



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

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| Report: | West Fertilizer Fire and Explosion |
| Recommendation Number(s): | 2013-2-I-TX-R1 |
| Date Issued: | January 28, 2016 |
| Recipient: | U.S. Environmental Protection Agency |
| New Status: | Closed—Acceptable Alternative Action |
| Date of Status Change: | March 29, 2019 |

Recommendation Text 2013-2-I-TX-R1:

Develop a guidance document on Emergency Planning and Community Right-to-Know Act (EPCRA) requirements that is issued annually to State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) and ensure that the guidance focuses on the following:

- a. Explains which chemicals are exempt and which must be reported.*
- b. Describes how emergency responders should use Tier I and Tier II inventory reports and Safety Data Sheets, such as in safety training, practice drills, and for emergency planning.*
- c. Includes comprehensive LEPC planning requirements, with an emphasis on annual training exercises and drills for local emergency response agencies.*

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 violent 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 destroyed the WFC facility and caused widespread damage to more than 150 offsite buildings.

As a part of its investigation, the U.S. Chemical Safety and Hazard Investigation Board (CSB) analyzed relevant regulatory, industry, and consensus standards for hazard analysis, and safe storage and handling of FGAN. The CSB determined that these regulations and standards did not adequately protect the public from a catastrophic FGAN explosion. As a result, the CSB made three recommendations to the U.S. Environmental Protection Agency (EPA).

B. Response to the Recommendation

In November 2015, EPA developed an Emergency Planning and Community Right-to-Know-Act (EPCRA) fact sheet entitled *How to Better Prepare Your Community for a Chemical Emergency: A Guide for State, Tribal and Local Agencies*. The fact sheet discusses EPCRA and its

emergency planning requirements under Sections 301-303; emergency notification requirements under Section 304; Community Right-to-know requirements under Sections 311 and 312; and the Toxics Release Inventory under Section 313.

The fact sheet includes a table summarizing chemicals covered under EPCRA and their reporting thresholds; requirements of Tier I and Tier II inventory reporting safety data sheets; and what information emergency response plans must contain. Though the EPA does not have the authority to direct emergency responders in how to use the data, the descriptions of the information provided on the fact sheet are more than sufficient for emergency responders to understand their usefulness.

The EPA also created EPCRA training that it provides on its website. This training describes the requirements under EPCRA and educates participants on:

- The history of EPCRA;
- The requirements for state, tribal, and local agencies to prepare and protect the community from chemical emergencies;
- The requirements for industry to report the storage and releases of certain chemicals; and
- The release reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as they relate to the EPCRA emergency release reporting requirements.

Additionally, the EPA has an LEPC website here: <https://www.epa.gov/epcra/local-emergency-planning-committees>. It lists the required elements of a community emergency response plan to include emergency responder training and schedules for exercising emergency response plans.

C. Board Analysis and Decision

Based on EPA's development of its EPCRA training and fact sheet, which satisfy the intent of the recommendation, the Board voted to change the status of Recommendation No. 2013-2-I-TX-R1 to "Closed-Acceptable Alternative Action."