



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

December 7, 2018

Re: Federal Chemical Accident Risk Management Program Amendments Are Now In Effect

Dear Sir or Madam,

We write because your facility is regulated under the United States Environmental Protection Agency's (EPA) Risk Management Program (RMP). The purpose of the RMP is to prevent and mitigate chemical accidents at facilities that use hazardous substances in substantial quantity. Certain amendments to RMP are now in effect and we wanted to make sure that you have this important information.

Importance of RMP in New York

New York is home to more than 150 RMP facilities. According to these facilities' most recent 5-year accident histories, there were sixteen reported accidents in New York, releasing over 21,000 pounds of toxic chemicals into the surrounding communities. These accidents resulted in fourteen injuries, the evacuation of more than a thousand people, and property damage totaling more than \$200,000.

More than 9.1 million people live within the "vulnerability zone" of RMP facilities in New York; vulnerability zones are the area where a worst-case release of chemicals could harm people. People of color are more likely to live in the vulnerability zones, raising substantial environmental justice concerns. Additionally, according to a September 2014 report by the Center for Effective Government entitled "Kids in Danger Zones," over 2,200 schools and over 1 million students in New York are located in vulnerability zones – ranking New York fifth in the nation in the number of schools and students in vulnerability zones. Further, roughly 85 New York facilities (over 50 percent) are located in flood zones defined by the Federal Emergency Management Agency (FEMA).

Given the importance of the RMP in protecting New Yorkers from the dangers of hazardous substances, the New York Attorney General's Office partnered with ten other states to

oppose EPA's unlawful delay of its 2017 RMP Amendments, which improved the RMP's safeguards to avoid and mitigate chemical accidents. On August 17, 2018, the United States Court of Appeals for the District of Columbia invalidated EPA's delay of the 2017 RMP Amendments. *Air All. Houston v. Env'tl. Prot. Agency*, No. 17-1155, 2018 WL 4000490 (D.C. Cir. Aug. 17, 2018). On September 21, 2018, the Court issued its mandate ordering that the 2017 RMP Amendments go into effect immediately.

2017 Amendments to RMP are Now in Effect

We are writing to inform you that EPA's 2017 RMP Amendments updating the RMP regulations are now in full force and effect. Enclosed with this letter is a document issued by EPA in September 2018 entitled, "RMP Amendments Compliance Information."¹ This document lists the 2017 RMP Amendments that have current compliance obligations and those that have future compliance obligations. We urge you to review this document carefully and take all steps necessary to ensure that your facility is in full compliance with all applicable RMP requirements.

Sincerely,

BARBARA D. UNDERWOOD
Attorney General of the State of New York

By: /s/ Lemuel Srolovic

Lemuel Srolovic
Bureau Chief
Environmental Protection Bureau
New York State Office of the Attorney General
28 Liberty Street
New York, NY 10005
(212) 416-8446

¹ This document is also available online at: <https://www.epa.gov/rmp/risk-management-plan-rmp-amendments-compliance-information>.