ASSOCIATION OF METROPOLITAN WATER AGENCIES

LEADERS IN WATER

1620 I Street, NW, Suite 500
Washington, DC 20006

P 202.331.2820 F 202.785.1845
amwa.net

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Docket ID: EPA-HQ-OEM-2014-0328

Re: AMWA comments on potential regulatory changes to EPA's Risk Management Program (RMP), as authorized by Section 112(r) of the Clean Air Act.

The Association of Metropolitan Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the U.S., and together the membership serves drinking water to over 130 million people from Alaska to Puerto Rico.

As holders of certain chemicals, many water systems are required to develop and file a risk management plan with EPA under Section 112(r) of the Clean Air Act. EPA's RFI addresses several issues that, if changed, would present challenges and additional burdens to water systems without corresponding risk reductions. Further rationales and information in support of AMWA's positions regarding these issues are presented in responses to particular RFI questions that follow.

Thank you for the opportunity to comment. If there are any questions about the attached comments, please direct them to Scott Biernat, AMWA's Director of Regulatory Affairs at 202-331-2820 or biernat@amwa.net.

Sincerely,

Diane VanDe Hei
Executive Director

Association of Metropolitan Water Agencies (AMWA)
Comments on potential regulatory changes to EPA's Risk Management Program (RMP), as authorized by Section 112(r) of the Clean Air Act.

On July 31, U.S. EPA published a *Federal Register* request for information (RFI) on potential regulatory changes to EPA's Risk Management Program (RMP), as authorized by Section 112(r) of the Clean Air Act (CAA). The law requires holders of certain chemicals – including many water systems that use gaseous chlorine or anhydrous ammonia – to develop and file with EPA a risk management plan that outlines safety and security measures and responses, while also tasking these facilities with a "general duty" to prevent the accidental release of covered chemicals.

The RFI requests stakeholder comment on numerous aspects of the RMP, but AMWA would like to focus on four sections in particular that directly relate to drinking water facilities. These sections seek feedback on whether EPA should require covered facilities to further evaluate or implement "inherently safer technologies" (IST), whether water systems currently covered by the "Program 2" level of RMP oversight should be automatically reassigned to "Program 3," whether RMP-covered facilities should publicly post or share RMP-related information, and whether NAICS-classes of facilities that most frequently report chemical incidents should automatically be subject to "Program 3" oversight.

Consistent with our historical position on the issue, AMWA does not think EPA should impose any IST review or implementation requirements on water systems subject to the RMP. Additionally, EPA should not automatically reclassify "Program 2" drinking water facilities into "Program 3," nor should EPA place all water facilities in "Program 3" simply because of the absolute number of chemical incidents reported at water and irrigation systems over a period of years. Finally, AMWA believes that widely publicizing information about chemical names and quantities stored at particular RMP-covered facilities could present severe security risks and serve as a roadmap for those who may wish to do harm to the facility and the surrounding community. Below are AMWA's responses to specific questions on these subjects posed in the RFI.

Selected Questions Regarding "Safer Technology and Alternatives Analysis"

a. *Should EPA require a safer alternatives options analysis either as a new prevention program element, as part of the existing PHA/Hazard Review element, or as a separate new requirement under CAA section 112(r)?*

   A broad EPA requirement for all facilities subject to CAA section 112(r) to analyze IST options would leave many water utilities considering unworkable approaches, either from cost, practicality, health or public safety standpoints. EPA therefore should not attempt to impose an IST review or analysis requirements through section 112(r). Also, because there is no consensus understanding of what methods or processes may constitute an "inherently safer technology" for a particular water facility, it would be impossible for

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EPA to develop consensus definitions that could widely and meaningfully apply to water facilities across the country.

AMWA does not believe that an IST mandate for drinking water utilities through section 112(r) could appropriately capture the variety of contingencies water utilities must consider when choosing a treatment chemical. Because section 112(r) focuses on preventing an accidental chemical release, any EPA definition of a "safer" chemical alternative would presumably center on this objective. But a comprehensive consideration of "safer" technology from a water service point of view would also have to take into account the safety, health and other trade-offs for water consumers who are located some distance away from the water treatment facility, as well as inhabitants of surrounding communities beyond the immediate potential release impact area. Water utilities would also need to be sure that an alternate treatment method would fully comply with the statutory and regulatory requirements of the Safe Drinking Water Act.

