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# EXECUTIVE ORDER 13650



## *Actions to Improve Chemical Facility Safety and Security – A Shared Commitment* **Report of the Federal Working Group on Executive Order 13650**

President Obama issued Executive Order (EO) 13650 - *Improving Chemical Facility Safety and Security* on August 1, 2013, to enhance the safety and security of chemical facilities and reduce risks associated with hazardous chemicals to facility workers and operators, communities, and responders. The Executive Order directed Federal departments and agencies to:

- Improve operational coordination with, and support to, State and local partners;
- Enhance Federal agency coordination and information sharing;
- Modernize policies, regulations, and standards; and
- Work with stakeholders to identify best practices.

On June 6, the Working Group's report to the President, entitled *Actions to Improve Chemical Facility Safety and Security – A Shared Commitment* was released. The report highlights activities undertaken to improve chemical facility safety and security and provides a consolidated plan of actions to further minimize chemical facility safety and security risks. The issuance of the report is intended as a milestone, not an endpoint.

The Working Group and its respective agencies recognize the need to enhance chemical facility safety and security and, since West, Texas, have been hard at work on numerous fronts. The Working Group has implemented the following actions since the release of the EO:

### **Strengthening Community Planning and Preparedness**

- *Assisted First Responders* – DHS and EPA met with LEPCs and first responders across the country. These meetings enabled first responders to identify and discuss potential methods to increase their preparedness and to share lessons learned.
- *Upgraded Emergency Planning and Response Tools* – EPA continued to upgrade its CAMEO suite of applications, available on line to emergency planners, first responders, and the general public.
- *Identified Planning and Preparedness Funding Sources* – Federal Emergency Management Agency (FEMA) engaged State administrative agencies to improve awareness of available funding for risk-centric capabilities-based planning and preparedness training costs in the Fiscal Year 2014 Homeland Security Grant Program.

### **Enhancing Federal Operational Coordination**

- *Launched Regional Pilot* – The Working Group coordinated a pilot in New York-New Jersey where a multi-agency Federal, State, and local government team was created to coordinate chemical facility preparedness planning and response activities. Highlights of the pilot include:

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- **Development of a standard operating procedure (SOP)** – The SOP presents (1) a unified Federal, State, tribal, and local approach for identifying, communicating, and responding to risks at chemical facilities and (2) a plan to improve operational coordination among the Federal, State, tribal, and local agencies and first responders and will assist agencies with implementation.
  - **Assessment of Information Collection and Sharing** – The pilot’s assessment of information collection and sharing will help ensure that the capabilities, limitations, and needs of the first responder community are understood at the Federal level. The pilot identified ways to ensure that State Homeland Security Advisors, SERCs, LEPCs, State regulators, and first responders have ready access to key information in a useful format to identify and respond to risks in chemical facilities.
  - **Improved Coordination** – Perhaps the greatest benefit from the pilot was the discussion of safety and security issues among all levels of government, the first responder community, and stakeholders. This interaction among the pilot participants resulted in better (1) working relationships, (2) understanding of agency programs, (3) coordination of work in the field, and (4) sharing of critical information and data.
  - **Increased EPCRA Compliance** – Early on, the pilot agencies identified the need for Federal, State, and local partners to work together to increase industry’s compliance with EPCRA requirements.
  - *Engaged Chemical Safety Board (CSB) to Improve Coordination* - The Working Group engaged the Chemical Safety Board (CSB) to identify possible updates to existing memoranda of understanding between CSB and EPA, CSB and the OSHA, and CSB and ATF and continue the discussion on improving information sharing and collaboration.

