

You could call it a case of the "are"s and "are-not"s.

Come next June, thousands of business owners across the country have to be ready to tell how the worst of hazardous chemical leaks on their properties could affect the public. Some of them are said to be a bit anxious about public reaction.

Chemical firms in West Virginia's Kanawha Valley are not quite as anxious. They have been there, done that. They revealed their worst-case accident examples four years ago. And, yes, they were anxious back then and uncertain about public reaction.

But, as it turns out, the disclosures were a positive experience that helped build a new level of trust between the public and industry.

In this special issue, *NICS News* examines the Kanawha Valley's experience with information sharing. The experience may not turn out to be the same in other areas of the country. More companies and chemicals are involved this time.

However, it is an example — a model — of how the public and industry can forge a positive working relationship to manage the risks that come with the

benefits of businesses which in some way use hazardous chemicals.

In this issue we examine:

- The whys, whens and whats of risk management plans.

- Two projects that helped improve relations between the public and industry in the Kanawha Valley.

- How Valley chemical firms plan to tell the public next April their latest plans for managing risks associated with hazardous chemicals.

- What the firms' learned from their worst-case disclosures in 1994.

- Public-industry relations today.

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Nation about to learn risks of hazardous chemicals

Large, small companies to tell how worst-case accidental leaks could affect the public health and environment

The American public is about to get a chemistry lesson.

By next June 21 some 66,000 firms across the nation must file plans with the EPA for managing risks associated with the production, handling, processing, distribution or storage of hazardous chemicals on their properties.

The government's intent in requiring the disclosures is to help industry and the public work together to prevent accidental releases of hazardous chemicals. Informa-

tion sharing is the first step to reducing health and environmental risks, says the EPA.

Firms as small as dry cleaners may have to file risk management plans (RMPs). A filing is required if a certain amount of a regulated substance is on hand at any one time. The EPA's list of regulated substances includes 139 toxic and flammable chemicals.

Chemical makers must include ex-

See Communities, p. 3

Kanawha Valley plants to go public in April with accident prevention plans

Next April 28 Kanawha Valley chemical firms will start telling the public their latest plans for managing risks associated with hazardous chemicals.

The firms hope to file their risk management plans (RMPs) with the EPA by the end of March, ahead of the official mid-June

deadline imposed by federal law.

"We do not plan on a major, communitywide disclosure event like we had in 1994," said Tom Nunheimer, head of a communications team working with the firms and Kanawha Putnam Emer-

See Valley to hear, p. 2

Steve West, city councilman at Nitro, WV, is an active member of the Nitro Community Forum. The forum provides citizen views on community-plant relations to Flexsys and FMC. Plants are asking community groups such as the forum for ideas on how to tell the public their plans for managing hazardous chemicals.

'94 disclosures helped public, industry relations

There was no panic as some feared when firms revealed worst-case examples

Reaction is expected to vary over a wide range in the next few months as companies across the nation tell how worst-case hazardous chemical leaks could affect the public.

If the reaction in chemical producing areas is the same as it was in the Kanawha Valley four years ago, the disclosures won't cause a panic.

In 1994, 14 chemical plants disclosed their worst-case leak examples at an event called *Safety Street - Managing Our Risk Together*. It came about at the insistence of community activists. Among the 800 people attending were chemical company employees, emergency planners and responders, government officials and citizens.

Soon after it was over, a consultant noted *Safety Street's* outcomes:

- It laid a foundation for trust between the public and chemical companies. Activists, the general public and government officials all said the plants' willingness to share worst-case scenarios greatly increased their credibility.
- It created an awareness about sheltering in place as an alternative protective action to evacuation in certain chemical emergencies.
- The worst-case scenarios were com-

municated without causing a panic.

■ While the news media will focus on the startling details of the worst-case examples, they will pay attention to more important lessons drawn from them. Plant managers were valuable sources of information.

Today, relations between industry and public are still generally positive, but not without disagreements. Reports from community-industry meetings suggest that:

- Relations are still better than they were before *Safety Street*.
- The public trusts the chemical industry, but not completely. Mistrust stems from the lack of information about industry's efforts to reduce pollution, prevent accidents and protect the environment. The public does credit the industry for air that is noticeably cleaner than it was 30 years ago.

See *Reaction*, page 7

Valley to hear, cont. from p. 1

gency Planning Committee (KPEPC). The earlier event took place at the Charleston Civic Center.