Any requirement for water facilities to consider or carry out replacement of a covered chemical with an IST alternative could also create unintended consequences incompatible with EPA's mandate under section 112(r). Through section 112(r), Congress granted EPA regulatory authority over a facility's storage of covered chemicals, but only when the facility possesses the chemical in a quantity that exceeds a defined threshold quantity. An EPA directive based on section 112(r) to replace or eliminate inventories of a covered chemical, however, could drive a water utility to simply reduce inventories below the threshold amount – after which point the facility's storage of the chemical would no longer be subject to section 112(r) oversight. If this is the result of an IST mandate via section 112(r), it is difficult to see how the policy would lead to a more robust chemical security stature overall.

For example, under normal operating conditions, maintaining smaller chemical inventories that would not be subject to 112(r) oversight would require much more frequent deliveries (especially at larger facilities) that would result in a related cumulative increase in public safety risk related to those deliveries. Such frequent delivery schedules could also be much more susceptible to potential supply chain disruptions during normal operations. During a disaster, the disruption of road and other transportation networks poses an immediate risk to public health that must be considered if small, rotating chemical inventories cannot be replenished in a timely manner.

b. *How should safer alternatives be defined if it were to be a requirement under CAA section 112(r) regulations? What specifically should a safer alternatives analysis require and how would this differ from what is already required under other provisions of the RMP?*

For reasons previously stated, AMWA does not believe that mandated IST reviews or implementation is an appropriate use of EPA authority under section 112(r).

c. *How should industries determine if a safer alternative exists for their particular process? What safer alternative chemicals are available for the listed RMP chemicals and for ammonium nitrate?*

When evaluating potential changes to drinking water treatment chemicals and processes, utility experts must consider a number of factors including: security risk tradeoffs; local ambient water quality; interactions with co-occurring constituents; generation of unintended treatment byproducts and the resulting public health implications; supply chain reliability; fiscal and economic impacts; implications for regulatory compliance with other statutes such as the Safe Drinking Water Act (SDWA) or Clean Water Act (CWA); and other factors that may not be readily apparent to those unfamiliar with the complex operations of an individual water utility.

d. *What should facilities consider when determining if such technologies, when identified, are effective, available, and economically justified for their particular process or facility? Can the RMP national database, Lessons Learned Information System or other federal databases be structured to promote the exchange of information both within industry and with other stakeholders on potentially safer technologies?*

Finished water quality, public health consequences, security risk tradeoffs or shifts, costs (including capital, operations and maintenance, and costs to ratepayers), treatment byproducts, energy consumption, corrosion control impacts, reliability of inventories in the event of a supply chain disruption, and SDWA compliance are among the many factors that water utility managers must consider when evaluating the promise of a new technology as a replacement for an existing drinking water treatment chemical or process. Additionally, a water utility would have to consider the need to obtain SDWA primacy agency approval before moving ahead with treatment changes, and some pilot testing of the alternatives might be required to optimize water treatment and water quality and to meet all other SDWA water quality requirements.

New or existing federal information sharing databases (presuming their contents are adequately shielded from public disclosure) could serve as appropriate venues for utility professionals to share information about their experiences in evaluating and/or implementing different processes and help inform future (voluntary) utility decisions on IST implementation.

e. *If EPA were to require facilities to undertake an evaluation of the potential to incorporate safer alternatives, what minimum criteria should this evaluation be required to meet? How would the evaluation determine if a particular alternative is feasible, cost effective and results in less risk? What requirements or incentives, if any, should there be for implementation of identified safer alternatives? How should any such requirements be structured and enforced?*

For reasons previously stated, any requirement or incentive seeking to encourage the adoption of an IST would be wholly inappropriate, as certain ISTs may not represent workable options for drinking water utilities based on their unique circumstances. Any policy to require or incentivize a particular IST would therefore disadvantage a water system that is unable to utilize that IST for any reason. A requirement or incentive could lead a water system to implement an imperfect IST, thereby putting its customers at risk of reduced water quality, increased health risks or security risks shifted elsewhere.

f. *Should EPA require facilities to use a safer alternatives evaluation method such as the CCPS*

Inherently Safer Technology Checklist?

