

**STATEMENT OF
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U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY AND WATER
QUALITY SUBCOMMITTEE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE**

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Good morning, Chairman Lautenberg, and Members of the Subcommittee, I am Deborah Dietrich, Director of the Office of Emergency Management (OEM), within the Office of Solid Waste and Emergency Response (OSWER), U.S. Environmental Protection Agency (EPA). I am pleased to be here to discuss EPA's emergency preparedness and prevention programs and our interaction with the U.S. Chemical Safety and Hazard Investigation Board (CSB or the Board).

INTRODUCTION

The Office of Emergency Management has responsibility for EPA's national planning and preparedness functions, EPA's response to environmental emergencies, and development and implementation of Federal regulations to prevent hazardous chemical accidents and oil spills.

EPA partners with the Department of Homeland Security and other Federal agencies in development and implementation of the National Response Plan, the National Incident Management System, and the National Infrastructure Protection Plan (NIPP). Together, these

plans form a cohesive structure that integrates the incident management, protection activities, and emergency response capabilities and resources of the Federal government.

In addition to managing our field emergency response and national planning functions, OEM is also responsible for the development and implementation of a number of prevention, response and reporting regulations.

EPCRA AND THE CAA RISK MANAGEMENT PROGRAM

In response to the December 1984 toxic chemical disaster in Bhopal, India, and subsequent chemical accidents that occurred in the United States in the mid to late 1980s, Congress passed both the Emergency Planning and Community Right to Know Act (EPCRA) and the Clean Air Act (CAA) section 112(r), establishing the chemical accident prevention program.

As its name suggests, EPCRA promotes the sharing of hazard information and emergency planning. However, EPCRA does not require facilities to take actions to prevent chemical accidents from occurring. After major chemical accidents continued to occur in the U.S. throughout the late 1980s, Congress added section 112(r) to the CAA in 1990 which imposes a “general duty” on all stationary facilities handling extremely hazardous chemicals to prevent and mitigate accidental releases of those chemicals into the air. It also directs EPA to promulgate risk management requirements for those facilities having large quantities of the most dangerous chemicals.

In accordance with Congress' direction in CAA 112 (r), EPA listed 140 chemicals and their threshold quantities based on potential harm to human health and the environment in the event of an air release. Facilities having a listed chemical present in more than a threshold quantity must conduct a hazard assessment, develop and implement an accident prevention and emergency response program, and analyze the potential consequences of worst-case and alternative (less severe) scenarios. This information is then compiled into a Risk Management Plan, or RMP, and provided to EPA. Approximately 14,000 chemical facilities are currently subject to these requirements.

RMPs contain valuable information about a chemical facility and its hazards. In addition to providing the address and physical location of the facility, RMPs report the identity and quantity of each regulated chemical on site, information about the measures taken by the facility to prevent accidental releases, facility emergency planning information, the history of significant accidents at the facility over the last five years, and the facility's Offsite Consequence Analysis (OCA) information, which provides the facility's analytical estimate of the potential consequences of hypothetical worst-case and alternative release scenarios. EPA maintains this information in a national electronic database of RMPs which is currently the most comprehensive database of chemical facility hazard information in existence. As required by the Clean Air Act, EPA makes RMPs available to State and local governments, CSB, and the public.

INTERACTION WITH CSB

In addition to authorizing EPA to publish the Risk Management Program regulations, Section 112 (r) of the CAA also authorized the formation of the U.S. Chemical Safety and

Hazard Investigation Board, and required the Board to investigate catastrophic chemical accidents at fixed facilities in the United States. The Board has been fulfilling this role since 1998.

EPA supports the Board's mission to investigate chemical accidents and to make recommendations to industry groups, government agencies, and other organizations that will help prevent similar accidents from occurring in the future. EPA has a Memorandum of Understanding with the Board that stipulates procedures for sharing information between EPA and CSB, and the Agency has provided the Board with information to support CSB investigations and research projects on numerous occasions over the last decade. The Board has also provided us with important support to our functions in turn. For example, this past February, the CSB made a presentation at our annual Response Readiness Training Conference that will improve the ability of EPA personnel to interact productively with Board investigators in the field.

As a result of CSB investigations, EPA has occasionally received recommendations from the Board requesting the Agency to take various actions to help prevent future chemical accidents. EPA carefully considers Board recommendations and has implemented them where appropriate. To date, EPA has received a total of six formal recommendations from the Board and has taken action on all of them.

In addition to assisting the Board with information sharing during investigations and responding to specific recommendations, EPA has also worked with the Board on longer-term

projects in areas of common interest. Such projects include development of chemical safety guidelines and best practices under the auspices of the Center for Chemical Process Safety (CCPS – of which both EPA and CSB are active members), participation in the development of tools for management of chemical reactivity hazards, and development of improved metrics and leading indicators for chemical process safety.

CONCLUSION

EPA will continue to work diligently through its programs to help prevent catastrophic chemical accidents. As part of those efforts, we will continue to work collaboratively with the CSB in their efforts to investigate chemical accidents and identify measures that can be taken to help prevent them in the future.