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October 3, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

A cloud of chlorosulfonic acid leaked through a valve at the Solvay Industries plant in Baltimore, Maryland around 9:00 AM on Monday, September 18, 2017 when the acid was being transferred from a tanker to a trailer. An alert to workers and residents to shelter in place was in effect for several hours.

Chlorosulfonic acid is a colorless or yellow-tinged chemical that fumes in the air and is corrosive to the eyes, the skin, and the respiratory tract.[1] Usual symptoms of inhaling the gas include sore throat, cough, a burning sensation, shortness of breath, and difficulty breathing. Exposure can lead to pulmonary edema and symptoms can present themselves days after exposure.

Further, chlorosulfonic acid reacts explosively with water to yield sulfuric acid and hydrogen chloride. The Solvay facility is located less than one mile from the Baltimore Harbor. While chlorosulfonic acid is not flammable by itself, it can enhance the combustion of other substances. There are more than 2 million pounds of flammable chemicals stored within the 21226 zip code. The geographic area specified in the zip code includes the Solvay facility and nine facilities currently covered by EPA's Risk Management Program.

The Environmental Protection Agency, under your leadership, has delayed implementation of the Environmental Protection Agency Amendments to the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act. These amendments updated the Risk Management Program by requiring facilities that use extremely hazardous substances to develop a Risk Management Plan (RMP) which: 1) identifies the potential effects of a chemical accident, 2) identifies steps the facility is taking to prevent an accident, and 3) spells out emergency response procedures should an accident occur.[2] These Amendments strengthen prevention measures, improve emergency response preparedness and coordination among local emergency responders, require root cause analyses of incidents after the fact in an attempt at prevention, and require that emergency information be made publicly available for the local community. This type of preparedness would have been useful in Baltimore as there was significant confusion and delay during the initial response to the event, and inconsistencies in direction to the public.

[1] https://www.cdc.gov/niosh/ipcsneng/neng1039.html
[2] https://www.epa.gov/rmp/risk-management-plan-rmp-rule-overview

Importantly, chlorosulfonic acid is NOT on the List of Regulated Substances under this rule—although certainly a facility storing large amounts of a substance that requires the sheltering in place of thousands of people for hours, can cause pulmonary edema, and is explosive upon contact with water should be required to have a publicly available risk management plan for the safety of the workers, the first responders, and the surrounding community.

Baltimore is not alone. From 2004 to 2013, more than 1,500 serious incidents occurred at chemical facilities involving chemicals that *are* covered by the Risk Management Program, resulting in 59 deaths, over 17,000 injuries, and billions of dollars in property damage.[3] In addition, one out of every three schoolchildren nationwide attends a school within one mile of an RMP facility.[4]

Please respond to the following questions:

- Will you commit to implement the original January 2017 Environmental Protection Agency Amendments to the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act without further delay, so people from Baltimore can know that at least the covered facilities with the worst accident records will have to evaluate implementing safer measures protections, and so first responders will have the information they need to respond to chemical disasters?

- CAA §112(r)(3) provides EPA the authority to amend the List of Regulated Substances. At this time, does EPA expect to add chlorosulfonic acid to the List of Regulated Substances?

- Solvay Industries was at one point an RMP facility subject to Section 112(r), however, that is no longer true. Please provide all documents that EPA used to make that decision.

Baltimore's citizens, first responders, and facility workers deserve answers to these questions. I look forward to your responses.

Sincerely,

Benjamin L. Cardin
United States Senator

[3] https://blog.epa.gov/blog/2017/01/modernizing-the-risk-management-plan-rule/
[4] http://www.foreffectivegov.org/sites/default/files/kids-in-danger-zones-report.pdf