

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 9/1/2017 3:27:22 PM
To: Michael Bastasch [mike@dailycallernewsfoundation.org]
Subject: RE: Arkema & RMP

I think they didn't understand all the facts surrounding these amendments, and it made a great talking point for them to push around.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Friday, September 1, 2017 11:18 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: Arkema & RMP

Ah, I see. So, the activists basically had no clue what they were talking about?

On Fri, Sep 1, 2017 at 11:16 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:

The rule is still in place, these were just amendments that the Obama admin finalized in the last week of his term. But correct the amendments they put in place would not have been effective until March 2021.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Friday, September 1, 2017 11:12 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: Arkema & RMP

So basically, even if the rule had been left in place, it wouldn't have been in force until 2021?

On Fri, Sep 1, 2017 at 11:08 AM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Mike – Here is more information on Arkema and EPA's RMP rule per your request:

EPA's RMP Rule continues to be in effect and is an important safety rule that requires facilities that use extremely hazardous substances to develop plans that identify potential effects of a chemical accident, identify steps a facility is doing to prevent an accident, and spell out emergency response procedures, should an accident occur. The 2017 RMP Amendments revised several accident prevention requirements as well as what must be communicated to local authorities and the public, however, none of the major amendments would have been effective until March 2018 and most well after that. The Agency's recent action to delay the effectiveness of the 2017 Amendments had no effect on the major safety requirements that applied to the Arkema Crosby plant at the time of the fire.

Most of the accident prevention and public communication provisions of the 2017 RMP amendments would not have required compliance before March 2021. One provision impacted by the delay of effectiveness would have required annual coordination between the facility and local emergency responders annually starting in March 2018. However, there is an in-effect provision under the current RMP Rule that requires such coordination, and the Arkema Crosby plant had coordinated with its local fire department, according to its filed risk management plan. Therefore, the delay of effectiveness did not impact any steps Arkema would have had to comply with prior to its accident.

The Arkema plant in Crosby has filed a risk management plan under the RMP program and a redacted copy of the facility's report is attached. Federal law mandates that public access to certain elements of a facility's risk management plan be provided in a way that is designed to minimize the risk of harm to public health, welfare and national security.

Additional Q&A:

Does EPA have a list of chemicals of concern at the Arkema Crosby site?

The facility is required to submit a Risk Management Plan because it handles the following chemicals above the regulatory threshold quantity: 2-methylpropene and sulfur dioxide.

Are there other petrochemical facilities in the flooded areas that EPA is monitoring or concerned about? Any others in danger of exploding or catching on fire?

EPA is working with TCEQ to contact industrial sources within the impacted area to determine their operational status and what support can be provided with the monitoring of the start-up of industrial sources along the coast of Texas.

Any enforcement actions taken against Arkema involving its U.S. operations? Details?

No recent EPA RMP enforcement actions have been taken against the Crosby facility.

Please provide a copy of the most recent Risk Management Plan for the Crosby plant. There is reference to a 2014 plan online. Is that the most recent? Do they have to file these things every year?

Facilities are required to submit Risk Management Plans every five years. The 2014 Plan for the Arkema facility is the current plan and it is attached.

I'm just trying to confirm that the Arkema Crosby facility that exploded this morning is covered by the EPA's risk management program?

Please note, this was a fire, not an explosion. Yes, the facility is part of the RMP plan.

And therefore would have had tighter safety rules if the new Risk Management Program rule had gone into effect as originally scheduled in March?

See above.

Why is Arkema allowed to refuse to release the company's federally mandated risk management plan?

RMP-regulated facilities may voluntarily release their risk management plan. Some facilities choose not to release the full plan because portions of the plan contain sensitive security information.

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Michael Bastasch

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