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6 EPA'S RMP RULE: FAILURES TO PROTECT THE

7 AMERICAN PEOPLE AND AMERICAN MANUFACTURING

8 TUESDAY, MAY 7, 2024

9 House of Representatives,

10 Subcommittee on Environment, Manufacturing,

11 and Critical Materials,

12 Committee on Energy and Commerce,

13 Washington, D.C.

14

15 The subcommittee met, pursuant to call, at 10:02 a.m.,

16 Room 2123, Rayburn House Office Building, Hon. Buddy Carter

17 [chairman of the subcommittee], presiding.

18

19 Present: Representatives Carter, Palmer, Joyce, Weber,

20 Allen, Balderson, Fulcher, Pfluger, Miller-Meeks, James,

21 Rodgers (ex-officio); Tonko, DeGette, Schakowsky, Sarbanes,

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22 Ruiz, Peters, Barragan, and Pallone (ex-officio).

23

24 Staff Present: Kate Arey, Digital Director; Sarah  
25 Burke, Deputy Staff Director; Jerry Couri, Deputy Chief  
26 Counsel; Sydney Greene, Director of Operations; Nate Hodson,  
27 Staff Director; Tara Hupman, Chief Counsel; Patrick Kelly,  
28 Staff Assistant; Sean Kelly, Press Secretary; Alex Khlopin,  
29 Staff Assistant; Peter Kielty, General Counsel; Emily King,  
30 Member Services Director; Drew Lingle, Professional Staff  
31 Member; Mary Martin, Chief Counsel, Energy & Environment;  
32 Kaitlyn Peterson, Clerk, Energy and Environment; Karli  
33 Plucker, Director of Operations (shared staff); Carla Rafael,  
34 Senior Staff Assistant; Dray Thorne, Director of Information  
35 Technology; Waverly Gordon, Minority Deputy Staff Director  
36 and General Counsel; Tiffany Guarascio, Minority Staff  
37 Director; Anthony Gutierrez, Minority Professional Staff  
38 Member; Caitlin Haberman, Minority Staff Director,  
39 Environment, Manufacturing, and Critical Minerals; Emma  
40 Roehrig, Minority Staff Assistant; Kylea Rogers, Minority  
41 Policy Analyst; and Andrew Souvall, Minority Director of  
42 Communications, Outreach, and Member Services.

43

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44           \*Mr. Carter. The subcommittee will come to order.

45           Before I recognize myself for an opening statement I  
46 want to take the opportunity to welcome a new member to our  
47 subcommittee. Representative John James from Michigan is  
48 with us.

49           We are proud to have you with us.

50           [Applause.]

51           \*Mr. James. Thank you, Mr. Chairman. It is an honor to  
52 be here.

53           \*Mr. Carter. Good. Thank you. At this time the chair  
54 recognizes himself for an opening statement.

55           Ladies and gentlemen, we are here today to discuss and  
56 examine the implications of the Environmental Protection  
57 Agency's recently-finalized Risk Management Program, RMP,  
58 final rule under the Clean Air Act. Thank you to our  
59 witnesses for appearing before the Environment Subcommittee  
60 today.

61           The RMP rule will affect producers of critical materials  
62 necessary for an innovative and prosperous American economy.  
63 These include chemical manufacturers, petroleum refiners,  
64 drinking water and wastewater treatment professionals,

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65 agricultural chemical distributors, and other sectors which  
66 both make and provide a reliable supply of items necessary  
67 for improving lives, enhancing safety, and providing an  
68 affordable cost of living.

69 Unfortunately, this RMP rule appears to be another cog  
70 in EPA's regulatory blitz, perpetuating inflation while  
71 making it harder to produce materials and provide services  
72 Americans rely on.

73 Managing risk is a necessary practice for doing business  
74 in heavy industrial sectors. Owners and operators invest  
75 millions of dollars into their facilities to ensure they  
76 operate safely and at maximum efficiency with proper  
77 controls. They have no interest, legally or financially, in  
78 becoming the face of industrial malpractice. Despite this  
79 inherent incentive, the Biden EPA, fueled by its ideological  
80 allies' quest for command and control, has flipped RMP on its  
81 head. In taking this step, the Biden EPA is disregarding the  
82 purpose of this statute and pursuing a zero-risk program.

83 Owners and operators of industrial facilities already  
84 operate under a general duty clause in both the Clean Air Act  
85 and under the Occupational Safety and Health Administration.

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86 These provisions work to prevent and mitigate the  
87 consequences of accidents, as well as to furnish a workplace  
88 free from recognized hazards which may cause or are likely to  
89 cause death or serious physical harm.

90 In addition, the Clean Air Act clearly states the  
91 administrator shall promulgate reasonable regulations and  
92 appropriate guidance to provide, to the greatest extent  
93 practicable, for the prevention and detection of accidental  
94 releases of regulated substances.

95 The recent RMP rule, though, goes far beyond what is  
96 reasonable and practical for owners and operators of covered  
97 facilities. It is not reasonable for facilities to be  
98 required to disclose confidential information to anyone  
99 living, working, or spending an undefined significant amount  
100 of time within a six-mile radius of a covered facility. In  
101 fact, it is a serious risk to our country's security. These  
102 facilities handle hazardous materials, which can be exploited  
103 by those seeking to harm Americans.

104 Nor is it reasonable or practicable for certain chemical  
105 facilities and refineries to, in place of better training, be  
106 forced to prioritize installing new physical controls or

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107 measures on their facilities every five years or justify  
108 while they will not do so. And being too expensive is not a  
109 justification. Under this new RMP rule, owners and operators  
110 of these facilities must prove their safety innocence to an  
111 EPA inspector every five years, regardless of the inspector's  
112 technical proficiency regarding plant operations.

113 Risk management is a serious issue. We have a duty to  
114 ensure our constituents are protected from negligence and  
115 environmental hazards. However, the pursuit of zero risk is  
116 not reasonable, nor is it practicable. Risk surrounds us  
117 every day. We drive cars to work, cross streets to get where  
118 we need to go, and take pharmaceuticals that may have  
119 potential side effects. Yet we responsibly manage these  
120 risks and reap the benefits of the opportunity they provide.  
121 The same goes for industrial production. We must responsibly  
122 manage risk to reap the benefits of the materials they  
123 provide.

124 Today we will explore the RMP rule to learn how it can  
125 and \_ how it could impair the ability of American businesses  
126 to compete in the global marketplace and provide items we all  
127 benefit from. We also will hear from witnesses who are

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128 experts in the legal grounding of RMP, the field of risk  
129 management, and the hurdles businesses face when complying  
130 with burdensome regulations.

131 Thank you, and I look forward to this hearing.

132 [The prepared statement of Mr. Carter follows:]

133

134 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

135

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136           \*Mr. Carter. I now recognize the gentleman from New  
137 York, Representative Tonko, for five minutes for an opening  
138 statement.

139           \*Mr. Tonko. Thank you, Mr. Chair.

140           I appreciate that the 12,000 facilities covered by EPA's  
141 Risk Management Program make considerable contributions to  
142 our national economy, as well as the local economies of the  
143 communities that host these individual sites. But I also  
144 know that millions of Americans work at and live near these  
145 facilities, and they deserve to be able to go to work and  
146 live their lives with an adequate expectation of safety.  
147 That is why EPA's program is so important.

148           We know that chemical fires, explosions, and releases  
149 can have serious consequences. Since its enactment in 1990,  
150 EPA's risk management program has required chemical  
151 facilities to implement hazard assessments, prevention  
152 programs, and emergency response plans, and the program has  
153 been successful. There has been a decline in incidents.

154           But we should not forget that the rare events that still  
155 occur can have major impacts. We were reminded of this just  
156 over a year ago in former Chair Johnson's district after the



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157 East Palestine train derailment. And while that event  
158 certainly was not covered by EPA's Risk Management Program,  
159 it is a stark reminder that chemical accidents can be  
160 incredibly dangerous and destructive. That is why we need to  
161 remain vigilant and remember the important role EPA plays  
162 regarding safeguarding the lives, health, and safety of the  
163 people working in, living near, and responding to incidents  
164 at our nation's chemical facilities.

165 In March of this year EPA finalized a long-overdue rule  
166 to strengthen the program's requirements. The Safer  
167 Communities by Chemical Accident Prevention Rule makes  
168 several important improvements to the program, and I am proud  
169 to support it. It requires assessments of threats posed by  
170 natural hazards such as floods and hurricanes and wildfires,  
171 which can result in damage to a facility and loss of power.  
172 As we saw during the aftermath of Hurricane Harvey in Texas,  
173 extreme weather can pose a serious threat. And when our  
174 understanding of new and emerging threats evolves, it makes  
175 perfect sense to update our practices in response.

176 We have no problem doing this for cybersecurity. Why  
177 should natural threats be any different? Greater

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178 consideration for our changing climate and natural hazards  
179 will result in more accurate risk assessments, making  
180 facilities more resilient and providing greater protection to  
181 workers and surrounding communities.

182         The new rule also enhances coordination with first  
183 responders, allows for greater public information sharing,  
184 and requires the assessment and adoption of safer  
185 technologies at certain high-risk facilities. This program  
186 will continue to ensure that workers receive proper training,  
187 and critical information is provided to the first responders  
188 responsible for responding to an emergency.

189         I know today we will hear from opponents of the rule who  
190 may suggest that EPA and the rule's supporters are somehow  
191 out to get chemical companies and oil refineries. I believe  
192 the exact opposite is true. The success of these businesses  
193 depends on them having a social license to operate, which  
194 means, first and foremost, they are good employers with safe  
195 working conditions and they are good neighbors to the people  
196 that live nearby. When companies begin to cut corners and  
197 cease to take the risks posed by their operations seriously,  
198 that is when catastrophes can happen.

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199 EPA plays a critical role in preventing these  
200 catastrophes before they occur, and ensuring people are  
201 prepared for the worst-case scenario. Luckily, today we will  
202 hear from a witness who has firsthand experience being  
203 trained to work at an RMP facility.

204 Mr. Savage, thank you for being here on behalf of the  
205 thousands of United Steelworkers members that make many of  
206 these facilities operate efficiently and safely. I look  
207 forward to hearing from someone tasked with representing the  
208 people that will benefit most from the protections provided  
209 in this EPA new rule.

210

211 [The prepared statement of Mr. Tonko follows:]

212

213 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

214

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215           \*Mr. Tonko. With that, I thank you, Mr. Chair, and  
216 yield back.

217           \*Mr. Carter. The gentleman yields. I now recognize the  
218 chair of the full committee, Chair McMorris Rodgers, for five  
219 minutes for an opening statement.

220           \*The Chair. Thank you, Mr. Chairman. Good morning  
221 everyone.

222           The United States has long led the world in innovation  
223 and entrepreneurship, while continuing to maintain the  
224 highest environmental and labor standards in the world. This  
225 leadership has not been the result of top-down government-  
226 knows-best; it has been the result of free market principles  
227 and an entrepreneurial spirit that is uniquely American. Our  
228 energy resources have enabled America to reduce emissions  
229 more than any other nation. This is the legacy we should be  
230 proud of and build off.

231           Energy and Commerce Republicans have been working hard  
232 to do just that by advancing policies that protect and expand  
233 American leadership for generations to come. The Biden  
234 Administration, on the other hand, has been advancing  
235 policies that threaten this legacy. These actions are

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236 putting America on a dangerous path. They are driving up  
237 inflation, killing manufacturing, and handing control of our  
238 future to China.

239 The EPA has been the center of this agenda. At a time  
240 when more than half the country is at an elevated risk of  
241 forced blackouts, the EPA has been finalizing new power plant  
242 rules that will shut down the types of electric generation  
243 needed to keep the lights on. Policies like their new PM 2.5  
244 standards will jeopardize manufacturing and jobs across the  
245 country.

246 There are 100 more examples of harmful policies and  
247 regulations like these coming out of Biden's EPA. When taken  
248 together, these efforts raise prices for Americans and open  
249 the door for China to replace American production and further  
250 pollute the environment. Today the subcommittee will explore  
251 yet another of these harmful regulations, the EPA rule that  
252 will massively expand Risk Management Plan, RMP, program  
253 requirements.

254 The truth is everyone in this room wants American  
255 factories that operate responsibly and ensure communities  
256 across the country are safe. We also want those same

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257 communities to thrive, and for people to have access to good,  
258 reliable jobs. Under the RMP rules we have seen a  
259 significant decrease in accidents over the past two decades.  
260 EPA's own data suggests that there was a 70 percent reduction  
261 in annual reported incidences between 2004 and 2020, and 97  
262 percent of RMP-regulated facilities reported no accidents at  
263 all between 2016 and 2020. But under this new RMP rule from  
264 the Biden EPA, it will force American manufacturers out of  
265 business or force them to move their operations overseas.

266 If the rule itself wasn't bad enough, President Biden's  
267 EPA limited the comment period, prevented the public and  
268 businesses impacted from being able to weigh in. So today we  
269 are going to pull the curtain back and learn more about the  
270 risk of this new rule.

271 The Clean Air Act requires RMP rules to be reasonable.  
272 And as we will discuss today, the EPA's new rule fails to  
273 meet that simple requirement. Instead, this rule will again  
274 raise gas prices for people across the country, which have  
275 already increased an average of \$0.57 this year, \$1.25 since  
276 President Biden took office, and in my state of Washington,  
277 they are even higher. This new rule will only add to the

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278 pain Americans are already feeling at the pump, especially as  
279 we head into the peak summer travel season.

280 The cost of essential goods and services will also rise  
281 a result of the changes to RMP. It will harm refineries, who  
282 will be forced to pay hundreds of millions of dollars to  
283 comply. These impacted refineries account for 40 percent of  
284 existing and operating U.S. refining capacity. Water  
285 utilities, manufacturers, agricultural retailers, pulp and  
286 paper products, cold storage warehouses all could be forced  
287 to spend significant amounts of money to comply or face  
288 shutdown.

289 Instead of undermining American economic success, let's  
290 work together to build on our remarkable legacy by embracing  
291 America's tradition of balancing economic and environmental  
292 leadership which helps lower costs for Americans, create  
293 jobs, and will prevent us from becoming even more reliant on  
294 China.

295 Thank you to our witnesses for being here today. I look  
296 forward to the discussion.

297 [The prepared statement of The Chair follows:]

298

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299 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

300



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301           \*The Chair. I yield back.

302           \*Mr. Carter. The gentlelady yields. The chair now  
303 recognizes the ranking member of the full committee, the  
304 gentleman from New Jersey, Mr. Pallone, for five minutes for  
305 an opening statement.

306           \*Mr. Pallone. Thank you, Mr. Chairman.

307           Today we are examining the Environmental Protection  
308 Agency's rule to protect America's first responders, our  
309 workers, and our frontline communities from the harms of  
310 devastating chemical accidents. With its Safer Communities  
311 by Chemical Accident Prevention Rule, the Biden EPA is taking  
312 action to ensure high-risk chemical facilities are prepared  
313 to prevent disasters and mitigate the harm when accidents do  
314 occur.

315           Nearly 180 million Americans live, work, and go to  
316 school in harm's way of a worst-case scenario chemical  
317 disaster from these facilities, including one in every three  
318 school children. Americans should not have to live in fear  
319 of a chemical explosion devastating their community. But  
320 recent examples show that we have to be prepared: just two  
321 years ago, a refinery in Oregon, Ohio had an accident release

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322 of flammable chemicals that started a fire killing two  
323 workers; a fire and explosion at a chemical manufacturing  
324 facility in Crosby, Texas in 2019 caused 1 fatality and  
325 injured 28 other workers, and anyone within one mile of the  
326 facility was ordered to shelter in place.

327 So these protections are necessary and long overdue. In  
328 fact, many of the requirements of the rule are already  
329 considered industry best practices, like assessing safer  
330 technology alternatives and preparing for natural disasters.

