

# Chemical Safety Information, Site Security and Fuels Regulatory Relief Act: Public Distribution of Off-Site Consequence Analysis Information

## Proposed Rule

The Environmental Protection Agency and the Department of Justice have proposed regulations governing public access to information concerning the potential off-site consequences of accidental chemical releases from industrial facilities. The proposed rule (65 FR 24834, April 27, 2000) is available electronically at <http://www.epa.gov/ceppo/lr-regs.htm>. Off-Site Consequence Analysis (OCA) information is collected under section 112(r)(7) of the Clean Air Act as part of the Risk Management Program. The 1999 Chemical Safety Information, Site Security and Fuels Regulatory Relief Act required the government to assess both the chemical risk reduction benefits of allowing public access to OCA information and the increased risk of terrorist and other criminal activity from posting the information on the Internet. Based on these assessments, conducted by EPA and DOJ respectively, the proposed rule would allow public access to the OCA portions of Risk Management Plans (RMPs) in ways that minimize the likelihood of chemical accidents as well as the increased risk of terrorist and criminal activity associated with Internet posting. Comments on the proposed rule must be received by June 8, 2000.

### Overview

While the Internet provides a tremendous benefit by offering people easy access to a wealth of information, it also provides an anonymous means for criminals and terrorists to obtain useful information for carrying out traditional criminal activities.

The proposed rule attempts to address both of these concerns. All of the OCA information would be available to the public in some fashion under the proposal, and some OCA information would be available through several means. However, the proposed rule would prohibit the Internet posting of those pieces of OCA information ("data elements") that the risk assessment determined could significantly increase the risk of terrorist or criminal activity. Likewise, the proposed rule would minimize the risk associated with providing these sensitive OCA data elements to the public by making them available only in reading rooms.

The proposed rule contains several provisions that are intended to permit public dialogue about important risk issues in local communities and

enhance awareness of the safety and environmental performance of chemical facilities.

### Internet Access

The proposed rule would make less-sensitive OCA data elements available to the public on the Internet. RMP\*Info, an electronic public access database on EPA's website, would include the full text of RMPs except for the OCA data elements that the risk assessment found could significantly assist someone in targeting a chemical facility and causing a large release. For example, OCA data elements such as the name of chemical involved in a release, the quantity of chemical released, release duration, distance to endpoint, residential population, and other sensitive elements would not be posted on the Internet.

### Risk Indicator

Information that is already interpreted, easily understood or put into context is far more likely to be used by the public to take action that leads to risk reduction. To give the public a way to understand some aspects of the risk expressed by OCA information without disclosing the actual

OCA information itself, the proposal would allow the public to query a "risk indicator system" that would be available on the Internet and by other means. Individuals would enter an address, and the risk indicator would tell them whether that address may be in the vulnerable zone of any facilities. However, the indicator would not provide the identity or location of any facility.

### **Public Reading Rooms**

The proposed rule would require the government to establish at least 50 reading rooms where any member of the public would have read-only access to OCA information for as many as ten facilities per month. Members of the public could view the OCA information for facilities located anywhere in the United States. Reading room locations would include the ten EPA regional offices and other federal facilities.

The proposed rule would also authorize and encourage State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs) and local fire departments to set up public reading rooms. These local reading rooms would provide read-only access to OCA information for all facilities in the LEPC's jurisdiction and for any facility with a vulnerable zone that extends into the LEPC's jurisdiction. Individuals would be permitted to examine any or all of the OCA information for these local facilities.

### **Answers To Your Questions**

*Where can I find copies of the assessments that were completed by EPA and DOJ?*

Copies of the assessments are available on the Internet at [www.epa.gov/ceppo](http://www.epa.gov/ceppo) and [www.usdoj.gov](http://www.usdoj.gov).

*How would federal reading room employees determine whether a member of the public has viewed OCA information for no more than 10 facilities within a calendar month?*

Federal reading rooms would keep daily sign-in sheets that would record the names of everyone who requests OCA information, how many facilities' OCA information they received, and which facilities those were. Whenever someone requests access to OCA information, reading room personnel would review the sign-in sheets for that day and the previous days during the month to determine whether the individual may review the requested OCA information.

*Would I have to show identification at all reading rooms?*

No. You would be asked to show identification only at Federal reading rooms. Reading rooms operated by SERCs, LEPCs and fire departments would not be required to request identification. Identification issued by a federal, state or local agency, such as a passport or driver's license, would be acceptable.

*I don't have Internet access. How would I find out if my home may be in a vulnerable zone?*

Members of the public who do not have access to the Internet would be able to determine whether their home may be in a vulnerable zone by calling the EPA hotline or by mailing a request to EPA (see box on last page).

*How would I identify which facilities have a vulnerable zone that may reach my address?*

Any federal reading room and many local reading rooms would be sources for this information. Federal, state, and local "covered persons" would be able to help you easily identify the names of the facilities whose vulnerable zones may extend to a specific address.

*As an LEPC member, if I share OCA information with the public won't I be breaking the law?*

The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act currently allows federal, state and local officials to share any and all OCA data elements with the public as long as they do not distribute or allow mechanical

replication of the OCA sections of RMPs or provide access to EPA's OCA database.

The proposed rule would allow state and local officials that operate reading rooms to share with the public the OCA sections of RMPs for facilities within their jurisdictions and for any facility with a vulnerable zone that extends into the LEPC's jurisdiction.

*How can I let you know my views on this proposed rule?*

EPA and DOJ are interested in hearing your comments on all aspects of the proposed rule, including the overall approach to achieving the goals of the statute, the alternatives that are being considered for public access, and any other suggestions you may have. For example, we would be interested in hearing your views on:

- (1) What types of federal outlets would be appropriate as reading rooms?
- (2) Where should reading rooms be located, and how should they be dispersed geographically?
- (3) How should reading rooms be operated to best minimize the risk associated with dissemination of OCA information?
- (4) Is the limit of 10 facilities per person per month appropriate?
- (5) As an alternative to reading rooms, should paper copies of OCA information be released to the public upon request, with a limit placed on the number of facilities for which any individual could receive OCA information in a given period? What would be the security concerns associated with this approach, and what steps could be taken to address those concerns?
- (6) Is the risk indicator useful? Should it identify facilities by name? Are there any risk concerns with the indicator?

- (7) Should EPA expand its telephone hotline service to provide facility identification information? What security or other concerns would be associated with the hotline service?
- (8) Should LEPCs or local fire departments be authorized to distribute paper copies of OCA information, or would doing so raise unacceptable terrorism-related security concerns?
- (9) Should patrons of LEPC reading rooms be required to present identification before they are permitted to examine local OCA information?

*How can I comment on the proposed rule?*

A public hearing to discuss the proposal will be held on May 9, 2000, at 9:00 a.m. at the EPA Auditorium at Waterside Mall, 401 M Street SW, Washington, DC 20460. Comments also can be mailed to EPA, Office of Air & Radiation, Docket and Information Center, Ariel Rios Building, M6102, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Attn: Docket No. A-2000-20. Comments must be received by June 8, 2000. EPA and DOJ will consider your comments as they develop the final rule.

**For More Information on the Risk Management Program ...**  
CAA Section 112(r) Hotline  
Monday - Friday, 9 am - 6 pm, EST  
(800) 424-9346 or (703) 412-9810  
  
CEPPO's homepage at [www.epa.gov/ceppo](http://www.epa.gov/ceppo)