



**Testimony**

**of**

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**for the**

**House Energy and Commerce Committee**

**Environment, Manufacturing, and Critical Materials  
Subcommittee Hearing**

**on**

**EPA's RMP Rule: Failures to Protect the American People  
and American Manufacturing**

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Chairman Carter, Ranking Member Tonko, and members of the Committee, good morning and thank you for the opportunity to testify today. My name is Jim Savage and I am a Legislative Representative for the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, or USW for short. We are the largest and most diverse industrial union in the U.S. The relevant fact for this hearing is that we represent the majority of organized workers in the petrochemical industry, as well as hundreds of thousands of workers who use chemicals on the job. You would be hard-pressed to find another union that represents more workers impacted by the Environmental Protection Agency's (EPA) Risk Management Program (RMP) than USW.

No one knows better than USW that safety regulations are not written in ink on paper. They are written in the blood of the workers who have been killed and maimed in preventable accidents on the job and sealed with the tears of the loved ones they have tragically left behind. My own background is in the refining industry; I worked in the Philadelphia Energy Solutions (PES) South Philadelphia refinery for 27 years prior to my current position.

Lasting and meaningful reform of the Risk Management Program has been a priority for our union for nearly two decades because our membership knows unfortunately well the devastation resulting from an accidental release or explosion. Accident prevention, paired with emergency response and mitigation, is critically important under this program. That's why our union has remain engaged throughout the Obama, Trump, and Biden administrations' efforts to reform this program. Our goal is to ensure that workers and communities are protected from the injury and economic devastation that can come from chemical incidents.

### **The Updated Risk Management Program**

On March 13, 2024, EPA Administrator Michael S. Regan issued the RMP Safer Communities by Chemical Accident Prevention (SCCAP) final rule after years of stakeholder engagement and input.<sup>1</sup> This rule strengthens the existing program; addresses new safeguards not covered in prior RMP rules; provides benefits to communities near facilities with high accident rates; and includes requirements to identify safer technologies, investigate incidents thoroughly, and conduct audits by a third-party.

The critical importance of RMP in protecting workers and communities cannot be overstated. RMP plays a pivotal role in preventing chemical disasters, and minimizing their impact when they do occur, both inside and outside the fenceline. Some significant elements of RMP include:

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<sup>1</sup> [U.S. Environmental Protection Agency](#), "Risk Management Program (RMP) Rule – Risk Management Program Safer Communities by Chemical Accident Prevention Final Rule", March 13, 2024.

**Identification and Prevention of Hazards:** The RMP requires facilities that handle hazardous chemicals to assess potential risks comprehensively. By identifying hazards, analyzing worst-case scenarios, and implementing preventive measures, RMP ensures that workers and nearby residents are shielded from harm by taking all possible steps to prevent incidents. Without any mitigation of potential risks, chemical accidents can cause catastrophic consequences, including injuries, fatalities, and environmental damage.

One huge mitigation effort is the inclusion of Stop Work Authority in the RMP. This provision allows workers to leverage their expertise by stopping work on a hazardous activity as a means of preventing an incident that could harm the worker, coworkers, property, or the broader community without fear of retaliation. Without this provision, workers are forced to risk their life or their livelihood when deciding to continue with dangerous work.

With respect to Stop Work Authority, it has been USW's experience that while many companies say their employees have the authority to stop performing unsafe work, the ability and authority to shut down an entire process operating in unsafe conditions (as opposed to simply stopping an unsafe job task) is often met with fierce opposition and threats of being fired. In my own experience in the Philadelphia refinery, I stopped unsafe job tasks dozens of times with little to no pushback from management. However, on one occasion about ten years ago, I was faced with the problem of leaking piping on a heater on the Reformer Unit, while working as a head operator. Because the leak was under an insulated portion of the piping, there was no way to accurately determine the severity of the leak without shutting the unit down and removing the insulation. I told the Operations Manager that we were going to need to pull the feed and shut the unit down, and instantly my job was threatened. Specifically, the manager said, "If you do that, you know what happens next". After over an hour of debate and continuous threats to my job, an engineer finally stepped in and recommended that the unit be shut down. I was under a tremendous amount of pressure in this situation, even though I was the President of a Local Union with a well-earned reputation for aggressive health and safety advocacy. Imagine what one of my co-workers, or an employee in a non-union facility, would go through in a similar situation – they might not have had success shutting down the unit.

**Emergency Preparedness and Response:** While the goal should be the total prevention of chemical incidents, emergency response preparedness is important to mitigate and control the impacts of an incident when they do occur. RMP mandates emergency response planning. Facilities must develop robust procedures for handling chemical incidents, including evacuation plans, communication protocols, and coordination with local emergency services.

