Dear Administrator McCarthy;

Congratulations on your confirmation as Administrator of the U.S. Environmental Protection Agency (EPA). We are eager to work with you to fulfill the mission of the Agency. In so doing we respectfully urge you to make chemical disaster prevention one of the priority initiatives of your first 100 days in office. As you know U.S. chemical facilities have an obligation under the Clean Air Act to prevent a catastrophic release of extremely hazardous chemicals. The April 17th tragedy in West, Texas which claimed fourteen lives and injured hundreds is a sobering reminder of the failure to use the disaster prevention authorities enacted in the 1990 Clean Air Act (section 112r). There have been at least six other serious chemical accidents since April 17th including two that resulted in fatalities.

According to EPA data, there are more than 470 chemical facilities each put 100,000 or more people at risk of injury or death from a sudden poison gas release. In 2004, the Homeland Security Council estimated that an attack on a poison gas facility would result in 17,500 immediate deaths, 10,000 seriously injuries and send an additional 100,000 people to the hospital. In 2006, President Obama referred to these hazards as "stationary weapons of mass destruction spread all across the country." In the President's 2008 campaign platform he promised to, "Secure our chemical plants by setting a clear set of 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."

August 1, 2013
Following the 9/11 attacks, the EPA proposed using the Clean Air Act’s disaster prevention authority to make chemical facilities “inherently safer by reducing quantities of hazardous chemicals handled or stored, substituting less hazardous chemicals for extremely hazardous ones, or otherwise modifying the design of processes to reduce or eliminate chemical hazards.” Tragically, the Bush administration scuttled this plan.

In a March 14, 2012 letter to EPA Administrator Lisa Jackson, the National Environmental Justice Advisory Council (NEJAC) urged the EPA to adopt such a proposal saying, “the Clean Air Act’s prevention authority will not only eliminate accidental hazards but will also address fatal flaws in the current chemical security law…”

On April 3, 2012, former EPA Administrator Gov. Christine Todd Whitman also wrote Administrator Jackson 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.”

On July 25, 2012 more than fifty organizations filed an Administrative Procedure Act petition requesting the EPA to issue new Clean Air Act rules and guidance to prevent chemical disasters by requiring the use of the safest available chemical processes by high risk chemical facilities.

Following the West, Texas disaster, former EPA Administrator Lisa Jackson told MSNBC what she thought the EPA ought to do, “We need to use the authority we have now.” And the EPA clearly has the authority which it proposed using in 2002.

Hundreds of chemical facilities (including all Clorox Co. facilities) have already proven that safer processes are available and that by adopting them and eliminating these hazards to their employees and the surrounding communities we can reduce the risks to millions of people. Unfortunately the reliance on voluntary efforts continues to leave more than one-hundred million people at risk because they happen to live and work inside “vulnerability zones” adjacent to the highest risk chemical facilities in our major cities.

Businesses are also negatively impacted. Due to their potential liability for hauling poison gases, the Association of American Railroads issued a statement in 2008 saying, “It’s time for the big chemical companies to do their part to help protect America. They should stop manufacturing dangerous chemicals when safer substitutes are available…”

The New York Times put it bluntly in their lead June 2nd editorial, “policy makers cannot wait for the industry to move to safer technologies on its own. It is critical for the E.P.A. to take action under the power it already has.” The Times also noted that, “The health risk is particularly great for the poor and racial minorities, who are more likely to live in communities near facilities using hazardous materials. Much of this is the result of racial politics that put dangerous plants in segregated and poor neighborhoods where land is cheap.”

Prevention is the only fool-proof way to ensure the safety of millions of people whose communities are needlessly in danger. Taken together our organizations represent millions of people from across the U.S. Many of us have been working on this issue since the 1984 Bhopal disaster. We look forward to working together with you to embrace a shift from a “risk management” policies to a “risk prevention” policies.
Sincerely,

Frank Cyphers  
President  
International Chemical Workers Union Council (ICWUC)

Michael Brune  
Executive Director  
Sierra Club

David Foster  
Executive Director  
BlueGreen Alliance

Arlene Blum  
Executive Director  
Green Science Policy Institute

Philip D. Radford  
Executive Director  
Greenpeace

Erich Pica  
President  
Friends of the Earth

Gene Karpinski  
President  
League of Conservation Voters

Rob Weissman  
President  
Public Citizen

Catherine Thomasson  
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Physicians for Social Responsibility

Larry Cohen  
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Communications Workers of America

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Citizens’ Environmental Coalition

Margie Alt  
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Bob King  
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Jeanne Rizzo  
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Breast Cancer Fund

Van Jones  
President  
Rebuild the Dream

Sean Moulton  
Center for Effective Government

Carroll Muffett  
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Second Look

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Clean and Healthy New York

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Anne Hulick  
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Neil Carman, PhD  
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Andrea Durbin  
Executive Director  
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Adrian Shelley  
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Air Alliance Houston

Paulyne Webster and Anne Tate  
Delaware Concerned Residents for Environmental Justice

Judith Robinson  
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Lois Gibbs  
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Ai-jen Poo
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Martha Dina Arguello
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Anne Rolfs
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Ted Smith
International Campaign for Responsible Technology

Cecil D. Corbin-Mark
WE ACT for Environmental Justice

Amy Goldsmith
Director
Clean Water Action, New Jersey

Elizabeth Ouzts
Environment North Carolina

Cc: President Barack Obama
Cc: Senator Barbara Boxer