

Coalition for Sensible Safeguards Press Release

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Contact:

Ben Somberg, bsomberg@citizen.org (202) 588-7742

Brian Gumm, bgumm@foreffectivegov.org (202) 683-4812

As Country Honors West, Texas, Victims in Memorial, Work Lies Ahead to Make Workers, First Responders, Public Safer Texas Plant Disaster Shows Fragmented System of Oversight

WASHINGTON, D.C. – The specific cause of the West, Texas, fertilizer plant disaster is still being investigated, but one thing is clear: Tragedies like this shouldn't happen in America. Our country can and should do more to prevent these kinds of tragedies from occurring, and businesses must be required to develop safety and emergency plans, said the Coalition for Sensible Safeguards (CSS), an alliance of groups working to protect and strengthen public protections. The victims of the tragedy at the West, Texas, fertilizer facility will be honored today in a memorial service in Waco, which President Barack Obama is scheduled to attend.

The fire and explosion last Wednesday at the West Fertilizer Company killed at least 15 people and injured more than 200. It demolished up to 80 homes and damaged other buildings nearby, including an apartment complex, a middle school and a nursing home.

"You'd like to think something like this could never happen, that there'd be tight oversight by some agency, but that's not how it looks," said Peg Seminario, director of Safety and Health for the AFL-CIO. "In reality, the regulation and oversight systems are often fragmented, so a small but potentially hazardous facility like this one in Texas can get what appears to be little scrutiny. There's a lot we don't know yet about what happened, but we do know there are gaps in the regulation and oversight systems. The president should provide leadership in coordinating the investigation and response from federal and state agencies."

West Fertilizer filed an emergency response plan update in 2011 with the U.S. Environmental Protection Agency (EPA) listing anhydrous ammonia on site, but did not indicate there was a risk of fire or explosion at the plant. And no one can explain the enormous quantity of ammonium nitrate (the substance used in the Oklahoma City bombing in 1995) that was on site but unreported to the Department of Homeland Security.

Local firemen and volunteers who rushed toward the facility represented the majority of the deaths from the incident, indicating that first responders may have been unprepared for the dangers of explosion. But the company was supposed to have a risk management plan developed and shared with

local first responders. The law requiring such a plan – the Clean Air Act Amendments of 1990 – was passed in response to earlier tragedies.

Almost 10,000 facilities across the United States are storing or handling anhydrous ammonia, according to the Center for Effective Government's RTK NET (www.rtknet.org). There is currently no way to determine whether these facilities have up-to-date risk management plans, and whether these plans have been shared with plant employees, residents of the surrounding community and local emergency personnel. The EPA does not require facilities to include ammonium nitrate in their risk management plans.

The Occupational Safety and Health Administration (OSHA) last inspected the West facility in 1985. But OSHA is generally only able to inspect facilities with fewer than 10 employees in response to a complaint or incident, and in 2011, the West plant reported only seven employees. Small facilities like this one scattered throughout the nation are “regulated” by a system rife with gaps in oversight, limited enforcement and unclear rules.

Loopholes that allow lapses in health and safety standards must be closed if we're going to avoid future tragedies. Companies have to be required to create and register emergency plans and share this information with emergency personnel and the communities in which they operate. And oversight agencies must have staff and resources to ensure this happens.

“As we mourn the human losses West has had to endure and grieve for the courageous people who rushed in to help, let's commit ourselves to creating a system that prevents other communities from having to experience similar events,” said Katherine McFate, president and CEO of the Center for Effective Government and a CSS co-chair. “That would be a most fitting tribute to those who lost their lives in West, Texas, and other industrial accidents across the country.”

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Please see additional information from CSS member groups:

Public Citizen has issued an action alert for members of the public to write to the president and Congress urging them to increase fines on employers found to violate workplace safety standards: <http://www.citizen.org/west-texas-explosion-osh-petition>.

The Center for Effective Government posted the article “Texas Fertilizer Plant Explosion Raises Important Questions about Risks Industrial Facilities Pose”: <http://www.foreffectivegov.org/texas-fertilizer-plant-explosion-raises-important-questions-about-risks-industrial-facilities-pose>.

The Coalition for Sensible Safeguards is an alliance of consumer, small business, labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, as well as concerned individuals, joined in the belief that our country's system of regulatory safeguards provides a stable framework that secures our quality of life and paves the way for a sound economy that benefits us all. For more information about the coalition, see: http://www.sensiblesafeguards.org/about_us