For reasons previously stated, AMWA does not believe that mandated IST reviews or implementation is an appropriate use of EPA authority under section 112(r).

g. *How should EPA and facilities address the risk tradeoffs that could result when changing a process to incorporate safer alternatives?*

Numerous risk-tradeoffs may come into play when a water utility changes drinking water treatment chemicals, and local utility experts must consider each of these when deciding whether an alternate chemical may be appropriate. When contemplating a change away from gaseous chlorine disinfection, for example, risks to the public that must be considered include possible accidents and spills involving more frequent truck shipments for replacement chemicals, effects of saline byproduct discharges into regional waters, the potential for increased levels of contaminants such as perchlorate in finished water, and supply chain breakdowns that could leave a utility that stores smaller amounts of disinfection chemicals on-site unable to adequately treat water until the supply chain is restored. In the context of natural disasters – ranging from hurricanes to earthquakes – that could affect communities, water utility managers must ensure they keep adequate levels of treatment chemicals on-site to cover any delivery gaps that may follow such an event.

The best way to address these risk tradeoffs is for utilities to study them closely before making any decision to change treatment methods or processes – and building contingency plans to address these tradeoffs in the event an alternate treatment process is chosen. This decision must be made by local officials who are familiar with the needs and infrastructure of their own communities – and not by distant federal officials who do not have the benefits of this local knowledge.

h. *Should EPA consider requirements similar to those used by the State of New Jersey or Contra Costa County, California, and if so, why? What have been the benefits of such programs in risk reduction or process safety for the facilities covered under these requirements? What have been the limitations or drawbacks of these programs?*

For reasons previously stated, AMWA does not believe that mandated IST reviews or implementation is an appropriate use of EPA authority under section 112(r).

i. *If EPA were to develop regulatory requirements for safer alternatives, which facilities should be subject to those requirements? Should all RMP facilities be subject to such requirements, or only "high risk" facilities, such as refineries and large chemical plants? How would "high risk" be defined? Are there particular processes or chemicals that should be targeted or prioritized for implementation of such requirements?*

Drinking water treatment systems, because of their unique role as public health stewards, should be exempt from any regulatory requirement to consider or implement IST methods through section 112(r). Water utility managers select the most appropriate water treatment methods based on a variety of factors, but most importantly which chemical will most effectively make water safe for public consumption and achieve compliance

with the requirements of the SDWA. Allowing federal officials to second-guess these local decisions – with a focus on minimizing potential terror attack consequences off-site, rather than ensuring the appropriate treatment and safety of drinking water – could lead to inadequately treated water and even detriments to public health. Utilities could also then be held responsible under the SDWA for improperly treating their water supplies – even if the decision on the appropriate treatment method was taken out of their hands.

j. What barriers exist for industry to adopt safer alternatives? What incentives can be used by government to have facilities implement safer alternatives? Should the Agency provide special recognition to companies that implement safer alternatives?

Risk tradeoffs that include, but are not limited to, factors such changes to finished water quality, compliance with SDWA standards, creation of new byproducts that require proper disposal, cost considerations, supply chain concerns, and facility storage space may all serve as potential barriers to the adoption of an IST by a given water facility, though different facilities will each face their own unique challenges and barriers.

While AMWA would welcome federal financial assistance to offset costs incurred by utilities that have independently and voluntarily decided to explore or adopt an alternate treatment chemical, in general we do not believe it would be appropriate for the federal government to otherwise incentivize the adoption of any IST by water systems. Incentivizing IST adoption would carry the implication that a conversion to an IST is by default the "correct" conclusion that a water utility should reach when completing its own analysis, and that offering incentives to utilities will make them reach this conclusion.

The reality of considering changes to treatment chemicals is much more complicated, and while many water utilities have successfully and voluntarily adopted an IST in recent years, many others have also evaluated their present situation and determined that continuing with their present treatment process is their most appropriate course of action. Any incentives or "special recognition" that attempts to reward utilities for making one decision or another about an IST would be ill-advised and fail to recognize the complex local factors that contribute to each decision.

k. What are other options (other than regulatory requirements) exist to encourage facilities to investigate, develop or implement safer alternatives and how can EPA further these efforts?

While AMWA does not advise new regulatory requirements to force water systems to review or implement an IST, EPA could facilitate information sharing among different water systems about their experiences in evaluating and (when appropriate) adopting alternate water treatment chemicals and processes. This will expand the water sector's knowledge about various available options, and give local professionals more information to work with when evaluating how any given technology might or might not be appropriate for their utility.

l. If RMP facilities are required to perform safer alternative options analyses and implementation plans, should EPA require that the analyses and/or implementation plans be submitted to the Agency? Should EPA have any role in approving such analyses or plans? In lieu of an approval,

can EPA promote safer alternatives through reporting and the dissemination of information on potentially applicable practices?

