

U.S. Chemical Safety and Hazard Investigations Board

Business Meeting

September 21, 2016

CSB Headquarters Office - Washington, DC

U.S. CHEMICAL SAFETY BOARD MEMBERS PRESENT:

VANESSA ALLEN SUTHERLAND, CHAIR

MANNY EHRLICH, MEMBER

RICK ENGLER, MEMBER

STAFF PRESENT:

KARA WENZEL, ACTING GENERAL COUNSEL

OPERATOR: Welcome to the Chemical Safety Board business meeting conference call. My name is Nathan and I will be your operator for today's call. At this time, all participants are in a listen only mode. Later we will conduct a public comment session. Please note that this conference is being recorded. I'll now turn the call over to Chairperson Vanessa Sutherland. Vanessa, you may begin.

VANESSA ALLEN SUTHERLAND: Thank you. And good afternoon and welcome to this business meeting of the U.S. Chemical Safety Board or the CSB. Today, we meet in open session, as required by the Government in the Sunshine Act, to discuss the operations and agency activities for the CSB.

I am Vanessa Allen Sutherland, the Chairperson and CEO of the Board. Joining me today are Board Members Manny Ehrlich and Rich Engler. Board Member Kristen Kulinowski is at a conference, conducting important outreach activities out of the country. So, thus, she will not be joining us today. Also joining us is our Acting General Counsel, Kara Wenzel, and members of our CSB staff.

The CSB is an independent, non-regulatory federal agency that investigates major chemical accidents at fixed facilities. The investigations examine all aspects of chemical accidents, including physical causes related to equipment design as well as inadequacies

in regulations, industry standards, and safety management systems. Ultimately, we issue safety recommendations which are designed to prevent similar accidents in the future.

I will now walk through today's agenda. First, the Board will give an update on investigations, recommendations, or deployments. Next will be an ongoing update of our IG audit and I will provide a financial update.

For the new business portion, we will be providing an overview of the agency's FY2016 accomplishments as well as the CSB's 2017-2021 strategic plan.

If you are in the room today and wish to make a public comment, please sign up using yellow sheets that were on the registration table right before you entered this room. For those who are on the phone, you can submit a public comments by email at [meeting@csb.gov](mailto:meeting@csb.gov) to be included in the official record.

Before we begin, I'd like to point out some quick safety information. For those who are in the room, please take a moment to note the locations of the exits at the side and back of the room. I also ask that you please mute your phones so that these proceedings are not disturbed. Thank you.

So thank you again everyone for attending today and participating by phone. First let me say that I'm really looking

forward to providing an overview of the agency's accomplishments for FY16, as well as an update on the Board's strategic plan. I would like to open up to my fellow Board Members for any opening statements before we discussion investigation status, if there are any.

MEMBER EHRLICH: This is Manny Ehrlich, only to say that I appreciate your connecting either electronically or being in the room. Thank you very much.

VANESSA ALLEN SUTHERLAND: Member Engler? Okay. Thank you both. At this time the Board will provide an update on ongoing investigations. I will now ask that Member Engler discuss CSB's ongoing Exxon Mobil and DCRC investigations.

MEMBER ENGLER: Thank you, Chairwoman. On February 18, 2015 an explosion occurred in the electrostatic precipitator at the Exxon Mobil refinery in Torrance, California. The explosion injured four workers, causing significant damage to multiple refinery processing units and resulted in offsite accidental release of catalyst dust throughout the community. During this explosion, there was also a near miss release of hydrofluoric acid when a large piece of debris fell near a storage vessel storing thousands of gallons of HF acid in a nearby alkylation unit.

The Denver investigation team is editing the investigation report and continues to work with the Department of Justice to enforce subpoenas to Exxon so that a full all-cause investigation can be conducted, including the near miss incident involving hydrofluoric acid.

On December... I'm going on to Delaware City. On December 3, 2015 a four-person CSB investigative team was deployed to the Delaware City Refining Company in Delaware after a flash fire on the refinery's sulfuric acid alkylation unit injured one employee. This event occurred after a series of incidents at DCRC over a four-month period. While on site, CSB met with the refinery manager, supervisors, hourly workers, and union representatives.