331 The Safer Communities Rule would provide more  
332 information to communities, first responders, and workers to  
333 ensure they can adequately plan for a chemical incident. For  
334 far too long communities have been forced to jump through  
335 bureaucratic hoops to get basic information about the  
336 critical facilities in their own backyards, and with this new  
337 rule they will now have access to that basic information on  
338 EPA's website, ensuring they can plan and make safety  
339 decisions that best suit their household. And this structure  
340 simultaneously protects the security of the facility, while  
341 giving communities enough information to make the best  
342 decisions in moments of crisis.

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343           Now, the rule also empowers workers at facilities to act  
344 to protect the safety of themselves, the facilities, and the  
345 surrounding communities, and that is important. It is a  
346 recognition by EPA that workers are the first line of defense  
347 when an incident occurs. The rule gives workers the power to  
348 issue a stop work order, and it gives them a seat at the  
349 table as processes are developed. And as we will hear today  
350 from a 20-year veteran of a Risk Management Program, RMP,  
351 facility, United Steelworkers are some of the most  
352 knowledgeable folks at a facility, and can be a critical  
353 resource for protecting overall safety.

354           Finally, EPA's strengthened RMP protections come as  
355 climate change and extreme weather worsen and present new  
356 dangers for chemical facilities and the people who work and  
357 live near them. This rule finally requires facilities to  
358 prepare for these new risks and factor the climate crisis  
359 into their safety plans.

360           The requirements of the Safer Communities Rule have been  
361 \_ have actually not even gone into effect, and yet committee  
362 Republicans are already holding a hearing to attack it. Now,  
363 it is just unfortunate, but not unexpected from this

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364 Republican majority which repeatedly puts polluters over  
365 people. And I expect today we are going to hear \_ we already  
366 have \_ that we simply can't have safety at and around high-  
367 risk chemical facilities without jeopardizing jobs and  
368 economic growth. And that is just a false narrative, and I  
369 reject it.

370         The history of environmental protections is proof that  
371 strong safeguards and economic growth go hand in hand. EPA  
372 has shown that with targeted investments. Agency actions  
373 routinely spur greater innovation, which grows our economy,  
374 strengthens the middle class, and makes us more competitive  
375 while also protecting public health and safety. And this is  
376 not \_ this is no different.

377         Our chemical facilities should be safe, they should be  
378 climate resilient and innovative to make sure they are  
379 prepared to tackle the challenges of our growing economy for  
380 many years to come. So I am dismayed, but not surprised that  
381 Republicans want to let polluters off the hook for  
382 requirements to make chemical facilities safer. Their  
383 unfounded arguments against EPA strengthening the chemical  
384 disaster rule endangers the health and safety of workers and

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385 surrounding communities, and the first responders that,  
386 unfortunately, must rush into a facility when an incident  
387 occurs.

388 So EPA took a very measured and thoughtful approach on  
389 this rule, and I look forward to working with them as it is  
390 implemented.

391 [The prepared statement of Mr. Pallone follows:]

392

393 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

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395           \*Mr. Pallone. And with that, Mr. Chairman, I yield  
396 back.

397           \*Mr. Carter. The gentleman yields back.

398           Our witnesses for today are, first of all, the Honorable  
399 Gentner Drummond, the attorney general for the State of  
400 Oklahoma.

401           Mr. Drummond, thank you for being here.

402           Mr. Jatin Shah, senior principal consultant with  
403 BakerRisk.

404           Mr. Richard Erstad, vice president and general counsel  
405 of Hawkins, Inc.

406           And Mr. Jim Savage, legislative representative for the  
407 United Steelworkers International Union.

408           Thank all of you for being here. We look forward to  
409 hearing you.

410           At this time I will recognize Mr. Drummond for your  
411 opening statement of five minutes.

412

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413 STATEMENT OF GENTNER DRUMMOND, ATTORNEY GENERAL, STATE OF  
414 OKLAHOMA; JATIN SHAH, SENIOR PRINCIPAL CONSULTANT, BAKERRISK;  
415 RICHARD ERSTAD, VICE PRESIDENT AND GENERAL COUNSEL, HAWKINS,  
416 INC. ON BEHALF OF THE ALLIANCE OF CHEMICAL DISTRIBUTORS; AND  
417 JAMES "JIM" SAVAGE, LEGISLATIVE REPRESENTATIVE, UNITED  
418 STEELWORKERS INTERNATIONAL UNION

419

420 STATEMENT OF GENTNER DRUMMOND

421

422 \*Mr. Drummond. Chairman Carter, Ranking Member Tonko,  
423 Chairman Rodgers, and Ranking Member Pallone, members of the  
424 committee, thank you for the kind invitation to be here today  
425 to address this very important topic of the Environmental  
426 Protection Agency's recent rule submission relating to risk  
427 management programs.

428 As Oklahoma's attorney general, I often find myself in  
429 the position of challenging rules adopted by Federal  
430 agencies. During my 16 months in office I have filed  
431 numerous actions against Federal agencies. But one that I  
432 have sued more than others is the Environmental Protection  
433 Agency. Unfortunately, EPA consistently promotes policies

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434 and adopts rules that are bad for business, harmful to  
435 consumers, and outright hostile to America's oil and gas  
436 industry. The rule under review today is no exception.

437 Adding to the regulatory burden of any private  
438 enterprise without providing sufficient corresponding benefit  
439 is a recipe for economic drag. The final RMP rule is a new  
440 burden that potentially applies to a wide range of businesses  
441 and facilities in my state and across the country. The  
442 obvious and most concerning entities are petroleum refineries  
443 and chemical manufacturers, but the list does not stop there:  
444 chemical and petroleum wholesalers, midstream gas plants,  
445 agricultural chemical distributors, food manufacturers, and  
446 packing plants, and a wide range of other businesses that use  
447 substances covered by the new rule.

448 As one who spent my career in private sector building  
449 businesses and growing employees, I can tell you that there  
450 are \_ is a cost to complying with any government regulation.  
451 Even regulations that policymakers and bureaucrats may  
452 believe has only a minor impact are, in fact, costly to  
453 businesses. The new RMP rule is far from minor. EPA  
454 estimates that it will cost in excess of \$250 million



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455 annually to implement. While some may debate the actual  
456 amount of the cost, there is no debate over who ends up  
457 paying for this cost: the American consumer.

458         As one example of how the new rule will likely result in  
459 higher consumer costs, I point out our petroleum refineries.  
460 Most refineries use hydrofluoric acid to produce higher  
461 octane gasoline. These refiners will be subject to the most  
462 stringent requirements of the rule. As any business owner  
463 can tell you, compliance costs ultimately get passed to the  
464 consumer. American drivers ultimately will pay more to fill  
465 up their tank.

466         Because the new rule is so far reaching, it will impact  
467 Americans of all socioeconomic classes. For instance, using  
468 chlorine to disinfect drinking water is a common practice in  
469 water treatment facilities. Under the new rule, the chlorine  
470 producer and distributor as well as the water treatment  
471 facility are subject to the new and costly requirements.  
472 Complying with these requirements will generate costs for all  
473 involved to Americans who drink water. There would have to  
474 be a very substantial benefit to justify these costs, but,  
475 unfortunately, the new rule provides none. It is the

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476 proverbial solution in search of a problem.

477 By EPA's own data, it estimates that 97 percent of RPM-  
478 regulated facilities reported no incidents in the most recent  
479 reporting period. Further, EPA data shows that RMP incidents  
480 across all industries have declined by more than 80 percent  
481 between 1996 and 2022.

482 Finally, I will address the concern that relates  
483 directly to my role as chief law officer of Oklahoma. The  
484 new rule compromises the security of regulated facilities by  
485 forcing disclosure of sensitive information. The aspect of  
486 the new rule that is particularly concerning to those of us  
487 in law enforcement is that we have the duty to protect the  
488 public. The final rule simply hands over sensitive  
489 information to nearly anyone who asks.

490 Keep in mind, these facilities often use and store very  
491 dangerous chemicals that are identified by the Department of  
492 Homeland Security as posing terrorism-related risk. This is  
493 the kind of information our Federal Government should guard  
494 closely, not disseminate widely. To better protect the  
495 public, this type of information should remain in the hands  
496 of those who have the skill and training to protect it and

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497 share it with their local emergency planning committees.

498 Chairman Carter, Chairwoman Rodgers, and members of the  
499 committee, I believe the new RMP rule is bad for business,  
500 harmful to consumers, and it poses a security risk to  
501 communities across this country. I will do everything I can  
502 to prevent this damaging new rule from taking effect, and I  
503 hope you will join me. Thank you.

504 [The prepared statement of Mr. Drummond follows:]

505

506 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

507

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508           \*Mr. Carter. The gentleman yields. The chair now  
509 recognizes Mr. Shah for five minutes for his opening  
510 statement.

511 STATEMENT OF JATIN SHAH

512

513           \*Mr. Shah. Thank you, Chairman Carter, Ranking Member  
514 Tonko, Chairwoman McMorris Rodgers, Ranking Member Pallone,  
515 and members of the subcommittee for inviting me to speak  
516 today. My name is Jatin Shah, and I am a senior principal  
517 with BakerRisk.

518           For 35 years I have provided risk management services to  
519 facilities and transportation workers, including those in the  
520 oil, gas, and chemical industries. As a risk consultant I am  
521 a neutral external party helping clients identify hazards,  
522 evaluate risk, and comply with existing regulations such as  
523 EPA's Risk Management Program. In my testimony I highlight a  
524 number of concerns with recent changes to the RMP program.

525           Just like everyone present in this room, I strongly  
526 believe in the safety of workers, surrounding communities,  
527 and the environment should be a top priority. These  
528 regulated facilities are safer than ever because they have

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529 collaborated with agencies like the EPA, OSHA to harmonize  
530 regulations with industry-led standards through a public-  
531 private partnership.

532 I understand and appreciate that the rule's intent was  
533 to improve the RMP program. However, I am concerned about  
534 how the new rule has inadvertently undermined this  
535 cooperation by creating regulatory confusion, imposing  
536 unnecessary requirements and costs, while potentially making  
537 little to no improvement in safety.

538 This rule fundamentally alters how facilities consider  
539 safety measures. The new rule requires multiple Safer  
540 Technology Alternatives Analysis, or STAAs. The STAA is  
541 typically conducted by facilities early in the design stage  
542 of the capital project cycle, as this is the most appropriate  
543 and practical opportunity to evaluate alternate designs.  
544 Repeated STAAs are expensive studies that take time and  
545 resources from additional team of engineers and external risk  
546 analysts. It is costly and ineffective to conduct this every  
547 five years. The result is a very cumbersome burden that is  
548 likely to only have marginal impact on risk at best, or at  
549 worst it may trade existing risks for unknown risks.

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550 For certain chemical and refinery facilities this rule  
551 assumes all facilities are unsafe by mandating a one-size-  
552 fits-all mitigation requirement while ignoring any existing  
553 safety measures a facility may already have in place.

554 EPA's own data shows that these measures have worked  
555 since the RMP's inception. Regulated facilities have reduced  
556 incidents by more than 80 percent. Between 2016 and 2020, 97  
557 percent of the facilities had 0 reportable incidents.

558 This implementation requirement also unfairly singles  
559 out the 40 percent of the refining capacity that utilizes  
560 hydrofluoric acid, or HF, to manufacture gasoline capable of  
561 meeting our country's toughest environmental standards and  
562 specifications. HF alkylation is a safe process because it  
563 has numerous mitigation measures and is carefully managed and  
564 audited by highly trained professionals. Facilities have  
565 implemented innovative measures such as physical barriers,  
566 isolation valves to further mitigate this risk. Since the  
567 creation of an industry-led standard called API RP 751, there  
568 has not been a single major off-site HF-related injury.

569 Our team has done the math on how safe HF alkylation is  
570 for the general public. The chance of sustaining a fatality

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571 from the use of HF at U.S. refineries are 1 in 52,000,000.  
572 That is 480,000 times less likely than dying in a car wreck,  
573 370 times less likely than getting hit by a lightning and  
574 dying.

575 This rule forces refineries to consider restructuring  
576 entire systems to switch to a financially infeasible  
577 alternative which would likely trade very low risks for  
578 alternatives that may produce equal or greater risk.

579 Finally, the rule's ramifications may also impact the  
580 long term. Safe facilities must submit a justification if  
581 they don't implement an infeasible mitigation measure. Many  
582 fear EPA will use these submissions to force a facility to  
583 adopt a measure or an alternative technology that is so  
584 expensive that they will have no option but to shut down.  
585 These facilities are critical to U.S. economic and energy  
586 security. They cannot operate under an untenable system  
587 where they may face costs so great they must close.

588 While the agency intended this rule to improve the  
589 program, it has inadvertently imposed unnecessary, costly,  
590 and time-consuming analysis and requirements. I fear the  
591 results of this unfair and unnecessary regulatory burden is

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592 that some facilities may be forced to cease operations,  
593 eliminating high-paying jobs.

594 Thank you, Chairman Carter, Ranking Member Tonko,  
595 Chairwoman Rodgers, and Ranking Member Pallone, and members  
596 of the committee for the opportunity to testify today. I am  
597 happy to answer any questions you may have.

598 [The prepared statement of Mr. Shah follows:]

599

600 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

601



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602           \*Mr. Carter. Good, the gentleman yields. The chair now  
603 recognizes Mr. Erstad for five minutes for his opening  
604 statement.

605 STATEMENT OF RICHARD ERSTAD

606

607           \*Mr. Erstad. Good morning, my name is Richard Erstad.  
608 I am the vice president, general counsel, and secretary for  
609 Hawkins, Inc.

610           Hawkins is a specialty chemical and ingredients company  
611 that formulates, distributes, blends, and manufactures water  
612 treatment and industrial chemicals sold throughout the United  
613 States. Hawkins operates in the districts of several members  
614 of the subcommittee, and we serve water utility customers  
615 that could provide clean water to millions of Americans  
616 across the country, including many of your constituents.  
617 Hawkins is also a member of the Alliance for Chemical  
618 Distribution, or ACD. ACD represents over 440 member  
619 companies with locations in every state. ACD members provide  
620 essential products to over 750,000 end users across the  
621 country.

622           Now, safety is of critical importance to the chemical

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623 industry. We care deeply about the safety of our employees,  
624 customers, and communities. But ACD members are alarmed by  
625 EPA's recent changes to its Risk Management Program, or RMP.  
626 ACD members have already made significant investments to  
627 develop systems, train employees, and invest in  
628 infrastructure to meet existing RMP requirements.

629         These existing RMP requirements have worked as designed  
630 to greatly improve safety. In fact, from 2016 to 2020, 97  
631 percent of RMP-regulated facilities did not have a single  
632 reportable incident. There is no evidence of any need to  
633 change this established program, and the finalized revisions  
634 to the rules require a massive undertaking for facilities,  
635 even when they have never had an incident and diligently  
636 followed all regulations. These obligations include a  
637 requirement that some facilities undergo a safer technology  
638 alternatives analysis. This requirement is flawed.

639         So first, when deciding whether alternatives are  
640 practical, facilities are not permitted to take into account  
641 costs or impacts to profitability, and must be done even if  
642 the facility has had no incidents. Many of these facilities  
643 produce critical chemicals used for things like water

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644 purification, meaning this requirement can ultimately force  
645 facilities to decide between operating at a loss or  
646 shuttering, a process necessary for public health.

647         Also, because the safer technology alternatives are  
648 often newer technologies or strategies, they can be a  
649 departure from Recognized and Generally Accepted Good  
650 Engineering Practices, or RAGAGEP. This is concerning, as  
651 facilities will be required to adopt newer alternatives in  
652 place of RAGAGEP processes that have been established and  
653 verified.

