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4th Legislative District

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To: All House Members

From: Representative Curt Sonney 
4th Legislative District

Subject: Co-Sponsorship-*Facilities that use/store toxic chemicals to acquire liability insurance*

Date: July 27, 2011

In the near future, I plan to introduce legislation that will require an owner or operator of a facility that uses or stores hazardous or toxic chemicals to maintain appropriate liability insurance.

My proposal will address a flaw in current law under Act 165 of 1990, known as the Hazardous Material Emergency Planning and Response Act. Under the act, facilities that utilize or store dangerous chemicals are only required to share information on the types of chemicals present on the facility's premises. As well, both federal and state laws require the owner of a facility to be responsible for any necessary cleanup or damage. It is my intention to put forth legislation to require these facilities to also carry appropriate comprehensive insurance to protect against catastrophic events such as the one that took place in my district.

On May 14, 2011, a Harborcreek Township biofuels plant, a 56,000-square-foot facility, erupted in flames where firefighters who were called to the building fought the fire from outside due to the uncertainty about what was stored inside. Several firefighters suffered injuries and had to receive medical attention, including one who received a chemical burn. In addition, several pieces of firefighting equipment were damaged and the volunteer fire companies who responded to the fire will reportedly need to spend approximately \$1.5 million to replace contaminated gear and equipment.

Unfortunately, it was learned through published reports that the owner of the facility had no insurance. The final assessment on the damage caused by this fire may not be known for some time and the fact that such a facility would not have any insurance to protect against these types of incidents is simply not good for public safety.

In addition, my proposal will provide for penalties and fines consistent with those currently under the act for non-reporting violations.

If you would like to co-sponsor this legislation, please contact Christine Crone in my Harrisburg office at ccrone@pahousegop.com or 717-783-9087. Thank you.