The investigation team is currently developing a safety bulletin that will include key lessons for preventing incidents when preparing equipment for maintenance. This bulletin has gone through staff review and is planned for release later this calendar year.

VANESSA ALLEN SUTHERLAND: Thank you, Member Engler. Next, Member Ehrlich, can you please provide an update on Williams, Freedom, and DuPont?

MEMBER EHRLICH: Certainly. Thank you, Madam Chairwoman. On November 15, 2014, nearly 24,000 pounds of methyl mercaptan was

released at the DuPont Chemical facility in LaPorte, Texas. The release resulted in the deaths of three operators and a shift supervisor in an enclosed manufacturing building. Additionally, three other workers were injured due to their exposure to methyl mercaptan and at least three more workers experienced methyl mercaptan exposure symptoms.

The investigation team has completed responding to the Board Member comments on the investigation scope and is continuing to gather investigative data, conduct interviews, and develop a robust causal analysis to guide completion of the investigation. The team is following up on a number of outstanding records requests with DuPont. With the announced closure of the LaPorte facility, the final investigation report will focus on broader learned and identify corporate process safety management issues.

Williams Olefins in Geismar, Louisiana. On June 13<sup>th</sup>, 2013, over 30,000 pounds of flammable hydrocarbon was released at the Williams Olefins plant in Geismar. Two workers were killed and over 100 other employees and contractors were injured as a result of the incident which occurred when a distillation column heat exchanger catastrophically failed.

A status report has been circulated to the Board and the team is responding to comments. The report has been subject to expert

stakeholder review and is being transmitted to the Board for a vote to be completed this fiscal year. We plan on holding a press conference and publicly releasing the report in October. An animation to provide better understanding the immediate sequence of events by external stakeholders is being produced by agency staff.

Freedom Industries, January 9, 2014. On Thursday, January 9, 2014, an above-ground storage tank owned by Freedom Industries containing methylcyclohexane-methanol leaked its contents into the Elk River. This result disrupted the delivery of potable water to more than 300,000 customers in the Charleston, West Virginia service area when the methylcyclohexane-methanol was drawn into the intake system for West Virginia American Water and a do-not-use order was initiated by the governor.

The team will present their final report for Board vote at a public meeting in Charleston, West Virginia on September 28, 2016.

VANESSA ALLEN SUTHERLAND: Thank you, Member Ehrlich. I will review...provide an overview of recent deployments, including our Enterprise Gas Plant investigation. But I'll start with Airgas in Florida.

On August 28, 2016, one employee was killed as a result of an explosion at the Airgas Nitrous Oxide manufacturing facility in Cantonment, Florida. The investigation team deployed to the site

on August 31, 2016 and they continue to perform field investigation activities, including document gathering, employee interviews, site documentation requests and reviews as well.

Next, Sunoco, which was in Nederland, Texas, occurred on August 12, 2016. An investigation team deployed to the scene of an incident that injured seven workers, including three critically, that occurred Friday, August 12 at Sunoco Logistics Partner, which is a terminal facility in Nederland, Texas. The incident involved a flash fire during welding, also referred to as hot work. Investigators from both the CSB's Western Regional Office and the DC office deployed to the site of the incident. And moving forward, the investigation will be handled by supervisory investigator Johnnie Banks' team based out of Washington, DC. We will continue to update you on that.

And lastly, Enterprise Products Operations is an incident that occurred on June 27, 2016, with explosions and a fire that occurred at the Enterprise Pascagoula Gas Plant in Moss Point, Mississippi. The incident occurred in one of the three process lines called trains within the Enterprise facility. The resulting damage from the incident is very significant and determining the potential sources for the explosions and fire is a very complex task. The CSB investigation team has spent the last several weeks working



with the company to assess and photo-document the incident scene as well as the equipment.

There are many installations similar to the Pascagoula Gas Plant across the country. This type of gas processing facility is common in regions of the country where oil and gas are produced and determining the causal factors of the explosion at the gas plant may yield very useful broad lessons for the industry nationwide.

