

January 13, 2020

Chemical Safety and Hazard Investigation Board
Docket No. CSB-2019-0004
1750 Pennsylvania Avenue, NW Suite 910
Washington, DC 20006
Attn: Reporting Rule Comment via Electronic Submission

RE: CSB Accidental Release Reporting (Docket ID #: CSB-2019-0004)

Dear Sir/ Dear Madam:

The undersigned trade associations wish to provide brief comments regarding the U.S. Chemical Safety and Hazard Investigation Board's (CSB) proposed rule on when an owner or operator is required to file a report of an accidental release, as well as the required content of such a report.

The U.S. Poultry & Egg Association, National Turkey Federation, National Chicken Council, American Feed Industry Association, and United Egg Producers are U.S.-based trade associations representing the producers and processors of chickens, turkeys, other poultry, eggs, feed operations and affiliated industry suppliers.

The purpose of the proposed rule is to ensure that the CSB receives rapid, accurate reports of any accidental release that meets established statutory criteria. Our view is that the current federal reporting framework is already working effectively and that CSB has immediate access to this information from the National Response Center (NRC). Mandating new reporting requirements appears needlessly duplicative, redundant and burdensome without corresponding benefits to the public. We support the continued utilization of the already well-established federal reporting system and reporting criteria.

Emergency Planning and Community Right-to-Know Act (EPCRA)

Under the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, the federal government has designated several hundred substances as "extremely hazardous substances" based on their acute lethal toxicity. Under the law, releases of these extremely hazardous substances trigger reporting requirements to state and local authorities, as well as the federal authorities. The owner or operator of a facility that releases an extremely hazardous substance in an amount greater than its established RQ must follow requirements on how to report to the appropriate authorities (in many cases, the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC)) for the location where the incident occurs. When reporting a release or spill on the federal level one utilizes the National Response Center (NRC). The NRC is staffed 24 hours a day by personnel who ask for pertinent information, including the following:

- Your name, location, organization, and telephone number

- Name and address of the party responsible for the event; or name of the carrier or vessel, the railcar/truck number, or other identifying information
- Date and time of the incident
- Location of the incident
- Source and cause of the release or spill
- Types of material(s) released or spilled
- Quantity of materials released or spilled
- Medium (e.g. land, water) affected by release or spill
- Danger or threat posed by the release or spill
- Number and types of injuries or fatalities (if any)
- Weather conditions at the incident location
- Whether an evacuation has occurred
- Other agencies notified or about to be notified

PROPOSAL: CSB Title 40-part 1604

The proposed part 1604 will consist of six sections containing the rule, definitions, reporting items required, failure to report a release, and request for information. The sixth item and the one we believe needs further consideration are the steps of reporting a release. In *§ 1604.3 Reporting an accidental release, Subpart (b)* states “If the owner or operator has submitted a report to the National Response Center (NRC) pursuant to 40 CFR 302.6, the CSB reporting requirement may be satisfied by submitting the NRC identification number to the CSB immediately following submission of the report to the NRC.” With the reporting requirement being met by notification of the NRC, we propose that NRC simply relay the information directly to the CSB if this is not done so already under the current federal reporting scheme.

We would like to emphasize that we firmly believe investigating dangerous chemical releases is beneficial to the prevention of reoccurrences of catastrophic events around the country. However, we propose that CSB utilize well-established emergency notification systems currently in place. We would look forward to engaging with CSB if necessary as the agency considers stakeholder input and takes final regulatory action.

If you have any questions or require additional information concerning our comments, please do not hesitate to contact Matt Spencer of the U.S. Poultry & Egg Association at 770-493-9401.

Sincerely,

American Feed Industry Association
National Chicken Council
National Turkey Federation
United Egg Producers
U.S. Poultry & Egg Association

