



U. S. Chemical Safety and Hazard Investigation Board RECOMMENDATION STATUS CHANGE SUMMARY

Report:	Improving Reactive Hazard Management
Recommendation Number:	2001-1-H-XX-R3
Date Issued:	September 17, 2002
Recipient:	Environmental Protection Agency (EPA)
New Status:	Open – Acceptable Response or Alternate Response
Date of Status Change:	July 26, 2023

Recommendation Text:

Revise the Accidental Release Prevention Requirements, 40 CFR 68, to explicitly cover catastrophic reactive hazards that have the potential to seriously impact the public, including those resulting from self-reactive chemicals and combinations of chemicals and process-specific conditions. Take into account the recommendations of this report to OSHA on reactive hazard coverage. Seek congressional authority if necessary to amend the regulation.

Board Status Change Decision:

A. Rationale for Recommendation

After a number of high-consequence incidents resulting from runaway chemical reactions, including the April 21, 1995 explosion and fire at the Napp Technologies specialty chemical plant in Lodi, New Jersey,¹ which killed five workers, and the April 8, 1998, explosion and fire at the Morton International dye manufacturing plant in Paterson, New Jersey, which injured nine, the CSB undertook a comprehensive study of reactive chemical hazard management in the United States.

Released in September 2002, the CSB's study, *Improving Reactive Hazard Management*, identified 167 serious incidents in the United States between January 1980 and June 2001 involving uncontrolled chemical reactivity. Forty-eight of these incidents resulted in 108 fatalities. The CSB also found that more than half of these incidents involved chemicals that were not covered by the U.S. Environmental Protection Agency's (EPA's) Accidental Release Prevention Requirements (40 CFR 68).² Concluding that this regulation had "significant gaps in coverage of reactive hazards", the Board recommended that EPA revise its regulation to ensure coverage of reactive chemical hazards that have the potential to impact the public.

¹ See EPA/OSHA Joint Chemical Accident Investigation Report. Publication No. EPA 550-R-97-002. Available at: <http://www.epa.gov/oem/docs/chem/napp.pdf>. Accessed February 19, 2014.

² If a facility is covered by the Accidental Release Prevention requirements (40 CFR 68), it is required to file a Risk Management Plan per Subpart G of that part. Therefore, the Accidental Release Prevention requirements are typically referred to collectively as the EPA "RMP" standard or regulation. The PSM and RMP standards cover processes meeting threshold quantities of listed chemicals that present a range of hazards (e.g., toxicity), and the PSM standard covers processes containing 10,000 pounds or more of flammables.

B. Response to the Recommendation

On February 7, 2023, the EPA communicated to the CSB that they intend to evaluate the RMP list of regulated substances in a future action. In EPA’s Proposed Rule *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safe Communities by Chemical Accident Prevention*, published on August 31, 2022, in 87 Fed. Reg. Pages 53556 – 53616, they acknowledged their obligation to review the list of RMP-regulated substances. The EPA refers stakeholders to the rulemaking’s Technical Background Document for further discussion of the topic. The Technical Background Document discusses expanding the list of regulated substances to in Section 12 – Additional Considerations for Future Action.

C. Board Analysis and Decision

The EPA included expanding the list of RMP-regulated substance as an additional consideration in a Notice of Proposed Rulemaking, discussed issues pertinent to adding reactive substances to the list of RMP-regulated substances in the rulemaking’s Technical Background Document, and solicited public comment on these issues from August 31, 2022, to October 31, 2022.

As EPA has expressed an intention to evaluate implementing the recommendation as well as taken meaningful action in pursuit of evaluating the implementation of the recommendation, the Board voted to change the status of CSB Recommendation No. 2001-1-H-XX-R3 to: “Open – Acceptable Response or Alternate Response.”