## **Improving Data Management**

- *Shared Data to Identify Potentially Noncompliant Facilities* – DHS and EPA adopted new data-sharing procedures to identify facilities that, based on their required filings, could possess threshold levels of CFATS COI but have not yet filed required Top-Screen information with DHS or a required RMP with EPA.
- *Updated Online System to Assist Facility Compliance* – The EPA Substance Registry Services (SRS) assists facilities that possess chemical substances to determine their regulatory requirements by providing information about chemical substances tracked or regulated by EPA or other sources. It has been updated to include CFATS and PSM-covered substances, which allows facilities to be informed about potential regulatory coverage under PSM and CFATS in addition to other EPA regulatory programs.
- *Updated Online System for Facility Data* – Facility Registry Service (FRS) integrates facility data from across nearly 90 different Federal and State systems, allowing users to compare facilities between systems, including chemical data and compliance history. The FRS has been updated to include facilities that complete a DHS Top-Screen submission for CFATS, which allows Federal agencies to identify (1) facilities that are covered by multiple Federal regulatory entities and (2) potentially noncompliant facilities, often referred to as outliers.

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- *Tested New Emergency Planning and Response Tools* – EPA Region 8 tested a new system called ER Planner that aggregates chemical facility and infrastructure data from various Federal and State databases and displays it on an interactive Geographic Information System (GIS) application. Accounts are provided to Federal, State, and local authorities, with appropriate permission levels for various data layers based on the user’s need to know and ability to protect information.
  - *Contacted Agriculture Associations* – DHS contacted 49 State agribusiness associations to identify potentially noncompliant facilities and to raise awareness about chemical facility security regulations. The State agribusiness associations represent crop nutrients, crop protection, and in some cases grain and feed, at the State and local level.

### **Modernizing Policies and Regulations**

- *Gathered Public Input on Policy Revisions* – The Working Group issued a Solicitation of Public Input on Options for Policy, Regulation, and Standards Modernization in January 2014 and collected stakeholder input through a docket and public meetings.
- *Requested Public Input for OSHA Rulemaking* – OSHA published a Request For Information in the *Federal Register* on December 9, 2013, to begin the process of information collection needed to update the agency’s PSM standard and other related chemical standards and to determine whether these standards can, and should, be expanded to address additional regulated substances and types of hazards.
- *Clarified Existing OSHA Requirements for Ammonium Nitrate* – OSHA worked with the Agricultural Retailers Association and The Fertilizer Institute to distribute a letter to the fertilizer industry. The letter provided information on the applicability and requirements of 1910.109, Explosives and Blasting Agents standard, to ammonium nitrate storage.
- *Published Ammonium Nitrate Safety Advisory* – In August 2013 EPA, OSHA, and ATF published the *Chemical Advisory: Safe Storage, Handling and Management of Ammonium Nitrate*.<sup>[1]</sup> The advisory provided facilities, local communities, and first responders with information on the hazards of ammonium nitrate, how to manage these hazards, and appropriate steps for community emergency planning and proper emergency response.
- *Published LPG Advisory* – EPA published *Interim Chemical Accident Prevention Advisory Design of LPG Installations at Natural Gas Processing Plants* in January 2014. This advisory provided natural gas processing plants with awareness of the applicable standards and codes for safe design of these facilities.
- *Expanded EPA Inspector Training and Guidance* – EPA expanded its inspector training curriculum to include advanced process safety training courses in several key areas, including petroleum refineries, ammonia refrigeration systems, mechanical integrity codes and standards, root cause investigation, and human error prevention. EPA also published revised guidance for RMP inspectors to ensure employee representatives participate in all RMP inspections.

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<sup>[1]</sup> This advisory can be found at [http://www.epa.gov/emergencies/docs/chem/AN\\_advisory.pdf](http://www.epa.gov/emergencies/docs/chem/AN_advisory.pdf)

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- *Conducted CAVs* – In FY 2014, DHS conducted over 100 CAVs to assist CFATS-regulated facilities in understanding and responding to their CFATS regulatory requirements, such as how to complete a Top-Screen, SVA, or SSP. CFATS inspectors conducted over 1,400 CAVs since the program’s inception. Additionally, in FY 2014, DHS participated in 500 outreach events.