Again, AMWA does not believe that mandated IST reviews or implementation is an appropriate use of EPA authority under section 112(r).

But in general, any IST review by a water system would be unique to the profile and circumstances of that water system, so there would be little value in requiring water systems to submit any such evaluation to EPA for review or approval. It would be inappropriate (and we believe beyond the bounds of EPA's section 112(r) authority) for the agency to approve or deny each analysis from a local water utility, and it is uncertain whether the agency even has the capacity to collect, review, and store thousands of analyses from water utilities across the country – not to mention thousands of other analyses that could come from non-water-sector facilities subject to section 112(r). We also have practical concerns about EPA using the CAA to approve or deny water treatment processes that must be maintained to achieve compliance with separate SDWA requirements.

Moreover, an IST analysis could serve as a roadmap for terrorists and criminals to learn about vulnerabilities of water system security defenses, so every effort must be made to protect these sensitive documents from public disclosure. Producing multiple copies of these documents and distributing them to federal officials would only expand the opportunities for a release of this information – either accidentally or through a public disclosure request.

In the event that a water utility ever does share an IST analysis with EPA, before it occurs rules must be in place to guarantee the analysis is protected from disclosure under the federal Freedom of Information Act or any corresponding state or local statutes. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, which required water systems to develop and share with EPA vulnerability assessments for their facilities, prohibited the federal government from releasing any enclosed information under FOIA. Identical protections should be in place to protect any shared IST analysis as well.

m. *If RMP facilities are required to consider safer alternative options, what role should local communities have in these analyses? Should facilities be required to disclose these analyses or recommendations resulting from such analyses to local authorities or the public prior to the selection of options? Are there any other disclosure options that will ensure that decisions on implementing safer technologies are made with transparency? Are there any means of oversight other than disclosure that would ensure that safer alternatives analyses are thorough and implementation decisions are appropriate?*

Local water utility managers across the country work with local officials and the public to determine the best and most appropriate water treatment methods for their communities based on a variety of locally unique factors. Each community has developed its own method for carrying out this cooperative relationship, and the same should occur when utilities consider potential IST options. What is not needed is a federal mandate that

dictates precisely how and when water utility managers and community representatives confer about treatment options.

n. *What would be the economic impacts of requiring facilities to analyze safer alternative options? Are there any special circumstances involving small entities that EPA should consider?*

Many drinking water utilities across the country have in the past looked at opportunities to replace their use of certain hazardous chemicals with an alternative. For example, a 2008 survey of AMWA members found that about sixty-five percent of respondents had considered adopting an alternate disinfectant chemical within the previous five years. But the economic impacts of broadly mandating a similar analysis by utilities nationwide would largely depend on the scope of the analysis that would be required. If utilities were simply instructed to consider whether an alternative might be appropriate for them, the costs could be relatively small. But if this analysis were required to include numerous prescribed steps, calculations and justifications for subsequent decisions, then costs could quickly escalate beyond what is reasonable and affordable.

AMWA continues to believe that such a mandate from EPA (aside from not being an appropriate use of EPA's section 112(r) authority) is unnecessary for the drinking water sector because so many utilities have already taken action to evaluate and adopt, where possible, alternate treatment (particularly disinfection) methods. AMWA's same 2008 survey found that 46 percent of respondents had actually adopted an alternate disinfectant within the previous five years – demonstrating the water utility community's willingness to make these chemical substitutions without government prompting, as long as doing so is feasible and does not interfere with their primary responsibility of delivering clean and safe drinking water to the public.

Selected Questions Regarding Effects of OSHA PSM Coverage on RMP Applicability

1. *Do you operate a water or wastewater treatment plant that is subject to the RMP regulation? If so, what level of accident prevention requirements do you believe are warranted for such facilities? If you operate a Program 2 process at a water or wastewater treatment plant, how much additional burden would be involved in implementing the additional RMP elements required for Program 3 processes?*

Depending on whether their state has a delegated OSHA program, drinking water utilities that are subject to the RMP regulation must meet the requirements of either Program 2 or Program 3. Public utilities in states that do not have federally delegated, state-run OSHA programs generally fall into Program 2, while utilities with such state-run programs are classified in Program 3. Moving all Program 2 water systems to Program 3 would require these facilities to meet new reporting standards for the first time, and would represent a significant burden on water systems not previously required by their state to meet the OSHA PSM standard.

