

TGG: JCL: ERT: MJH: AJO: RF²

TO: Distribution

XF: _____

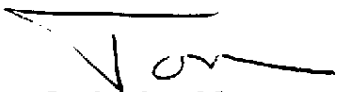
FROM: T. G. Grumbles
DATE: February 28, 1990

Interoffice
Communication

SUBJ: RESPONSIBLE CARE ACTIVITY

VISTA

Attached is an article summarizing the planned schedule for development of codes management practice in the coming months. It should be noted that Senate Bill 1630, Clean Air Act Amendments has a process safety element. Specifically, Section 304, for which a summary is attached is entitled Prevention of Sudden, Accidental Releases, and would require by regulation many of the elements in process safety code of management practice.



T. G. Grumbles

dlj
.1017

Attachment

Distribution: SAFETY DIRECTORS

Bruce Trego-Aber, Bill Jones-Balt, Harry Peirce-Blane, A. E. Russell-Hmd, K. L. Fogg-LCCP, R. V. Gantz-LCLAB, G. M. Shirley-LCVCM, J. D. Harris-Okc, R. B. Martin-Austin, D. A. Barclay, D. L. Morgan, J. R. Drumwright

PLANT MANAGERS

R. W. Seymour-Aber, L. R. Bauer-Balt, G. D. Williams-Blane, J. Pavao-Hmd, J. Friend-LCCP, J. W. Ware-LCLAB, R. A. Conrad-LCVCM, H. D. Garrison-Okc, P. L. Foote-Prem, V. W. Weiss-Austin

ENVIRONMENTAL COORDINATORS

F. G. Jeanson-Aber, D. L. Mahler-Balt, M. G. Jakel-Blane, Matt Tonkovich-Hmd, M. G. Hayes, G. L. Foshee, J. Johnson-LCCP, Tony Salah-LCLAB, D. R. Booth-LCVCM, Joyce Callen-Okc, G. C. Lipps-Prem, R. B. Martin-Austin, W. L. McClain, D. L. Cohen

J. A. DeBernardi, T. H. Huffman, R. D. Gamblin, G. Inbody, R. Gerlach, Veldon Messick

VVV 000011196

Three more management codes near

A series of workshops, conferences and open forums will take place around the country this spring to focus the chemical industry's attention on Responsible Care management codes being developed on waste and release reduction, process safety and distribution.

Six waste and release reduction workshops are designed to help member companies implement the most imminent code of management practices being developed under Responsible Care.

The Waste and Release Reduction Code has been drafted and will be sent to the board for approval in April. The code is modeled after the Chemical Release Reduction Policy adopted last year.

It calls for companies to develop inventories of all releases to air, land and water, commit to reducing them and set priorities for action.

The first workshop will take place April 26 at the Stouffer Hamilton Hotel in Itasca, Ill. Others will follow in Houston, Salt Lake City, New Orleans, Pittsburgh and Newark.

At each workshop, experts from member companies and regulatory agencies will share ideas on effective approaches to release reduction at the plant and corporate levels. Participants will learn how to start or change a company waste and release reduction program.

All company personnel who implement the codes of management practices, such as plant managers and plant and corporate environmental coordinators, are encouraged to attend.

Workshop participants will receive a Waste and Release Reduction Resource workbook.

For more information, contact Ann Mason or Susan Koenig at (202) 887-1180.

A Process Safety Code of Management Practices has been drafted and circulated for comments. An open forum on the code will take place at the Hyatt Regency in Atlanta March 1-2. For more information, contact Kyle Olson at (202) 887-1275.



The code, which will go before the board for approval in June, is intended to help companies continually improve process safety. Elements of the code are closely harmonized with the Process Safety Management Principles developed by the Center for Chemical Process Safety and the American Petroleum Institute's Process Hazard Management Guidelines.

Although similar, CMA's code extends beyond the scope of other documents. CMA's code is an obligation of CMA membership, whereas others are only advisory or voluntary in nature. CMA's code also requires companies to:

- share relevant safety information, obtained in the course of accident or near-miss investigations, with the rest of industry, governments and the community;
- incorporate public comments and concerns in designing and implementing process safety systems in the plant;
- provide for control in emergencies caused by external forces such as earthquakes and hurricanes;
- establish programs to ensure that safety-critical jobs are not performed by persons impaired by drugs, alcohol or other external factors.

The Distribution Code of Management Practices will be the subject of three one-day conferences in March and April for shippers and carriers of chemicals and other hazardous cargo.

The distribution code will incorporate carrier selection, risk management, storage issues and community outreach. Board approval for this code is targeted for November.

The conferences also will feature an in-depth panel discussion on activities of the Interindustry Rail Safety Task Force—a shipper/carrier coalition formed to improve distribution practices. An overview of TransCAER, including a community perspective, also will be presented.

An update on legislative activities to amend the law governing hazardous materials transportation also is on the program.

In addition, CMA will present overviews of its distribution and emergency response training activities.

The initial conference will be held March 13 in San Francisco and will be repeated March 20 in St. Louis and April 24 in Atlanta.