During emergencies, timely and effective responses are critical. RMP ensures that workers receive proper training, and that communities are informed promptly on how to protect themselves from harm during an active incident.

**Public Transparency and Accountability:** Transparency around risks and acknowledgments of lessons learned from incidents are important to ensuring that other facility operators, workers, and communities are fully aware of the threats and gain an understanding of prior incidents. RMP requires facilities to engage with the community, share information, and conduct public meetings following incidents. This transparency fosters trust and empowers citizens to participate in safety discussions. By holding facilities accountable, RMP encourages responsible practices and motivates continuous improvement.

## Learning from Past Disasters

The sad and important part of testifying about this issue is that we must discuss and learn from past disasters that claimed lives, damaged property, polluted the environment, and wreaked havoc over the years.

Tragic incidents like the 2017 Arkema Disaster<sup>2</sup> during Hurricane Harvey serve as stark reminders of the need for robust chemical safety regulations. The Arkema plant's failure to adequately address risks led to explosions and chemical releases, endangering first responders and nearby residents. Hurricane Harvey inundated the Arkema plant in Crosby, Texas, leaving it without power or working generators. The refrigerators needed for cooling volatile organic peroxides were non-operational, causing the explosion of 500,000 pounds of unstable chemicals. While we cannot definitively say that Arkema would not have had an incident if the updated RMP regulations were in place, we do know that implementing them could have mitigated the damage inflicted upon first responders and nearby residents. This incident resulted in approximately two dozen people seeking medical attention for chemical burns and respiratory distress after exposure to toxic fumes, smoke, and debris, and millions of dollars in property damage.

On Tuesday, April 2, 2019, at 10:51 a.m., a flammable isobutylene vapor cloud exploded at the KMCO, LLC (KMCO pronounced "chem-co") facility in Crosby, Texas.<sup>3</sup> The event fatally injured one KMCO employee and seriously injured two others. At least 28 other workers suffered minor injuries, including five KMCO employees and 23 contract workers. On the day of the incident, more than 200 people were onsite, including KMCO employees, contract workers, and visitors. At approximately 11:00 a.m., local authorities issued a shelter-in-place order to residents within a 1-mile radius that was lifted over four hours later at approximately 3:15 p.m.

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<sup>2</sup> [U.S. Chemical Safety and Hazard Investigation Board](#), "Investigation Details – Arkema Inc. Chemical Plant Fire", Accessed May 3, 2024.

<sup>3</sup> [U.S. Chemical Safety and Hazard Investigation Board](#), "Investigation Details – KMCO LLC Fatal Fire and Explosion", Accessed May 3, 2024.

My own story at PES is another we can learn from. On June 21, 2019, I was finishing the last couple hours of a twelve-hour night shift – looking forward to having the coming weekend off. Suddenly, at 4 a.m., an emergency response alert went out over the refinery radio system. There was a report of a leak at 433 Unit, our hydrofluoric acid (HF) Alkylation unit,<sup>4</sup> which was concerning because any loss of primary containment in an oil refinery has the potential for catastrophic consequences, and none more than HF acid. Before we could even get fully out of our chairs, we felt the concussion of the first explosion. Opening the door of our blockhouse, my entire field of vision was consumed by a massive ball of fire. This was quickly followed by a second, smaller, explosion. We immediately went to work securing our unit, when about fifteen minutes later, the third, massive, explosion happened. We were certain that there would be multiple fatalities. I gathered my crew and told them the unthinkable – that they should call their spouses, knowing that if we had a major release of HF, we were unlikely to survive because you can't outrun a vapor cloud. Some period of time passed before an announcement was made that, thankfully and unbelievably, all workers were accounted for. Make no mistake about it, the immediate and heroic response by the operators on that unit saved our lives, and likely thousands of lives in the surrounding community. The fires raged for over a day before being classified as under control. Within mere days of the explosions, PES declared bankruptcy and announced that the refinery would be shut down. The aftermath of this catastrophe includes: bankruptcies, divorces, displaced families due to a lack of nearby jobs in the industry, a traumatized community, inadequate environmental remediation of the site, and finally, 1300 acres of overgrown, empty real estate.

In conclusion, RMP is not merely a bureaucratic requirement – it is a lifeline for workers, families, and their communities. Safe facilities save jobs. Safe facilities save lives. Safe facilities save communities. In fact, USW believes that while this rule is an improvement over the existing one, it still has room for improvement. We implore you to stand with us in safeguarding our workers and neighborhoods by supporting robust chemical safety regulations. Thank you for the opportunity to testify, and I look forward to answering any questions you may have.

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<sup>4</sup> [U.S. Chemical Safety and Hazard Investigation Board](#), "Philadelphia Energy Solutions Refinery Investigation Report", October 11, 2022.