654         Another alarming aspect is the extensive new  
655 information-sharing requirements. The regulation now  
656 requires facilities to supply individuals who live, work, or  
657 spend significant time within a six-mile radius with  
658 information related to the facility's chemicals and  
659 processes. In conjunction with this requirement, the EPA has  
660 created a risk management public data tool, a public website  
661 that displays sensitive information on all RMP facilities to  
662 anyone around the world with computer access. This creates  
663 immense security concerns for chemical facilities, as this  
664 information is sensitive, and puts them at risk for being

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665 targeted by malicious actors, especially in the light of the  
666 expiration of CFATS.

667 But the website does not fulfill the requirements of the  
668 RMP rule. For example, in some cases facilities must also  
669 supply information in at least two other commonly-spoken  
670 languages. One Hawkins facility is located in Blackhawk,  
671 South Dakota, where there is a large Lakota population.  
672 Translating the nuanced technical jargon of these documents  
673 into Lakota would be a difficult and costly endeavor.

674 Lastly, the EPA establishes broad, third-party audit  
675 requirements in this rule, applying it to many more  
676 facilities, greatly restricting who can serve as auditors.  
677 These auditors must be external and have certain credentials,  
678 adding additional burdens on facilities because it can be  
679 difficult to find technically qualified individuals who  
680 understand the complexity of the processes. The EPA does not  
681 consider that process-specific expertise is often critical.  
682 The credentials required in this rule are broad, allowing  
683 auditors to evaluate systems they may not have any experience  
684 with.

685 It is also important to consider that these changes come

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686 as the EPA is implementing other regulations, such as a Clean  
687 Water Act Hazardous Substance Facility Response Plans,  
688 several new regulatory rules under the Toxic Substances  
689 Control Act, new air emissions reporting and control  
690 measures. And this places a significant cumulative impact on  
691 facilities, driving up costs and making it more difficult to  
692 provide the necessary chemicals on which communities and  
693 citizens across the country rely.

694 The new revisions to the RMP program are not necessary  
695 and establish new, onerous burdens on facilities when the  
696 vast majority do not have incidents and have extensive  
697 procedures in place to prevent incidents from occurring.  
698 Instead, the EPA should focus on enforcing the current  
699 regulations, providing guidance to assist facilities, and  
700 punishing bad actors who do not meet their regulatory  
701 obligations.

702 I appreciate the opportunity to represent ACD's views,  
703 and I am happy to answer any questions. Thank you.

704

705 [The prepared statement of Mr. Erstad follows:]

706

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707 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

708

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709           \*Mr. Carter. The gentleman yields. The chair now  
710 recognizes Mr. Savage for five minutes for his opening  
711 statement.

712 STATEMENT OF JAMES "JIM" SAVAGE

713

714           \*Mr. Savage. Thank you, Chairman Carter, Ranking Member  
715 Tonko, members of the committee. Good morning, and thank you  
716 for the opportunity to testify today.

717           My name is Jim Savage, and I am a legislative  
718 representative for the United Steelworkers International  
719 Union. We are the largest industrial union in the United  
720 States. We represent the majority of organized workers in  
721 the petrochemical industry. I doubt there is another union  
722 that represents more workers impacted by the risk management  
723 program than USW.

724           Safety regulations are not written in ink on paper.  
725 They are written in the blood of the workers who have been  
726 killed and maimed in preventable accidents on the job. My  
727 own background is in the refining industry. I worked in the  
728 South Philadelphia Energy Solutions refinery for 27 years.  
729 The saddest but most important part of testifying about this

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730 issue is that we must discuss and learn from past disasters.

731       On June 21, 2019 I was finishing up a 12-hour night  
732 shift, looking forward to having the coming weekend off. At  
733 4:00 a.m. an emergency response alert went out over the  
734 radio. It was a report of a leak on our hydrofluoric acid  
735 alkylation unit, HF. Any loss of primary containment in an  
736 oil refinery has a potential for catastrophic consequences,  
737 but none more than the HF acid. Within seconds, we felt the  
738 concussion of the first explosion. We ran to the door of the  
739 blockhouse to see what we were dealing with, and when I  
740 opened the door my entire field of vision was consumed by a  
741 massive ball of fire. This was quickly followed by a second  
742 explosion, and we immediately went to work securing our own  
743 unit when about 15 minutes later the third massive explosion  
744 happened.

745       We were certain there would be multiple fatalities. I  
746 gathered my crew and told them the unthinkable, that they  
747 should call their wives, because I knew if we had a major  
748 release of HF we were unlikely to survive. You can't outrun  
749 a vapor cloud. Some period of time passed before an  
750 announcement was made that, unbelievably but thankfully, all



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751 the workers were accounted for.

752         Make no mistake about it. The immediate and heroic  
753 response by the operators on that unit saved our lives, and  
754 likely thousands of lives in the surrounding community. The  
755 fires raged for over a day before being classified as under  
756 control. Within days PES declared bankruptcy and announced  
757 that the refinery would be shut down.

758         I would refer you to my written testimony for some other  
759 examples.

760         Recently EPA issued the Safer Communities by Chemical  
761 Accident Prevention Final Rule after more than a year-and-a-  
762 half of stakeholder engagement and input. Everybody had an  
763 opportunity to have their say. Lasting and meaningful reform  
764 of the Risk Management Program has been a priority for our  
765 union for nearly two decades.

766         The critical importance of the rule in protecting  
767 workers and communities cannot be overstated. It plays a  
768 pivotal role in preventing chemical disasters.

769         Some elements of the rule that we support include  
770 identification and prevention of hazards. One prevention  
771 effort is the inclusion of stop work authority. Without this

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772 provision, workers are faced with the choice of risking their  
773 life or their livelihood when confronted with dangerous work.  
774 While many companies say their employees have the authority  
775 to stop performing unsafe work, the ability and authority to  
776 shut down a process operating in unsafe conditions, as  
777 opposed to stopping an unsafe job task, is often met with  
778 fierce opposition and threats of being fired. I would refer  
779 you again to my written testimony for some of my own personal  
780 experience with stop work authority.

781 We also support the emergency preparedness and response  
782 provisions of the public transparency and accountability  
783 positions, and I expand on these also in my written  
784 testimony.

785 In conclusion, the Risk Management Program is not merely  
786 a bureaucratic requirement. It is a \_ it is literally a  
787 lifeline for workers, families, and their communities. Safe  
788 facilities save jobs, safe facilities save lives, safe  
789 facilities save communities. In fact, USW believes that,  
790 while this rule is an improvement over what was existing, it  
791 still has plenty of room for more improvement.

792 Thank you for the opportunity to testify, and I look

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793 forward to answering any questions you may have.

794 [The prepared statement of Mr. Savage follows:]

795

796 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

797

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798           \*Mr. Carter. The gentleman yields. I thank all of you  
799 for your opening statements. We will now begin questioning,  
800 and I recognize myself for five minutes.

801           Mr. Drummond, in my opening statement I discussed how  
802 the EPA's Risk Management Program's final rule exceeds  
803 statutory authority and goes beyond what is considered what I  
804 would consider to be reasonable and practical. Some would  
805 argue that the heavy mandates and the use of vague terms in  
806 the Federal regulations issued by this Administration, as  
807 well as their enforcement, are designed to create a punishing  
808 environment for disfavored industries, rather than even-  
809 handedly enforcing our laws.

810           Mr. Drummond, from what you have seen in Oklahoma, would  
811 you agree or disagree with this statement, and why?

812           \*Mr. Drummond. I would certainly agree with your  
813 statement, Mr. Chairman.

814           It is hard enough for a business in any industry to  
815 comply with the clearest and simplest of government mandates.  
816 And I know that industry leaders subject to the rule will  
817 want to comply, and they will do everything that they can to  
818 comply with the current rules. However, the rule as proposed

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819 is both vague and it is preventative in its terms. We will  
820 see that certain businesses and industries are exposed to  
821 enforcement action, even though they were made \_ have made  
822 every effort to comply.

823 Another problem I would point out is the vagueness, and  
824 that it is bound to increase costs. And those who wish to  
825 play by the rules inevitably will do more and spend more to  
826 comply. As I said previously, these costs ultimately will be  
827 passed on to consumers.

828 \*Mr. Carter. Good. I am also concerned that these  
829 abuses of the statute are an attempt to co-opt RMP into a  
830 zero-risk program, something that it was not created to be.  
831 Mr. Shah, in your opinion, is a zero risk a feasible  
832 regulatory pursuit?

833 Microphone.

834 \*Mr. Shah. Thank you, Congressman Carter.

835 Achieving zero risk is not a practical option from a  
836 regulatory perspective or from any perspective, because the  
837 only way you get to zero risk is by not performing the  
838 activity.

839 \*Mr. Carter. Well, if we kind of expand upon that, why

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840 \_ can you explain the importance of consequence and  
841 probability in properly assessing risk?

842 \*Mr. Shah. Yes, so let me use the example of crossing  
843 the street. We all cross streets, and the consequence of  
844 crossing a street is potentially getting hit by a vehicle and  
845 dying. The probability of that happening depends upon what \_  
846 where we cross that street and what is happening on that  
847 street, right?

848 So if I am crossing a residential street and I cross in  
849 the middle of the street, I have a higher probability of  
850 getting hit than if I cross at a crosswalk at the corner. If  
851 I cross at a crosswalk that has a light that tells me when to  
852 cross that crosswalk, to walk or do not walk, then my  
853 probability of getting hit drops even further. If I build a  
854 pedestrian bridge across that street to cross, my probability  
855 of getting hit by a car drops to zero.

856 But my risk hasn't completely gone away. Even with the  
857 pedestrian bridge, I have transferred that risk to something  
858 else which is that pedestrian bridge could collapse and the  
859 person driving underneath that bridge, if that collapses on  
860 them, they could die from that accident. So I have not

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861 eliminated risk to zero in that situation either.

862           \*Mr. Carter. And I have to agree with you. And I am  
863 not trying to mix apples and oranges here. But I am a  
864 pharmacist, and I was a consultant pharmacist in a nursing  
865 home. And one of the questions we always ask about  
866 medications is would the benefit outweigh the risk. And  
867 often the benefit does outweigh the risk. So I couldn't  
868 agree with you more, and I appreciate that.

869           We all know, Mr. Erstad, that RMP rules must be  
870 reasonable, and we all have a different definition of  
871 reasonable, I understand that. But in practice, do you think  
872 \_ as a regulated entity, do you think the regulation is  
873 reasonable?

874           \*Mr. Erstad. I mean, I think, you know, from a business  
875 perspective, we look too at that cost benefit analysis. And  
876 obviously, we want to be in compliance, and safety is  
877 critical. We definitely want that.

878           But I think, in light of these rules, we have a hard  
879 time seeing the benefit that comes from them. And there is  
880 certainly a cost associated with them, and I think it would  
881 be helpful if we understood the true benefit coming out of

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882 them.

883 \*Mr. Carter. Can you cite any in particular to give us  
884 an example?

885 \*Mr. Erstad. Well, I think the \_ you know, we have \_ I  
886 talked a little bit about this safer technological  
887 alternatives analysis that we have to go through that \_ you  
888 know, we are already doing RAGAGEP, we are already doing what  
889 we believe are industry standard practices, and that is what  
890 we want to do. We don't want to add, I think as Mr. Shah  
891 said, you know, additional risks that are not otherwise  
892 anticipated.

893 \*Mr. Carter. Okay. Thank you all again for being here,  
894 and I will now recognize the ranking member, Representative  
895 Tonko, for five minutes of questioning.

896 \*Mr. Tonko. Thank you, Mr. Chair.

897 Mr. Savage, I want to thank you again for being here.  
898 You provide important insights as someone who worked at an  
899 RMP facility for many years, and you lived through a pretty  
900 harrowing experience. Can you share with members a little  
901 more about what that was like? How was it to tell your  
902 fellow coworkers, as you indicate, to call their loved ones



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903 because there was a chance the worst could happen?

904 \*Mr. Savage. Thank you, Mr. Tonko.

905 I have worked \_ I worked in the refinery for 27 years,  
906 and you don't work in a facility like this for 27 years  
907 without running into some hairy situations now and then  
908 throughout your career. But there is nothing that could ever  
909 prepare you for what we experienced in Philadelphia at 4:00  
910 a.m. on June 21 of 2019. It was equivalent of, like, a  
911 nuclear bomb, and it was about 300 or 400 yards from us. We  
912 felt the heat. The concussion knocked us back. My coworker,  
913 the color drained from his face and he was getting ready to  
914 sort of pass out, and I grabbed him and sat him down, got him  
915 some water.

916 But, you know, telling your coworkers \_ I was the head  
917 operator on the crew. Like, we had to secure our unit  
918 because when one unit has a problem in a refinery there is  
919 upstream and downstream effects. So we are running around,  
920 trying to get that, and I was just \_ I gathered everybody, I  
921 thought we are just \_ we are not going home this morning.  
922 So, like, "Guys, might want to call your wife, 4:00 in the  
923 morning, wake her up, tell her you love her because I don't

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924 think we are getting out of here.'`

925       As it turned out, ironically, the force of the explosion  
926 itself had consumed so much of the HF that was released that  
927 we were able to go home, thankfully. But it was \_ it is a  
928 life-changing experience. And over 1,000 direct jobs gone,  
929 very good, well-paying jobs, family-sustaining jobs, another  
930 18,000 indirect jobs impacted, tax base of the City of  
931 Philadelphia impacted, small businesses that relied on our  
932 refinery impacted.

933       So, you know, it just \_ that is my answer.

934       \*Mr. Tonko. Yes, well, I thank you for sharing that  
935 because I can imagine it is most difficult.

936       I understand these jobs inherently have some risks, but  
937 those risks can be mitigated through a variety of methods,  
938 including having well-trained employees. That is why this  
939 program is so important. It helps ensure that employers are  
940 taking steps that make it more likely that people get to go  
941 home safely at the end of their shifts.

942       One of the ways this new rule helps protect and empower  
943 workers is through its stop work authority so people can take  
944 control if they see an incident about to occur. Mr. Savage,

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945 can you explain the new stop work authority that EPA has  
946 given workers in the final RMP rule?

947 \*Mr. Savage. Yes, thank you. As I said in my remarks,  
948 you know, I have had \_ it has been our experience as a union,  
949 every employer will say, "Our employees have the right to  
950 stop unsafe work," but there is a difference in how that is  
951 handled in the real world, whether it is actually stopping  
952 just an unsafe job task like getting the proper sling to pull  
953 a pump or something like that, and shutting down a process  
954 that is operating in an unsafe condition.

955 I had a situation one time about 10 years ago. We had  
956 heater piping that was leaking, and the portion of piping  
957 that was leaking was under insulation so we couldn't  
958 determine the severity of the leak. I was the head operator  
959 on the unit, as I said, and I informed the operations  
960 manager, "We are going to have to pull the feed on this unit  
961 and shut it down so we can figure out what we are dealing  
962 with here so we don't have a catastrophic release."

963 And immediately my job was threatened. He looked me  
964 right in the eye, and he said, "You do that, you know what  
965 happens next."

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966           And it took over an hour of pretty spirited debate and  
967 continuous threats to my job before eventually a responsible  
968 engineer stepped up to the plate and said, "I think we need  
969 to pull the feed and shut this unit down.'`

970           But I was a local union president of a local union with  
971 a pretty well-earned reputation for aggressive health and  
972 safety advocacy, and I was under a tremendous amount of  
973 pressure during that situation. Imagine what somebody in a  
974 facility without the protections of a collective bargaining  
975 agreement would go through. I doubt that they would be able  
976 to stand their ground.

977           \*Mr. Tonko. Thank you. Well, workers are on the front  
978 lines at chemical facilities and are the experts in how these  
979 facilities operate. So reducing risk at these facilities  
980 should mean empowering workers to make those safety decisions  
981 without any fear of retaliation. So I appreciate your  
982 comments here this morning.

