

Testimony of Michele Roberts, National Co Coordinator of the Environmental Justice and Health Alliance for Chemical Policy to the Subcommittee on Interior, Environment, and Related Agencies  
February 26, 2019

Good Morning. Thank you for inviting me to testify before you. My name is Michele Roberts and I am the National Co Coordinator for the Environmental Justice Health Alliance for Chemical Policy Reform (“EJHA”). The EJHA is network of legacy fenceline communities residing across the United States and living under some of our nations’ most egregious industrial operations. These communities are impacted first and worse during an industrial and/or natural disaster.

I come before you today to encourage you to ensure all forms of safety protections under your jurisdictions are fully funded. This is necessary to protect communities such as those represented in EJHA. Our communities have organized and pushed hard for many years to achieve the modest gains they have today to protect the health, safety and well being of their communities and workplaces.

Communities like Charleston, WVA who are still impacted by the Elk River Disaster; West Louisville, where American Synthetic Rubber was recently fined for exceeding their toxic emissions permit for over two years; Wilmington, DE where the Croda facility released ethylene oxide on the Sunday following the Thanksgiving holiday and closed the Delaware Memorial Bridge for over six hours on both sides and the most recent 7 alarm refinery fire in Delaware City Delaware at the PBF refinery. All reasons we need the Environmental Protection Agency (“EPA”) and the Chemical Safety Board (“CSB”) to be fully funded.

EPA also needs direction and oversight from Congress to ensure the agency is fully applying allocated resources and staff-time to protect communities and workers’ health and well-being. EPA should be directed by Congress to fully implement and enforce health and safety protections like the Chemical Disaster Rule. We believe the EPA shouldn’t be allowed to spend hardworking people’s taxpayer dollars on dangerous rollback plans that threaten the lives of over 177 million Americans who live, work, pray, play or go to school near petroleum refineries, extractive processes and other chemical facilities. For the sake of time, I am including several links to combined evidence from our communities citing the need for stronger and more protective measures:

- Who’s In Danger, Race, Poverty and Chemical Disasters?  
<https://comingcleaninc.org/assets/media/images/Reports/Who%27s%20in%20Danger%20Report%20FINAL.pdf>
- Life at the Fenceline  
<https://new.comingcleaninc.org/assets/media/documents/Life%20at%20the%20Fenceline%20-%20English%20-%20Public.pdf>
- A Disaster in the Making, <https://earthjustice.org/features/toxic-catastrophes-texas-national-chemical-disaster-rule>

- The transcript of the June 2018 rollback hearing at EPA, with compelling testimony by you & so many EJHA members & our mutual partner groups: <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0985>.
- Link to community coalition comments opposing the rollback of the Chemical Disaster Rule, which has a short executive summary: <https://earthjustice.org/sites/default/files/files/Comments%20%28final%2908-23-2018.pdf>
- Chemical Safety Board report on Arkema, which discusses the need for EPA to do more to implement the Chemical Disaster Rule, to protect communities who face a double disaster when chemical facilities don't prepare adequately for hurricanes, extreme weather, earthquakes, etc.: <https://www.csb.gov/husky-energy-refinery-explosion-and-fire/>
- Chemical Safety Board's initial report on Husky refinery explosion in 2018 in WI - <https://www.csb.gov/husky-energy-refinery-explosion-and-fire>.

We need EPA to do its job to show up in communities and implement & enforce the Chemical Disaster Rule and other clean air and safety requirements, to protect public health. Today, many EJ communities feel EPA's Environmental Justice Strategic Plan for 2016-20 is a trail of broken promises at this point. In that plan, EPA had recognized the need to reduce air pollution and lead exposure, among other things, and had called for shifting more of EPA's enforcement resources to high-need communities with environmental justice concerns. [https://www.epa.gov/sites/production/files/2016-05/documents/052216\\_ej\\_2020\\_strategic\\_plan\\_final\\_0.pdf](https://www.epa.gov/sites/production/files/2016-05/documents/052216_ej_2020_strategic_plan_final_0.pdf).

Many communities aren't seeing EPA show up to actually help communities hit by hurricanes, or disasters like Croda – and enforcement of health and safety protections by EPA is in a deep and unacceptable decline. As the Washington Post reported on February 8, "Under Trump, EPA inspections fall to a 10-year low." [https://www.washingtonpost.com/climate-environment/2019/02/08/under-trump-epa-inspections-fall-year-low/?utm\\_term=.b80e6ebd7d17](https://www.washingtonpost.com/climate-environment/2019/02/08/under-trump-epa-inspections-fall-year-low/?utm_term=.b80e6ebd7d17)

***In conclusion, we ask you Congress, to ensure all forms of safety protections are fully funded to ensure the health, well- being and safety for all. Thank you!***