



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

<b>Report:</b>	West Fertilizer Explosion and Fire
<b>Recommendation Number:</b>	2013-02-I-TX-R2
<b>Date Issued:</b>	January 28, 2016
<b>Recipient:</b>	Environmental Protection Agency (EPA)
<b>New Status:</b>	Closed – Acceptable Action
<b>Date of Status Change:</b>	October 25, 2022

### Recommendation Text:

*Develop a general guidance document on the agricultural exemption under EPCRA Section 311(e)(5) and its associated regulation, 40 CFR 370.13(c)(3), to clarify that fertilizer facilities that store or blend fertilizer are covered under EPCRA. Communicate to the fertilizer industry publication of this guidance document as well as the intention of Section 311(e)(5).*

### Board Status Change Decision:

#### A. Rationale for Recommendation

On April 17, 2013, an explosion and fire occurred at the West Fertilizer Company (WFC), a fertilizer blending, retail, and distribution facility in West, Texas. The detonation of fertilizer grade ammonium nitrate (FGAN) fatally injured 12 emergency responders and three members of the public. Local hospitals treated more than 260 injured victims, many of whom required hospital admission. The blast completely destroyed the WFC facility and caused widespread damage to more than 150 offsite buildings.

As a part of its investigation, the Chemical Safety and Hazard Investigation Board (CSB) analyzed relevant regulatory, industry, and consensus standards for hazard analysis and safe storage and handling of FGAN and identified several gaps. Additionally, the CSB found that there was significant confusion regarding the agricultural exemption under the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 311(e)(5) and its associated regulations. As a result, the CSB issued three recommendations to the Environmental Protection Agency (EPA). This status change summary addresses CSB Recommendation No. 2013-02-I-TX-R2 (R2).

#### B. Response to the Recommendation

On September 13, 2016, EPA's Office of Land and Emergency Management responded stating general agreement with the recommendation and that they were determining the best way to address it.

The EPA's next communication to the CSB was on February 25, 2022, in which the EPA provided the CSB the opportunity to review a draft factsheet that was intended to address the

recommendation language. The CSB provided feedback of which the EPA evaluated for incorporation. On June 15, 2022, the EPA provided the CSB an opportunity to review a final draft of the EPA factsheet to which the CSB had no additional feedback.

On October 3, 2022, the EPA informed the CSB that the factsheet entitled, “[\*EPCRA Reporting Requirements for Fertilizer Retailers\*](#)” had been approved and released<sup>1</sup>. The fact sheet explains how the agricultural exemption under EPCRA Section 311(e)(5) and its associated regulation applies to retail facilities, providing specific language for those that store or blend fertilizers and what fertilizers are covered under EPCRA.

The factsheet is available at the EPA webpages listed below. Further, the EPA distributed the factsheet to the below entities and requested that industry groups to share it with their members, manufacturers to share it with their customers, and liaisons/regulators to share it with their constituents.

- Fertilizer Industry Groups:
  - Agricultural Retailers Association (ARA)
  - Association of American Plant Food Control Officials (AFFCO)
  - The Fertilizer Institute (TFI)
  - International Fertilizer Association (IFA)
- US Ammonia Nitrate Fertilizer Manufacturers:
  - LSB Industries
  - CF Industries
- Public Interest Group:
  - National Association of SARA Title III Program Officials (NASTTPO)
- EPA Platforms:
  - States and tribes via the monthly SERC-TERC newsletter
  - EPA Websites:
    - <https://www.epa.gov/epcra>
    - <https://www.epa.gov/epcra/epcra-fact-sheets>
  - EPCRA Regional Coordinators
  - EPCRA Regional EPCRA and Risk Management Program (RMP) Inspectors
  - SERC-TERC Newsletter Archives

### C. Board Analysis and Decision

Based upon the information above, the Board determined that the EPA’s factsheet entitled, “*EPCRA Reporting Requirements for Fertilizer Retailers*” and associated distribution met all the requirements of the recommendation. Therefore, the Board voted to change the status of CSB Recommendation No. 2013-02-I-TX-R2 to: “Closed – Acceptable Action.”

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<sup>1</sup><https://www.epa.gov/system/files/documents/2022-09/Fact%20Sheet%20-%20EPCRA%20Reporting%20Requirements%20for%20Fertilizer%20Retailers.pdf>