983           And with that, Mr. Chair, I yield back.

984           \*Mr. Carter. The gentleman yields. The chair now  
985 recognizes the gentleman from Texas, Mr. Weber, for five  
986 minutes of questioning.

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987           \*Mr. Weber. Thank you, Mr. Chairman.

988           Attorney General, I am going to come to you. I am the  
989 upper Gulf Coast of Texas, 14th district, 7 ports, more than  
990 any other Member of Congress. We produce 65 percent of the  
991 nation's jet fuel, 80 percent of the nation's military-grade  
992 fuel. So we are huge, huge, huge on energy. LNG plants, two  
993 already on the ground, one up and running, and one over in  
994 that other foreign country, Cheniere Energy over in  
995 Louisiana.

996           So I assume you have a law degree. Okay, good. Good to  
997 know. We understand that the EPA has been seeking waivers  
998 from the Department of Justice to exceed the cap in civil  
999 penalties demanded for violations. I want to make a couple  
1000 of points, and then I have a question for you.

1001           In your opinion, doesn't that circumvent \_ shouldn't  
1002 Congress have the purview and have some say-so in this, that  
1003 the EPA should not just be allowed to run amok in this  
1004 situation?

1005           \*Mr. Drummond. Certainly. Article I vests this body  
1006 the ability to write laws and amend laws, and Article II  
1007 provides the executive branch to implement those laws. In

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1008 this instance, the EPA is pretending to be the Congress.

1009 \*Mr. Weber. And I appreciate that insight.

1010 So normally, this waiver only happens for the largest  
1011 and most capitalized firms, but the EPA is now seeking it to  
1012 go after medium and small-sized businesses. Are you \_ have  
1013 you experienced \_ I know you said you have been there 18  
1014 months, but I am sure you grew up and you are paying  
1015 attention. Are you aware if such a waiver has been sought  
1016 from medium or small-sized operators in Oklahoma?

1017 \*Mr. Drummond. As of this date, none in Oklahoma yet.

1018 \*Mr. Weber. None yet? Keep your fingers crossed.

1019 \*Mr. Drummond. Right. We anticipate it.

1020 \*Mr. Weber. Yes, I hear you. So considering this  
1021 Administration and its political allies are trying their best  
1022 to eliminate fossil fuels and the Risk Management Program  
1023 known as RMP \_ and the oil and gas sector are two targets of  
1024 that \_ is there anything you all think there in Oklahoma you  
1025 can do to help these entities from over-the-top, non-  
1026 commensurate prosecution by the EPA \_ again, which exceeds  
1027 Congress \_ which is trying to usurp Congress's authority?  
1028 Anything you all can do for that?

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1029           \*Mr. Drummond. You know, the oil and gas industry will  
1030 affect everyone in this room and those that can hear this  
1031 testimony for the rest of our lives. It is not going to be  
1032 replaced in any short order. And it is a shame that this  
1033 industry is a target.

1034           As I mentioned in my testimony, my office has joined  
1035 several comment letters and lawsuits about rules targeting  
1036 the oil and gas industry, and I think that it is important to  
1037 have fair rules and consistent enforcement. Anything beyond  
1038 that is abusive, and I will do everything in my power to push  
1039 back.

1040           \*Mr. Weber. Well, thank you for that. I spent four  
1041 years in the Texas house before I got demoted to Congress,  
1042 and I was on the environmental reg committee. And when an  
1043 explosion happened in one of the plants, one of our friends  
1044 across the aisle, a Democrat, said, "Well, that is \_ they  
1045 just don't care about safety. They don't care about their  
1046 employees.'`

1047           And I said to her, I said, "Listen, that is not true.  
1048 Those people work together. Those people'` \_

1049           She said, "All they do is care about the bottom line.'`

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1050           And I said, "Think about what you are saying," because  
1051 when they have an explosion like that \_ and now you are going  
1052 to bring in OSHA, you are going to bring in the authorities,  
1053 you are going to \_ maybe penalties and fines, everything  
1054 stops. These people live and work in that area. Their kids  
1055 go to school together. They play tee ball together. They  
1056 want a safe environment. They do everything they can to make  
1057 this environment safe.

1058           I am concerned about the sensitive information about  
1059 these facilities that anybody can get. Are you following  
1060 what we call the debacle of the Biden Administration?

1061           Because the open border is \_ and we know that there are  
1062 terrorists in this country from four nations that hate us,  
1063 and I can go down the list, Syria, Iraq, Iran, all the way  
1064 down the list, Yemen. Are we \_ should we be concerned about  
1065 the risk that some of those would get this information and  
1066 use it to their advantage against us?

1067           \*Mr. Drummond. Certainly. As the chief law officer of  
1068 Oklahoma, my greatest concern about this rule is that it  
1069 exposes this sensitive information to, clearly, the residents  
1070 and the businesses, but also tourists and terrorists. There



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1071 is just \_ the rule is too vague to protect sensitive  
1072 information, and it exposes us to terrorist activity in our  
1073 homeland.

1074 \*Mr. Weber. And, counselor, you are making the point  
1075 that we, Congress, should be having this debate, this  
1076 discussion, how we view this, how we want to proceed, what  
1077 safeguards may be in place, what risks there are, not some  
1078 bureaucrat division \_ and I shouldn't say this, but \_ by  
1079 people who, many of them, have never really had a job in the  
1080 real world. They grew up maybe going to colleges and  
1081 thinking they want to protect Mother Earth, which I call the  
1082 new religion.

1083 And so you all are going to be on top of that in  
1084 Oklahoma. I am glad to hear that.

1085 And Mr. Shah, with about 20 seconds, you stated that you  
1086 \_ in your testimony \_ that the facilities are already  
1087 implementing extensive analyses. Give us examples in about  
1088 10 seconds.

1089 \*Mr. Shah. These facilities are already doing audits,  
1090 risk management analysis, risk assessments, and mitigation  
1091 systems. They all have those in place to comply with the

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1092 existing requirements of RMP and PSM.

1093 \*Mr. Weber. And it is your experience they do that to  
1094 protect people and their bottom line concurrently.

1095 \*Mr. Shah. Yes.

1096 \*Mr. Weber. Absolutely.

1097 Thank you, Mr. Chair, I yield back.

1098 \*Mr. Carter. The gentleman yields back. The chair now  
1099 recognizes the ranking member of the full committee, Mr.  
1100 Pallone from New Jersey, for five minutes of questioning.

1101 \*Mr. Pallone. Thank you, Mr. Chairman.

1102 Facilities covered by EPA's Risk Management Program use  
1103 or store large amounts of highly toxic or flammable chemicals  
1104 that pose a risk to Americans. And the purpose of the  
1105 program is to reduce chemical risk in the event of an  
1106 accidental release, especially for those living and working  
1107 in and around chemical facilities. Unfortunately, the  
1108 threats to these facilities are increasing as climate change  
1109 makes extreme weather more common. And RMP facilities have  
1110 been impacted by hurricanes, floods, and wildfires, putting  
1111 us all at risk.

1112 So to that end, the Safer Communities by Chemical

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1113 Accident Prevention Rule added a new requirement for  
1114 facilities to consider and plan for extreme weather and  
1115 climate change in the Risk Management Plans. And the recent  
1116 flooding across Texas, a state with a high concentration of  
1117 RMP facilities, drives home the importance of this new  
1118 requirement.

1119 So I wanted to ask Mr. Savage, if you will, how has  
1120 extreme weather increased the vulnerability of chemical  
1121 facilities, if you will?

1122 \*Mr. Savage. Thank you for your question.

1123 I think that the main thing that I have observed in the  
1124 Philadelphia refinery even was the lack of infrastructure for  
1125 stormwater removal and things like that. And the more  
1126 extreme and severe weather events that we would have, the  
1127 refinery would flood.

1128 I would refer you back to Hurricane Harvey, as was  
1129 mentioned, the Arkema facility in Crosby, Texas, which was  
1130 inundated and, you know, was a complete disaster. So I think  
1131 that it needs to be recognized, it needs to be taken into  
1132 account, and facilities need to prepare as best as they can  
1133 to deal with it.

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1134           \*Mr. Pallone. So you would agree that requiring  
1135 chemical facilities to assess the risks posed by climate  
1136 change is important? You agree with that?

1137           \*Mr. Savage. I would say if they are not assessing that  
1138 risk, they are not responsible enough to operate the  
1139 facility.

1140           \*Mr. Pallone. Well thank you. So I agree. And as we  
1141 experience 100, 200-year flood events more often, facilities  
1142 need to plan for worst-case scenarios to make sure their  
1143 infrastructure can hold up.

1144           But another topic I want to discuss is the \_ DHS's  
1145 companion program to EPA's Risk Management Program, and that  
1146 is the Chemical Facilities Anti-Terrorism Standards, also  
1147 known as CFATS, within the Department of Homeland Security.  
1148 And while the House was able to pass a bipartisan extension  
1149 last year, unfortunately the program lapsed in July. And for  
1150 over nine months Senate Republicans have held up a clean  
1151 reauthorization of the Department of Homeland Security  
1152 oversight program. So right now EPA is the only agency  
1153 urging chemical facilities to engage in safer practices and  
1154 conducting any oversight.

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1155           So let me go back to Mr. Savage. I know you are a 20-  
1156 year veteran of the chemical facility. How important is  
1157 EPA's RMP program to managing risk at large-scale chemical  
1158 facilities, particularly in the absence of a program like  
1159 CFATS?

1160           \*Mr. Savage. Thank you. It is important. And all the  
1161 other regulations that are mentioned, you know, OSHA process,  
1162 safety management, whatever, you know, when I got hired into  
1163 the oil refinery in the early 1990s, OSHA had just  
1164 implemented the process safety management standard, and  
1165 industry people were, like, apoplectic that this was going to  
1166 shut down facilities and, you know, the compliance costs were  
1167 going to be not worth the benefit, and all that.

1168           I don't think you could find any serious person today  
1169 that would say that we shouldn't have the process safety  
1170 management standard, you know. Like, this is kind of the  
1171 same old arguments that get recycled every time a requirement  
1172 to run facility safe is proposed.

1173           \*Mr. Pallone. I mean, just \_ you can just say yes or  
1174 no, if you want. I mean, because we don't have the CFATS  
1175 program, does that mean that the EPA's RMP program is even

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1176 more important?

1177 \*Mr. Savage. Yes, I agree, and the Steelworkers  
1178 supported a reauthorization of CFATS.

1179 \*Mr. Pallone. All right. Thank you so much.  
1180 I yield back.

1181 \*Mr. Carter. The gentleman yields back. The chair now  
1182 recognizes the vice chair of the committee from Pennsylvania,  
1183 Dr. Joyce, for five minutes of questioning.

1184 \*Mr. Joyce. First, I want to thank Chairman Carter for  
1185 holding today's important hearing on the new proposed role  
1186 for EPA's Risk Management Program.

1187 It should go without saying that safety is a bipartisan  
1188 issue. Members on both sides of the aisle in this committee  
1189 believe in protecting workers and communities from dangerous  
1190 chemical exposures. That is why we need to start by  
1191 recognizing how successful our industries have become at  
1192 minimizing the risk of accidental releases.

1193 American industry is the safest and the cleanest in the  
1194 world, and it continues to invest in new technology to make  
1195 things better each and every year. Despite the good  
1196 intentions of this latest EPA action, I have serious concerns

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1197 about the effects that this rule would have on our economy  
1198 and on our constituents.

1199 First, we cannot afford to cripple our refining  
1200 industry. Hydrofluoric alkylation refining units make up  
1201 half of America's refining capacity. Forcing them offline  
1202 would quickly lead to higher prices at the pump, which  
1203 Americans can't afford.

1204 Second, the overbearing regulatory burden that this puts  
1205 on chemical manufacturers will stifle an industry that is  
1206 critical for the United States to compete in 21st century  
1207 manufacturing.

1208 Lastly, I am worried that this rule makes safety the  
1209 enemy of security. While there are times when it is  
1210 important to publish what chemicals that facilities  
1211 manufacture and store, the reporting requirements in this  
1212 rule make it far too easy for bad actors to have access to  
1213 the sensitive information they so desperately want.

1214 There is a reason Congress created the Chemical Facility  
1215 Anti-Terrorism Standards Program, CFATS, in DHS, and EPA's  
1216 Risk Management Program is no replacement for the CFATS  
1217 program.

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1218           My first question is for you, Attorney General Drummond.  
1219   As you and Chair Rodgers mentioned earlier, your state has  
1220   specific concerns about chemicals, given its history. As  
1221   your state's top law enforcement officer, does this make your  
1222   job more difficult?

1223           \*Mr. Drummond. It certainly will. We have identified  
1224   Chinese syndicated crime organizations inside the state,  
1225   Sinaloan cartels. It would take very little effort for these  
1226   organized bad actors to have access to chemicals that would  
1227   then create terroristic threats on our homeland, and we can't  
1228   stand for that.

1229           \*Mr. Joyce. Mr. Erstad, your members supply everyone  
1230   from pharmaceutical companies to farmers. In this role, how  
1231   has the EPA increased the vulnerability of your members? And  
1232   can you give specific examples?

1233           \*Mr. Erstad. Well, I cited one of the ones that  
1234   concerned us, the industry, a lot was when we saw the website  
1235   that now gives the GPS coordinates of every facility in the  
1236   country that has chlorine gas, for example. And that is  
1237   something that is accessible to anybody around the world.

1238           You know, I think that there is a whole \_ the whole \_



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1239 people living, working, or spending significant time within  
1240 six miles issue is a real nebulous issue for us to  
1241 understand, because how are we supposed to prove that? I  
1242 have seen things where the EPA suggested that we are supposed  
1243 to look at pay stubs or something else to see if they are  
1244 actually legitimate questions.

1245         You know, after 9/11 we took a different approach with  
1246 this information, and that was something that was available  
1247 in the reading room here. It is available to the public.  
1248 You would have to show your ID, but it was controlled. And I  
1249 think that the concern from the industry perspective is this  
1250 information, now being more widely disseminated, the industry  
1251 is going to have to decide who should have access to this and  
1252 who shouldn't. We are going to have to be the ones deciding  
1253 this. And if we decide wrong, we are going to get in trouble  
1254 for doing that. So we struggle with that portion of the  
1255 rule.

1256         \*Mr. Joyce. Mr. Erstad, based on witness testimony and  
1257 information regulated stakeholders have sent to our  
1258 committee, it seems clear to me that there are serious  
1259 concerns about the increased costs, the compliance

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1260 uncertainty, the lack of auditors, and the major paperwork  
1261 requirements. What redundancies with other requirements were  
1262 created with this new RMP rule?

1263       \*Mr. Erstad. Well, I think that there are a lot of  
1264 things that are already covered. I think the RMP rules, even  
1265 when we talk about some of the issues with looking at worst-  
1266 case scenario planning, we tried to do that before, you know.  
1267 We were looking at natural disasters. We were looking at  
1268 backup power because that is something you should be thinking  
1269 about with a facility if you are running it responsibly.

1270       And I think that a lot of this is a blanket approach  
1271 that doesn't take into account companies that have been doing  
1272 a good job doing the best practices to begin with. And now  
1273 we are adding additional layers of regulation and complexity  
1274 when, you know, industries \_ and basically punishing  
1275 industries that are already doing a good job.

1276       \*Mr. Joyce. I think this blanket approach could  
1277 potentially be smothering.

1278       Mr. Erstad, in the name of increased safety, what risk  
1279 trade-offs are being made concerning our domestic supply  
1280 chain?