"This time we will hold a number of local, community-based meetings," Nunheimer said. "That's because the community has a better understanding of worst-case scenarios and because RMP information is extensive and very detailed," he said.

The first public release of RMPs will be at a KPEPC meeting, Nunheimer said. Reporters and community officials will be invited.

After that, a number of local meetings will be held in what Nunheimer calls "appropriate, natural community centers" across the Valley. Nunheimer is regional public relations manager for Lyondell Chemical in South Charleston.

"We will also meet with plant employees and other community groups," he said.

He said the most challenging task will be to explain the plants' accident prevention systems. They can be very technical and complicated, he said.

All major chemical plants in the Kanawha Valley will follow the same communications plan. They joined ranks rather than risk confusion that could result from separate efforts. Chemical plants in other parts of the country are doing the same.

Communications team members come from the chemical industry, emergency response units, education, industry/community groups, activists and citizens. The team has asked established industry and community groups for advice on how to present the risk management plans to the public.

Chemical firms also have told key area groups about risk management plan requirements and about the Kanawha Valley RMP project.

The groups include the West Virginia Manufacturers Assoc., State Emergency Response Commission and KPEPC.

The KPEPC will use the companies' risk management plans to improve the community's existing emergency response program. nn

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Experience teaches plants how to disclose data

Firms to target neighbors with information campaign on hazardous chemical risks

A lot.

That's what Kanawha Valley chemical plants say they learned from experience as partners with public groups in information-sharing projects.

Their lessons came from two projects. One was *Safety Street - Managing Our Risk Together* where they made public their worst-case examples in 1994. The other is the follow up Community Emergency Response Evaluation Group (CEREG) study of the community's ability to respond to chemical emergencies.

One lesson was that the public can handle worst-case examples without becoming overly alarmed. The plants had feared a bad public reaction before the disclosures.

Another lesson was how to communicate better with the public next year when plants file their risk management plans with the EPA, said Tom Nunheimer,

spokesman for a team working on a joint communications plan for the plants.

"The 1994 effort involved a large scale media event at the Civic Center, followed by public displays at the Town Center Mall," Nunheimer said.

"That was a good strategy given the nature of the information and the fact that it was the first time it had been presented in the community.

"This time, however, we want to take a more local, community-based approach to communications because the public now has a better understanding of the issues. Also, the risk management plan information is much more detailed and involved."

Nunheimer said *Safety Street* also helped some of the plants improve their emergency response plans. He said some have conducted emergency response drills around the more probable accident scenarios.

CEREG helped to identify opportunities for improving the community's emergency response systems and plans, Nunheimer said. As a result, the Kanawha Putnam Emergency Planning Committee has set up a way to make ongoing improvements to the community emergency response plans.

"The success of the CEREG exercise supports our plans to communicate on a local, community basis," Nunheimer said.

So, how do the plants think the community will receive news about their risk management plans?

"During the *Safety Street* project, when we prepared to present similar chemical

risk information, we heard citizens saying, 'We know you present a potential risk, and we want to know what you are doing about it?'," Nunheimer said.

"As a result, we spent a lot of time communicating about our prevention and response systems.

"Provided we include this important information, along with the chemical risk information in our RMPs, we feel the community will accept the RMP plans as useful information to assist in identifying ways to reduce risk and improve emergency response systems. We want our RMP communications to continue to bridge from that *Safety Street* beginning," Nunheimer said. nn

Communities, cont. from p. 1

amples of how a worst-case and a more probable case of accidental releases of hazardous chemicals could affect the public.

In addition, the plans are to include:

- A five-year history of accidental chemical releases on the property;
- An accident prevention plan, and
- An emergency response program.

Firms are not required to publicize their plans, only to make them available to the public. Chemical makers do plan to publicize their RMPs. Other firms may join them.

Firms do have to give their RMPs to state and local emergency planning agencies. Those agencies will use them to improve emergency response plans.

Firms now meet many RMP requirements with standard operating procedures or by complying with Occupational Safety and Health Administration Process Safety Management requirements.

The RMP rule goes a step further to emphasize leak prevention, emergency planning and response and public disclosure of risk.

The 1990 Clean Air Act Amendments (CAAA) require affected companies to file RMPs. The CAAA built on the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986. nn

Shelter-in-place examples wanted

NICS is preparing a case history of incidents in which citizens were asked to shelter in place. If you know of incidents in any state when shelter-in-place was ordered in actual emergencies or used as a precautionary measure, NICS would like to hear from you.

Please call Dr. Jan Taylor at (304) 346-6264. Her e-mail address is: taylorj@nics.com.

The Institute will appreciate any leads you can provide.

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Annual report available

Copies of the Institute's FY 1998 annual report are available by calling (304) 346-6264, by writing to NICS at 2300 MacCorkle Ave., SE, Charleston, WV 25304 or by e-mail to: nicsinfo@aol.com.

News Briefs

Pam Nixon named environmental advocate

Pam Nixon, a leading environmental advocate in West Virginia's Kanawha Valley, has been named environmental advocate for the West Virginia Division of Environmental Protection (WVDEP).

Industry and environmental groups praised the appointment which was effective Nov. 1

NICS president Mark Scott said Nixon has a strong record in helping bridge the gap between the public and chemical industry. He credited her for pressing the industry to be responsible.

Nixon helped create People Concerned about MIC after the Bhopal accident. Rhone-Poulenc stores methyl isocyanate at its Institute, WV, plant.

Nixon was a technical consultant and medical technologist. She has been a volunteer for the WVDEP. She also serves on an EPA accident prevention subcommittee and a national public advisory committee for the Chemical Manufacturers Assoc. She is a member of the Kanawha Putnam Emergency Planning Committee.

NICS evaluates California ordinances

NICS has started a project to review existing and proposed industrial safety laws for the Contra Costa County Health Services Dept. (CCCHSD) in California.

Led by President Mark Scott, a three-member team will evaluate:

- The ability of the proposed ordinance to improve industrial and community health and safety, and
- The county's ability to enforce the ordinance.

Other team members are Jan R. Taylor, Ph.D., NICS vice president and project manager, and Peter Howell, P.E., a consultant and part-time NICS employee.

The team will gather data from county officials. Seven community meetings will be held to hear general public views. Individual meetings will also be held with industry, labor and environmentalists.

The project will end with a presentation to the CCCHSD board of supervisors.

Coal industry learns of toxic release rules

NICS has provided training for coal industry representatives about EPA reporting requirements for releases of toxic chemicals unique to that industry. Jan Taylor, Ph.D., and Laura Chevalier, P.E., conducted the class for NICS at Flatwoods, WV.

The coal industry will have to report toxic release data for the first time in July 1999.

Ms. Chevalier demonstrated EPA's software for completing the TRI reports.

She is currently developing a handbook that provides guid-

ance on how to report toxic chemical releases for coal mining facilities.

NICS promotes shelter-in-place at open house



NICS' shelter-in-place video was a popular item for visitors at a Rhone Poulenc open house at its Institute plant. Here, President Mark Scott tells a visitor to the NICS information booth about the video.

The Saturday event gave visitors a chance to learn more about the company's health, safety and environmental program. About 1,800 visitors included plant employees, their families, retirees and invited guests.

15 become Licensed Remediation Specialists

The West Virginia Division of Environmental Protection (WVDEP) awarded certificates to 15 new Licensed Remediation Specialists in September. They join 39 others previously licensed.

The specialists are responsible for cleanup work on property being redeveloped after being contaminated by previous owners. The work takes place under West Virginia's Voluntary Remediation and Redevelopment Law, also known as the Brownfields law.

NICS developed the LRS exam under contract from the WVDEP. NICS evaluates candidates, gives the exam and certifies successful candidates to the WVDEP.

Issues Aired At Environmental Conference

Views on removing mountain tops to mine coal and other issues were aired at the 1998 West Virginia Conference on the Environment held Oct. 15 in Charleston.

Conferees also heard about the need for adequate funding for the Office of Water Quality in the WV Division of Environmental Protection.

Panelists presented their views on the Kyoto agreement that set greenhouse gas emission standards for industrialized and non-industrialized nations.

Dr. Paul Hill, former NICS president and now chairman of the federal chemical safety board, reviewed his agency's approach to accident investigations.

Climatologist Dr. Brent Yarnal of Pennsylvania State University, told the audience that the effects of air pollution may not be noticed until decades after the pollution occurs.

Two projects have provided a forum for public-industry cooperation on chemical accident prevention and response preparedness in the Kanawha Valley.

In 1994, 14 Kanawha Valley chemical plants, prodded by community activists, disclosed their worst-case leak examples for three chemicals. They did the same with "more-probable" examples.

They also discussed a five-year history of accidental chemical releases and explained accident prevention efforts.

About 800 emergency planners and responders, public advocates and others from around the nation and world took part in the bold disclosure exercise called

Safety Street - Managing Our Risk Together. It was an event ahead of its time.

The Kanawha Putnam Emergency Planning Committee sponsored *Safety Street*. NICS took a leadership role in providing staff, technical knowledge and organiza-

Safety Street helped federal officials write the final rules that took effect in 1996.

Safety Street inspired a follow up project, the Community Emergency Response Evaluation Group, or CEREG. With the local emergency planning committee,

NICS and various groups launched the two-year CEREG project.

CEREG's goal was to evaluate local response capabilities for "more-probable" accidents as discussed at *Safety Street*. Emergency responders, communities and industry pro-

vided data. Results have been given to communities and to the KPEPC for committees to implement. nn

Two projects foster public, industry cooperation on emergency planning
Information-sharing, response-evaluation projects gave all parties a chance to express views

tional skills.

Federal rules for companies to use in writing risk management plans were not complete at the time. Experience from

Senator sees improved relations between public, industry

At a recent meeting, West Virginia State Senator Jack R. Buckalew made the following unsolicited comments to NICS News about relations between the public and Kanawha Valley chemical industry. Senator Buckalew's perspective includes 24 years as an officer and 4 years as superintendent of the West Virginia State Police. He served in the Senate from 1994 through 1998.

Communication between the chemical plants and citizens over the last several years has improved very much.

I can remember one time in the Valley when the plants were all fenced. They were secret. Nobody knew what went on inside or what didn't go on inside. I think it's natural if you don't know and understand, you fear the unknown to some degree.

That atmosphere has totally changed. Now the plants are open for the most part, and they invite the public

in occasionally to look around. Their philosophy now is "We don't hide anything from the public, that the plant's safe, it's safe for them to come in and take a look at it." They operate on that philosophy.

COMMENTARY
by West Virginia State Senator Jack R. Buckalew

They have tours and they have citizen groups that advise them. In those citizen group meetings, people from the plants come out, make presentations about what they do and how they do it. I think the communication between the two is much, much improved. As a result, the animosity there may have been at one time is disappearing.

Rhone Poulenc has asked a group of retirees to come in and make a kind of

advisory board. They meet on a monthly basis. The retirees make comments about things the plant needs to do or doesn't need to do.

I have attended some of these meetings. Just yesterday morning at breakfast the retiree advisory board said for the plants to invite members of the legislature to this breakfast. As a result, they have agreed to meet on a regular basis, including legislators.

They are in the process of preparing a resource list of those retirees that if I, as a senator, need to have a question answered about air quality or chemicals, then I can go to that source, call them, ask them and get a response.

That is quite helpful to me as a legislator. One of the biggest problems being a person who has to decide on public policy is not having all the information or not having accurate information. You really need a resource you can depend on for good, complete, accurate information. nn

Planning group quarterback's effort to protect public when chemicals leak

Agency's roots go back to 1950s program for emergency planning

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The Kanawha Putnam Emergency Planning Committee (KPEPC) doesn't use signals like these, but it does call the plays when it comes to emergency planning.

The KPEPC is the quarterback for a team of fire departments, police departments, medical services and chemical plants along the Kanawha River Valley in Kanawha and Putnam counties. Those who know the emergency planning business say the KPEPC is one of the most active units in the country.

The KPEPC's main job is to plan how emergency response units will manage chemical emergencies and then train the fire, police and medical units to carry out the plans. Another duty is to educate the public about emergency preparedness.

