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August 12, 2016

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

Dear Administrator McCarthy:

The Local Government Advisory Committee (LGAC) is writing to provide our input regarding EPA's proposed changes to the Risk Management Program (RMP) Rule. We would like to acknowledge the agency and the Administrator's ongoing efforts to protect the health of our citizens and the environment. We are pleased with the initiative the agency has taken to modernize policies and regulations, and to improve chemical facility safety and security, in particular to reduce risks associated with hazardous chemical to workers and local communities. LGAC supports and is excited about the suggested changes, and we would like to take this opportunity to put forward our findings and recommendations regarding the rule.

Background: In response to Executive Order (EO) 13650, EPA has proposed changes to the Accidental Release Prevention Requirements for RMP under The Clean Air Act, Section 112(r)(7). These changes are intended to modernize the program, as it has not been updated since its creation in 1996.

There are three program levels: Program 1, "applies to processes that would not affect the public in the case of a worst-case release and that have had no accidents with specific offsite consequences within the past five years;" Program 2, "applies to processes not eligible for Program 1 or subject to Program 3;" and Program 3, "applies to processes not eligible for Program 1 and either subject to OSHA's PSM standard under Federal or state OSHA programs or classified in one of ten specified industry sectors identified by their 2002 NAICS codes listed at § 68.10(d)(1)." The revisions include adding a requirement for the process hazard analysis (PHA) required for Program 3 processes, improving emergency preparedness requirements, increasing public access to hazard information and clarifying definitions of certain terms.

The RMP Rule and the proposed changes are important to us as local leaders because chemical hazards affect each and every community. Preventing accidental releases and responding to the best of our ability to hazardous chemicals accidents/releases improves health and safety for all of us. It is one of our greatest responsibilities to protect our citizens from harm, and this includes ensuring they are informed of chemical hazards and how to respond to assure their safety in their workplaces. In addition to the concern for health protection and safeguarding our environment, we need to assure that local communities, especially vulnerable, EJ, small and tribal communities' workers know the proper handling and disposal of hazardous chemicals as this is crucial to safe drinking water and clean air.

**Findings:** Numerous employees encounter hazardous materials daily while performing jobs across our country, and these chemicals can pose health hazards to the general public, first responders and HAZMAT personnel. Medical facilities and emergency personnel need to be aware of the risks of exposure to chemicals when responding to hazardous material spills and releases. It is therefore crucial that we have policies in place to protect and inform these individuals of the risks these chemicals pose.

**Findings:** All local governments and communities need guidance and assistance on the recognition of hazardous chemical risks, how to respond to any release, spill or exposure and how to protect the environment especially water sheds, drinking water and air.

**Recommendation:** We feel that in order to fully modernize risk management in our country, the EPA's emphasis should prioritize a renewed guidance on the "Right to Know," which states that citizens, employees, and first responders have the right to know the chemicals to which they may be exposed. These should be presented in a manner that is understood by all.

**Recommendation:** We request that your direction on this rule contains a Chemical Exposure Standard, which should be made public and to which an individual will have access upon request. Companies' Risk Management plans should protect everyone conducting business. Further, companies should be obligated to ensure their employees, contractors and visitors are not exposed to contaminants at levels above the workplace Chemical Exposure Standard.

**Recommendation:** We also urge that the rule advances educational outreach to local and surrounding communities, so that citizens are aware of different chemicals, their associated risks and how to respond, if needed.

**Recommendation:** Communities need to know how to respond to any release, spill, or exposure through training simulations, community awareness, communication to understand the potential hazardous chemical risks and to prepare and respond in the event. All information should be provided in a manner that is understood by the user and should be multi-lingual.

**Recommendation:** Focus should be placed on reducing the risks associated with hazardous chemicals to owners and operators, workers and communities by enhancing the training, safety and security of these chemical at their facilities.

**Recommendation:** EPA should work with industry to provide and assist local communities with action guides to safeguard the environment (water, land and air) in case of any release, spill or exposure.

**Recommendation:** EPA should continue to coordinate with Department of Homeland Security, Centers for Disease Control and Prevention, Assistant Secretary for Preparedness and Response and other appropriate agencies for implementing of regulations by each agency.

Administrator McCarthy, we thank you again for this opportunity to provide feedback and for your dedication to keeping our communities safe and healthier. We appreciate the opportunity to offer our findings and recommendations regarding the proposed changes to the RMP Rule.

Sincerely,

Handwritten signature of Robert A. Dixon in cursive.

Mayor Dixon  
Chairman

Handwritten signature of Dr. Hector Gonzalez in cursive.

Dr. Hector Gonzalez  
Chairman, Environmental Justice (EJ) Workgroup