Currently, the status update is that we've coordinated with Enterprise on several protocols for site preservation, examination, removal, and miscellaneous activities in order to prepare the vessels of most interest for future offsite laboratory and metallurgical failure analysis testing. At this point, key pieces of equipment have been secured and some initial in-field testing has been completed. We are working with several interested parties to develop offsite access protocol.

Members Engler or Ehrlich, anything to add before we move to recommendations?

MEMBER ENGLER: No, ma'am.

VANESSA ALLEN SUTHERLAND: Thank you. So our recommendations update as we close the fiscal year is good. I've mentioned at the previous meetings that CSB currently has a ratio of 76%, which is 592 if you want a raw number, of our recommendations closed. And

24% in an open status of some sort, either open acceptable or open awaiting response, open unacceptable.

The status of all of our recommendations can be found on our website. So I will not go through all of the open ones at this point, but it's at [www.csb.gov/recommendations](http://www.csb.gov/recommendations). Recommendations that have been recently voted on can be found on the recommendations page of the website, under Recent Recommendation Status Updates. And each will have a status change summary that describes the rationale for the Board's vote.

So far in Fiscal Year 2016, which closes in just about a week-and-a-half, the CSB has closed 30 recommendations. 26 of those were closed acceptably, 2 were closed unacceptably, and 2 were closed as reconsidered or superseded. So far in 2016 Fiscal Year, the Board has voted on the status of 46 recommendations to change their status and these include 10 from the Chevron Refinery fire investigation, 7 from DuPont LaPorte investigation, and 4 from the US Ink investigation, 4 from the Reactive Hazards Study, 3 from the MSG investigation, 3 from BP Texas City, 2 from the Valero investigation, 3 from West Fertilizer which we just published earlier this year, and 1 each from the Honeywell, Hoeganaes, Carbide, CAI/Arnel, Ghent, Kleen, and Tesoro-Kleen and Tesoro are together, by the way-NDK, and the combustible dust investigations.

For our IG update, as of September 20, 2016, the CSB is currently working with the Office of Inspector General and the EPA on three audits. The status of the audits are as follows.

FISMA FY2015 period covered. The OIG report made seven recommendations to the CSB and I mentioned that at the last public meeting. Requirements have been met to close all seven of those recommendations. Full closure is pending Board approval of the revised Board Order 34, which has been reviewed and commented by [inaudible] and should be received by the Board shortly.

Number two, the second audit is the FY15 financial statement audit. That audit was initiated on July 5, 2016. A new firm contracting with the OIG is conducting the audit but we hope to still have it completed by November 15, 2016.

And finally, the third audit is the review to identify unimplemented recommendations as of September 30, 2016. CSB received a notification letter on September 7 that there will be a new review and the CSB and OIG will schedule an entrance meeting in the next week to discuss the timeline for that upcoming audit.

Next is our finance update and there are under two weeks remaining in the fiscal year, as I mentioned. The Board is making final spending decisions to ensure that CSB makes the most efficient and effective use of its annual appropriation. CSB, like

the rest of the government, is awaiting final action on its FY2017 appropriations. The House and Senate support keeping CSB funding at this year's current level of \$11 million, which we are using as the basis for our budget projections. We are carefully reviewing other expenses to operate effectively at \$11 million. And, of course, like other federal agencies, will await whether a continuing resolution of budgeting process is necessary.

So that's... Those are the updates from our previous business. There are a couple of items for new business. One of those is the strategic plan and one is a very quick wrap-up of some of the work that we have completed in Fiscal Year 2016. When I get to the strategic plan, I'll certainly welcome any comments from Members Ehrlich and Engler about our process, which I think was very good, very well organized and run by the staff, with support from a strategic planning expert. But given that our plan will be rolled out between now and the end of the year and will cover 2017 to 2021, I thought we could share, as part of the wrap-up of today's new business, the three items that we are going to focus on in the strategic plan.

But first, let me start by saying I'm extremely proud of what we as an agency have accomplished over the last 12 months, a little bit more than 12 months. As a highlight, four completed accident

investigations have been published. Six public meetings have been held. Two interim public meetings on Exxon and DuPont have been held to share the early findings from those incidents. The release of high-quality accident investigation videos, including the West Fertilizer and Caribbean Petroleum incidents, was a very often cited accomplishment and very well received by the public. And we've had three accident deployments.