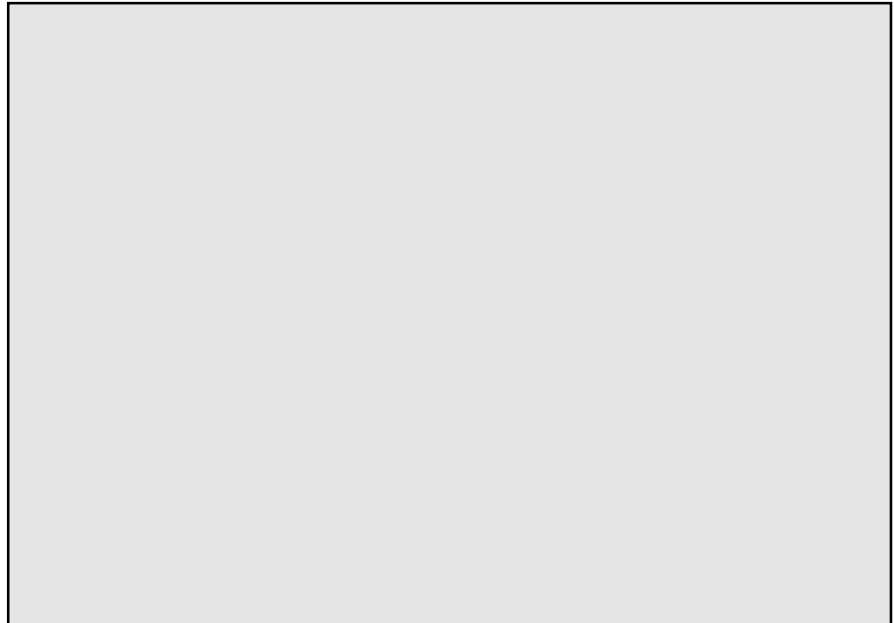
Everyone involved places a high value on cooperation, information sharing and involvement of interested stakeholders.

The State Emergency Response Commission appoints members of the KPEPC. The state commission is required by the federal Emergency Planning and Community Right to Know Act of 1986. All but 13 WV counties have local emergency planning committees like the KPEPC.

The KPEPC was formed in September 1987. However, the concept goes back to the 1950s when the Kanawha Valley Emergency Planning Council was formed for purposes similar to those of the KPEPC. The two organizations merged in 1995.

Because of their roots in federal law, local emergency planning committees (LEPCs) have some clout in getting information from chemical companies. It was the KPEPC, responding to activist Pam Nixon's request for information about hazardous chemicals, that led to *Safety Street - Managing Our Risk Together* in 1994.

There the chemical firms disclosed their



The KPEPC and emergency response units have to be ready to meet emergencies where they occur, on a highway, along a railroad track or near a chemical plant gate. They could

encounter an accident such as this one that happened near Pittsburgh's airport when a tank truck overturned and spilled chemicals into a parking lot.

worst-case examples of hazardous chemical leaks while about 800 attendees at the two-day event watched and listened intently. It was a bold exercise since federal rules on such disclosures had not been completed.

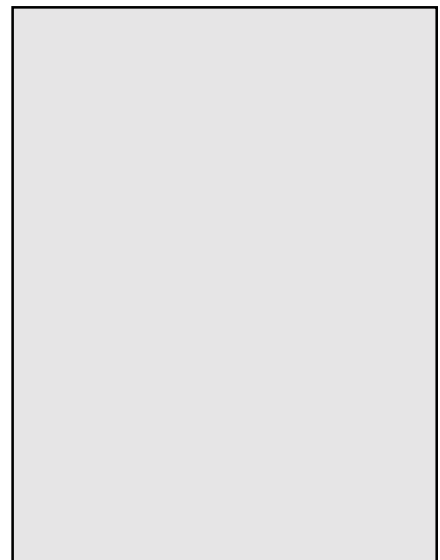
The KPEPC expects 30 to 40 organizations in the two counties to file risk management plans. The number includes 10 chemical plants.

The KPEPC will get a copy of each plan filed. The plans will be used to map out emergency responses to possible hazardous chemical leaks.

With 120 members, the KPEPC meets once a month. Typically, 60 to 70 members and guests attend to hear speakers and committee reports. Funding comes from local chemical companies, member contributions and grants.

J.R. Bias, a former West Virginia State Police official, serves as the KPEPC's part-time director. Dr. Elizabeth J. Scharman, director of the West Virginia Poison Con-

trol Center, is the current chair.
nn



For over 30 years, the KPEPC has helped train fire, police and other groups that respond to chemical emergencies.

Steps you take to prevent pollution today will help preserve the earth for tomorrow

The following commentary is based on a talk given at the 1998 West Virginia Environmental Conference. NICS has long supported pollution prevention measures.

-- Editor.

by Ty Lollini
*Environmental, Health and Safety
 Coordinator
 Wheeling-Nisshin*

What exactly is sustainable development and how does it relate to pollution prevention, also known as P²?

