

October 28, 2014

The Honorable Gina McCarthy, Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Ave., NW, Mail Code 1101A  
Washington, DC 20460

**EPA Must Protect Communities Against Toxic Air Pollution from Oil Refineries**  
**By Setting Enforceable Limits on Emissions to Safeguard Public Health**

Dear Administrator McCarthy:

We, the undersigned national, community-based, labor, public health, faith, and environmental justice groups, write in support of the U.S. Environmental Protection Agency's efforts to strengthen refinery air toxics emission limits and monitoring requirements to protect public health. The EPA must reduce emissions of toxic chemicals from refineries based on the best scientific understanding of the harm this hazardous pollution can cause, especially for children and the elderly.

Refineries emit a toxic soup of carcinogens, neurotoxins, and hazardous metals, including benzene, hydrogen cyanide, hydrofluoric acid, arsenic, and lead. Each year, the refining industry reports about 40 million pounds of these pollutants. Several studies show that actual toxic emissions from flares, wastewater treatment plants, tanks, and cooling towers can be up to 100 times higher than what is reported. These pollutants not only compromise human health but have an adverse environmental effect on wildlife and other natural resources.

Refineries have a long history of dangerous incidents, including explosions and other malfunctions, which can cause emission levels to spike, exposing communities to even higher levels of health threats. Out of the 15 major industrial accidents that the U.S. Chemical Safety Board (CSB) is currently investigating, six occurred at petroleum refineries alone. Refinery disasters are preventable with common sense, readily available work practices, routine monitoring, and enhanced maintenance and safety protocols. For example, the latest refinery explosion in Richmond, California sent over 15,000 people to the emergency room. According to the CSB, this accident could have been prevented by requiring monitoring and replacement of aging pipes. The EPA's new standards must protect public health both from daily, unsafe emissions and avoidable emission spikes.

**Vulnerable and Overburdened Communities Need Relief**

149 U.S. refineries operate in 32 states and expose millions of Americans to toxic air emissions every day, posing a particularly excessive cancer risk for at least 7 million people. The most affected communities are disproportionately low-income, and African Americans and Hispanic Americans face an extra threat of cancer and other health hazards due to the pollution emitted by refineries. Fenceline

communities need the EPA to provide environmental justice in this rulemaking by preventing chronic illness and premature death associated with toxic emissions from refineries. To protect the most vulnerable communities, the EPA should set national standards that include requirements for real-time fenceline monitoring, reduce the use of flares, and implement other pollution controls. These improvements have already proven effective at some sources, often as a result of the EPA's own enforcement actions.

### **EPA Regulations Must Address Real-World Impacts on Health and Safety, Close Dangerous Loopholes, Reduce Toxic Pollution, and Require Effective Fenceline Monitoring**

#### **EPA must strengthen and finalize the following important requirements it has proposed:**

- **Fenceline monitoring.** The EPA must finalize a strong rule that contains meaningful fenceline monitoring requirements. The EPA's current concept for measuring benzene at the fenceline is flawed. It is important to ensure refineries measure and report toxic air pollution entering local communities' air and take corrective action. The EPA should strengthen the proposed requirements so they will actually protect people from toxic pollution. The final rule must mandate the use of the best current technology to give neighborhoods a real-time, continuous measure of pollution, not just a snapshot or long-term average that masks peak exposure levels. Importantly, the standards also must require accessible public reporting and enforceable corrective action so refineries will quickly fix violations.
- **Flaring.** The proposed monitoring and combustion efficiency requirements for flaring must be strengthened and finalized. The EPA must also set a hard limit on flaring to ban its routine and unnecessary use. It must minimize flaring to protect people from these emissions which currently violate the Act as hazardous air pollution on which the EPA has placed no limit.
- **Close all unlawful loopholes.** In addition to removing all unlawful exemptions (including for startups, shutdowns, malfunctions and other uncontrolled emissions) and finalizing a ban on uncontrolled emissions from pressure valves and bypasses, the EPA must not finalize any special deals for industry that loosen emission limits during startups, shutdowns, or malfunctions.
- **Tighter control of emissions from all parts of refineries.** The EPA must finalize limits for delayed coker units and storage tanks that are as strong as possible. The EPA also must require stronger protection from wastewater and all other emission points, rather than rejecting protections based on a distorted and inappropriate consideration of the cost-per-ton of reductions.

#### **EPA must address important issues it has ignored in this rulemaking:**

- **Real-world health risk and impacts.** The EPA must do an up-to-date health risk and impact assessment that applies the scientific recommendations of the National Academy of Sciences to account for the cumulative impacts of refineries' toxic air pollution on children and overburdened communities, and underreported emissions from flares, cooling towers, and tanks, including during upsets. Based on the exposure and health threats, the EPA must find the current health risk is unacceptable.

