Environment
Respiratory Health Association

Louisiana

Louisiana Bucket Brigade

Massachusetts

MassCOSH - Massachusetts Coalition for Occupational Safety & Health

Montana

Montana Environmental Information Center

New Jersey

NJ Work Environment Council

New York

Citizens' Environmental Coalition
Greater Syracuse Council on Occupational Safety and Health

Oklahoma

Bold Oklahoma

Pennsylvania

Clean Air Council

Texas

Downwinders at Risk

Washington

SafeWork Washington

West Virginia

Ohio Valley Environmental Coalition
People Concerned About Chemical Safety