



New Jersey Work Environment Council Fact Sheet

Using Risk Management Plans to Improve Health and Safety

The Clean Air Act, Section 112(r), requires chemical facilities that use large amounts of extremely hazardous substances to prepare Risk Management Plans (RMP). These plans are intended to save lives, protect property, and prevent pollution during chemical emergencies. Approximately 13,000 facilities file an RMP with the U.S. Environmental Protection Agency (EPA), including chemical manufacturers, oil refineries, paper mills, power plants, water utilities, dairies, meatpackers, and refrigerated warehouses.

RMPs provide valuable information about the potential sudden release of highly toxic or flammable chemicals. For many facilities, RMP information complements information that facilities maintain on-site under OSHA's Process Safety Management Standard (PSM), such as process hazards analyses. However, there are also RMPs for facilities that aren't covered by the PSM standard, making these RMPs particularly useful. The OSHA Process Safety Management standard requires companies to identify and manage chemical hazards, but not to investigate and develop safer, more secure options that reduce vulnerability to terrorism and accidents. Facilities do not ordinarily submit PSM information to any government agency, but are required to keep records on site.

RMP information can be used to support change to safer operations that protect workers and communities. Safer, more secure chemicals or processes are *already in use* across many industries. For example, most wastewater utilities no longer treat water with chlorine gas, but instead use liquid bleach or ultraviolet light. Still, many facilities needlessly endanger thousands of people. Unfortunately, EPA does not *require* firms to identify safer options in RMPs. You can use this information to investigate alternatives and insist on solutions.¹

Steps to Take

1] Get the information. You can determine if your facility is covered by the RMP program through www.rtknet.org and its "Risk Management (RMP)" database. On this database, you can also view a summary of the RMP for your facility.

Worst-case scenario information, also called an "off-site consequence analysis," is one of the most useful parts of the RMP. These scenarios tell you how far dangerous levels of toxic gases might travel to nearby homes, schools, and businesses in a worst-case release, and how many people live in these areas (called "vulnerability zones").

Workers have two specific options to obtain worst-case scenario information.

¹ In New Jersey, facilities are required to evaluate whether they can use "inherently safer technologies," which is defined broadly. These regulations are at www.nj.gov/dep/rpp/brp/tcpa/tcpadown.htm

You can request to review it from the company. The Clean Air Act 112(r) rule for chemical accident prevention on employee participation, Section 68.83(c) says that “The owner or operator shall provide to employees and their representatives access to process hazard analyses **and to all other information** required to be developed under this rule” [our emphasis]. This includes the hazard assessment and worst-case information.

However, the company *may* want you personally or the union to sign a confidentiality agreement not to disclose this information to the public or even to union members.

As a member of the public, you can also review the RMP at a designated federal reading room. If you access the information this way, there are no potential distribution restrictions.² You can distribute the information to your members, the public, the media, etc.

Be aware that any one researcher is allowed to review only ten facility worst-case scenarios in a calendar month. If you would like to review more files, these access restrictions could mean using multiple researchers. For additional steps and research tools, see the WEC fact sheet, “Using the Federal Reading Rooms...”

2] Use the information to define the problem *and* a solution. Review the worst-case release information with your union safety and health committee, local union leadership, industrial hygienists or other experts with your national union, and area Committee on Occupational Safety and Health (“COSH”) group. Find out if safer alternatives are already used elsewhere in the same industry (see examples below). Common solutions may include adopting an alternate chemical or process, using a chemical in a less dangerous or less concentrated form, or generating a chemical only as needed without storage. Then talk to facility management about the problem *and* solutions. Initially, find new facts about options and plans. Insist on measurable goals and timelines to make changes that invest in facilities, remove unnecessary chemical dangers, and maintain jobs.

Remember, labor is at the table on chemical safety because workers get hurt first and worst. National unions are working with environmental organizations in a coalition to require that all highest-hazard chemical facilities seek and use available, cost effective alternatives.

² There are certain restrictions on communicating this information for “covered persons,” e.g., government employees or members of Local Emergency Planning Committees who access RMP information as part of their official duties.

Examples of Safer Alternatives

Case Study: Paper Mill

United Steelworkers Local 1482 worked to end bulk chlorine use at Schweitzer-Mauduit's paper mill in central New Jersey. The change protects both the union's 240 members and over one million people in surrounding communities from the lethal consequences of a terrorist attack or major accident. Formerly, 90-ton chlorine railcars rolled through the Middlesex County town of Spotswood to the plant, where the chemical was used to bleach paper. Thanks to union education and action, as well as neighborhood concern, the company installed much safer chlorine dioxide generators to replace bulk chlorine gas. This change ended both rail shipment and unnecessary storage, and no jobs were lost (or gained). According to Steve Green, President of Local 1482, "The union repeatedly urged the company to eliminate the hazard. Fortunately, they responded positively."

Alternatives already used in sample industries include:

- Bleach manufacturers eliminate bulk chlorine gas by generating chlorine only as needed on-site, eliminating transportation and storage vulnerabilities.
- Water utilities eliminate bulk chlorine gas by using liquid bleach or ultraviolet light as appropriate.
- Paper mills eliminate bulk chlorine gas by using hydrogen peroxide, ozone, or chlorine dioxide without bulk storage.
- Manufacturers of polyurethane foams eliminate bulk ethylene oxide by substituting vegetable-based polyols.
- Power plants eliminate bulk anhydrous ammonia gas by using cleaner combustion or by using aqueous ammonia or urea in pollution control equipment.

For safer and more secure alternatives in other industries, see "Chemical Security 101," a report found at www.americanprogress.org/issues/2008/11/chemical_security.html

For more information about RMP, go to www.epa.gov/oem/content/rmp/index.htm

Issued by NJ Work Environment Council, February 2012
Prepared by Paul Orum, WEC Consultant
More information about WEC is at www.njwec.org

Fact Sheet What Are RMPs February 2, 2012
CWA 38010/AFL-CIO/USW4-149