At our last public meeting, I went over the CSB's new mission, vision, and goals for the CSB's strategic plan at a high level. I want to again emphasize that our efforts to build trust internally and externally and increase productivity within the organization will serve as the foundation for the successful execution of our strategic goals and the core mission work. This plan will provide guidance as the CSB strives to complete timely investigations of chemical incidents and influence chemical safety change for the better.

With our new strategic plan, we have as an agency decided to refine our mission and vision statements. I will once again go over those updates and provide information on the objectives which will accompany each of our goals.

The mission is to drive chemical safety change through independent investigations to protect people and the environment.

Which we hope supports very complementary a vision to have a nation safe from chemical disasters.

Our first goal is to prevent the recurrence of significant chemical incidents through independent investigations. We will select for investigations those incidents and hazards most likely to generate recommendations or findings with broad preventive impact. We will complete timely and high quality investigations that determine the causes of incidents and, third, will develop and issue recommendations with broad preventive impacts.

Our second goal relates to our advocacy and strategic outreach. And that is to advocate safety and achieve change through recommendations, outreach, and education. We will first pursue the implementation of recommendations with focused effort on those designated as high impact. We will identify and strategically promote key chemical safety issues. And we will disseminate chemical safety information using a variety of high visibility tools and products, some of which I mentioned like the impact report, videos, etc.

Goal three, we will create and maintain an engaged, high performing workforce. We will do that by implementing effective recruiting, targeted retention, and skills-based training and mentorship. We will encourage management development and

leadership at all levels. We will strategically allocate resources across the organization and we will strengthen operational performance and project management efforts.

For the successful execution of our mission and goals, the CSB will continue to share critical and timeless safety lessons with industry, workers, and the public to help us reach our shared responsibility of creating a nation that is safe from chemical disasters.

Members Engler or Ehrlich, do you have anything to add about our strategic plan or strategic planning process? Member Engler.

MEMBER ENGLER: Only to briefly add, at the risk of being self-congratulatory in a public meeting that's not the primary purpose of the meeting, that I compliment the Board members and staff...and many staff involved in the process who I think did an excellent job.

VANESSA ALLEN SUTHERLAND: Ditto. I agree with that 100%.

MEMBER EHRLICH: And I would echo those sentiments.

VANESSA ALLEN SUTHERLAND: It was a very compressed timeline and some who are in the room who were on the strategic planning team can confess, but it was also nice to see not just the final work product but having people collaborate and sort out differences of approach and opinions and ideas and to reconcile those in a way

that was extremely professional and collegial and yielded a product that I think had broad support and I hope long term will help continually keep us on track for the next five years.

So at this time I would like to open the floor for public comment related to CSB's activities. Given the number of people who may want to comment on the phone and in the room combined, please remember to present your comments within a three-minute period. We will begin with those who are in the room and then for those who are listening on the phone, you can email your comments to [meeting@csb.gov](mailto:meeting@csb.gov) or when the operator opens the line you can ask us a question through the conference line.

So I will open it up to anyone who has a question in the room first. Is it Nathan? Nathan, you can open the phone line in the event that there's anyone on the phone who also has a question and we will take a moment also to look at [meeting@csb.gov](mailto:meeting@csb.gov) to see if anyone is typing in a comment.

OPERATOR: Thank you. During this question and answer session, if you have a question please press \* then 1 on your touchtone phone. And if you wish to be removed from the queue please just press the # or the hash key. Once again, if you have a question, please press \* then 1 on your touchtone phone.



VANESSA ALLEN SUTHERLAND: While we're waiting for those who might be on the phone, I will ask if you all have a meeting@csb.gov, just flag me or..

OPERATOR: We do have a question from Richard Rusarra. Richard, your line is open.

RICHARD RUSARRA: Hello. I wanted to find out what the status is of Managing Director Daniel Horowitz and when that status may be finalized.

VANESSA ALLEN SUTHERLAND: And the first name was Richard? Rusarra?

RICHARD RUSARRA: Yes.

