

**Attorneys General of New York, Pennsylvania, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, New Jersey, Oregon, Rhode Island, Vermont, and Washington**

October 28, 2019

Letter submitted via email: [docket\\_oms@epa.gov](mailto:docket_oms@epa.gov) and [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov)

Andrew Wheeler, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

**Re: Docket ID EPA-HQ-OEM-2015-0725; RIN 2050-AG95  
Submission of U.S. Chemical Safety Board Report on Philadelphia Energy  
Solutions Refinery Accident**

Dear Administrator Wheeler:

The undersigned Attorneys General hereby submit the U.S. Chemical Safety Board's (CSB) preliminary investigation results, dated October 16, 2019, regarding the explosions and fire at the Philadelphia Energy Solutions (PES) Refinery.<sup>1</sup> We cited the PES accident, which occurred in June 2019, in our supplemental comments dated August 20, 2019, as further evidence that EPA should abandon its proposed rollback of the Accident Prevention Amendments.<sup>2</sup>

In our supplemental comments, we noted that it was uncertain at the time whether any of the highly dangerous hydrofluoric acid had been released during the explosion. The CSB's report states that in a mere two minutes, *over two tons* of hydrofluoric acid – a chemical that is immediately dangerous to life or health *at 30 parts per million* – were released from a broken pipe during the accident, forming a ground-hugging vapor cloud that ultimately triggered the explosions at the refinery. The CSB findings make clear that PES and the City of Philadelphia avoided catastrophic loss of life by the narrowest of margins and further underscore the need for EPA to implement the aspects of the Accident Prevention Amendments requiring better coordination with emergency responders, improved incident investigations, third-party auditing, and safer technology and alternatives analysis. *See* Supp. Comments at 15-17.

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<sup>1</sup> A summary report and links to the Preliminary Animation of the June 2019 incident is available at: <https://www.csb.gov/chemical-safety-board-releases-factual-update-and-new-animation-detailing-the-events-of-the-massive-explosion-and-fire-at-the-pes-refinery-in-philadelphia-pa/>.

<sup>2</sup> Letter from Attorneys General of New York, Pennsylvania, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington to EPA Docket Center (Aug. 20, 2019) (Supp. Comments); posted August 21, 2019 at: <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-1998>.

We request pursuant to Clean Air Act section 307(d)(4)(B)(i) that EPA add this letter and the CSB report to the rulemaking record.<sup>3</sup> See 42 U.S.C. § 7607(d)(4)(B)(i) (“All documents which become available after the proposed rule has been published and which the Administrator determines are of central relevance to the rulemaking shall be placed in the docket as soon as possible after their availability.”).

Respectfully submitted,

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<sup>3</sup> Because this rule is under review by the Office of Management and Budget (OMB) pursuant to Executive Order 12,866, we are also submitting a copy to OMB’s Office of Information and Regulatory Affairs.

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Cc: Paul Ray, Acting Administrator  
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