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1281           \*Mr. Erstad. Well, any time you add cost, you could  
1282 drive people out of the \_ out of business, and that could  
1283 reduce the availability of the product. So \_

1284           \*Mr. Joyce. Thank you. My time is expired.  
1285           Mr. Chairman, I yield back.

1286           \*Mr. Carter. The gentleman yields. The chair now  
1287 recognizes the gentlelady from Colorado, Ms. DeGette, for  
1288 five minutes of questioning.

1289           \*Ms. DeGette. Thank you, Mr. Chairman.

1290           Well, I have long been an advocate for the EPA to issue  
1291 strict safety measures at chemical plants because of the  
1292 proximity of residents who live right there on the fence line  
1293 and, of course, the workers who work in these plants.

1294           In my district we have an area, Globeville,  
1295 Elyria=Swansea in north Denver, which is bordered by a huge  
1296 refinery, the Suncor refinery. And it emits harmful toxins  
1297 into the surrounding community. So I have been working for  
1298 many years with the EPA to try to implement inherently safer  
1299 technologies to mitigate or even eliminate the risk hazardous  
1300 chemicals pose to these communities.

1301           In the EPA's final rule for RMP they included a version

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1302 of inherently safe technologies called Safer Technology  
1303 Alternatives Assessments. While it is less than in the  
1304 original proposal that would have included all RMP  
1305 facilities, the EPA decided to prioritize high-risk  
1306 facilities which constitute 10 percent of the overall RMP  
1307 facilities that are covered. So these facilities, these 10  
1308 percent, are going to have to look at their covered chemicals  
1309 and processes and identify at least one passive way to make  
1310 the processes safer.

1311 So unfortunately, the witnesses who are here today say  
1312 that the cost of this safety measure does not justify the  
1313 benefit. I disagree, and I think the safety and lives of  
1314 workers, first responders, and environmental justice  
1315 communities account for a large benefit. So I want to ask  
1316 you a couple of questions about this, Mr. Savage.

1317 Does the safety of your fellow workers and the  
1318 surrounding community demonstrate a significant benefit to  
1319 you versus the cost of assessing technologies?

1320 \*Mr. Savage. Thank you. Of course.

1321 \*Ms. DeGette. Yes.

1322 \*Mr. Savage. Of course. I think that it is overlooked

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1323 that \_ and I would say that this doesn't necessarily apply to  
1324 all of our employers. Some of them are very responsible.

1325 \*Ms. DeGette. Of course.

1326 \*Mr. Savage. But the ones that aren't, you know, they  
1327 are creating problems in the community. It is going to cost  
1328 us our jobs. Once the \_ I think somebody mentioned earlier  
1329 about the social license of operating these facilities. If  
1330 \_ once you lose a community, that is it.

1331 \*Ms. DeGette. Right.

1332 \*Mr. Savage. You are not going to be able to operate  
1333 that facility.

1334 \*Ms. DeGette. That is right. Now, how can the shifts  
1335 and the amounts of chemicals on a site or a change to the  
1336 safety processes at a plant really make the job at chemical  
1337 facilities much safer for those on the job?

1338 \*Mr. Savage. I am sorry?

1339 \*Ms. DeGette. How can companies make the safety at a  
1340 plant safer by simply changing the amount of chemicals or  
1341 changing the safety processes that they use?

1342 \*Mr. Savage. I think that \_ I mean, it depends on the  
1343 facility and what \_

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1344 \*Ms. DeGette. Yes.

1345 \*Mr. Savage. \_ what substances and processes they are  
1346 using, but I think that they should be constantly evaluating  
1347 on how to do things safer, how to do \_ how to keep the  
1348 workforce safe, how to keep the community safe.

1349 \*Ms. DeGette. So one of the things that your colleagues  
1350 here have been talking about all day, they are really  
1351 worried, they say, about more disclosure of chemicals. But  
1352 we have seen emergency after emergency happening around the  
1353 country. We have had some also in Colorado, where we have  
1354 extreme weather, climate change, aging infrastructure, et  
1355 cetera, where we have a chemical release, and the first  
1356 responders and the others going in, they don't know what  
1357 chemicals are at that facility. And that is why we are  
1358 trying to have more robust disclosure.

1359 Do you think that that is an important goal that we  
1360 should strive for, Mr. \_

1361 \*Mr. Savage. Yes, ma'am. I would say that when it  
1362 comes to \_ members of the community have an absolute right to  
1363 know what dangerous substances and processes are being  
1364 operated near their homes. And when communities feel safe,

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1365 they are less likely to oppose new facilities, new processes,  
1366 new jobs, right? So it is a win-win.

1367 \*Ms. DeGette. It is like if they don't want to disclose  
1368 what is there, it makes people paranoid about what is there,  
1369 right?

1370 \*Mr. Savage. That is correct.

1371 \*Ms. DeGette. Yes, okay.

1372 I yield back. Thanks.

1373 \*Mr. Carter. The gentlelady yields back. The chair now  
1374 recognizes the gentleman from Michigan, Representative James,  
1375 for five minutes of questioning.

1376 \*Mr. James. Thank you, Mr. Chairman. Honorable members  
1377 of the House Energy and Commerce Committee, Subcommittee on  
1378 Environment, Manufacturing, and Critical Minerals, and  
1379 esteemed witnesses, I appreciate the opportunity to speak as  
1380 we convene to address the vitality of our manufacturing  
1381 sector.

1382 This rule, published on March 10, 2024, marks a  
1383 significant juncture in our nation's approach to chemical  
1384 facility safety and emergency preparedness. The EPA's  
1385 amended RMP regulations, while aiming to enhance process

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1386 safety and public awareness of chemical hazards, could  
1387 inadvertently burden Detroit's auto painting and plating  
1388 industry with additional compliance costs. These changes may  
1389 impede the industry's ability to operate efficiently and  
1390 competitively, potentially impacting jobs and economic growth  
1391 in the region.

1392 The voices of industry stakeholders like those in  
1393 Detroit's auto paint and metal plating sectors who are  
1394 affected by this rule must be heard and considered in shaping  
1395 policies that promote safety while fostering economic growth.  
1396 Let's engage in a constructive dialogue and collaborative  
1397 efforts to address the challenges ahead, ensuring that the  
1398 interests of the American people and our manufacturing  
1399 industries are safeguarded.

1400 I don't believe it does us any good to insinuate the  
1401 other side either does not care about economics or does not  
1402 care about people. In fact, I believe it detracts from the  
1403 conversation. As we scrutinize the final rule promulgated by  
1404 the EPA we must ask ourselves, does the rule adequately  
1405 fulfill our obligation to protect the American people and  
1406 support American manufacturing?



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1407 I, representing Michigan's 10th congressional district,  
1408 the number-one manufacturing district in the entire nation \_  
1409 this is critical to the people who sent me here. So let's  
1410 start with Mr. Shah.

1411 The refining industry accounts for less than one percent  
1412 of the total hydrofluoric acid releases, yet this rule seems  
1413 to target, to focus on imposing burdensome regulations  
1414 specifically hitting this industry. In your role as a risk  
1415 analyst, how does the risk, in your opinion, at HF refineries  
1416 compare to those other risks we take each day by, as you  
1417 mentioned, stepping outside for a walk, handling knives, or  
1418 driving a vehicle?

1419 \*Mr. Shah. Thank you, Congressman. As I had said in my  
1420 testimony, the chance of dying from an HF release at the U.S.  
1421 refinery is one in 52 million. That is 800 times lower than  
1422 a bee sting, dying from a bee sting. It is 1,700 times lower  
1423 than dying from a sharp object like a knife, or 13,000 times  
1424 less likely than dying from a bicycle accident. And I  
1425 already said 480,000 times less likely than dying in a car  
1426 accident. It is an unbelievably low risk already. And the  
1427 reason for that, the reason for it being that low is because

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1428 of the layers of mitigation measures that have already been  
1429 taken into account by these industries to protect and make  
1430 sure that that HF unit operates safely.

1431 \*Mr. James. Thank you, Mr. Shah. We know how potent  
1432 appeals to emotion and scare tactics are, but we have an  
1433 obligation to balance impact with probability. Thank you for  
1434 your opinion-sharing here.

1435 Oklahoma Attorney General Drummond, today we have heard  
1436 how the RMP rule treats well-operated plants the same as  
1437 poorly-run plants, requiring them to upgrade their facilities  
1438 every five years, regardless of cost or performance. We see  
1439 this all the time with over-regulation, a one-size-fits-all  
1440 approach. Assuming these businesses want to continue to  
1441 legally operate, I am guessing the rationale business  
1442 response is to pass these costs along.

1443 What are your concerns, from a consumer protection  
1444 standpoint, that this rule will bring to your constituents in  
1445 Oklahoma?

1446 And also, what do you believe is the natural second and  
1447 third-order effects of not being able to do this safely in  
1448 the United States?

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1449           \*Mr. Drummond. Right, so I think that the existing rule  
1450 has illustrated that in the last reporting period 97 percent  
1451 of the RMP-regulated facilities did not report an incident.  
1452 So we already have a rule that is establishing that. And  
1453 now, the \_ to increase that regulatory burden will drive  
1454 costs up.

1455           It will also have a natural consequence of increasing  
1456 citizen suits against industries that are already performing  
1457 well, therefore distracting energy and resources to defend  
1458 these suits without any reasonable likelihood of the citizen  
1459 suit prevailing.

1460           So I think in every measure of the word, this proposed  
1461 rule adds burden to the American consumer with no defined  
1462 benefit.

1463           \*Mr. James. Thank you, General Drummond.

1464           Mr. Chairman, I am from the Great Lakes State. We  
1465 deeply, deeply care about clean air and clean water. And we  
1466 deeply, deeply care about working men and women and our first  
1467 responders. We must do our best to take a balanced approach  
1468 to serve all Americans. Thank you, Mr. Chairman. I yield.

1469           \*Mr. Carter. The gentleman yields. The chair now

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1470 recognizes the gentleman from California, Dr. Ruiz, for five  
1471 minutes of questioning.

1472 \*Mr. Ruiz. Thank you.

1473 I proudly represent California's 25th congressional  
1474 district, a community where summer temperatures frequently  
1475 surpass 100 degrees Fahrenheit. In July 2023, a year that  
1476 marked a historic peak in temperatures, the Coachella Valley  
1477 and Southern California endured 19 days where temperatures  
1478 exceeded 112 degrees Fahrenheit.

1479 And similar to many regions across the nation, the  
1480 communities I represent witnessed the effects of climate  
1481 change firsthand. We endure more intense and frequent  
1482 scorching heat waves and devastating wildfires, serving as  
1483 undeniable indicators of a shifting climate. Rising  
1484 temperatures, intensified storms, and unpredictable weather  
1485 patterns are endangering our infrastructure, particularly our  
1486 chemical plants and refineries, and these facilities are  
1487 vulnerable to flooding, extreme heat, and storm surges which  
1488 can result in accidents, toxic releases, and spills. The  
1489 ramifications extend well beyond the perimeters of these  
1490 industrial sites, endangering the health and safety of

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1491 workers, neighboring communities, and our ecosystems.

1492 Mr. Savage, based on your experience, when an incident  
1493 occurs does it remain contained within the confines of the  
1494 facility, or does it extend into the surrounding community?

1495 \*Mr. Savage. Thank you. Yes, we don't work under a  
1496 dome. So a fence doesn't keep vapor clouds contained inside  
1497 of a facility. So, yes, it has community impact.

1498 \*Mr. Ruiz. So these chemical disasters not only impact  
1499 families and communities, but also exacerbate air quality.  
1500 They release hazardous chemicals into the atmosphere,  
1501 resulting in immediate and long-term consequences, including  
1502 respiratory ailments, cardiovascular diseases, and ecological  
1503 harm.

1504 Mr. Savage, in your experience, does the community  
1505 usually have hours and \_ of time to prepare ahead of an  
1506 incident so they can get their kids out of school, pack up,  
1507 and leave the area before it happens?

1508 \*Mr. Savage. No, they have seconds.

1509 \*Mr. Ruiz. They have seconds. And how is the community  
1510 informed, usually?

1511 \*Mr. Savage. In Philadelphia we had a community alert

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1512 system. We had a siren that would go off, and we had some \_  
1513 there was some sort of community alert system set up. But if  
1514 I recall correctly, on the morning of June 21, 2019 the  
1515 company never informed the community of anything. They were  
1516 informed of the explosion when they were knocked out of their  
1517 beds by the force of it.

1518 \*Mr. Ruiz. And do you \_ how long did it take the  
1519 community to start mobilizing after that?

1520 \*Mr. Savage. There was press conferences that morning  
1521 while my coworkers were still fighting the raging fires,  
1522 demanding that the refinery be shut down. There was \_ people  
1523 had reported respiratory issues. In fact, there is, I think,  
1524 56 zip codes in the City of Philadelphia, and the highest per  
1525 capita rate of childhood asthma was the zip code that  
1526 contained our refinery. So I don't necessarily know that the  
1527 owner of our refinery was a good neighbor to begin with, but  
1528 that explosion was the end of any chance of that.

1529 \*Mr. Ruiz. And so what do you think about the shelter-  
1530 in-place orders after these spills? Do they \_ could they be  
1531 more harmful for the residents to be \_ and the workers to be  
1532 sheltered in place?

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1533           \*Mr. Savage. I think that would depend on the  
1534 circumstances of the particular incident. In some cases it  
1535 may be appropriate. In some cases it could be more harmful.

1536           What you hope is that there is good emergency response  
1537 plans, and this has all been thought of beforehand so that  
1538 when these things happen, people can \_ people have a way that  
1539 they know how to handle it.

1540           \*Mr. Ruiz. And so that is what the EPA rules do. In  
1541 fact, they force the facilities to come up with plans  
1542 beforehand and to coordinate with the community, correct?

1543           \*Mr. Savage. That is correct.

1544           \*Mr. Ruiz. And that would be helpful in order to have a  
1545 more streamlined response in case there is a spill, correct?

1546           \*Mr. Savage. We support that, yes.

1547           \*Mr. Ruiz. And, you know, the whole idea here is that  
1548 \_ to actually make improvements so that accidents don't  
1549 happen with upgrades and technology and hazard mitigation  
1550 efforts in the high-risk facilities. Correct?

1551           \*Mr. Savage. Yes, I agree.

1552           \*Mr. Ruiz. Okay, well, I agree with those sentiments  
1553 for the sake of our workers and the surrounding communities.

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1554           And with that I yield back.

1555           \*Mr. Carter. The gentleman yields. The chair now  
1556 recognizes the gentleman from Ohio, Mr. Balderson, for five  
1557 minutes of questioning.

1558           \*Mr. Balderson. Thank you, Mr. Chairman. Thank you all  
1559 for being here today. My first question is for Mr. Erstad.

1560           Mr. Erstad, first of all, thank you for the great work  
1561 that you do and the jobs that you provide in the great State  
1562 of Ohio and, more importantly, at the Galena facility which  
1563 is in the 12th congressional district. So thank you very  
1564 much.

1565           Power demand is estimated to increase substantially in  
1566 the coming decades. In fact, the North American Electric  
1567 Reliability Corporation's most recent long-term reliability  
1568 assessment shows that power demand in North America is  
1569 growing at the fastest rate in over 30 years. Meanwhile, the  
1570 EPA just finalized rules that will place unachievable  
1571 regulatory mandates on power providers and drive existing,  
1572 reliable generation off the grid and into early retirement.

1573           Mr. Erstad, since we are discussing safety and risk with  
1574 the RPM [sic]-covered facilities, I am curious. Would your



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1575 risk at Hawkins facilities be increased with rolling  
1576 brownouts and unanticipated electricity outages?

1577 \*Mr. Erstad. Well, obviously, unintended \_  
1578 unanticipated events are something we need to mitigate and  
1579 work to, you know, limit the effects of. We believe we  
1580 already do.

