FactSheet

Actions to Improve Chemical Facility Safety and Security

Responding to recent catastrophic chemical facility incidents in the United States, President Obama issued Executive Order (EO) 13650 "Improving Chemical Facility Safety and Security" on August 1, 2013. The focus of the EO is to reduce risks associated with hazardous chemical incidents to owners and operators, workers, and communities by enhancing the safety and security of chemical facilities. A Federal Interagency Working Group led by the Assistant Secretary of Homeland Security for the Office of Infrastructure Protection (DHS); Assistant Secretary of Labor for the Occupational Safety and Health Administration (OSHA); and the Assistant Administrator of the Environmental Protection Agency's (EPA) Office of Solid Waste and Emergency Response, in coordination with the Department of Justice (DOJ), Bureau of Alcohol, Tobacco, and Firearms (ATF), Department of Transportation (DOT), and the Department of Agriculture (USDA) oversees chemical facility safety and security.

Through the analysis of the current operating environment, existing regulatory programs and stakeholder feedback, a consolidated Federal Action Plan was created to address five elements:

- Strengthening community planning and preparedness
- Enhancing Federal operational coordination
- Improving data management
- Modernizing policies and regulations
- Incorporating stakeholder feedback and developing best practices

The Working Group has implemented the following actions since the release of the EO:

Strengthening Community Planning and Preparedness

The Interagency Working Group, in collaboration with state, local, tribal, and territorial governments and private sector partners, is working to develop, re-energize, and enhance programs to assist the following: State Emergency Response Commissions (SERC), Tribal Emergency Response Commissions (TERC), Local Emergency Planning Committees (LEPC), and Tribal Emergency Planning Committees (TEPC). This is critical to improving chemical facility safety and security across the country. Actions include:

- EPA expects to release an on-line training module on key requirements for SERCs/TERCs and LEPCs/TEPCs under the *Emergency Planning and Community Right-to-Know Act* (EPCRA) this summer. EPA also hosted 32 Local Leadership Planning Committee (LEPC) workshops from May – September 2014. There are over 390,000 facilities covered by EPCRA, making these efforts a vital component of our work to strengthen chemical facility safety throughout the nation.
- DHS/FEMA is working with the 10 counties with the highest combination of Chemical Facility Anti-Terrorism Standards (CFATS) and Risk Management Program (RMP) facilities to ensure they are using the Integrated Public Alert and Warning System (IPAWS), which provides public notification of incidents at local chemical facilities.
- ATF is transmitting explosives contacts to SERCs to establish greater relationships and facilitate better communication between local responders and facilities, assist responders in discussing explosives storage information, and enable authorities to develop training for emergencies involving explosives plants and storage facilities. DHS has created a list of government-approved training courses for first responders and emergency planners which are available on the EO website.

- OSHA held two public meetings to gather stakeholder input for developing a new emergency response and preparedness standard to better protect responders by integrating requirements of existing OSHA emergency response standards.
- Senate Committee on Health, Education Labor, and Pensions Staff meetings were held to discuss initiatives to ensure that all emergency responders—whether private sector, public employees, or volunteers—receive equal protection under workplace safety and health standards, taking into account economic feasibility.
- EPA issued a factsheet, *"How to Better Prepare Your Community for a Chemical Emergency: A Guide for State, Tribal, and Local Agencies,"* which is a general guide to states, tribes, and local communities on their role and responsibilities to protect communities from chemical accidents and ensure they are provided information on chemical risks in their community.

Enhancing Federal Operational Coordination

Improved coordination between Federal regulatory agencies is essential to identifying and inspecting all facilities handling significant quantities of highly hazardous chemicals.

A National Working Group led by Senior Executive Service officials was formed to execute the Federal Action Plan and provide feedback to stakeholders regarding the actions identified in the report.

Regional Working Groups (RWGs) were established in all ten Federal Regions under the leadership of regional tri-chairs from DHS, EPA, and OSHA. The RWGS are holding regular meetings to foster relationships with regional and local stakeholders and share best practices.

Last year, the Pilot Program in New York and New Jersey successfully brought together regional Federal employees and State and local agencies to serve as a test-bed confirming lessons learned, collecting and assessing best practices, and developing novel solutions to address safety and security challenges. The RWGs are working closely with other partners at the state, local and tribal levels to build upon the Standard Operating Procedures (SOPs) created as part of the Pilot Program. The SOPs will cover topics such as responding to risks at chemical facilities and operational coordination procedures for data management, and be specific to the needs of the individual regions.

While the final SOPs will make beneficial changes on the ground throughout the nation, the process of creating the SOPs has already yielded a number of successes throughout the nation. We continue to hear from partners throughout the nation where this increased coordination, both among Federal partners and with state, local, tribal and industry partners, has been helpful in increasing the safety and security of chemical facilities.

Improving Data Management

Agencies that enforce chemical safety and security regulations each collect similar data but there is no central clearinghouse for Federal chemical safety and security data. An interagency work group of data and information technology experts is working to create a unified chemical facility data clearinghouse. The first major milestone is the incorporation of data into the EPA's facility registry system (FRS). FRS makes available to the public comprehensive information, collected from a variety of sources, about facilities, sites, or places of environmental interest under various regulations.

To date, the work group has completed the integration of chemical facility data sets, totaling over 300,000 records, and has assigned each facility under a single EPA identifier. As a result, stakeholders can now search and view nearly all chemical facility safety and security information submitted to the Federal government.

Modernizing Policies and Regulations

DHS, EPA, and OSHA have all made significant progress in updating key regulatory programs designed to protect and prepare the community, protect workers, and secure facilities.

