



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 23 2014

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Ms. Margaret May  
Chair  
National Environmental Justice Advisory Council  
Ivanhoe Neighborhood Council  
3700 Woodland Avenue  
Kansas City, KS 64109

Dear Ms. May:

Thank you for your letter of February 24, 2014, to Administrator Gina McCarthy, regarding the chemical spill into the Elk River near Charleston, West Virginia (WV) this past January and Executive Order (EO) 13650, *Improving Chemical Facility Safety and Security*.

In your letter, you recommend that the EO Working Group convene a listening session on EO 13650 in Charleston, WV. On April 22, 2014, my staff and I had a conference call with Ms. Stephanie Tyree of WV Community Development Hub and her partners to discuss the EO and listen to their concerns.

The Environmental Protection Agency (EPA) agrees that issues raised by the Freedom Industries chemical spill into the Elk River are the types of things that should be addressed under the EO and coordinated with all levels of government who are involved in spill planning, prevention, and response activities. As part of this effort, the federal agencies are working collaboratively to consider and recommend options for improving chemical facility safety and security. We are reviewing our hazardous chemical regulatory authorities, including strengthening the planning and preparedness capabilities of local responders and replicating best practices for water receptors.

Earlier this year, the EO Working Group developed and provided for public comment a list of options for improving the safe and secure storage, handling, and sale of ammonium nitrate; expanding the Occupational Safety and Health Administration's (OSHA) Process Safety Management standard and EPA's Risk Management Program (RMP) rule to address additional regulated substances and types of hazards; and adding chemicals to the Chemical Facility Anti-Terrorism Standards Chemicals of Interest list. The public comment period closed on March 31, 2014, and the Working Group is currently reviewing the comments.

We realize the importance for facility owners and operators and their communities to foster strong relationships with one another and maintain a robust, open dialogue to help ensure chemical safety and security. The Working Group has developed a set of actions to improve stakeholder coordination in six key categories:

- Expand engagement of the chemical regulated community in the local emergency planning process.
- Improve training and protection for first responders, including a comprehensive implementation and compliance strategy for Hazardous Waste Operations and Emergency Response regulations.
- Provide further technical assistance to State Emergency Response Commissions, Tribal Emergency Response Commissions, Local Emergency Planning Committees (LEPCs), and Tribal Emergency Planning Committees (TEPCs) preparedness activities.
- Identify and coordinate funding sources for LEPCs//TEPCs to sustain planning activities.
- Increase use of electronic reporting and data management.
- Improve public participation in LEPC/TEPC emergency response planning and access to information about chemical facility risks.

The Working Group will further evaluate and refine the recommended actions as it obtains feedback and additional information from stakeholder groups, assesses resources, and prioritizes activities.

We are committed to working collaboratively with state, local, and tribal partners, organizations and associations, and facility owners and operators in our effort to improve chemical facility safety and security. The input and feedback we receive from this broad cross-section of stakeholders will help inform the Working Group's actions.

Again, thank you for your letter. Should you have further questions, please contact me, or your staff may contact Becky Brooks at 202-566-2762.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive style with a large, prominent "M" and "S".

Mathy Stanislaus  
Assistant Administrator

cc: Gina McCarthy  
Victoria Robinson, NEJAC Senior Designated Federal Officer