

**Oral Comments for Listening Session on Executive Order 13650
Improving Chemical Facility Safety and Security**

My name is Sofia Plagakis, and I am a Policy Analyst at the Center for Effective Government, formerly OMB Watch - an independent, nonprofit organization that advocates for a more transparent and accountable government.

My comments will focus on five issues that the Working Group must consider.

1. Excessive Secrecy and Restricted Access Don't Work

First, excessive secrecy and information restrictions contribute to gaps, oversights, and inefficiencies in chemical security efforts. When programs are allowed to operate behind closed doors with little to no ongoing public oversight, they often suffer from delays, wasted resources, and management problems.

Chemical security is supposed to be about protecting the public. As such, the public has a fundamental right to know and understand the oversight the government has in place. Citizens understandably want and deserve more than a “trust us” approach to their safety.

2. Better Sharing Across Agencies Is Crucial

Second, better collaboration and disclosure among federal and state agencies responsible is sorely needed. But many programs have such significant restrictions on accessing their information that even other government agencies can have difficulty using the data.

The most effective way for agencies to share information is to only protect a very narrow amount of detailed information – and make the rest public. Specifically, EPA should re-establish online access to the Risk Management Plan data. The EPA should also collect and post online in a centralized database the EPCRA Tier II chemical inventory reports. And the Department of Homeland Security should make portions of the data in its CFATS program (for example, the facilities and tiers) public.

State and local officials as well as community members should be able to find information through online searches and immediately access it.

3. An Informed and Engaged Public Makes Communities Safer

Third, engaging and informing the public is essential to protecting communities from chemical facility risks. Citizens, first responders, plant workers, and local officials all need to be better informed to prepare for chemical emergencies. Excessive secrecy can cost lives in a chemical emergency.

Chemical safety and security programs should disclose information necessary to inform the public of risks from chemical facilities and enable them to participate in emergency planning. For instance, disclosing the names and locations of facilities, chemical names and amounts, the status of their reporting, status of inspections, notices of violations, and other general information would allow the public to better understand which facilities are following safety rules (and which aren't).

4. *Harmonization of Agency Scope of Regulations*

Fourth, it is essential to harmonize the scope of chemicals, hazards and facilities covered under the various agency regulatory programs that address federal chemical and security regulations. Harmonization would ensure that the broadest list of chemicals of concern, types of hazards and facilities are covered in a consistent manner. This should also include creating a system to review and select chemicals for addition to RMP and other regulatory programs on a regular basis.

5. *Switching to Inherently Safer Technologies Prevents Disasters*

Finally, regulations and statutes should be updated to establish clear authority for agencies to require chemical facilities to use safer technologies and chemicals and better protect Americans in the process. Despite the availability of safer and more cost-effective alternatives, only a fraction of the highest-risk facilities have voluntarily converted. This is why a federal regulation is necessary.

As a first step, EPA should implement its authority under the "general duty clause" of the 1990 Clean Air Act Amendments to prevent catastrophic chemical releases. The next step would be to grant all agencies involved in chemical safety and security clear, broad authority to require safer technologies and clear expectations that they use this authority regularly to protect communities.

Thank you – we look forward to the dialogue and we hope that you reach out to all stakeholders and community members as the process continues.