From: Levine, Carolyn
Sent: Fri 3/7/2014 5:47:20 PM
Subject: Summary of March 6 SEPW hearing on implementation of Executive Order on Chemical Facility Safety and Security
EPA-Chem-EO-testimony-Mar6-SEPW.pdf

FYI, below is a summary of the Senate Environment and Public Works hearing yesterday on implementation of the President's Chemical Safety and Security E.O.
Mathy Stanislaus was EPA's witness. Testimony attached. Please let me know if you have any questions.

Summary of March 6, 2014 SEPW hearing on status of President's E.O. 13650 - Improving Chemical Facility Safety and Security

Members present: Boxer, Carper, Markey, Udall, Vitter, Barrasso

Panel 1
Mr. Mathy Stanislaus
Assistant Administrator for Solid Waste and Emergency Response
United States Environmental Protection Agency

The Honorable Rafael Moure-Eraso
Chairman
United States Chemical Safety Board

Panel 2
Dr. Michael P. Wilson, PhD, MPH
Chief Scientist, Office of the Director
California Department of Industrial Relations

Mr. James S. Frederick
Assistant Director for Health, Safety & Environment
United Steelworkers International Union

Mr. Evan P. Hansen
President
Downstream Strategies

Mr. Billy Pirkle
Senior Director, Environment, Health and Safety, Crop Production Services
On behalf of the Fertilizer Institute

Mr. Scott Berger
Executive Director, Center for Chemical Process Safety
American Institute of Chemical Engineers

Opening statements:
Boxer
- past spills, explosions; working with states, more needs to be done;
- after June 2013 Committee hearing on chemical facility safety, she spoke to President Obama, then he issued E.O.;
- working with Vitter on Senator Manchin SDWA bill, agreed to markup postponed to April 2;
- letter to Admin. McCarthy re: need for E.O. Working Group to address;
- EPA should be using its existing authorities.

Carper
- Industries in various states; IST; third party audit system; E.O. report, will need to evaluate all options and effect on stakeholders.

Markey
- importance of IST

Barrasso
- many agencies, and industries BMP for regulation of Ammonium Nitrate;
- lack of oversight and communication between regulatory agencies concerning non-compliant facilities;
- Oct. 2013 letter to EPA re: no additional regs.

Vitter

- Want to take advantage of the historic opportunity in SEPW to come together on bipartisan process; committed to ongoing bipartisan process in addressing chem. safety, committed to working with Manchin/Boxer on legislation

Udall
- hold industry to standards; new co sponsor of Manchin bill; IST- why don't co's implement? Law should hold industry to standards. Encouraged that EPA has included IST among policies being considered; joining as co-sponsor to Manchin bill.

PANEL 2:

Senator Carper: (Q to all) Is self reporting effective?

Dr. Michael P. Wilson: The state of California is looking at required reporting.

Mr. James S. Frederick: More education, oversight and enforcement by government agencies is needed to ensure compliance.

Mr. Evan P. Hansen: It's not a question about the effectiveness of self reporting, rather what the states and locals do with that information.

Mr. Billy Pirkle: Did not address the question but spoke about his company's initiative to seek traceability for amonium nitrate.

Mr. Scott Berger: It's a good program.

Senator Boxer: Regarding the chemical spill in WV, what was the facility's secondary containment structure and why did it fail?

Mr. Evan P. Hansen: It was a concrete wall that was not water tight. Also the chemical that leaked, leaked underneath the wall.

Senator Boxer to Billy Pirkle: I think your Responsible Ag initiative is great. It reminds me of the Energy Star Program at EPA or the dolphin safe tuna label, which was created from a bill I wrote. Will you publicize the people who join the Responsible Ag initiative?

Mr. Billy Pirkle: Yes, we will have a website highlighting those companies and the initiative.

Senator Boxer: In what ways can government motivate industries to use inherently safer design options?

Dr. Michael P. Wilson: To motivate companies, we have to require reporting and transparency as well as

adhere to industry standards and codes.

Senator Boxer to Mr. Hansen: What were the results of the in home tap water testing your company conducted in WV? Did you find the chemical leaked by Freedom Industries even after the lines were flushed?

Mr. Evan P. Hansen: Yes, we continued to find polluted tap water being delivered to people's homes. Four out of 10 homes we tested, 40%, still had the chemical present even after our company flushed the lines again.

archived webcast:
http://www.epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_id=9a92b90f-de5f-5477-7177-ccd5a1aef682

Carolyn Levine
Office of Congressional Affairs
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov