Executive Order 13650
Listening Session
Baton Rouge, Louisiana

Statement of Mr. Edward J. Flynn
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Louisiana Chemical Association
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Good afternoon, Mr. Chairman and members of the Working Group. My name is Edward Flynn. I am the Vice President of Health, Safety and Security for the Louisiana Chemical Association (LCA). I appreciate the opportunity to appear here today to participate in this listening session for Executive Order 13650 on Improving Chemical Facility Safety and Security.

The LCA is a Baton Rouge-based, statewide non-profit organization that represents 63 chemical manufacturing companies that operate nearly 100 facilities across Louisiana. Our membership includes facilities owned and operated by some of the world’s largest multinational corporations who produce the essential building blocks that go into consumer products that make people’s lives safer, healthier, and more convenient, to fertilizer manufacturers which ensure that critical crop nutrients reach farmers in a safe, timely and efficient manner, to specialty chemical manufacturers which make advanced materials that support the U.S. government and high technology companies in aerospace, aviation, digital commerce, and many other fields. These companies represent thousands of Louisiana workers, who help create the backbone of our growing economy. Notwithstanding the diversity of our members, the core value of every LCA company is an unwavering commitment to safety, security, strong environmental compliance, and product stewardship. Simply put, these are bedrock principles, both in print and in daily practice.

Our first responsibility is to operate safely with the goal of zero accidents. This is not to suggest that the chemical, petrochemical, and refining industry has a perfect record in Louisiana, or anywhere….we do not. As in many human endeavors, accidents can happen, and when they do, whether elsewhere in the world or as at Williams Olefins and CF Industries here last year, our collective responsibility as an industry is to determine the why.

Understanding the root cause of any accident is critical to preventing the same – or similar – event from occurring again.

As I said, safety and the protection of employees and people living in communities in which our members do business is, and always has been, our number one priority. With specific regard to Williams Olefins, it is committed to safely completing its rebuild and expansion work now underway, and to bringing the expanded plant into safe and reliable operations for the benefit of the plant’s employees, contractors, the community, and customers.

We agree with many elements outlined in Executive Order 13650 on Improving Chemical Facility Safety and Security. In particular, the themes reflected in Sections 3, 5, and 7 regarding enhancing outreach to the community and emergency responders, information sharing, and identifying industry best practices, respectively, represent areas where LCA and our members have a long history of leadership.

As responsible operators, we are obligated to drive a culture of safety, security, and environmental excellence. We acknowledge this obligation not only because laws or regulations tell us to, but because it is both the right thing to do and the smart thing for business to do. Operating safely requires adherence to regulations, but it also means being proactive and voluntarily engaging with government regulators, first responders and the communities in which we operate, and each other.
LCA has long had Health and Safety, Environmental, and Security committees to facilitate these efforts. These committees, made up of experienced men and women from LCA member companies, and led by Plant Managers – in other words, the most senior leader at a facility – who also are members of LCA’s Board of Directors, meet each month to discuss important safety, security, and environmental issues that affect our industry and the surrounding communities.

Recognizing that safety and security are not proprietary, LCA members use these meetings as an opportunity to exchange best practices, share lessons-learned, and provide leadership to enhance safety and security programs. We also frequently use these meetings as learning opportunities and have arranged seminars, lectures, and workshops led by qualified and highly regarded subject matter experts from around the country. These outside speakers provide training and education on a range of topics that are relevant to this Executive Order – some examples include: process safety, PSM and other OSHA standards such as recordkeeping, lock out/tag out, HazCom and the new GHS; safety culture and leadership; accident and injury prevention programs; critical equipment; hazard awareness; operating discipline; layers of protection analysis (LOPA); RAGAGEP (Recognized & Generally Accepted Good Engineering Practices); facility construction and siting; emergency response; and many others.

We have one goal with these efforts – Continuous Performance Improvement; by bringing in people with the right skills, knowledge and expertise, our members have the opportunity to obtain valuable information and then when & where appropriate, use it as part of their continuous efforts to safely and securely manage their operations.

LCA committee meetings also provide an opportunity to identify innovative ways to enhance and teach a culture of safety to undergraduate engineering students now in university, but soon to be members of the chemical industry community. For example, LCA and member companies work with the faculty and leadership of the Chemical Engineering Department at Louisiana State University (LSU) building concepts and principles of process safety into their existing undergraduate program. The work LCA member companies have done with LSU developing curricula that emphasize the importance of process safety is exportable and we have plans to expand this important initiative to other Louisiana colleges. These courses provide valuable insights into real-world, practical applications and benefit both students and our world-class chemical and petrochemical plants located right here in Louisiana.

Our commitment to safety, security, and environmental excellence does not end with our LCA committee activities – it includes a variety of efforts at the plant level. For example, many LCA members participate in OSHA’s Voluntary Protection Program (VPP), which brings together company management, employees, and OSHA to develop and implement comprehensive safety and health management systems. Successful participants achieve OSHA VPP status. Many LCA companies also conduct their operations in accord with the Responsible Care program, a voluntary industry effort now more than 25 years old that obligates participants to strive to perform at the highest levels of operational achievement and report their progress to the public. Another LCA initiative is ‘Serious About Fostering Excellence’ (SAFE), a voluntary program created in the late 1990s to help member facilities evaluate, monitor, and improve environmental performance as well as process and personnel safety. As a matter of fact, the SAFE program
employs both lagging and leading indicators in an effort to help companies measure and improve both employee and contract employee safety and process safety.

Process safety takes many forms, and Executive Order 13650 tasks the Working Group with identifying industry best practices, including the use of “safer alternatives,” sometimes known as Inherently Safer Technology (IST). We share the viewpoint of the American Chemistry Council (ACC) regarding IST. However, IST determinations are rarely as simple as substituting one chemical for another. We believe that such determinations include a number of complex factors that are best addressed by highly experienced and trained engineers using the most appropriate technology. We also share ACC’s concern that forcing IST at the facility level may lead to the unintended consequence of risk shifting elsewhere, including over the road or rails.

With specific regard to ammonium nitrate (AN), LCA agrees with the Fertilizer Institute (TFI) that there are adequate regulations now in place that address the safe storage and handling of AN.

Indeed, we recognize that hazards can exist not only in and around facilities but also in those communities located along the roads and railways that are used to transport our products. While our members and many carriers take specific precautions to ensure safe and secure transportation, accidents can occur. As such, many LCA members actively participate in Transportation Community Awareness and Emergency Response (TRANSERA), a voluntary national outreach effort that focuses on assisting communities to prepare for and respond to possible incidents involving the transportation of hazardous materials. That’s one example where plants work hard to be prepared; another example is with hurricanes. Just last year, working with Local Emergency Planning Committees (LEPCs), regulatory agencies such as the Louisiana State Police (LSP) and the Louisiana Department of Environmental Quality (DEQ), and the Governor’s Office of Homeland Security & Emergency preparedness (GOHSEP), the chemical industry was involved in an important event involving improved preparedness for hurricane season – using better forecasting models, gaining more understanding of complex meteorological information and improved capacity to predict storm surge. Because our industry’s response effort extends to aiding the public with mutual aid resources and fuel supply after any large disaster, the reliability and safety of our operations are critical to helping with storm preparation and recovery. In short, we work proactively to make sure that our people, our plants, and our communities are in the best possible position to respond if and when disaster strikes.

As demonstrated by the tragedy in West, Texas, communication, outreach, and information sharing with local emergency responders is critical. LCA supports the Executive Order’s call for improvements in outreach and coordination efforts, and we have long championed such efforts. LCA and our members have extensive and strong relationships with state and local law enforcement and regulatory agencies including city police departments, parish sheriffs, Louisiana State Police, State Fire Marshal, U.S. Coast Guard, FBI, Louisiana DEQ (Department of Environmental Quality), to name but a few.

We also work with homeland security, fire, and parish emergency management officials through partnerships with organizations like LEPA (Louisiana Emergency Preparedness Association), the State Emergency Response Commission (SERC), Local Emergency Planning Committees
(LEPCs), the Louisiana Fire Chiefs Association and the Louisiana Business Emergency Operations Center (BEOC), an innovative and state-of-the art facility on the LSU campus that represents a unique partnership between state government, the private sector, and higher education. Right here in Baton Rouge, the Mayor’s Office of Homeland Security & Emergency Preparedness partners with the local emergency planning committee to host inter-agency and industry drills. In December, one such drill was led in part by one of our LCA member companies because of its expertise in emergency response.

Although it is impossible to summarize the scope of our activities that pertain to elements of this Executive Order in a few short minutes, I do hope that this brief statement underscores our shared interest in a safe, secure, environmentally responsible industry that will continue to provide high paying jobs for many Louisianans and help support the many parishes in which we operate for many years to come.

To the Working Group, thank you for the opportunity to appear before you today and thank you for your attention.