

**The Explosive Politics of the West Chemical and Fertilizer  
Incident: An Analysis of the Ethical Problem of Corporate  
Lobbying in the Non-Regulation of Fertilizer Plants and the  
Financial Disempowerment of U.S. Government Regulatory Agencies**

This regulatory analysis of the fertilizer industry defines the non-regulatory environment in the government and corporate irresponsibility in the context of the recent explosion at the West Chemical and Fertilizer Plant. The zoning regulations of fertilizer plants in residential communities define the current problem of non-regulatory policies enacted by West Chemical and Fertilizer and governmental regulatory agencies. In today's political environment, a highly non-regulated corporate environment in the U.S. allows close proximity of fertilizer plants within town limits. The collusion of corporate lobbying and lack of funding for regulatory agencies, such as the Environmental Protection Agency (EPA), demands a reevaluation of zoning laws and the enforcement of these rules to protect citizens from industrial accidents. These government agencies mandates should strictly regulate the use of ammonium nitrate and other explosive chemicals within the context of zoning requirements for fertilizer plants. In essence, an analysis of the problematic non-enforcement of zoning regulations for the fertilizer industry and government regulatory agencies will be

examined within the context of the West Chemical and Fertilizer Plant explosion in Texas on April 18<sup>th</sup>, 2013.

The debate on the proximity of fertilizer plants to inhabited areas has become endemic to issue of non-regulation in relation to the West Chemical and Fertilizer Plant explosion on April 18<sup>th</sup>, 2013. More so, this particular explosion registered as a 2.1 earthquake, which decimated a large portion of the town of West, Texas. West Chemical and Fertilizer's location near residential areas in the town define major concerns related to industrial non-regulation and zoning laws. There are many current laws and regulations that should lengthen the distance of fertilizer plants in relation to local townships, yet the expertise of industrial safety regulators are often ignored or penalized through minor financial infractions. In this form of public policy interaction, the regulator becomes an obstacle to corporate interests seeking to obstruct these regulations throughout the American west:

They maybe go through the motions of having a risk plan, but the reality is that it makes absolutely no sense to even have a plant like this in a town. But all over, especially in the West where you've got fertilizer plants, oil refineries and so on, they're right in the middle of these small towns (West Fertilizer, 2013, para.6).

This aspect of corporate culture in the fertilizer industry defines lack of enforcement of zoning regulations and the process in which these rules are ignored when building plants within and right outside of inhabitable areas. In this case, the issue is not dictated by a lack of zoning laws, but a lack of enforcement of current laws by fertilizer corporations as defined by the EPA's evaluation of fertilizer's airborne toxicity and the location of these plants: "EPA investigations have found a high rate of non-compliance with NSR/PSD in connection with plant expansions and process changes (Environmental Protection Agency, 2013, para.8). These zoning requirements exemplify major concerns regarding the current explosion at West Fertilizer Plant, which define the non-regulatory environment that allows these plants to be built so closely to residential areas.

One of the most important barriers to active regulation of the fertilizer industry is through the power of corporate lobbying groups to influence a political agenda. Traditionally, the Republican Party has often supported the deregulation and/or non-enforcement of zoning laws and the dangerous levels of explosive materials, such as ammonium nitrate, used in making fertilizer near local townships. These chemicals are not only dangerous as airborne contaminants, but they are also highly explosive when exposed to fire or high levels of heat within the

plant. The lack of funding for governmental inspection agencies, such as OSHA, define the lack of political will and the proactive enforcement of laws that apply to the fertilizer industry as a historical precedent:

Enforcement of workplace safety and workplace environmental standards is generally fairly weak in the United States. OSHA in particular lacks the resources to aggressively police workplaces; in fact, "OSHA can inspect a workplace on average once every 129 years and state OSHA inspectors could inspect one every 67 years," according to a 2011 report by In These Times' Mike Elk (Resnikoff, 2013, para.9).

This historical trend in governmental enforcement of already existing regulations defines the political and financial barriers that regulatory agencies must endure under corporate lobbying. This aspect of the West Chemical and Fertilizer Plant and the resulting explosion defines why so many local residences were destroyed and people killed by its close proximity to a chemical processing center. These are important aspects of the non-regulatory environment involved in this explosion, which demand greater corporate responsibility and government enforcement of laws against companies like West Chemical and Fertilizer.

The non-regulation of zoning laws related to explosive chemicals in fertilizer production can also be examined through the limited penalties for non-compliance through government agencies. For instance, the West Chemical and Fertilizer Plant had been repeatedly warned of violations by the EPA due to a lack of comprehensive risk management plan. However, due to the lack of political support and the government's lack of strong penalties for not complying with these rules, West Chemical and Fertilizer paid a small fine for its legal non-compliance:

West Chemical and Fertilizer was fined \$2,300 in March 2006 for failing to update a risk management plan and for having poor employee-training records and no formal written maintenance program, according to the EPA (Raasch and Jayson, 2013, para.2).

The meager amount of \$2,300 in penalties provides evidence of the extremely lax financial punishment to the fertilizer plant by the EPA. Therefore, West Chemical and Fertilizer and the governmental regulatory agencies are mutually responsible for not providing an adequate deterrent for non-compliance under the law. These aspects of government and corporate interaction define the limitations of financial penalties, which can easily be paid off by the well-funded industrial offender. Therefore, the liability of the private sector and the laws created by the public sector government is equally important for preventing

these tragically devastating industrial accidents. These are the contingent responsibilities of the fertilizer company and government's regulatory agencies are both involved in the non-enforcement of public safety regulations in the fertilizer industry. In the case of West Chemical and Fertilizer Plant, the government needs to end the corruption of lobbying and enforce the rule of law on non-compliant plants that put other people lives in danger.

In conclusion, the problematic issue of government non-enforcement of zoning regulations in the fertilizer industry has been examined within the context of the explosion at the West Chemical and Fertilizer Plant explosion in Texas. By understanding the strict legal mandates regarding zoning laws for fertilizer plants, the premise of government non-regulation is defined by the power of corporations to lobby the government and defund industrial regulatory agencies. The corruption and power of corporate lobbying in Washington D.C. defines why West Chemical and Fertilizer has not been inspected, investigated, or penalized for major infractions in chemical production and zoning requirements in the plant's location. More so, fertilizer corporations lobby local politicians through monetary contributions to defund agencies like the EPA and OSHA, which laid the foundation for the explosion in West, Texas. The dual responsibility of the government and the private corporation is

vital to upholding the law and by refusing to allow industry to lobby politicians for non-regulation. Therefore, the current explosion at West Chemical and Fertilizer defines the liability of the private sector and the government's non-enforcement of existing legal codes in preventing these types of major industrial disasters. These facets of regulatory mandates define the contingency of liability and responsibility that West Chemical and Fertilizer and the government define through the corruption of corporate lobbying and the defunding of industrial regulatory institutions.

#### **References:**

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