



# Is 'right-to-know' enough?

## Public scrutiny of chemical plants intensifies with RMP worst-case scenarios

Look how the drama has unfolded.

First, the Occupational Safety and Health Administration (OSHA) approved Hazard Communication Standards, granting workers the right to know what they were handling.

By 1986, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), legally establishing the public's right to information about chemicals in their communities.

Then, a blizzard of federal, state and local "right-to-know" laws and regulations descended upon the chemical industry.

Now, with the Clean Air Act Amendments of 1990 Congress has provided for a major new chemical accident prevention campaign. The measure requires an estimated 66,000 industrial users of toxic chemicals to publicly disclose their own "worst-case chemical accident" scenario as part of a larger Risk Management Plan (RMP). The plans were due by June 21, 1999.

### Were you ready?

How well prepared were you—and the managers of an estimated 1,500 other chemical plants—when the June 21 deadline arrived? You can assess your status by answering the following questions:

1. Is your facility required to prepare an RMP and worst-case chemical accident scenario?
2. To whom, if anyone, has your facility disclosed your worst-case chemical accident scenario:
  - To a Local Emergency Planning Committee (LEPC)?
  - To a Community Advisory Panel (CAP)?
  - To the general public?
  - To the news media?
3. Has your facility publicly announced a measurable goal and a timeline for eliminating or reducing the size of its worst-case accident vulnerability zone? If so, by what percent? And by what date?

### Watchful eyes

Chances are, you answered "yes" to the first two questions and "no" to the third. At least that was the tendency noted in a recent report, "At Risk and In the Dark," issued by the Right to Know Working Group of the U.S. Public Interest Research Group (see [www.pirg.org](http://www.pirg.org)) in conjunction with the Sierra Club.

The researchers, scathingly critical of the chemical industry, found that 159 of the 175 facilities surveyed answered in the affirmative to at least one part of question 2. Only two of the 175 facilities surveyed said they had publicly announced a measurable goal and timeline for eliminating or reducing the size of their worst-case vulnerability zones. Four facilities indicated they had already taken steps to reduce or eliminate

the zones; so six of 175 have taken proactive measures, the survey said.

### Where's this going?

While the laws and regulations do not require reduction of the worst-case accident vulnerability zones, public interest groups are pushing for more information, more answers and a dialogue on risk minimization plans at specific facilities.

The issue has heated up considerably since the EPA decided not to post worst-case scenarios on the Internet—a move based on concern among some members of Congress that the information could help terrorists target chemical plants.

What's next? I predict that the community right-to-know movement will ultimately get its way.

Consider, for example, legislation proposed by U.S. Rep. H. Waxman (D-CA) to address the terrorism issue without restricting public access. His bill would require plants to build fortifications to repel attacks and to construct buffer zones between facilities and nearby houses or schools.

### What can you do?

Communicate, communicate, communicate!

This month's Special Report, "Environmental Hurdles" (pg 68), concludes with admonitions from the CP Editorial Advisory Board to build relationships with the community. Board member William Smith reported that plant visits have turned the neighbors into allies. Earl Beaver, another member, emphasized the importance of putting adversaries on citizens' panels that come into the plants and advise.

J. Roger Hirl, president and CEO of Occidental Chemical, quoted in our October '98 editorial, predicted the public franchise of the future (including a chemical plant's "license" to operate) will be predicated on environmental, health and safety issues. He said the public's "right-to-know" is being superseded by a "right-to-advise" and, in some cases, a "right-to-decide." That certainly seems like what's unfolding.



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