

 **Waco Tribune-Herald****Thomas O. McGarity, Texas Perspectives: West-inspired EPA rules destined for ashes as chemical industry wins big**

THOMAS O. MCGARITY Texas Perspectives May 22, 2018

The rural town of West recently observed the fifth anniversary of a horrible explosion at a fertilizer blending plant that destroyed or damaged 150 buildings (including schools and a nursing home), killed 15 people (mostly first responders) and sent 260 people to the hospital.

Environmental Protection Agency Administrator Scott Pruitt has now celebrated that anniversary by trashing the regulations that the EPA had announced during the Obama administration to reduce the risk of similar explosions and chemical releases in the future.

Soon after the West explosion, President Barack Obama ordered the EPA and the Occupational Safety and Health Administration to come up with ways to prevent future tragedies similar to the one in West. OSHA responded minimally by summarizing its existing Process Safety Management regulations on its blog.

Although it took nearly four years, the EPA amended its Risk Management Program regulations in January 2017 to strengthen some requirements and add some new ones. Among other things, it beefed up the existing protections for first responders by requiring covered industrial facilities to conduct annual notification exercises to ensure that emergency contact information is up to date and to conduct full-fledged field exercises at least once every 10 years to ensure emergency personnel understand their roles in the event of an accident.

And a new provision required companies operating covered facilities to look into the possibility of using inherently safer alternatives to protect workers and the public.

How hard can *that* be?

After any reportable accident, companies had to arrange for independent third-party compliance audits to find out how and why things went wrong. And any catastrophic release or near miss required a “root cause” analysis with the goal of preventing future catastrophes.

Finally, the regulation required covered facilities to make basic risk information about on-site chemicals available to the public on a website or some other accessible platform.

These modest protections drew the ire of the chemical industry, which beat a path back to the EPA after Donald Trump’s inauguration with demands that the agency reconsider the finalized rule. Incoming administrator Pruitt immediately postponed the regulation’s effective date and then extended it until 2019.

Pruitt has now proposed to rescind almost all of the requirements of the EPA’s industrial plant safety regulations. If the agency can finalize its rollback proposal in the next year, these sensible protections for neighbors of dangerous chemical facilities and first responders will never see the light of day.

The EPA maintained that OSHA’s regulations provided adequate protection for workers and neighbors. But that ignores the fact that OSHA did not have neighbors and first responders in mind when it wrote its regulations many years ago.

The chemical industry is delighted with Pruitt’s proposal, which the EPA estimates will save \$88 million in compliance costs. Of course, the next preventable West-style explosion could cost neighbors and first responders far more than that, meaning these companies are simply foisting the cost of future disasters onto the rest of us.

This is not the direction our nation should be heading when it comes to the safety of industrial facilities. Rather, we should build upon the modest Obama-era safety reforms and work to strengthen them so that we can prevent needless fires, explosions and toxic chemical leaks and the resulting injuries, illnesses and deaths. The Trump administration may not be interested in such sensible solutions, but we certainly should be.

Pruitt has been much in the news these days for his first-class travel, sirens-blaring trips to his favorite restaurant and a \$43,000 phone booth. While all of these questionable extravagances warrant close attention, we should also be paying attention to what his team at the EPA is doing to the protections that most of us take for granted.

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