EXECUTIVE ORDER 13650 – REPORT TO THE PRESIDENT, MAY 2014

Actions to Improve Chemical Facility Safety and Security – A Shared Commitment

Executive Summary -

A thorough analysis of the current operating environment, existing regulatory programs, and stakeholder feedback resulted in immediate actions and a consolidated plan of future actions to further minimize risks, organized by five thematic areas:

- Strengthening community planning and preparedness;
- Enhancing Federal operational coordination;
- Improving data management;
- Modernizing policies and regulations; and
- Incorporating stakeholder feedback and developing best practices.

ES.2 Strengthening Community Planning and Preparedness

Facilities storing and using hazardous chemicals are found in all types of communities. Communities need to know where hazardous chemicals are used and stored, how to assess the risks associated with those chemicals, and how to ensure community preparedness for incidents that may occur. Communities must also take into consideration local geographic and socioeconomic issues and address the needs of special populations and medical-needs individuals. Strengthening communities’ planning and preparedness requires a sound process.

Actions Taken

The Working Group took a number of steps to address these concerns, including:

1. DHS and EPA engaged with LEPCs and first responders across the country to identify and discuss potential methods to increase first responder preparedness and to share lessons learned across departments.
2. EPA continued to upgrade its Computer-Aided Management of Emergency Operations (CAMEO) suite to provide more useful and accurate information to emergency personnel and the public.
3. Federal Emergency Management Agency (FEMA) educated State Administrative Agencies on how the Homeland Security Grant Program allows risk-centric, capabilities-based planning and preparedness training for chemical incidents.

Future Actions to Strengthen Community Planning and Preparedness

The Working Group identified five priority action areas to help strengthen community planning and preparedness, to include:

1. Strengthening State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), LEPCs, and TEPCs.
2. Improving first responder and emergency management preparedness and response training.
3. Identifying and coordinating resources for SERCs, TERCs, LEPCs, and TEPCs to sustain planning and response efforts.
4. Expanding tools to assist SERCs, TERCs, LEPCs, and TEPCs in collecting, storing, and using chemical facility information.
5. Enhancing awareness and increasing information sharing with communities around chemical facilities.

**ES.3 Enhancing Federal Operational Coordination**

The chemical community is comprised of owners and operators; Federal, State, local, tribal, and territorial governments; regional entities; nonprofit organizations; and communities. Communicating and coordinating across this diverse landscape requires an integrated effort across the Federal Government to ensure activities are executed effectively and efficiently.

**Actions Taken**

The Working Group took a number of actions to enhance Federal operational coordination, including:

1. The Working Group initiated a pilot in the New York-New Jersey area to serve as a test-bed, confirming lessons learned, collecting and assessing best practices, informing other initiatives directed by EO 13650, and developing novel solutions to address safety and security challenges.
2. Members of the Working Group engaged the Chemical Safety Board (CSB) to identify possible updates to existing memorandums of understanding between CSB and EPA, CSB and OSHA, and CSB and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

**Future Actions to Enhance Federal Operational Coordination**

The Working Group identified three priority action areas to help enhance operational coordination, including:

1. Coordinating EO implementation activities.
2. Establishing standard operating procedures (SOPs) for Federal coordination at the National and regional levels.
3. Training Federal chemical facility safety and security regulatory programs field personnel.

**ES.4 Improving Data Management**

The EO charged the agencies with developing a coordinated, flexible, data-sharing process, to address the need to optimize available information. While Federal agencies collect valuable information on chemical facility safety and security, differing formats and management of these data do not fully support interagency compliance analysis. This was evident as the Working Group Agencies worked to share data across the respective systems. Currently, there is no chemical security and safety data clearinghouse that contains all of the data points germane to all Federal agency regulations.

**Actions Taken**

The Working Group took a number of actions to improve data management, including:

1. EPA updated its Substance Registry Service (SRS) and the Facility Registry Service (FRS), to include relevant OSHA Process Safety Management (PSM) and DHS Chemical Facility Anti-Terrorism Standards (CFATS) data.
2. Members of the Working Group engaged in data sharing across regulatory programs—such as the DHS CFATS program and EPA’s Risk Management Program (RMP)—to help locate potentially non-compliant facilities by identifying facilities that had registered with one regulatory program but not the other.
3. EPA Region 8 tested a new Emergency Response (ER) Planner system that aggregates chemical facility and infrastructure data from various Federal and State databases and displays it on an interactive Geographic Information System (GIS) application.

4. DHS worked with all State Homeland Security Advisors (HSAs) to show them how to access information on CFATS facilities within their jurisdictions.