- EPA issued a request for information (RFI) seeking public comment on updating its Risk Management Program (RMP) regulation and a Notice of Proposed Rulemaking is being prepared.
- OSHA issued an RFI in November 2013 seeking public input on possible improvements for its Process Safety Management (PSM) standard and, in June 2015, initiated a *Small Business Regulatory Flexibility Review Act* (SBREFA) panel to get feedback from small businesses.
- OSHA issued new policies clarifying interpretations on chemicals without concentrations listed in Appendix A and defining Recognized and Generally Accepted Good Engineering Practices or RAGAGEP.
- Both EPA and OSHA are considering new requirements in PSM and RMP for the use of safer technology and alternatives. As an

interim measure, the agencies issued a joint alert promoting the use of safer technologies and alternatives. This alert includes information on best practices from industry and is the beginning framework for safer technology and alternatives.

- In December 2014, the President signed into law the *Protecting and Securing Chemical Facilities from Terrorist Attacks Act*, establishing a multi-year authorization for the Chemical Facility Anti-Terrorism Standards (CFATS) program.
- On August 8, 2014, DHS issued an ANPRM to collect information on updates to its Chemical Facility Anti-terrorism Standard (CFATs). Listening sessions were held in several states, including two webinars, in which members of the public were able to participate and provide comments.
- ATF has initiated a Notice of Proposed Rulemaking to amend the Federal explosives regulation that currently requires explosives licensees and permittees to report explosives storage to local fire authorities when they commence storage. The amendment proposes to require annual notification, which will ensure that local fire authorities are better informed and prepared in case of an accident.

Ammonium Nitrate Safety and Security

The Working Group has made progress in furthering Ammonium Nitrate safety and security:

- EPA, OSHA, and ATF have updated and re-issued the Chemical Advisory on *Safe Storage, Handling, and Management of Ammonium Nitrate* which was originally issued by in August 2013. It incorporates stakeholder comments and concerns, as well as the latest practices in Ammonium Nitrate safety.
- OSHA issued a letter and additional materials to major stakeholders in the fertilizer industry to emphasize current requirements for AN storage.
- The *Fertilizer Safety and Health Partners Alliance* was formed between OSHA and the fertilizer industry, emergency response organizations, and other working group agencies to provide guidance and training resources to better protect the health, safety, and security of chemical facility work.
- OSHA also issued guidance to Regional Administrators on enforcement of the Explosives and Blasting Agents Standard and is in the process of developing Regional and Local emphasis programs to more effectively enforce standards for the safe storage of ammonium nitrate.

Additional improvements to AN safety and security can be found on the Executive Order webpage.

Incorporating Stakeholder Feedback and Developing Best Practices

The Working Group has initiated and will continue to conduct opportunities for soliciting feedback from stakeholders. A docket was established for stakeholders to submit feedback, and continued correspondence is being accepted at EO.Chemical@HQ.DHS.gov/inbox.

- The Working Group has met with more than 100 organizations and companies, reaching nearly 4,500 attendees.
- A web-based repository was created to collect industry best practices that have resulted in successful, productive, safer, and more secure operations.
- More than 600 individuals, including representatives from Congress, GAO, and the media, participated in a public webinar update on November 10, 2014.
- A webinar is being planned for June 19, 2015 to update stakeholders and the public on progress since the release of the Executive Order.

Information Sharing

Improving the information shared with first responders and members of the community is integral to improving chemical facility safety throughout the nation. Stakeholders should be able to identify the key risks in their communities and establish plans to mitigate or respond to those risks. The Working Group has taken several steps to improve information sharing and use with stakeholders:

- The EPA has enhanced and upgraded its Computer-Aided Management of Emergency Operations suite of applications that are available free on its website, and its Substance Registry System (SRS) was updated to include PSM-covered substances. The CAMEO suite includes applications such as ALOHA for atmospheric dispersion modeling, a chemical database, mapping tools, and information management tools. SRS is the central system for information about substances that are

tracked or regulated by EPA or other sources. It is the authoritative resource for basic information about chemicals, biological organisms, and other substances of interest to EPA and its state and tribal partners.

- The ATF List of Explosive Materials is now linked to records in the SRS to increase chemical regulatory awareness.
- EPA makes recommendations to improve information sharing in the Factsheet "*How to Better Prepare Your Community for a Chemical Emergency: A Guide for State, Tribal, and Local Agencies*".
- The group is addressing the possibility of sharing specific elements of Risk Management Program (RMP) data and RMP violation information with the general public. This will be addressed in the proposed RMP rule and Regional SOPs may include sharing of inspection reports and enforcement actions among the Agencies.
- DHS continues to collaborate with State and Local officials and first responders to educate them on the CFATS program and discuss information sharing opportunities. The outreach is codified in the Department's Outreach Implementation Plan established under the *"Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014."*
- DHS developed a permission-based system for CFATS to allow mission partners to access a large range of integrated IP tools, capabilities, and information and view facilities in their area, which will improve data sharing efforts. This permission-based system allows DHS to share information while appropriately balancing security risks.
- Improved information sharing and coordination is enhancing interagency referrals.

Review

The Working Group recognizes the invaluable contributions of the stakeholder communities that have participated thus far. Pursuing improvements to chemical facility safety and security requires a continued commitment among facility owners and operators, government and first responders at all levels, and community and environmental organizations. The consolidated effort to establish consistent information and resources will assist all entities who play essential roles in protecting the public. This will greatly reduce the probability of future catastrophic chemical facility incidents.