We believe Program 2 represents an appropriate level of accident prevention requirements for water systems that are not otherwise required to meet OSHA (and thus

Program 3) requirements. EPA's RMP Guidance equates Program 2 with "the basic elements that are the foundation of sound prevention practices" (safety information, hazard review, operating procedures, training, maintenance, compliance audits, and incident investigation) and explains that Program 2 requires "substantially less documentation and record keeping responsibilities" than is required under Program 3.[1]

Other than suggesting some preference for requiring all water systems nationwide to meet the same reporting standard, EPA's RFI includes no information on what potential safety and security benefits would result from imposing these new documentation and record keeping requirements on water systems that are in states without state-run OSHA programs.

2. *Should RMP-covered municipal water and wastewater plants that are not eligible for Program 1 always be subject to RMP Program 3, regardless of whether or not they are located in a state with a Federally-delegated OSHA program? Why or why not?*

Publicly-owned water treatment facilities that are not currently subject to RMP Program 3 should not be made subject to Program 3 simply because other water facilities in states that have federally-delegated state-run OSHA programs are separately subject to Program 3.

According to the Department of Labor, 25 states (plus Puerto Rico and the U.S. Virgin Islands) currently operate OSHA-approved state plans that cover public employees.[2] Publicly owned water facilities in these states are therefore subject to Program 3 when they do not otherwise qualify for Program 1.

Chapter 2 of EPA's RMP Guidance explains, "EPA placed all covered OSHA PSM processes in Program 3 to eliminate the possibility of imposing overlapping, inconsistent requirements on the same process."[3] The document also explains that these facilities "already complying with OSHA PSM for a process … probably will need to take few, if any, additional steps and develop little, if any, additional documentation to meet the requirements of the Program 3 prevention elements." Finally, chapter 7 of EPA's Guidance notes "EPA used OSHA's language verbatim" whenever possible in developing Program 3, as a means of streamlining Program 3 requirements with rules these utilities already had to meet.[4]

EPA's decision to automatically assign to Program 3 facilities (including water and wastewater facilities) in states with OSHA-approved state plans therefore appears to be one focused solely on the avoidance of duplicative reporting and recordkeeping requirements for water facilities – NOT because of any apparent or expected enhancement of security due to a Program 3 classification.

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[1] http://www2.epa.gov/sites/production/files/2013-11/documents/chap-06-final.pdf, 6-1.
[2] https://www.osha.gov/dcsp/osp/faq.html#oshaprogram
[3] http://www2.epa.gov/sites/production/files/2013-10/documents/chap-02-final.pdf, 2-12.
[4] http://www2.epa.gov/sites/production/files/2013-11/documents/chap-07-final.pdf, 7-1.

It would therefore be illogical to expand Program 3's coverage to water and wastewater facilities that are not otherwise already required to file the OSHA PSM/Program 3 administrative documents. This would create new, rather than reduce, documentation and record-keeping burdens on hundreds of water facilities nationwide.

The fact that water facilities located in the 25 states without a state-run OSHA program must not meet Program 3 requirements is not an oversight or a "peculiarity"; it is a reaffirmation of EPA's intention to make Program 2 "the default program level"[5] for facilities that do not fit in either Program 1 or Program 3. And because EPA's guidance states outright that water facilities in states with state-run OSHA programs were only put in Program 3 to ease administrative burdens on those facilities, it would make little sense to impose new administrative burdens on the nation's remaining public water facilities simply for the sake of placing all such facilities nationwide in the same program. This action would deliver no measurable safety or security benefit while undermining Program 2's status as the "default program level."

AMWA recommends EPA make no changes to the established practice of placing water facilities in an appropriate program level based upon whether their state has an OSHA-approved plan.

General Comments on "Public Disclosure of Information to Promote Regulatory Compliance and Improve Community Understanding of Chemical Risks"

EPA's request for information asks whether "requiring RMP-covered facilities to post on a company website unrestricted (i.e., non-off-site consequence analysis) RMP information, such as the facility's RMP executive summary, emergency contact information, identity of the LEPC, or links to the local emergency response plan and/or the facility's most recent EPCRA Tier II report, lead to improvements in facility safety and better regulatory compliance?" AMWA recommends against any new regulations that would mandate the widespread sharing and distribution of sensitive utility security and chemical inventory information.