1581 I think that the effects of power outages are going to  
1582 affect deliveries to consumers, you know, to our customers,  
1583 and potentially a supply chain. But we believe, under the  
1584 existing \_ our existing processes and our existing review  
1585 under RMP that we are controlling the risk to the general  
1586 public. But there certainly is a risk to the supply chain.

1587 \*Mr. Balderson. Okay. Thank you. I will follow up to  
1588 you again. In your testimony you raise concerns about the  
1589 third-party audit criteria. You make the point that under  
1590 this rule the auditor who lacks specific technical expertise  
1591 could ultimately make processes less safe. Could you  
1592 elaborate on this and provide an example, if possible?

1593 \*Mr. Erstad. Well, you know, there is a lot of  
1594 different chemicals and processes. Our primary processes and  
1595 primary chemicals we handle are chlorine. We take chlorine

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1596 in, it comes in by railcar, and we make bleach out of it,  
1597 largely. In some cases we repackage it into cylinders that  
1598 we then haul to water treatment facilities across the country  
1599 to purify the drinking water.

1600 If you have somebody \_ you know, there are certain  
1601 chemical compatibilities, certain types of steel, certain \_  
1602 the gaskets that are used in the piping, different things  
1603 that are very technical to that chlorine system. Whereas, an  
1604 ammonia system is very different, different types of  
1605 construction, different types \_ you know, so the exact  
1606 knowledge is really critical to make sure that they are  
1607 really able to assess that and to add value.

1608 \*Mr. Balderson. Okay. Thank you. Also in your  
1609 testimony you also raised concerns with the rule's Safer  
1610 Technology Alternatives Analysis requirements. The rule  
1611 requires a facility to conduct a STAA if it is within 1 mile  
1612 of another facility with a 324 or 325 code. Do you believe  
1613 this requirement does anything to improve safety?

1614 \*Mr. Erstad. We struggled to figure that one out,  
1615 frankly. We have a hard time knowing what the other NAICS  
1616 codes are of our adjacent facilities. I don't believe that

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1617 there has been any rationale delivered for why that location  
1618 matters. You know, if there is something, we would be glad  
1619 to hear that.

1620 \*Mr. Balderson. Okay. Mr. Shah and Mr. Drummond, would  
1621 you agree with that assessment?

1622 Mr. Shah, you can go first. Thank you.

1623 \*Mr. Shah. Yes, I would. It is difficult to know, when  
1624 we do our assessments, to know what is surrounding that  
1625 facility as far as commercial and industrial collocators  
1626 within any radius of the facility that we are looking at  
1627 because of secrecy and proprietary information that many of  
1628 these sites contain.

1629 \*Mr. Balderson. Okay. Mr. Drummond?

1630 \*Mr. Drummond. I would add simply that the STAA  
1631 requirement does not illustrate any ability to reduce any  
1632 risk, nor does it illustrate an ability to improve safety.  
1633 It just simply adds a burden to the operator.

1634 \*Mr. Balderson. Okay. Thank you all very much.

1635 Mr. Chairman, I yield back.

1636 \*Mr. Carter. The gentleman yields. The chair now  
1637 recognizes the gentleman from California, Mr. Peters, for

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1638 five minutes of questioning.

1639 \*Mr. Peters. Thank you, Mr. Chairman.

1640 I am a former environmental lawyer, no stranger to  
1641 mitigating risk at sensitive sites while working to make sure  
1642 that regulations are workable and complied with. And I  
1643 appreciate the sensitivity around this topic, and can  
1644 understand that balancing the needs of each individual site  
1645 while maintaining public health and safety are critical and  
1646 not necessarily easy.

1647 My main beef here is with this committee. I just want  
1648 to just remind people where we are. This rule is final. It  
1649 is already the law. We didn't take it up any time before it  
1650 came up. This is supposed to be the great legislative  
1651 committee of the House of Representatives, and we are now  
1652 talking about something that has already happened. We didn't  
1653 take this up when the notice of proposed rulemaking came out,  
1654 which probably was a year or two ago, to even get our  
1655 comments into the record. This has already happened. And  
1656 that annoys me, because I was an environmental lawyer. Now I  
1657 am a legislator.

1658 I fought to get on this committee and on this

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1659 subcommittee because I thought I had something to offer. But  
1660 we waited until the rule was final to even take it up. So I  
1661 apologize to you all for taking your time, because we are now  
1662 literally in a sideshow. It is like \_ this is like TV  
1663 commentators sitting around talking about what already  
1664 happened, and probably one of the TV shows that would have  
1665 the worst ratings ever. But, you know, this is a very  
1666 technical thing.

1667 I think that we should be legislating, I think we should  
1668 be doing it in a bipartisan way. And I just would observe  
1669 that this is another one of those rules that, if the  
1670 administration changes, it is going to be thrown out. And  
1671 whatever good is in this rule we will have lost. So here is  
1672 my take on the issues, just for what it is worth, even though  
1673 the rule is final, okay?

1674 I take what you say about risk, Mr. Shah, I understand  
1675 that, what you are arguing and Mr. Drummond arguing, that  
1676 generally under current law we have a pretty good record, and  
1677 that the risks are very small. I think that is a serious,  
1678 serious point. I take it.

1679 I think one place where I agree with you, I would agree

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1680 with you is the security concern. I think in many cases it  
1681 might be more dangerous to have people know what is in there  
1682 than to have them not know what is in there \_ as long as the  
1683 first responders have access to that information, which I  
1684 believe under current law they do.

1685 We have something in California called Prop 65, which is  
1686 a ridiculous \_ it turned out to be ridiculous in practice.  
1687 It requires the disclosure of when chemicals are at a site.  
1688 So every restaurant you go into now, there is a little thing  
1689 that says, "We have chemicals on site that are known to cause  
1690 cancer and damage to human health.'" They have cleaning  
1691 solvents, right, because they have to clean up the kitchen.  
1692 And by the way, don't drink alcohol if you are pregnant. It  
1693 is dangerous. That does not affect anyone's behavior  
1694 anymore. We walk by those things, they are up there. If you  
1695 don't have them up there, by the way, it is \$2,500 a day for  
1696 as many days as you miss it.

1697 But it is absolutely useless to affect the behavior of  
1698 people, and I am concerned \_ I feel also I am a suspicious  
1699 that letting people know these chemical compounds are in  
1700 their neighborhood doesn't really do them any good. It

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1701 doesn't affect their behavior. I am sympathetic on that.

1702           Here is where I think we may need updates. One is I  
1703 want to know about the ability to stop work. I think, you  
1704 know, I think Mr. Savage makes a good point. If he is in a  
1705 point where he knows the process, he can't stop the work, he  
1706 feels intimidated, I think that is worth following up on.

1707           I want to know whether current law requires you to think  
1708 about extreme weather, because I think weather has changed,  
1709 and I think we should probably look at these rules and look  
1710 at the law and make sure that it covers that.

1711           And I also want to know whether the remedies under  
1712 current law are sufficient to provide the incentives for your  
1713 folks to comply. What Mr. Savage said was that after this  
1714 horrific thing that happened to him happened, they declared  
1715 bankruptcy. And presumably I mean, it is not good for the  
1716 business, but, you know, maybe there is some remedies that  
1717 would provide a better incentive against this kind of thing.

1718           I would like to take all those things up in a  
1719 legislative hearing. I think we should probably do something  
1720 legislative on this, Mr. Chairman. I can't believe we let  
1721 the boat go by us, and we are talking about something that

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1722 already happened, but that is where we are, and that is where  
1723 we are in Congress too often.

1724         This is supposed to be where we have witnesses come in,  
1725 testify about these things before we enact some regime of law  
1726 or regulation that affects the American public. This is our  
1727 job. And I am disappointed that the majority didn't bring  
1728 this to us sooner, because I think that the witnesses you  
1729 brought in here raised some serious points, and I would love  
1730 to have been part of deciding. That is why I ran for  
1731 Congress. That is why I brought an environmental law  
1732 background here. I thought it would be useful.

1733         I am sorry that this is behind us now, this has come  
1734 when this law is already final. So now I assume it is in the  
1735 courts, but I will just offer to my colleagues and to the  
1736 witnesses that, if there is ways we can improve this regime,  
1737 that is why I am here. And like I said, I am sympathetic on  
1738 the security issues, but I am also \_ I think that there are  
1739 some real issues that are raised by the rule that I think are  
1740 worthy. It is just unfortunate that this committee is not  
1741 the one making the law.

1742         And I yield back.



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1743           \*Mr. Carter. The gentleman yields. The chair now  
1744 recognizes the gentlelady from Iowa, Dr. Miller-Meeks, for  
1745 five minutes of questioning.

1746           \*Mrs. Miller-Meeks. Thank you, Mr. Chair, and I want to  
1747 thank our witnesses for testifying before the committee  
1748 today.

1749           I also want to thank Representative Peters for his  
1750 comments. Far too often we find regulation that doesn't have  
1751 its intended purpose, gets ignored, and I had the same  
1752 thought that \_ how many people move into an area and do not  
1753 know that there is a water treatment facility or another  
1754 facility using chemicals nearby. I think just as people are  
1755 smart enough to look at what the school system is next to  
1756 them, if there are electric lines overhead next to them, they  
1757 are smart enough to know the businesses that are adjacent to  
1758 their area.

1759           From providing essential materials for infrastructure  
1760 and manufacturing to developing cutting-edge technologies  
1761 that improve health care \_ my area \_ transportation,  
1762 communication, chemicals play an incredibly vital role in  
1763 everything we use daily. In Iowa the chemicals industry is

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1764 the second-largest manufacturing industry in the state, and  
1765 generates over 5,000 jobs in my district alone. And I can't  
1766 remember in 40 years that I have been in Iowa when there was  
1767 the last chemical spill or accident, which are tragic when  
1768 they happen, and we certainly want to both mitigate and  
1769 prevent those.

1770         The final Risk Management Programs rule put forth by the  
1771 EPA puts unreasonable mandates on numerous industries for  
1772 solutions. And as stated by the EPA on their website \_ and  
1773 this is most important \_ only should benefit nearby  
1774 communities. They actually don't even know why they updated  
1775 or made the rule. I mean, that is very apparent in their  
1776 comments. And I am sorry to be so forthright in my  
1777 criticism.

1778         Among other onerous mandates, this rule would require  
1779 that some facilities conduct a Safer Technology and  
1780 Alternative Assessment, STAA, analysis. This analysis would  
1781 be required as part of a Process Hazard Analysis, PHA. The  
1782 PHA is intended to identify, evaluate, and control the  
1783 hazards involved in the process, and requires owners and  
1784 operators to use a team of experienced professionals to

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1785 assess the hazards and possible outcomes.

1786           And let me just say, as a former military veteran and as  
1787 a director of the Department of Public Health, we do these  
1788 kind of trainings and exercises in communities all the time.  
1789 Whether they are natural disasters, whether they are chemical  
1790 disasters, whether they are train derailments, we do  
1791 training. That is part of what you do with your EMA,  
1792 Emergency Management Associations.

1793           So Mr. Erstad, in your experience conducting risk  
1794 analyses, do you feel that the STAA analysis provides  
1795 valuable information to a facility, or do they typically  
1796 identify risk mitigation measures that are already captured  
1797 by other existing processes?

1798           \*Mr. Erstad. Well, we believe that we are doing a good  
1799 job of controlling the risk through the current process. So,  
1800 you know, they are adding that level of \_ that additional  
1801 analysis. That is \_ again, we are not sure we see that \_ the  
1802 benefit there, because if things are \_ in the chlorine  
1803 industry there is well-established protocols, there are  
1804 industry trade groups that come up with the right processes  
1805 and procedures \_ and vet things. And there is a concern that

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1806 if we are going to be out there trying new, untried, and  
1807 unproven new things we are doing in a plant, we are  
1808 introducing new risks. And that concerns me.

1809 \*Mrs. Miller-Meeks. And certainly, if you weren't  
1810 mitigating risk now and trying to prevent things from  
1811 occurring, would you have favorable location in a community  
1812 next to residences?

1813 \*Mr. Erstad. Well \_

1814 \*Mrs. Miller-Meeks. Would there not be protesters,  
1815 perhaps?

1816 \*Mr. Erstad. Well, we try to locate in places where we  
1817 don't have that because we want to mitigate any potential  
1818 effects \_

1819 \*Mrs. Miller-Meeks. So \_

1820 \*Mr. Erstad. \_ from our operations.

1821 \*Mrs. Miller-Meeks. \_ to mitigate risk, you are careful  
1822 about location.

1823 \*Mr. Erstad. We \_

1824 \*Mrs. Miller-Meeks. You are also careful about working  
1825 within the community to be able to prevent and mitigate  
1826 risks, should they occur.

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1827           \*Mr. Erstad. Yes, we want good relations with local  
1828 first responders. We want people to be able to, you know,  
1829 come in to our sites if there ever were an incident. And we  
1830 want good relations with neighbors.

1831           \*Mrs. Miller-Meeks. And do you have an estimate on how  
1832 much it would cost your company to hire outside expertise to  
1833 conduct a STAA?

1834           \*Mr. Erstad. You know, we \_ the rule is new enough we  
1835 haven't gone through all the way of getting quotes. I talked  
1836 to one of our consultants who has helped us in some cases.  
1837 He estimated would take two to three times as long to do that  
1838 with the safer technology assessment. So I can only imagine  
1839 this is going to be \_

1840           \*Mrs. Miller-Meeks. And would that cost be passed on to  
1841 customers and consumers nearby?

1842           \*Mr. Erstad. We are in the business to, you know, make  
1843 money. So yes, that would eventually be passed on.

1844           \*Mrs. Miller-Meeks. And I can tell you, in rural areas  
1845 such as southeast Iowa that I represent and our senior  
1846 citizens on fixed income, they cannot afford to have  
1847 increased prices in their water and septic.

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1848           So with that I have a last question that I am going to  
1849 introduce for the record, and ask you to respond after the  
1850 hearing.

1851           [The information follows:]

1852

1853           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1854

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1855            \*Mrs. Miller-Meeks. And I yield back. Thank you.

1856            \*Mr. Carter. The gentlelady yields. The chair now  
1857 recognizes the gentlelady from California, Representative  
1858 Barragan, for five minutes of questioning.

1859            \*Ms. Barragan. Thank you, Mr. Chairman.

1860            The EPA's Final Risk Management Program Rule improves  
1861 protections for workers, first responders, and communities  
1862 that live near the 12,000 chemical facilities regulated by  
1863 this rule. I am proud to have advocated for this rule in a  
1864 letter with Senator Cory Booker and 47 of my colleagues.

1865            The new safeguards are an important step for the safety  
1866 of communities, especially in my district in Carson and  
1867 Wilmington, California \_ they have refineries \_ and for San  
1868 Pedro, which has a liquefied propane gas storage facility  
1869 that residents have been concerned about for decades.

1870            Mr. Savage, my question is for you. The new EPA rule  
1871 requires an analysis of safer technologies and alternatives  
1872 at refineries that use hydrofluoric acid and the possible  
1873 implementation of safeguard measures. Your testimony  
1874 highlights how important this analysis can be.

1875            Thank goodness nobody was killed in the explosion at the

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1876 Philadelphia refinery you worked at. Can you describe how  
1877 important this requirement had \_ can you describe how  
1878 important this required safer alternatives analysis is for  
1879 the safety of workers and communities at refineries?

1880 \*Mr. Savage. Yes, thank you. And yes, thank goodness  
1881 nobody was killed. But thank goodness nobody was killed. It  
1882 is not a safety program.

1883 I struggle a little bit with the opposition to the safer  
1884 technologies assessment, especially when it comes to  
1885 hydrofluoric acid. I just \_ it is the most dangerous  
1886 substance used in the refining industry. It is the most  
1887 dangerous process used in the refining industry. And if you  
1888 are not constantly looking to see if you can do things safer  
1889 or better, I just \_ I don't understand it. I don't  
1890 understand the opposition to it.

