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Testimony of Verne Rosse, Deputy Administrator, Nevada
Division of
Environmental Protection on SB 67 (Chemical Accident Prevention
Program)

Before Senate Natural Resources Committee

March 3, 2003

Good afternoon, Mr. Chairman and Natural Resource Committee members, my name is Verne Rosse. I am the Deputy Administrator of the Nevada Division of Environmental Protection.

Senate Bill 67 is the result of the investigations conducted by the interim Subcommittee on Industrial Explosions. The purpose of the Subcommittee was to investigate the incidents at Aero Tech in Clark County and Depressurized Technologies in Douglas County and to provide recommendations to this session of the Legislature for any necessary legislation to improve the regulation highly hazardous substances.

The Division of Environmental Protection participated in the Subcommittee meetings and recommended this proposed legislation (SB 67). This Bill clarifies the Chemical Accident Prevention program requirements and unifies program processes by moving the technical requirements for conducting risk assessments from statute to regulation. The Chemical Catastrophe Prevention Act, passed in 1991, requires facilities with regulated toxic substances to register with the Division, and follow a process prescribed in statute to assess potential risks of chemical accident and develop extensive plans to abate identified hazards. In 1997, the statute was amended to provide the

Division with authority to adopt the necessary regulations and seek delegation for implementing the requirements of the federal Risk Management Program, promulgated under authority of the Clean Air Act Amendments of 1990. Extensive regulations have been adopted to implement these requirements, resulting in two similar yet distinct processes, one prescribed in statute by the original law and one in regulations. In 1999, a permitting requirement for new facilities was added to State statute and again regulations have been adopted to implement this requirement. Although these various amendments have strengthened the original law, they have also added confusing and duplicative requirements that are difficult to administer. Removing technical detail from the statute would help to harmonize program requirements and allow the Division staff and regulated facilities to focus on implementing an effective safety program, rather than expend staff time on cumbersome administrative requirements.

The Subcommittee also has proposed penalties for violations resulting in bodily harm. (Section 14.)

In conclusion, we believe that this Bill will further the prevention of accidental releases of hazardous substances and assist the regulated community in knowing how to comply with the program.

If you have questions, I would be happy to answer them.