Following the September 11, 2001 terrorist attacks, EPA removed RMP database information from its website, where it had previously been widely available to the public. Among this information were facility-specific lists of covered chemicals used, preventative measures in place to protect against threats, and locations within a facility where such chemicals were used and stored. In the aftermath of the terrorist attacks, it was decided that making this sensitive information widely available in electronic form could provide terrorists and criminals with a "how-to" guide to attack a facility. AMWA supported this decision, and in the time since has continued to believe that posting such information online would undermine a facility's security posture.

[5] http://www2.epa.gov/sites/production/files/2013-10/documents/chap-02-final.pdf, 2-3.

As explained by members of the House Energy and Commerce Committee in 2012 when EPA earlier considered rolling back RMP data protections, "With the growth of several internet-search engine-based mapping tools, the [RMP information] can constitute a virtual terrorist roadmap into a chemical facility, triggering devastating consequences . . . Common sense dictates that this information must be restricted from Internet access and maintained under the current administrative access controls."[6]

Moreover, we would remind EPA that the sharing of certain information with the RMP database with local first responders is already required through several statutes:

- Clean Air Act §112(r) requires entities to provide all Risk Management Plan information to local first responders and response planners;
- Emergency Planning and Community Right-to-Know Act §301-303 requires certain entities to coordinate emergency response plans with state and local emergency planning commissions; and,
- P.L. 109-295 §550(c) provides for sharing of sensitive chemical facility security information with law enforcement officials and first responders.

As a result, we believe there is no need for new regulations mandating the online posting of RMP database information as a means to achieve necessary information sharing with first responders. But if EPA still seeks to ensure effective access to this information by local first responders, then the agency should study on best practices currently employed by RMP-covered facilities and their local first responders to comply with these existing statutes, broadly identify what approaches are most effective, and then publicize this information and encourage adoption of these practices by other facilities across the country.

Conversely, promoting information sharing by mandating the publication of RMP database information online for all members of the public to see – regardless of their motivations – would invite abuse by individuals seeking to cause harm. The end result would make sensitive facility security information available on-demand at computers across the country – and strongly undercut EPA's overarching goal of reducing chemical risks to local communities.

Selected Questions Regarding Program 3 NAICS Codes Based on RMP Accident History Data

a. *Should industry sectors represented in RMP data as those with the most accidental releases be used to update and replace the existing set of Program 3 NAICS codes with a new set?*

No. The absolute number of accidental releases is not a metric that reflects the actual

[6] http://energycommerce.house.gov/press-release/committee-leaders-express-concern-over-epa-policy-could-compromise-chemical-facility

risks posed by an industry sector. The absolute number of accidental releases is biased by the overall number of facilities in a sector and does not take into account the relative severity of (and corresponding risk posed by) any releases.

Even among the industry sectors represented in RMP data as those with the most accidental releases, the absolute number of actual releases is remarkably low and not enough to justify automatically subjecting all such facilities to higher oversight levels. For example, a 2002 academic report from the University of Pennsylvania found that between 1994 and 2000 there were a total of 118 accidents reported to RMP*Info by facilities classified as "Water Supply and Irrigation Systems," or fewer than 17 accidents per year.[7]

The 2002 University of Pennsylvania study also contains evidence that water utilities do not experience a greater rate of accidental chemical releases than many other NAICS-coded facilities. The 118 "Water Supply and Irrigation System" accidents reported in the study came from a universe of 2000 such facilities – meaning covered water and irrigation systems experienced an average of only 0.013 accidents per facility per year. This low rate of accidents compares favorably with that of other classes of NAICS-coded facilities examined in the study.

In sum, the available data makes clear that the elevated *absolute* number of accidents at "Water Supply and Irrigation Systems"-coded facilities is simply a function of the number of such facilities nationwide, and that these facilities do not experience accidents at elevated *frequencies* deserving of special scrutiny. It would therefore make little sense to penalize these more prevalent facilities by automatically assigning them to "Program 3" without a more comprehensive evaluation of risks.

[7] http://opim.wharton.upenn.edu/risk/downloads/02-04-PK.pdf, page 34.