### **Incorporating Stakeholder Feedback and Developing Best Practices**

- *Launched an Online Best Practice Repository* – The Working Group developed a new Lessons Learned Information System (LLIS) online best practices repository<sup>[2]</sup> so stakeholders involved in chemical facility safety and security can submit potential best practices as they are identified.

Improving chemical facility safety and security is a shared concern among facility owners and operators; Federal, State, local, tribal, and territorial governments; regional entities; nonprofit organizations; facility workers; first responders; environmental justice and local environmental organizations; and communities. Recognizing that information, actions, and experiences of stakeholders are essential to understanding, managing, and mitigating the risks of potential chemical facility hazards, the Working Group initiated a robust stakeholder outreach effort to assist the workgroup in identifying successes and best practices. The Working Group gathered stakeholder input through listening sessions, webinars, public docket, and meetings, engaging nearly 1,800 participants across the country, and generating input from over 25 States.

The status report incorporated this feedback as well as a thorough analysis of existing regulatory programs to inform the immediate actions as well as a consolidated Federal Action Plan of priority actions to further minimize risks, organized by five thematic areas. Agencies, in coordination with the broad range of stakeholders, have transitioned to implementing the priority actions, which will be completed over time. The priority actions by thematic area are:

#### **1. Strengthen Community Planning and Preparedness**

- Strengthen Local Emergency Planning Committee (LEPCs)/Tribal Emergency Planning Committee (TEPC) capabilities;
- Improve first responder and emergency management preparedness and response training;
- Identify and coordinate funding sources for State Emergency Response Commissions (SERCs)/Tribal Emergency Response Commissions (TERCs) and LEPCs/TEPCs to sustain planning and response efforts; and
- Expand tools to assist SERCs/TERCs and LEPCs/TEPCs in collecting, storing, and using chemical facility information.

#### **2. Enhance Federal Operational Coordination**

- Establish a Chemical Facility Safety and Security National Working Group to facilitate Federal interagency coordination and collaboration on Report actions and implementation;
- Establish standard operating procedures for Federal coordination at the National and regional levels; and

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<sup>[2]</sup> <https://www.llis.dhs.gov/topics/chemical-facility-safety-and-security>

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- Cross-train Federal chemical facility safety and security regulatory programs field personnel.

### **3. Improve Data Management**

- Develop a common facility identifier to standardize terminology that allows agencies to more effectively communicate with one another and share information with State and local entities;
- Aggregate data from across the Federal agencies and share with state, local, tribal, and territorial officials and first responders;
- Establish a single web-based interface for data exchange creating an integrated resource to allow facilities to learn about the regulatory programs and requirements of multiple Federal agencies; and
- Improve tools for sharing chemical hazard information by expanding EPA's Substance Registry System (SRS) to include other Federal agency information systems

### **4. Modernize Policies and Regulation**

- Modernize OSHA's Process Safety Management (PSM) Standard to improve safety and enforcement;
- Modernize EPA's Risk Management Plan (RMP) rule;
- Build a stronger DHS Chemical Facility Anti-Terrorism Standards (CFATS) program;
- Develop guidance and outreach programs to help industry understand process safety and security requirements and best practices;
- Work with states to update Safe Drinking Water Act measures; and
- Improve process for notification of stored explosives to fire authorities.

### **5. Incorporate Stakeholder Feedback and Develop Best Practices**

- Incorporate stakeholder feedback from listening sessions, stakeholder outreach meetings, and other outreach efforts;
- Maintain the EO docket for stakeholder feedback and comments;
- Use the newly established web-based repository for capturing best practices;
- Compile best practices and publish a compendium; and
- Leverage FEMA's online Lessons Learned Information System (LLIS) to capture user-submitted best practices or approaches that result in successful, productive, safer, and more secure operations.

The report is the result of a Federal interagency working group led by the Environmental Protection Agency, the Department of Labor, and the Department of Homeland Security, and including representation of other departments and agencies, such as Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives and the U.S. Department of Agriculture, and the Department of Transportation, all of whom are involved in the oversight of chemical facility safety and security.