Attendance is open to all interested parties. For more information, contact Lillian Amazeen at (202) 887-1271. □

SUMMARY OF PROPOSED CLEAN AIR ACT AMENDMENT SECTION 304

PREVENTION OF SUDDEN, ACCIDENTAL RELEASES

Recently the Senate Committee on the Environment and Public Works reported out of committee Senate Bill 1630, the Clean Air Act Amendments of (1990). This bill, with only minor changes, is expected to receive the approval of the Senate and to serve as the Senate vehicle for the Senate-House conference expected in March/April. President Bush would like to have a bill on his desk by Earth Day (April 22). Even if this date is not met, a final bill should be ready by sometime this spring. The section dealing with catastrophic accident prevention has major implications for industry.

Section 304 of Senate Bill 1630 proposes a new section 129 to the Clean Air Act to establish programs and requirements to prevent catastrophic chemical accidents and to mitigate the consequences of any such accidents. This section addresses itself to the acute hazards caused by exposure for a limited time to extremely hazardous substances and uses the term "extremely hazardous substances" in a very broad sense. "Extremely hazardous substances" include any agents which may or may not be listed or identified by any government agency which may cause sudden death, injury or property damage. The release of any substance which results in such consequences would create a presumption that the substance is an "extremely hazardous substance". Although the section is complex and not easily summarized, a brief summary of some of its most salient features follows:

FOUR MAJOR ELEMENTS:

1. Creation of a Chemical Safety and Investigation Board (modeled after the National Transportation Safety Board).
 - An independent agency with its own staff and an initial budget of \$12 million.
 - Three members, to be appointed by the president and confirmed by the Senate, will serve five-year terms and may be reappointed.
 - With broad powers to investigate serious accidents resulting from the production, processing, handling or storage of chemical substances and report on the cause or probable cause of each accident.
 - Authority to conduct general studies or investigations where there is evidence of potential hazards for accidental atmospheric releases (expected to serve as a drive to the regulatory agenda).
 - The Board is to make recommendations based on investigative results to the EPA Administrator regarding

regulations and administrative orders which the Administration must respond to within 180 days.

2. Section 129 authorizes the EPA Administrator to establish prevention requirements

- Applicable to facilities handling extremely hazardous substances.
- Could include all of the components and elements addressed by Risk Management Programs now established in New Jersey, California and Delaware.
- No state requirements would be preempted.
- Procedures, training, maintenance, emergency planning, prevention systems and record keeping could all be included.
- Specific components of this element of the bill expected to be triggered by recommendations of the Board.

3. Hazard assessments are mandatory for listed chemicals

- The Administrator is to propose within 12 months of passage and promulgate within 24 months a list of chemicals for which owners and operators must perform a hazard assessment:
 - to identify potential release scenarios,
 - estimate probabilities; and
 - assess potential impacts
- EPA is to issue guidance for performance of these hazard assessments (they are obviously similar to requirements in New Jersey and California).
- Hazard assessments are to be completed within 36 months of the passage of the Act.
- Assessments must be reviewed every two years.
- Results to be issued in a formal written report which is to be widely distributed.
- Initial list to be promulgated by EPA must contain 50 chemicals and must include 25 specifically named in the Bill.
- More may be proposed and added later (perhaps as a result of a Board recommendation).

- The EPA is specifically charged with considering the EPA's SARA Section 302 list of 360 chemicals, the New Jersey TCPA list of 104 substances and the European Community's list of 178 compounds.
 - Specific references to the American Institute of Chemical Engineers Guidelines for Hazard Evaluation Procedures and to New Jersey's Toxic Catastrophe Prevention Act are also referenced in the committee report.
4. A general duty is imposed on each owner or operator to operate a safe facility free of accidental releases that threaten life or property.
- The operator must take all feasible action to reduce known hazards.
 - This element applies to the broad based definition of extremely hazardous substances.
 - The Administrator has broad powers to seek administrative relief or issue administrative order to remove imminent and substantial dangers.
 - Intended to serve as a coverall to increase flexibility and strength of EPA response.
 - Clearly fixes prime legal responsibility for safe operations on plant operators.

Conclusion

This proposed legislation will have a significant impact on all facilities that handle hazardous chemicals. The legislation will give EPA the authority to enact even more stringent regulations in response to later chemical accidents. EPA has established that the initial cost of compliance will be \$900 million to \$1.8 billion. Most of this work would have to occur within approximately three years after passage of the new Act. Annual maintenance costs were not estimated but would certainly be in the hundreds of millions.

TGG: JCL: ERT: MJH: AJO: RF

XF: _____

Distribution: SAFETY DIRECTORS

Bruce Trego-Aber, Bill Jones-Balt, Harry Peirce-Blane, A. E. Russell-Hmd, K. L. Fogg-LCCP, R. V. Gantz-LCLAB, G. M. Shirley-LCVCM, J. D. Harris-Okc, R. B. Martin-Austin, D. A. Barclay, D. L. Morgan, J. R. Drumwright

cc: PLANT MANAGERS

R. W. Seymour-Aber, L. R. Bauer-Balt, G. D. Williams-Blane, J. Pavao-Hmd, J. Friend-LCCP, J. W. Ware-LCLAB, R. A. Conrad-LCVCM, H. D. Garrison-Okc, P. L. Foote-Prem, V. W. Weiss-Austin

VVV 000011201