

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

October 8, 2015

Dear Mr. President:

The images of the August 12 chemical blasts that claimed 173 lives in Tianjin, China were absolutely horrifying. Yet, as you know, there are many places in the United States where a disaster of even greater magnitude could occur. Although your August 1, 2013 Executive Order (EO) 13650 “Improving Chemical Facility Safety and Security” directed federal agencies to modernize chemical facility safety and security regulations, the U.S. Environmental Protection Agency (EPA) has yet to propose a new rule.

On March 19, 2015, our coalition of more than 100 organizations wrote to you about the pace of chemical facility rulemaking by the EPAⁱ. Because it is not unusual for a rulemaking to take fifteen or more months, we informed the EPA in February that their schedule could jeopardize a final rule, putting it at risk of reversal by a new Congress or President in 2017. EPA’s inaction also jeopardizes all your years of leadership on this important issue.

We would like to meet with decision-makers on your staff at their earliest convenience to discuss ways we can work together on this. In addition to the slow pace of rulemaking, we are equally concerned about the substance of the rule. We fear that the EPA may fall far short of the prevention policies you advocated for in the Senate, and the principles your administration advanced on Capitol Hill. Primary among those principles were requirements to use safer chemical processes or inherently safer technologies (IST) where feasibleⁱⁱ.

It is essential that the EPA make cost-effective IST requirements an integral part of any revision of its Risk Management Program (RMP) to eliminate the many catastrophic hazards faced by workers and communities across the U.S. Unfortunately, EPA’s June alert to industry on IST continued its long standing reliance on costly voluntary measuresⁱⁱⁱ.

Instead commonsense IST requirements have the support of a majority of Americans. The attached poll conducted August 20-23rd by Lake Research Partners (LRP)^{iv} found that 79 percent of likely voters, including majorities of Democrats and Republicans, favor new federal requirements to use IST where feasible. After learning that there have been over 400 chemical releases and explosions since 2013 that killed a total of 82 people and injured 1,600,^v support for IST requirements increased to 82 percent.

The LRP poll also showed that Americans **do not** agree with special interest claims that voluntary measures are adequate. Nor do Americans agree that new IST prevention requirements will “kill jobs.” In fact, an independent analysis shows that converting to safer technologies will create jobs.^{vi}

Although hundreds of chemical facilities have taken advantage of safer cost-effective alternatives (including Washington, D.C.'s waste water treatment plant and all U.S. Clorox facilities), 466 U.S. chemical facilities each continue to endanger 100,000 or more people, (December 2014 Congressional Research Service analysis). Taken together, these facilities put over 100 million Americans at risk. Recent research also shows that millions living in "vulnerability zones" near chemical facilities are disproportionately African American or Latino. This inequity is even greater in the "fence line" communities closest to these facilities.^{vii}

In *Change We Can Believe In* you promised "*federal regulations that all plants must follow, including improving barriers, containment, mitigation and safety training, and wherever possible, using safer technology, such as less toxic chemicals.*" We, too, envision a future where all chemical plants are safer, and Americans who live in their shadows do not fear a chemical disaster every day.

In an April 2012 letter to EPA Administrator Lisa Jackson, former EPA Administrator Christine Todd Whitman embraced the March 2012 call for IST requirements by the EPA's National Environmental Justice Advisory Council (NEJAC)^{viii} saying, "I therefore fully support the implementation of the NEJAC recommendations and any other authorities you can apply to reduce these hazards before a tragedy of historic proportions occurs."^{ix}

We respectfully urge you and your administration to use that authority and finalize new rules no later than the middle of 2016.

Thank you for your leadership on this important issue.

Sincerely,

Pamela Miller, Executive Director
Alaska Community Action on Toxics

Charlotte Brody, Vice President, Health Initiatives
BlueGreen Alliance

Katherine McFate, President and Chief Executive Officer
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Tenya M. Steele MS, DrPH(c), Executive Assistant
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Stephen Lester, Science Director
Center for Health, Environment and Justice

Lynn Thorpe, National Campaigns Director
Clean Water Action

Elizabeth Crowe and Judy Robinson, Co-Directors
Coming Clean

David LeGrande, Occupational Safety and Health Director
Communications Workers of America

Denny Larson, Executive Director
Community Science Institute

Sofia Martinez, President
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Yolanda Whyte, MD, President
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Annie Leonard, Executive Director
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Darrell Hornback, Director, Health and Safety Department
International Chemical Workers Union Council/UFCW

Michele Roberts, National Co-Coordinator
Environmental Justice Health Alliance for Chemical Policy Reform

Ken Cook, President
Environmental Working Group

Jeannie Economos, Pesticide Safety and Environmental Health Project Coordinator
Farmworker Association of Florida

Fran Teplitz, Executive Co-Director; Business, Investing & Policy
Green America

Bill Walsh, Executive Director
Healthy Building Network

Karen Joy Miller, President
Huntington Breast Cancer Action Coalition, Inc

Jose T. Bravo, Executive Director
Just Transition Alliance

Richard Moore, Co-Coordinator
Los Jardines Institute (The Gardens Institute)

Dominique Browning, Senior Director
Moms Clean Air Force

David Halperin, Former Staff Member
National Security Council & Senate Intelligence Committee

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Tyson Slocum, Director of Public Citizen's Energy Program
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Juan Parras, Executive Director
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Andrew Rosenberg, Director of the Center for Science and Democracy
Union of Concerned Scientists

Mike Wright, Director of Health, Safety & Environment
United Steelworkers

Matt Prindiville, Executive Director
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Gerald Poje, Founding Board Member
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Andre Delattre, Executive Director
U.S. Public Interest Research Group

Alexandra Scranton, Director of Science and Research
Women's Voices for the Earth

CC:

Gina McCarthy, Administrator, U.S. Environmental Protection Agency

ⁱ <https://preventchemicaldisasters.files.wordpress.com/2015/03/coalition-ltr-to-pres-obama-final-march-2015.pdf>

ⁱⁱ http://www.epa.gov/ocir/hearings/testimony/111_2009_2010/2009_1001_pss.pdf

ⁱⁱⁱ http://www2.epa.gov/sites/production/files/2015-06/documents/alert_safer_tech_alts.pdf

^{iv} <http://www.lakeresearch.com/images/share/memo.ChemicalFacilitySafety.F.100815.pdf>

^v <http://preventchemicaldisasters.org>

^{vi} <http://www.misi-net.com/publications/HR2868-0710.pdf>

^{vii} <http://comingcleaninc.org/whats-new/whos-in-danger-report#sthash.kzGJ9WDF.dpuf>

^{viii} <https://www.documentcloud.org/documents/332041-nejac-letter.html>

^{ix} <https://www.documentcloud.org/documents/331659-ct-whitman-letter-to-lisa-jackson-april-2012.html>