1891 \*Ms. Barragan. And can you talk about how the workers  
1892 feel about having to work with this dangerous chemical?

1893 \*Mr. Savage. I think that nobody's afraid of it, they  
1894 respect it. They are well-trained. They are proud of the  
1895 work they do. I think that they would like to go home at  
1896 night, though.



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1897           \*Ms. Barragan. Yes. Well, thank you, Mr. Savage.

1898           Last year Republicans passed legislation in this  
1899 committee that exempted refineries that use hydrofluoric acid  
1900 from being required to do a hazard assessment or an  
1901 assessment of safer technology options. One argument that  
1902 they made is that there were not any safer alternatives to  
1903 hydrofluoric acid. What is your response to that?

1904           \*Mr. Savage. I think that \_ and I remember that  
1905 legislation, and the Steelworkers vigorously opposed that  
1906 legislation. I think that there may not be. There may not  
1907 be, other than sulfuric acid, which is safer.

1908           But there are technology advances. And right now there  
1909 is a refinery in Salt Lake City, I think, that is testing out  
1910 another solid type of acid, and I think it is \_ I don't know  
1911 that it is on a large-enough scale to know if it is viable or  
1912 not, but we would like to see the industry transition away  
1913 from hydrofluoric acid when there is a reasonable alternative  
1914 that is safer and commercially viable.

1915           \*Ms. Barragan. Well, thank you. We know that  
1916 hydrofluoric acid is an extremely dangerous chemical. It is  
1917 used by refineries, including in Torrance, California, near

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1918 my district. In 2015 there was a near disaster at a refinery  
1919 in Torrance in my district, where debris from an explosion  
1920 almost hit tanks with this dangerous chemical. And this  
1921 could have been catastrophic for the community.

1922 And we know there are alternatives because in California  
1923 there is only a couple refineries still left using it. So we  
1924 know there are alternatives, and there has to be a way to  
1925 make sure that we are doing everything we can to protect not  
1926 just the workers, but the community. So I thank you for  
1927 being here today and for your work on this.

1928 And with that, Mr. Chairman, I yield back.

1929 \*Mr. Carter. The gentlelady yields. The chair now  
1930 recognizes the gentleman from Georgia, Mr. Allen, for five  
1931 minutes of questioning.

1932 \*Mr. Allen. Thank you, Chair Carter, for holding this  
1933 important hearing to discuss the Environmental Protection  
1934 Agency's rule on the risk management program. I also want to  
1935 thank the witnesses for being here to testify on the  
1936 implications of this rule.

1937 During this Administration we have seen aggressive rules  
1938 coming out of the EPA that continue to hamstring several

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1939 industries, especially those that deliver critical products  
1940 for modern-day life. The Biden Administration is yet again  
1941 pushing a rule with onerous requirements for critical  
1942 industries here in the U.S. I believe safety is paramount,  
1943 but this rule does not consider what the covered industries  
1944 under RMP are doing to ensure safety and mitigate risk.

1945 I come from the business world. I am far too familiar  
1946 with burdensome regulations that have high compliance costs  
1947 which will ultimately be passed on to the consumer \_ makes us  
1948 not competitive globally.

1949 This rule also has serious national security issues with  
1950 the information-sharing requirement which I will get into.

1951 Additionally, in my district there is a Hawkins water  
1952 treatment facility that would be subject to this rule, and I  
1953 am glad to have Mr. Erstad here to discuss what this would do  
1954 not only to this facility, but facilities across the  
1955 industry.

1956 Mr. Erstad, in your opinion, how could the enhanced  
1957 information disclosure be counterproductive to safety,  
1958 especially at facilities such as agricultural retailers that  
1959 only have three to five employees?

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1960           \*Mr. Erstad. Well, I think that the information \_ we  
1961 kind of talked about some of the challenges with knowing who  
1962 to give the information to. I don't know a lot about the  
1963 smaller ag retail facilities, but I did grow up in a small  
1964 town in South Dakota, 380 people. I know people who are in  
1965 that industry, and I know folks who, you know, they are,  
1966 well, well meaning, but there isn't exactly a staff to  
1967 implement PSM projects.

1968           \*Mr. Allen. Are EPA tools and guidelines for  
1969 implementing this enhanced information disclosure sufficient  
1970 to guide regulated facilities in its implementation?

1971           \*Mr. Erstad. No, I think that there \_ you know, for  
1972 example, the spending significant time within six miles of  
1973 the facility is not defined. What does that mean? How are  
1974 we supposed to prove it?

1975           You know, we have certainly seen bad actors out there  
1976 trying to get access to information about our facilities.  
1977 And if we are the ones that are the gate on this, and if we  
1978 fail, that would be bad for the country and, frankly, puts  
1979 the neighbors at risk, as well.

1980           \*Mr. Allen. In your testimony you raise valid concerns

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1981 about the security implications and administrative burdens  
1982 that the rule's public information-sharing requirements would  
1983 place on regulated facilities, including yours. In your  
1984 opinion, how could EPA have addressed this issue differently,  
1985 making sure that communities have the information they need  
1986 without creating massive administrative burdens and security  
1987 vulnerabilities?

1988 \*Mr. Erstad. Well, I guess I go back to I think that we  
1989 have already had good relationships with our local first  
1990 responders, who are really the folks who need to know. We  
1991 already have reporting obligations. We are reporting to the  
1992 EPA the products that are on site. Information is certainly  
1993 shared by the folks who we think need to know.

1994 There is information out there that is available to the  
1995 public. I think that the concern is when you are getting  
1996 into details about what processes we have, what we have  
1997 implemented and what we have not implemented, and why, that  
1998 that is putting a lot of information potentially in the hands  
1999 of people who could use it against this country.

2000 \*Mr. Allen. In addition to these obvious security  
2001 concerns with the rule's information-sharing requirements, do

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2002 you anticipate other unintended consequences?

2003           \*Mr. Erstad. Well, I think any time you are putting a  
2004 burden on an industry that is already burdened \_ and I talk a  
2005 little bit from the chlorine perspective. The chlorine  
2006 supply chain is \_ has been stressed lately. There have been  
2007 shortages. I know when COVID hit we had calls from public  
2008 health officials across the country wanting to make sure they  
2009 were going to have a supply of chlorine to be able to treat  
2010 the water. You know, we were able to get through that.  
2011 There have been other shortages of the product. And, you  
2012 know, there have been companies that have gotten out of that  
2013 business. And if you get enough businesses out of that  
2014 business, the supply will go down or be affected. That is a  
2015 public health issue. And obviously, any regulatory costs do  
2016 get costs passed on to consumers \_ to our customers and,  
2017 eventually, on to the consumers.

2018           \*Mr. Allen. So there would be severe consequences and  
2019 health risks.

2020           \*Mr. Erstad. Yes \_

2021           \*Mr. Allen. Do you think there is a cost benefit  
2022 analysis being done here?

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2023           \*Mr. Erstad. We don't necessarily see that, no.

2024           \*Mr. Allen. Okay, great. Well, thank you so much for  
2025 being with us today.

2026           And with that, Mr. Chairman, I yield back.

2027           \*Mr. Carter. The gentleman yields. The chair now  
2028 recognizes the gentlelady from Illinois, Ms. Schakowski, for  
2029 five minutes of questioning.

2030           \*Ms. Schakowsky. Thank you, Mr. Chairman.

2031           I wanted to talk to you, Mr. Savage. I am a union  
2032 member myself, and we heard a lot about, you know, cost  
2033 benefit and, you know, the harm that it is going to be doing  
2034 to companies and somehow to the economy. I don't understand  
2035 that. And I want to talk to you about that, because about a  
2036 year ago, just outside of my district, there was a chemical  
2037 accident and one of the workers was hospitalized. He had  
2038 burns on his hands and on his on his head. Fortunately, he  
2039 \_ this was not a fatal accident of this company in the  
2040 district. But I really don't understand why we aren't  
2041 arguing that we need more safety not only for workers, but  
2042 for communities, and that we don't embrace the idea of  
2043 greater protections. And so that is really what I wanted to

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2044 talk to you about.

2045           And it seems to me that we could actually help  
2046 companies, and it would be better for companies if there were  
2047 fewer accidents. I can't see that it is a good thing for  
2048 those companies who experience because of toxic chemicals  
2049 that are in the workplace. Wouldn't there be an advantage,  
2050 economically, for companies to diminish the number of  
2051 accidents that occur?

2052           \*Mr. Savage. Yes. Thank you. I am not aware of any  
2053 incident or any reports ever of a refinery or a petrochemical  
2054 facility shutting down because it was operating too safely.  
2055 Healthy workers, uninjured workers are more productive  
2056 workers. It is across the board. There is \_ we hear cost  
2057 benefit, cost benefit. How about benefit? How about value?  
2058 How about we value our employees? How about we value the  
2059 communities that we work in? How about we care enough to  
2060 secure their jobs and their lives while they are at work?

2061           \*Ms. Schakowsky. So what are the obligations of  
2062 companies right now to, if any, to protect the workers? Are  
2063 there \_ is there anything in law right now that says that  
2064 there are \_



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2065           \*Mr. Savage. I mean, there is OSHA regulations, there  
2066 is process safety management standard that I spoke about  
2067 earlier.

2068           Certainly, I would never work in one of these plants  
2069 without the protection of a collective bargaining agreement,  
2070 though, because I don't feel like the laws go far enough, and  
2071 it is a lot harder to enforce them when you don't have a  
2072 union.

2073           \*Ms. Schakowsky. I also want to mention the impact on  
2074 communities, as well as workers. And we know that it falls  
2075 most heavily, actually, on Black communities, which are more  
2076 likely to be in communities where there are toxic spills or  
2077 there are problems in the community. I just wondered if you  
2078 wanted to comment not only on what happens to workers, but  
2079 what happens to communities.

2080           \*Mr. Savage. Sure. You know, the aftermath of the  
2081 explosions in Philadelphia left \_ you know, there was  
2082 bankruptcies, divorces? A couple of my former coworkers,  
2083 unfortunately, have died from suicide. And we had a  
2084 traumatized community that still sort of isn't over it,  
2085 right? And the fact that some of these facilities negatively

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2086 impact already marginalized communities more than others  
2087 should be looked at and discussed.

2088 \*Ms. Schakowsky. Thank you. I agree. So I certainly  
2089 think that we need more safety standards, that we need more  
2090 training, and that we definitely need \_ can do better. And  
2091 that is all that this rule would do. I think that is a good  
2092 thing for all of us.

2093 And with that I yield back.

2094 \*Mr. Carter. The gentlelady yields back. The chair now  
2095 recognizes the chair of the full committee, the gentlelady  
2096 from Washington, Mrs. Rodgers, for five minutes of  
2097 questioning.

2098 \*The Chair. Thank you, Mr. Chairman. As I mentioned in  
2099 my opening statement, Americans are suffering from a record  
2100 amount of regulations from this Administration. Unelected,  
2101 unaccountable agencies, boards, commissions last year  
2102 finalized 236 major regulations. We are on track this year  
2103 for an additional 365 regulations which, if adopted, add  
2104 hundreds of billions of dollars in new costs to Americans and  
2105 manufacturers and utilities and warehouses and anyone trying  
2106 to do anything in America. According to the American Action

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2107 Forum, as of April 19, 2024, the Biden Administration has  
2108 finalized 851 \_ 851 \_ major regulations costing 1.3 trillion,  
2109 and they estimate 267 million new paperwork hours.

2110 And I just want to underscore this is without any input  
2111 or oversight by the elected representatives of the people.  
2112 EPA has never been authorized by Congress. It needs to  
2113 happen. Today we are looking at just one of those  
2114 regulations.

2115 So Mr. Shah, I wanted to start with you. The final RMP  
2116 rule uses the word "ensure" 107 times, including the changes  
2117 to regulatory texts and descriptions of intent. The D.C.  
2118 Circuit Court of Appeals interprets the word "ensure" to  
2119 mean to make sure or certain. If you are trying to prevent  
2120 an accidental release, how much can you really ensure?

2121 \*Mr. Shah. You can't.

2122 \*The Chair. Okay. So is it possible? Is it possible  
2123 to eliminate all human error at an RMP facility?

2124 \*Mr. Shah. Human error, we are all designed to fail.  
2125 That is what our makers did, right? Our maker made us in a  
2126 way that we all fail. There is a natural failure rate for  
2127 humans, about 1 in 100,000 chances of failing in the simple

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2128 exercise of just eating your food, biting and chewing.  
2129 During that time, about once every 100,000 operations, you  
2130 bite your tongue.

2131 So what we do is we try to build in systems to help  
2132 recover from that human error, through mitigation measures  
2133 and so on, provide layers of recovery from that. But you  
2134 cannot eliminate human error.

2135 \*The Chair. Okay, thank you.

2136 Attorney General Drummond, one part of the final RMP  
2137 rule that your state and others have vigorously objected to  
2138 is the information-sharing provisions. Almost 20 years ago  
2139 your state sadly learned the dangers of people having easy  
2140 access to bomb-making materials. What are the security risks  
2141 in requiring public disclosure across the routes to chemicals  
2142 kept on site at RMP facilities?

2143 And what are the security risks in disclosing to  
2144 perpetrators how a facility will try to mitigate nefarious  
2145 actions?

2146 \*Mr. Drummond. Thank you. Twenty-nine years ago last  
2147 month we did suffer a devastating terrorist attack in  
2148 Oklahoma, and it has put us on high alert ever since then.

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2149 These rules offer a multitude of security risks requiring  
2150 increased disclosure. And it is not clear that this will  
2151 provide any additional benefit that offsets this risk.

2152 As I said in my opening statement, you know, we have  
2153 very few reportable incidents in the United States. And if  
2154 this is accurate then you would have to ask, why would it be  
2155 important for anyone to have access to all of the sensitive  
2156 information?

2157 There are sensitive and sufficient plans in place  
2158 already with local emergency planning committees. To expose  
2159 our communities to the risk of a future terrorism attack is  
2160 just untenable.

2161 \*The Chair. Thank you. Thank you.

2162 Mr. Erstad, in addition to the RMP rule, you have other  
2163 regulatory requirements, new and existing, that your company  
2164 must address in the near future. I just wanted you to, in  
2165 the time remaining, discuss the impact of all these new  
2166 regulations, including the Clean Water Act, Hazardous  
2167 Substance Facility Response Plan which you have on your  
2168 company and industry.

2169 \*Mr. Erstad. Yes, the workload has certainly increased,

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2170 and, you know, I think we are still digesting this rule. The  
2171 Clean Water Act Hazardous Substance Facility Response Plan,  
2172 aside from being a mouthful in itself, is going to be a lot  
2173 for us to undertake, a lot of work again to go through.

2174         Again, the industry wants things to be safe. It doesn't  
2175 do us any good to have injuries, to have, you know,  
2176 disruptions to supply chain. Those are all bad things, and  
2177 we do everything we can to avoid, and we go above and beyond  
2178 what the law requires in most cases. I think we talked  
2179 before about this blanket approach being part of the problem.  
2180 The good actors are going to be public, going to have to do  
2181 almost more than what the bad actors are at this point.

2182         \*The Chair. Thank you. Thank you for being here.  
2183 I yield back.

2184         \*Mr. Carter. The gentlelady yields back. The chair now  
2185 recognizes the gentleman from Maryland, Mr. Sarbanes, for  
2186 five minutes of questioning.

2187         \*Mr. Sarbanes. Thank you, Mr. Chairman. Thank you all  
2188 for being here.

