



## **NJ FOR IMMEDIATE RELEASE**

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## **Workers to Help EPA Prevent Chemical Accidents**

### ***New EPA Policy Enlists Workers to Identify Hazards During Inspections of Dangerous Facilities***

WASHINGTON, D.C. (June 23, 2010) A landmark policy issued by the U.S. Environmental Protection Agency will for the first time engage employees and their union representatives during environmental inspections of the nation's most dangerous industrial facilities. Front-line workers will assist EPA inspectors by pointing out hazards that could threaten the safety and health of workers, surrounding communities, and the environment.

"As a refinery worker myself, I know that enforcing this law and involving front-line employees will help prevent toxic catastrophes and save lives," said John Pajak, President of the New Jersey Work Environment Council, an alliance of 70 labor, community, and environmental organizations, and an officer of Teamsters Local 877.

Through a new, precedent-setting policy, EPA directed its Regional Offices and state enforcing agencies to involve workers and union representatives during inspections conducted under Clean Air Act, Section 112(r), which regulates potentially catastrophic risks at more than 13,000 facilities using extremely hazardous substances. EPA issued this interim policy on April 2, 2010.

The EPA's press release and policy are posted on the NJ Work Environment Council website at <http://www.njwec.org/pressreleases.cfm>.

"We are pleased that EPA Administrator Jackson clearly sees that workers understand the risks of their own workplaces and they will, when asked, help to identify and prevent these dangers," said Charlotte Brody, Director of Chemicals and Green Chemistry at the BlueGreen Alliance, a national partnership of labor unions and environmental organizations.

Clean Air Act Section 112(r)(6)(L) provides workers and union representatives the same rights to be part of EPA and state agency inspections as provided in the Occupational Safety and Health Act. This includes rights to accompany inspectors during on-site inspections and in "opening and closing conferences." EPA plans to issue final guidance to its offices and state implementing agencies later this year.

On December 3, 2009, the New Jersey Work Environment Council, the BlueGreen Alliance, and more than 100 other labor and environmental organizations, urged EPA to enforce this little known worker participation provision in the "Risk Management Program" part of the Clean Air Act. The groups said allowing workers and their union representatives to point out dangers during inspections would help protect both communities and the

environment. Among the 106 signing organizations were the national AFL-CIO, Change to Win, 21 national labor unions, 14 national environmental organizations, and community groups.

The letter is posted on the NJ Work Environment Council website at <http://www.njwec.org/pressreleases.cfm>.

Following its new policy, EPA is already engaging workers. For example, EPA Region 3 is currently concluding a Risk Management Program inspection at Sunoco's Philadelphia, Pennsylvania refinery where last year 13 workers were hospitalized after a hydrofluoric acid release.

"Our local union is fully participating in EPA's inspection to ensure that both our members and surrounding communities are safe," said Jim Savage, President of United Steelworkers Local 10-1, which represents 600 workers at Sunoco.

More than 80 million people live, work and attend school within range of a potential catastrophic toxic release from at least one of the nation's 101 most hazardous chemical facilities. Since 1970, thousands of employees and union representatives have identified preventable hazards while accompanying OSHA inspectors. However, under past administrations, EPA generally did not include workers and union representatives during their inspections. Until this new policy, New Jersey was the only state enforcing this provision. Lisa Jackson, as Assistant Commissioner of the New Jersey Department of Environmental Protection, helped issue a worker and union participation policy in 2005.

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**About the Blue Green Alliance:**

Launched in 2006 by the United Steelworkers and the Sierra Club, this national labor-environmental collaboration has grown to include the Communications Workers of America, Natural Resources Defense Council, Service Employees International Union, Laborers' International Union of North America, Utility Workers Union of America, American Federation of Teachers, Amalgamated Transit Union, and Sheet Metal Workers' International Association — uniting more than eight and a half million people in pursuit of good jobs, a clean environment, and a green economy.

**About the New Jersey Work Environment Council:**

The New Jersey Work Environment Council (WEC) is a membership alliance of labor, environmental and community organizations working for safe, secure jobs and a healthy, sustainable environment. WEC links workers, communities, and environmentalists through training, technical assistance, grassroots organizing and public policy campaigns to promote dialogue, collaboration and joint action. Formed in 1986, WEC is the nation's oldest state labor/environmental (or "blue/green") coalition and is a state affiliate of the Blue Green Alliance. In 2005, WEC won a policy for worker participation during New Jersey environmental inspections.

New Jersey Work Environment Council  
**Background on Worker and Union Involvement During  
Clean Air Act Section 112(r) Inspections**  
May 24, 2010

On April 2, 2010, the US Environmental Protection Agency issued "Interim Guidance" for involving facility employees and employee representatives in EPA and delegated Agency on-site inspections conducted under Clean Air Act (CAA) section 112(r).

- The CAA regulates more than 13,000 chemical plants, oil refineries, dairies, meatpackers, paper mills, drinking water and waste treatment facilities, refrigerated warehouses, fertilizer plants, electric utilities, etc. that use "extremely hazardous substances" in over "threshold" quantities.
- The law requires management to develop "Risk Management Plans" and offsite consequence information and make them available to the public, employees, and unions. The RMP includes an analysis of potential hazards, a five-year accident history, and the emergency response program.
- The policy is effective immediately. A final policy will be issued later this year.
- EPA staff are to offer facility employees and employee representatives the opportunity participate in facility inspections. EPA staff will use the OSHA Field Operations Manual (FOM) for reference. The FOM provides for union representation, in part, in the opening conference, during the accompaniment of the inspector, and in the closing conference.<sup>1</sup>

In nine states, state agencies enforce this law for EPA.<sup>2</sup> EPA will request that these states (and a few local) agencies adopt similar procedures once EPA issues the final policy.

This policy establishes a national precedent for expansion to other EPA programs so that workers and their unions can play even stronger roles protecting employees, communities, and environment.

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<sup>1</sup> The OSHA Field Operations Manual is at [http://www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02-00-148.pdf](http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-148.pdf)

<sup>2</sup> These states are Delaware, Florida, Georgia, Kentucky, Mississippi, New Jersey (which already enforces the policy), North Carolina, Ohio, South Carolina, and a few counties in Pennsylvania, Kentucky, and North Carolina.