- **Safer technology and systems.** The EPA must apply the findings from investigations of refinery incidents and other developments in pollution control methods to prevent accidents and minimize risks. The EPA should mandate preventive action and the use of inherently safer systems. Back-up power and improved leak detection and repair requirements, including the use of leakless valves, could help prevent disasters in the first place. Phasing-out of dangerous chemicals (like hydrogen fluoride) would help minimize harm if accidents still occur.
- **EPA must set proper limits on all pollutants,** including hydrogen cyanide, and ensure that lagging industry members catch up with the cleanest sources, instead of exposing the public to unfair, out-of-control emissions.

We urge you to put your stated commitment to environmental justice into action. In this rulemaking you must finalize health-protective limits on refineries' toxic air pollution, including requirements to prevent uncontrolled leaks, flaring, and explosions. Additionally, the rule must implement a system of fence-line monitoring that provides continuous real-time measurements of toxic pollution to enhance our right to know about toxic air releases, and assure compliance with emission limits. If U.S. refineries receive ever greater quantities of dirtier, lower quality crude oil such as tar sands, the EPA must not allow air emissions, upsets and accident threats to increase. It is critical that this rule provide the maximum achievable health and safety protections both for local communities and workers.

It is up to the EPA to create the vital safeguards from refinery pollution that all exposed Americans, and especially fence-line communities, need in this rulemaking. Thank you for your attention at this critical juncture for environmental justice. For additional information, please contact Jessica Hodge ([jhodge@earthjustice.org](mailto:jhodge@earthjustice.org)), or Emma Cheuse ([echeuse@earthjustice.org](mailto:echeuse@earthjustice.org)) at Earthjustice, (202) 667-4500.

Sincerely,

### **National Organizations**

Alaska Wilderness League

American Nurses Association

Center for Effective Government

Clean Air Watch

Earthjustice

Environmental Defense Fund

Environmental Integrity Project

Friends of the Earth

Greenpeace

League of Conservation Voters

Moms Clean Air Force

National Wildlife Federation

Natural Resources Defense Council

Physicians for Social Responsibility

Sierra Club

SustainUS: U.S. Youth for Sustainable Development

**Alaska**

Alaska Community Action on Toxics

Citizens for Clean Air

Cook Inletkeeper

Northern Alaska Environmental Center

**Arizona**

To Nizhoni Ani

**California**

Association of Irrigated Residents

Apostolic Faith Center

Bay Area Refinery Corridor Coalition

California Communities Against Toxics

California Kids IAQ

California Safe Schools

Coalition For A Safe Environment

Community Dreams

Communities for a Better Environment

Community Water Center

Crockett Rodeo United to Defend the Environment

Del Amo Action Committee

Desert Citizens Against Pollution

Global Community Monitor

Good Neighbor Steering Committee

Grayson Neighborhood Council

Martinez Environmental Group

People's Core

Philippine Action Groups

San Joaquin Valley Latino Environmental Advancement and Policy Project

Society for Positive Action

Sunflower Alliance

Tri-Valley CARES

West County Toxics Coalition

**Colorado**

The Endocrine Disruption Exchange

**Connecticut**

Connecticut Labor Council for Latin American Advancement

**Florida**

Global Initiative of Caribbean Americans for a Better Earth

**Hawaii**

Ka Wai Ola O Waianae

**Illinois**

Citizens Against Ruining the Environment

Environmental Justice Alliance of Greater Southeast Chicago

Respiratory Health Association

**Iowa**

Science and Environmental Health Network

**Louisiana**

Deep South Center for Environmental Justice

Louisiana Bucket Brigade

Louisiana Democracy Project

Louisiana Environmental Action Network

Lower Mississippi Riverkeeper

**New Jersey**

Ironbound Community Corporation

**Massachusetts**

Public Laboratory for Open Technology and Science

**Michigan**

Original United Citizens of Southwest Detroit

**Missouri**

Diesel Health Project

**Mississippi**

Jesus People Against Pollution

**North Carolina**

Citizens Against Titan

North Carolina Environmental Justice Network

Penderwatch & Conservancy

West End Revitalization Association

**New York**

Friends of Hudson

WE ACT for Environmental Justice

**Ohio**

Ohio Citizen Action

Ohio Valley Environmental Coalition

**Oregon**

Institute for Neurotoxicology & Neurological Disorders Organization

Oregon Environmental Council

**Pennsylvania**

Clean Air Council

Southwest Philadelphia Community Partners

**Texas**

Air Alliance Houston

Citizens Environmental Coalition

Citizens for Environmental Justice

Community In-Power and Development Association

Downwinders at Risk

Environment Texas

Public Citizen (Texas)

Texas Environmental Justice Advocacy Services

Texas Campaign for the Environment

Texas Organizing Project

Texas Public Interest Research Group

**Utah**

Utah Physicians for a Healthy Environment

Utah Moms for Clean Air

Utah Clean Air Alliance

Breathe Utah

**Virginia**

Center for Health Environment and Justice

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