5. DHS engaged State agribusiness associations to foster outreach to potentially noncompliant facilities and to help raise awareness about chemical facility security regulations.

Future Actions to Improve Data Management
The Working Group identified four priority actions areas that it will take to improve data management, including:

1. Establishing a dedicated cross-agency team of experts to standardize data and develop a common facility identifier.
2. Aggregating data from across the Federal agencies and establishing a single Web-based interface for data collection.
3. Improving information tools for regulated chemicals.

ES.5 Modernizing Policies and Regulations
EO 13650 directed the Working Group to modernize key policies, regulations, and standards. In support of this requirement, the Working Group reviewed existing programs, recommendations from the safety and security communities, and feedback from the EO listening sessions, as well as investigative reports of major incidents. From this review, the Working Group published a preliminary list of options for improving chemical facility safety and security for stakeholder comment.

Actions Taken
The Working Group took a number of actions related to modernizing chemical facility safety and security policies and regulations, including:

2. OSHA published a Request for Information (RFI) on the agency’s PSM standard and other related chemical standards to determine, among other things, whether these standards can, and should, be expanded to address additional regulated substances and types of hazards.
3. Working Group agencies, often with input from other stakeholders, also developed and disseminated various advisories or guidance materials across Federal program areas to inform and support communities, industries, and local officials.
4. EPA expanded its inspector training curriculum to include advanced process safety training courses in several key areas such as mechanical integrity codes and standards, root cause investigation, and human error prevention. Notably, prior to the issuance of the EO, EPA published revised guidance for RMP Inspectors to ensure employee representatives participate in all RMP inspections.
5. DHS conducted over 100 compliance assistance visits (CAVs) to date in FY 2014 to assist CFATS-regulated facilities in understanding and meeting the program’s risk-based security standards.

Future Actions to Modernize Policies and Regulations
The Working Group identified ten priority action areas to modernize chemical facility safety and security policy and regulations, including:

1. Modernizing OSHA’s PSM standard to improve safety and enforcement.
2. Modernizing EPA’s RMP regulation.
3. Enhancing ammonium nitrate safety and security.
4. Promoting safer technology and alternatives.
5. Building a stronger CFATS program.
6. Developing guidance and outreach programs to help industry understand process safety and security requirements and best practices.
7. Working with States to improve Safe Drinking Water Act measures to prevent and prepare for chemical spills.
8. Working with Congress to strengthen and increase OSHA monetary and criminal penalties.
9. Working with Congress to pursue statutory amendment to the Safe Explosives Act.
10. Improving process for notification of stored explosives to fire authorities.

**ES.6 Incorporating Stakeholder Feedback and Developing Best Practices**

To gather the concerns of stakeholders, establish best practices, and collect lessons learned from a broad spectrum of stakeholders, the Working Group organized listening sessions around the Nation; held meetings with key State, local, and industry stakeholders; and established public dockets.

**Actions Taken**
The Working Group took a number of actions related to incorporating stakeholder feedback and developing best practices, including:

1. Solicited feedback via listening sessions, Webinars, meetings with stakeholder groups, attending stakeholder conferences and collecting information through public dockets, engaging nearly 1,800 participants across the country, and generating input from over 25 States.
2. Development and launch of an online repository such that stakeholders involved in chemical facility safety and security can submit and access best practices. The newly launched repository can be found at [https://www.llis.dhs.gov/topics/chemical-facility-safety-and-security](https://www.llis.dhs.gov/topics/chemical-facility-safety-and-security).

**Future Actions to Incorporate Stakeholder Feedback and Develop Best Practices**
The Working Group identified two priority action areas to ensure stakeholder feedback continues to be incorporated and best practices are shared, including:

1. Continue to solicit stakeholder feedback and conduct regular outreach as actions in this report are pursued.
2. Capture and share best practices with all stakeholders.

**ES.7 Conclusion**

Preparedness is an ongoing, evolving process. We hope to see the momentum established since the release of the EO carried forward through improved coordination structures, enhanced information sharing mechanisms and technologies, updated and streamlined regulations, and more effective enforcement of the Nation’s laws. Details and specific activities to be taken to accomplish the priority actions from the thematic areas are outlined in the Federal Action Plan section that follows and are further detailed in the report. Many of these actions have already been put in place or will be instituted in the next year, while the success of other improvements relies on longer-term planning, coordination, and action.

In collaboration with the many partners referenced throughout this report, we will continue to work together to increase the safety and security of chemical facilities, of the workers who are the lifeblood of the industry, and of the surrounding communities. It is a shared commitment, and every stakeholder has an important role to play in chemical facility safety and security. We are striving to improve the safety and security of this industry and we ask that our partners commit their efforts to do the same.