2189         I am, frankly, baffled at this line of questioning  
2190 around the notion that because we can't eliminate 100 percent

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2191 of human risk, that we shouldn't take these serious measures  
2192 to mitigate risk, particularly in the circumstances that have  
2193 been described today by Mr. Graves \_ Mr. Savage, rather. And  
2194 so I am disappointed.

2195 I am not surprised, frankly, by the premise of the  
2196 hearing, and I want to push back right away against the  
2197 notion that this rule, the RMP rule, isn't necessary to  
2198 prevent and respond to chemical accidents. It absolutely is  
2199 necessary. It went through \_ there was a whole process of  
2200 gathering up perspective and comment and input into it that  
2201 led to the final rule, and it is there to protect people.

2202 It is the government's job \_ in this case, it is the  
2203 EPA's job \_ to mitigate potential risks that comes with  
2204 manufacturing and protect both people and the environment  
2205 from the often disastrous consequences when these chemical  
2206 accidents do occur. One way for EPA to do that is to share  
2207 basic information about the facilities and their risks with  
2208 plant workers, the people that are actually there, first  
2209 responders who are going to have to come in in the case of an  
2210 accident, the communities within the incident zone of a  
2211 facility so that they can be better prepared in the event of

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2212 a disaster.

2213           And while the majority contends the revised RMP rule  
2214 puts sensitive information at risk, the truth is that the  
2215 disclosures it requires like the chemicals stored on site,  
2216 the accident history, the safety measures adopted relate to  
2217 information already publicly available to anyone with an ID  
2218 and the means to get to an EPA reading room.

2219           Mr. Savage, just tell me \_ you have done it a number of  
2220 times \_ but in what ways does having more information  
2221 provided about a facility help to promote better safety  
2222 decisions, either for workers in the plant or members of a  
2223 nearby community?

2224           \*Mr. Savage. Thank you. I think we have talked about  
2225 this a little bit already, but obviously, to have appropriate  
2226 response to incidents, you need to \_ the more information you  
2227 have, the more you can plan for your response. Certainly,  
2228 for workers to have the right to understand what they are  
2229 working with, and members of the community absolutely have a  
2230 right to understand what risks are in their communities, you  
2231 know, near their homes. I just \_ it is difficult for me to  
2232 understand how people think otherwise.



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2233           \*Mr. Sarbanes. It is difficult for me to understand  
2234 that, too, because a better informed community, by  
2235 definition, is going to be one where catastrophic events are  
2236 less likely to occur in the first place, and one where the  
2237 risk of harm will be reduced if an incident should arise.

2238           I worry that without this revised RMP rule \_ and again,  
2239 going back to Mr. Peter's point \_ it is there, it is done. I  
2240 don't quite understand the premise of this hearing unless,  
2241 frankly, it is to showcase an alarming insensitivity to  
2242 communities and workers and so forth when it comes to the  
2243 risks associated with these kinds of hazardous conditions.

2244           But what I worry about is that, if you don't have this  
2245 rule, if it is absent, this kind of risk mitigation is  
2246 absent, that the facilities wouldn't volunteer to engage in  
2247 coordinated information-sharing with first responders,  
2248 workers, communities, or even undertake training activities  
2249 to prepare people in the event of a disaster. I understand  
2250 that. You are a business, you are operating, it doesn't mean  
2251 you are callous to the risk and safety. But you have got a  
2252 set of priorities about operating the business and, yes,  
2253 attending to the bottom line that may create blind spots for

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2254 you as an organization when it comes to doing what is safe.

2255 That is why we have the EPA to come along and say, yes,  
2256 as you are pursuing your business enterprise, these are  
2257 things that we are going to make you focus on. We are going  
2258 to eliminate blind spots when it comes to safety, because it  
2259 is in everybody's interest to do that. And you are going to  
2260 have to figure out how to make it work. And in the long run,  
2261 that is going to be better for everybody, for the company,  
2262 for the workers, and for the surrounding communities. So I  
2263 very much support the rule.

2264 Mr. Savage, I want to thank you for your very compelling  
2265 testimony.

2266 And with that I yield back.

2267 \*Mr. Carter. The gentleman yields. The chair now  
2268 recognizes the gentleman from Texas, Mr. Pfluger, for five  
2269 minutes of questioning.

2270 \*Mr. Pfluger. Thank you, Mr. Chairman, and just a quick  
2271 response. I agree with what my colleague has said, that  
2272 there is a reasonable way to move forward. But the fact is  
2273 the reason \_ let me just try to put a bow on this hearing \_  
2274 the reason we are having it is because we don't trust the

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2275 EPA. We don't trust the decisions they are making to be  
2276 reasonable in a way that actually solves the problem.

2277 So I am just going to start out here \_ I am trying to  
2278 bite my tongue, Mr. Shah, as well, with my comments. But let  
2279 me just start out and ask all four of you. I have got a lot  
2280 of questions, but is there a problem? Was there a problem  
2281 that needed to be addressed that this final rule addressed?

2282 \*Mr. Drummond. I would begin. The rules that preceded  
2283 this illustrate that the process was working.

2284 I take exception with what Mr. Sarbanes characterized as  
2285 a company is tone deaf to the protection of its employees and  
2286 the surrounding society. It already was happening. The  
2287 likelihood of an event is very small. And to remove all  
2288 risk, then we need to all move to a middle of a cattle ranch  
2289 in Oklahoma or Texas, where we can drink water out of a well  
2290 and ride our horse.

2291 \*Mr. Pfluger. Mr. Shah, was there a problem? Does this  
2292 final rule address said problem?

2293 \*Mr. Shah. Thank you for that question. No, I don't  
2294 think this problem \_ rule is fixing any problem that the  
2295 previous rules and the industry standards are already

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2296 addressing.

2297 \*Mr. Pfluger. Mr. Erstad?

2298 \*Mr. Erstad. I agree. I think we believe, based on \_  
2299 you know, the engineering practices the industries have  
2300 adopted in the prior rule covered the bulk of what we have  
2301 been talking about today.

2302 \*Mr. Pfluger. Mr. Savage?

2303 \*Mr. Savage. I think that I don't know about a specific  
2304 problem, but I would say that we should always strive for  
2305 continuous improvement.

2306 And not everybody that operates facilities in these  
2307 industries are as responsible as I am sure these folks are.  
2308 You put competitive pressure on responsible employers by  
2309 letting irresponsible employers get away with things, right?

2310 \*Mr. Pfluger. Yes.

2311 \*Mr. Savage. So we always support continuous  
2312 improvement.

2313 \*Mr. Pfluger. Yes, I think that is the point, is that \_  
2314 in a reasonable manner. This is yet another example \_ and,  
2315 you know, you all are testifying here, but this is 1 of 100  
2316 examples that we are going through with the EPA, where it

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2317 seems like it is unreasonable, and there is overreach, and  
2318 they are not listening to industry.

2319 Mr. Shah, when \_ in your experience, do you believe \_  
2320 and I agree with Mr. Peter's comments, we should have had  
2321 this hearing, you know, before the rule was made \_ but do you  
2322 believe that industry was actually listened to, that their  
2323 comments were taken into account?

2324 \*Mr. Shah. Probably not. I am sure they were listened  
2325 to, but I don't \_ the second part \_

2326 \*Mr. Pfluger. Was action taken to \_

2327 \*Mr. Shah. \_ to take action for it, I don't know if  
2328 they actually followed through with what they heard.

2329 The example of the STAA requirement, to have to conduct  
2330 that every five years, STAAs are conducted by facilities.  
2331 When they first look at building a plant or a facility, you  
2332 look at all the different alternatives at that time because  
2333 that is the most practical time to look at it, before you  
2334 build something, to see if there is anything that is safer.  
2335 So it is very hard to retroactively implement something that  
2336 is completely different, very expensive, and very time  
2337 consuming.

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2338           \*Mr. Pfluger. What would you say, Mr. Erstad, is the  
2339 trust level between industry, whether it is you know, steel,  
2340 whether it is refineries, anywhere, and the EPA as a result  
2341 of this final rule?

2342           \*Mr. Erstad. Well, I think that you kind of asked the  
2343 question about whether the EPA listened to industry, and I  
2344 think there were some smaller things in the rule that were  
2345 adjusted. But then I think there were a number of things  
2346 that surprised us, that came out of the blue, and they are  
2347 the things we are actually talking about. So I think that  
2348 there is a concern about the EPA, whether they are listening  
2349 to us or not.

2350           \*Mr. Pfluger. Thank you all for being here.

2351           In my previous career I flew airplanes, which is  
2352 inherently unsafe, and we did it in a manner in which we  
2353 employed them in combat, which is even more unsafe. And from  
2354 the years 2008 to 2016, under the Obama era, the regulations  
2355 stacked up to over 6 feet tall. Heather Wilson, who was a  
2356 former congresswoman, got to be the Secretary of the Air  
2357 Force. She stacked them up, double sided, six feet tall, and  
2358 she told the four-stars, "Cut them in half," because we were

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2359 operating in a way that not only was no safer than it was in  
2360 2004 or 2005, 2006, and 2007, prior to the Obama era, but it  
2361 was also extremely cumbersome, onerous, and less effective.  
2362 I believe that this is another example, this rule, of doing  
2363 something that may seem on paper to be good, but it actually  
2364 isn't reflecting a safer work environment.

2365 Mr. Savage, I agree with you, continuous improvement is  
2366 definitely needed. However, I think we have gone past some  
2367 of the reasonable examples.

2368 I have gone over my time and I yield back.

2369 \*Mr. Carter. The gentleman yields. The chair now  
2370 recognizes the gentleman from Alabama, Mr. Palmer, for five  
2371 minutes of questioning.

2372 \*Mr. Palmer. Thank you, Mr. Chairman.

2373 Mr. Erstad, in your written testimony you mentioned  
2374 concerns about the EPA information-sharing requirement. You  
2375 said that you were concerned that sharing information could  
2376 put facilities at risk of being targeted by bad actors.  
2377 Could you elaborate on that a little bit?

2378 \*Mr. Erstad. Well, I think that, you know, first of  
2379 all, you know, as I mentioned, the EPA has a website up where

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2380 they have got the GPS coordinates you can download of all of  
2381 the facilities, which is a great concern for us. And, you  
2382 know, especially in light of the lapse of the chemical  
2383 facilities anti-terrorism standards, we think the facilities  
2384 are especially vulnerable right now, and that is something \_  
2385 those standards are things that the industry vigorously  
2386 supported, and it is unfortunate they are not there.

2387 So I think, when you couple that \_ and then you also get  
2388 into where we need to disclose all of this information about  
2389 things that we haven't implemented, you are again exposing  
2390 ourselves to people who could use that information for bad  
2391 purposes.

2392 \*Mr. Palmer. It should be of particular concern to us,  
2393 considering that the Biden Administration has let millions of  
2394 people in across our borders, probably 1.6 million of whom  
2395 are gotaways and another half a million or more that we don't  
2396 even know about. And considering some of the nationalities,  
2397 the connections to known or suspected terrorist  
2398 organizations, that should be very troubling to the American  
2399 people, that we are putting out information that could be  
2400 used against us.



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2401           \*Mr. Erstad. That is correct.

2402           \*Mr. Palmer. I have got another question for you. You  
2403 also mentioned the EPA expansion of audit requirements. And  
2404 specifically, you know that the EPA requires external  
2405 auditors to have certain credentials that place an  
2406 extraordinary burden on the facilities. And yet the EPA's  
2407 updates don't consider the necessity of process-specific  
2408 expertise.

2409           Prior to coming to Congress, and prior to running a  
2410 think tank for almost 25 years, I worked for 2 international  
2411 engineering companies, and we built some pretty sophisticated  
2412 facilities. I have worked in environmental systems. I have  
2413 worked everything from refuse to energy to aerospace, and as  
2414 someone who has worked in that environment now, not as a  
2415 discipline engineer but more of an overview of \_ from the  
2416 company perspective, I do understand how complicated these  
2417 processes can be. Can you elaborate on how the EPA's changes  
2418 to the auditing requirements affect your industry?

2419           \*Mr. Erstad. Well, again, if we have auditors who don't  
2420 know the specifics of the materials' compatibility, you know,  
2421 the various issues, and keeping up with the current standards

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2422 \_ because I agree that continuous improvement is critical,  
2423 and that is part of this review that we undertake already  
2424 under the existing RMP process.

2425 \*Mr. Palmer. And it is also in the best interest of the  
2426 company to \_

2427 \*Mr. Erstad. Absolutely.

2428 \*Mr. Palmer. \_ continue these \_

2429 \*Mr. Erstad. Absolutely.

2430 \*Mr. Palmer. \_ because you are not in the business to  
2431 hurt people.

2432 \*Mr. Erstad. No, no, absolutely not. I mean, we want  
2433 to send our employees home in the same condition they came to  
2434 work every day, and we want them to have a good job and a  
2435 good life. And we want our \_

2436 \*Mr. Palmer. And you have made investments in the  
2437 training of these people.

2438 \*Mr. Erstad. Absolutely.

2439 \*Mr. Palmer. And again, having worked in that  
2440 environment \_

2441 \*Mr. Erstad. Absolutely.

2442 \*Mr. Palmer. \_ you don't just walk through the door one

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2443 day and you are able to do this kind of work.

2444 \*Mr. Erstad. That is right.

2445 \*Mr. Palmer. You make big investments, and particularly  
2446 in the craft area where \_ so you are in the business not only  
2447 to make a profit, but to maintain a business for the long  
2448 term.

2449 \*Mr. Erstad. That is right. That is right. It is not  
2450 in our shareholders' best interest to have an incident  
2451 happen.

2452 \*Mr. Palmer. I am also, Mr. Shah, interested in how  
2453 industrial facilities are designed and how subsequent  
2454 regulations may not align with the perimeters of a facility's  
2455 design. The RPM rule requires that covered facilities  
2456 implement at least one practicable passive measure or more  
2457 similarly protective active measure, procedural measure on a  
2458 five-year cycle. Does the rule undermine the design of  
2459 covered facilities and push, really, costly or impractical  
2460 mitigation, rather than addressing safety and decreasing  
2461 risks?

2462 \*Mr. Shah. So the facilities already have implemented  
2463 many mitigation measures and procedural steps, training

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2464 requirements in order to operate them safely, and that is why  
2465 their safety record is so good to date.

2466       When you start looking at additional mitigation options  
2467 \_ and these are always \_ you know, we are \_ they are doing  
2468 that on a periodic basis normally. But to have to document  
2469 why you didn't implement a mitigation measure that wasn't  
2470 practical, that is where \_

2471       \*Mr. Palmer. Let me ask it this way.

2472       \*Mr. Shah. That could cause a chilling effect.

2473       \*Mr. Palmer. Who knows better how to mitigate risk, the  
2474 design engineer or the EPA?

2475       \*Mr. Shah. The design engineers and the \_ yes, they \_  
2476 versus the EPA, yes, the design engineers.

2477       \*Mr. Palmer. And we have already established that a  
2478 business is in business to stay in business. And so they  
2479 have a built-in incentive to make sure that their designs  
2480 mitigate risk and maximize safety.

2481       \*Mr. Shah. Absolutely. Nobody wants anyone to get  
2482 hurt, not their employees, not the community. And they want  
2483 to send their people home safely every day.

2484       \*Mr. Palmer. Mr. Chairman, I yield back.

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2485           \*Mr. Carter. The gentleman yields.

2486           I ask unanimous consent to insert in the record the  
2487 documents included on the staff hearing documents list.

2488           Without objection, that will be the order.

2489           [The information follows:]

2490

2491           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2492

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2493           \*Mr. Carter. Gentlemen, thank you for being here today.

2494           I will remind members that they have 10 business days to  
2495 submit questions for the record, and I ask the witnesses to  
2496 respond to the questions promptly.

2497           Without objection, the subcommittee is adjourned.

2498           [Whereupon, at 12:16 p.m., the subcommittee was  
2499 adjourned.]