

# Congress of the United States

Washington D.C. 20515

December 13<sup>th</sup>, 2021

The Honorable Michael S. Regan  
Administrator  
U.S Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Regan:

We write in support of the efforts that the Environmental Protection Agency (EPA) is taking to update the Risk Management Plan (RMP) program. We believe several aspects of the RMP update would be especially important for our constituents in Colorado.

As you know, the RMP program, enacted as Section 112(r)(7) of the Clean Air Act Amendments of 1990, was one of a suite of federal programs that Congress enacted in the wake of chemical disasters occurring in the United States and the rest of the world, including the deadly release of chemicals in Bhopal, India. The statute authorizes the EPA to establish "release prevention, detection, and correction requirements" in order to prevent the unintended -- and potentially-catastrophic -- releases of a wide range of substances. Among other things, the statute requires the owners or operators of regulated facilities to prepare and implement RMPs "to detect and prevent or minimize accidental releases ... and to provide a prompt emergency response to any such releases in order to protect human health and the environment."

We appreciate EPA's effort to update the RMP regulation, which unfortunately was weakened under the previous Administration. We strongly recommend the updated RMP regulation:

- **Prioritize the safety and health of workers and frontline communities.** The RMP program is especially important in Colorado, with thousands of workers in the energy sector and where communities -- often minority, low-income and otherwise disenfranchised -- directly abut petrochemical and other industrial facilities.

We recommend EPA require petrochemical and other industrial facilities to facilitate worker and community access to information about the consequences of potential chemical incidents in order to equip workers and frontline communities with the information necessary to engage constructively in identifying measures for preventing and mitigating the consequences of the incidents.

We also recommend requiring facilities to establish independent fence line air monitoring, to provide neighbors a trustworthy source of information about the materials to which they may be exposed.

- **Put prevention first.** The language of the Clean Air Act makes clear the RMP program is intended to *prevent* chemical releases, not merely to mitigate their consequences. We believe that an appropriately-updated RMP program would require covered entities to

thoroughly examine applicable inherently-safer technologies (IST) which would eliminate or reduce the risks created by the storage and use of hazardous materials. This would be especially important in Colorado where thousands of our constituents work and live in close proximity to facilities currently utilizing inherently hazardous substances.

The Chemical Safety and Hazard Investigation Board has compiled a wealth of recommendations pertaining to IST, drawing on years of investigations of chemical disasters. We urge EPA to consider developing a list of IST pertinent to specific types of facilities and require covered entities to consider each applicable IST thoroughly, rejecting only those which are found to be technologically or economically infeasible.

- **Exercise foresight regarding our changing climate.** Facilities in Colorado face the risk of increasing wildfires and floods due to climate change. In addition, because heat can cause or exacerbate chemical incidents, rising daily average temperatures, rising average low temperatures, heat waves, and droughts that jeopardize cooling water operations should all be scrutinized for their effect on chemical risk.

Finally, heat waves, wildfires, storms, and floods threaten not only the physical structure of chemical facilities, but can stress employees and disrupt their safety protocols.

We would recommend that EPA consider possible hazards that climate change may pose different types of operations in different areas of the country and require covered entities to incorporate relevant hazards in their RMPs.

A thorough RMP update will be critically important not only for the safety and health of workers and facility neighbors in Colorado and around the country, but for the companies that own facilities covered by the RMP program.

Sincerely,



Diana DeGette  
Member of Congress



Ed Perlmutter  
Member of Congress



Jason Crow  
Member of Congress



Michael Bennet  
US Senator



John Hickenlooper  
US Senator



Joe Neguse  
Member of Congress