

February 12, 2014

The Honorable Rafael Moure-Eraso
Chairman
U.S. Chemical Safety Board
2175 K Street NW
Washington, DC 20037

Dear Chairman Moure-Eraso,

The National Association of Chemical Distributors (NACD) appreciates the U.S. Chemical Safety Board's (CSB)'s dedication and professionalism in investigating industrial chemical accidents. We agree with the CSB that the safety and security of our facilities, employees, and communities is paramount.

Since 1991, NACD members have implemented Responsible Distribution, a third party independently verified code of practice that promotes continuous improvement in environment, health, safety and security, and is mandatory for membership in the association. Under this program, the safety record of NACD members is twice as good as that of all manufacturing combined.

While NACD shares your goal of minimizing chemical accidents, we disagree with the approach you recently articulated, stating that "the use of inherently safer technology (IST) is the most effective approach to preventing major chemical accidents." Mandating IST, a vague and undefined term, is impractical and would significantly increase the potential for unintended consequences.

Specifically:

- No external entity can properly gauge which chemicals should be used in products in real time. Supply-chain disruptions require manufacturers to make minor, immediate product adjustments. An outside agency cannot properly address the broad range of factors such as risk-shifting, technical efficacy, cost, and product quality that a manufacturer must evaluate.
- Requiring manufacturers to hold smaller quantities of hazardous materials on site would exhaust their limited inventories faster. Distributors would need to deliver hazardous chemicals to these facilities more frequently, thereby significantly increasing the number of miles driven over public roadways to deliver the same amount of product and ultimately increasing risk.
- Many incidents are the result of failure to comply with existing regulations. Adding a new, sweeping requirement such as IST would penalize companies that already comply. A better approach is more consistent enforcement of existing regulations and compliance assistance.
- Facilities already have strong incentives to adopt safer alternatives. For instance, meeting the obligations of the Chemical Facility Anti-Terrorism Standards has already provided incentive to optimize facilities' hazard profiles, thereby reducing hazard without impeding commerce.

NACD remains steadfast in its commitment to safety through Responsible Distribution. Sweeping new regulations would not enhance chemical facility safety. Regulators should improve enforcement of and compliance with existing regulations, which will enhance safety without disrupting commerce.

Sincerely,

A handwritten signature in black ink on a light blue grid background. The signature is stylized and appears to read "Eric R. Byer".

Eric R. Byer
President

cc: The Honorable Mark Griffon, Member of Chemical Safety Board
The Honorable Beth Rosenberg, Member of Chemical Safety Board
The Honorable Gina McCarthy, Administrator, Environmental Protection Agency