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U.S. Senate Committee on Environment and Public Works

Statement of Senator Barbara Boxer Joint Hearing of the Senate Environment and Public Works Committee and the Senate Health, Education, Labor, and Pensions Committee “Oversight of the Implementation of the President’s Executive Order on Improving Chemical Facility Safety and Security”

December 11, 2014

(Remarks as prepared for delivery)

Today, the Environment and Public Works Committee joins the Committee on Health, Education, Labor and Pensions to continue critical oversight of efforts to improve the safety and security of chemical facilities across the country.

In April 2013, a massive explosion at a fertilizer distribution plant in West, Texas, killed 15 people, injured hundreds more, and damaged or destroyed homes, businesses, and three unoccupied schools.

Chemical facilities can be a threat to communities, including schools, across the nation. A recent report by the Center for Effective Governance found that 1 out of 3 school children in America today attends a school within the vulnerability zone of a hazardous chemical facility, and as many as ten million children go to school under the shadow of two hazardous zones.

After the disaster in West, Texas, I spoke with President Obama about the need to act, and in August 2013, he issued Executive Order 13650 - Improving Chemical Facility Safety and Security. This Executive Order established a Working Group to conduct a comprehensive review of our chemical safety and security programs and develop recommendations for improving these programs.

In the 602 days since the West, Texas, tragedy, there have been 355 chemical accidents, resulting in 79 deaths and almost 1,500 hospitalizations according to Chemical Safety Board data. In my home state of California, there have been 23 chemical incidents and 96 people have been hospitalized.

I am very concerned that despite the clear risks posed by our nation's chemical facilities, very little progress has been made to improve safety.

The Executive Order directed that 15 actions be taken, including proposing changes to safety measures for ammonium nitrate, proposing changes to the list of chemical hazards under EPA's program to reduce risks of chemical accidents, and providing more information to first responders and accident investigators.

Of the 15 actions directed by the Executive Order, only four have been completed. Six actions won't be complete until 2015 or later, and five have no timeline at all for completion. No agency has proposed changes to its chemical safety program, and not a single facility faces new federal requirements to adopt safety precautions to reduce chemical hazards.

One chemical that I have repeatedly expressed concern about is ammonium nitrate, which was the cause of the West, Texas, accident and was a key ingredient used in the Oklahoma City bombing and the 1993 World Trade Center bombing.

In response to a GAO request submitted by Senators Casey and Murray, Representatives Miller and Courtney, and myself, GAO said that federal regulation of ammonium nitrate contains gaps that may make certain facilities unsafe to operate. The Chemical Safety Board reached similar conclusions, and said that EPA should address ammonium nitrate under its chemical safety standards. According to CSB, the West, Texas, accident could have been prevented had those measures been in place. Although an update to a 1997 safety advisory on ammonium nitrate was issued in August 2013, more action needs to be taken.

Although the Working Group established in the Executive Order has convened months of meetings, its June report merely recommended more meetings and information gathering. The time for meetings and deliberation about chemical safety is over -- what we need is meaningful, measurable action to improve protections for workers, first responders, and local residents.

Today, I hope to hear from our witnesses a renewed commitment to quickly finalize and implement key safety improvements so we can avoid another tragedy like the one in West, Texas.

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