The two definitions I like are:

(1) A process of social change in which the population can be maintained into the indefinite future without degrading...the environment.

(2) Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

P² means reducing or eliminating the creation of pollutants.

To study sustainable development along with P², you have to know where you've been to know where you're going.

The concept of sustainable development is starting to change world thinking, especially how our actions today will affect future generations.

If we had lived sustainably in the past, then would we need to be discussing these concepts?

Our society has not thought about how our actions can, will and do affect future generations. At the most, we might look at our children's and our grandchildren's future.

The issues we face today have their roots in the past. During *homo sapiens'* first 60,000 years on earth, we were hunter-

gatherers and survived by knowing our natural surroundings. Hunter-gatherers improved their tools and hunting practices and increasingly harmed the environment.

Some 10,000-12,000 years ago the Agricultural Revolution started replacing the hunter-gatherer culture. The shift to farming had several effects:

(1) By using domesticated animals, farmers increased their ability to expand agricultural production;

(2) Birth rates rose faster than death rates;

(3) People began accumulating material goods, and

(4) Urbanization occurred.

Farmers' need for more food, wood, fuel and housing started ecological degradation.

"Society is now faced with choosing between two roads. One leads to continued environmental degradation. The other leads to sustainable development."

With the next cultural change, the Industrial Revolution, per capita energy consumption multiplied. With the energy, humans had the power to shape the earth and fuel economic growth.

Those benefits of an industrialized society led to the resource and environmental problems we face today.

In *Tragedy of the Commons*, biologist Garrett Hardin summarized my points. He said each user reasons "If I don't use this resource, someone else will. The little bit I use or pollute is not enough to matter."

After many years of "fouling our own nest," we are positioned to accept sustainable development as the next revolution. It will affect developed and developing countries who want to share in the

wealth without paying a price of pollution prevention.

Understanding the past has given us the foundation from which to examine both sustainable development and pollution prevention.

Sustainable development says we will develop and not compromise future generations from meeting their own needs.

Society is now faced with choosing between two roads. One leads to continued environmental degradation. The other leads to sustainable development.

The second road, and, along with it, pollution prevention, will make all the difference. The gains we make by initiating and maintaining P² will aid society in sustainable development.

The benefits of minimizing or eliminating waste will be:

- Conservation of raw material;
- Reduction of waste disposal cost;
- Reduced environmental liability;
- Increased efficiency;
- Improved corporate image, and
- Sustainable development.

I am not a scientist nor am I an attorney or a regulator. I am a father of four children who wants them to have a future based on sustainability. nn

Reaction, cont. from p. 2

■ Citizens speak their minds freely at regular meetings with industry officials. Plant managers share information and answer questions at the meetings. Nonetheless, information sharing is still a basic issue with public groups.

■ The public supports the industry because of its economic impact on the area. Newcomers are less supportive than those who grew up in the area.

Nationally, public reaction to worst-case accident examples may be different next year than it was in the Kanawha Valley in 1994. Many more companies in more communities will have to make worst-case examples available to the public.

Most likely, though, if the Kanawha Valley experience is any indication, all will agree that the nation is better off with risk management planning than without it. nn

National Town Meeting
 for a Sustainable America

May 2-5, 1999

Detroit

For information: 1-888-333-6878

Include all parties to resolve issues

“They could learn something from the chemical industry.”

A member of the Institute Community Safety Assessment Committee made that comment at a recent meeting. The comment referred to the controversy between the coal industry and environmentalists over the issue of mountain top removal for mining coal in West Virginia.

The speaker was referring to the cooperative relationship between the public and Kanawha Valley chemical plants that has

Commentary

by **Mark A. Scott**
President

developed in the last few years. Through regular meetings, such as the CSA, the relationship allows all sides to express their views on an issue. More importantly, it allows them to resolve issues that affect many stakeholders, not just the stockholders.

NICS advocates a collaborative approach to resolving differences on

public issues. For years, we have encouraged and supported forums in which chemical plants and their neighbors address matters of concern to both sides. When people talk, positive things can happen. When they don't talk, issues can drag on, mistrust is created, and problems don't get solved.

The inclusive approach to issue resolution has proved its value over the years in dealing with difficult issues of chemicals in our communities. It should be considered in all areas of public concern. nn

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