VANESSA ALLEN SUTHERLAND: Hi, Mr. Rusarra. This is Chair Sutherland. I know that has been of interest to people for some time and, unfortunately, I guess having to answer you in a public forum that is a confidential employment matter, it's probably not going to suffice. But given that it is a personnel matter and it's not just CSB, it's general federal labor and employment law, I can't discuss people's personnel status and things that are privacy information.

But I can assure you that as a Board who is continuing to meet publicly more than our regulatory requirements and more than I think people probably expected, a Board that has been using its

social media, website very aggressively over the last year, and a Board whose members go out very often to engage stakeholders and the public, as soon as there is resolution, a new person, a not-new person or any other status that is available for public consumption, the public will hear it.

But thank you for the question.

RICHARD RUSARRA: Okay, thanks very much.

OPERATOR: Once again, if you have a question please press \* then 1 on your touchtone phone. And we have a question from Ken Ward. Ken, go ahead.

KEN WARD: Hi, thank you for taking my question. The Chairperson rattled off a list of numbers, set of numbers about both changes in recommendation status and recommendations that were closed. But I'm wondering if she or someone else could perhaps provide at least a bit of a flavor for, of the recommendations whose status was changed and for those that were closed, how many of those recommendations resulted in the recipient of the recommendation actually implementing some new practice or policy that the Board believed would make the work environment safer and perhaps provide one or two examples of those for us. And I have a second question also.

VANESSA ALLEN SUTHERLAND: Okay, well, taking the two questions that you asked, I'll take the latter first and then certainly either member can respond as well. But on the second question, which was in the number of closed, giving a flavor of those or do we know if they've been implemented. If they are closed acceptably, we think that they have been implemented and that the recommendation recipient has met the requirements or the recommendations that we specified in the recommendation.

Moreover, if they have found an equally acceptable way but it's slightly alternative to what we may have originally proposed, but we think it meets the same safety goal and safety agenda, we would have closed that as acceptable, alternative response.

The reason I didn't read them all off is because it would probably take quite a bit of time to give not only the supporting documentation provided by the recommendation recipient and our very, very good recommendation team's assessment of it. We provide the status change summary not just for the Board's rationale but documentation that explains what the original recommendation was, why, and how it was addressed.

So on the have any of the recommendations closed made the workplace safer, I certainly welcome my Board members' thoughts on this but I think any recommendation that we close as acceptable we

hope, when we made it, it was with the objective of making workers and the public safer. So that could be a standard developing issue where standards are being articulated more clear. That's an example if you want one. We've made several to standard developing bodies who have since met with a consensus format and addressed our improved guidance, improved training, improved period of assessment or something else that we may have asked them to publish in guidance.

Moreover, I think we've had a lot of feedback, even with some of the more recent investigations like West, where the State of Texas has already begun to implement fire training and fire response, given the very catastrophic impact that that incident had on emergency responders and first responders. So for us to have published that earlier this year and for them to have already taken significant steps to implement new training curriculum and FEMA to publish a grant NOFA process on its website to give money to those who we identified in West. I think certainly you can read those recommendation summaries in more detail on the website, including our recommendation change status. If we change the status, it means it's open and we've gotten more data or we haven't.

What's your second question? Hopefully, that answers the first two.

KEN WARD: Well, I think that that answered... I think you... I appreciate all of that. Thank you very much. I think you answered regarding recommendations that were closed. What I was trying to ask, perhaps not very artfully, regarding—I apologize—regarding changes in status, is if you could give a flavor for those of...if those are... You know, kind of I'm not asking you to read them all off, obviously, for what those numbers really, in your view, are telling us. And if those changes in status are...are things that have indicated that recipients are...are not acting or are acting or the conditions have changed and maybe just provide an example or two that you think are especially important about those.

VANESSA ALLEN SUTHERLAND: Yeah, there are a wide range so I could but there are 188 in open status. And that's part of the reason we put all the recommendation summaries and status changes up on the web for people to look at. For example, if we had made a recommendation and we recently received a new update or a new draft from a recommendation recipient on an update to their training program or a process at their facility or an update to a standard that we have recommended needs to be clarified, they can submit documentation to us and we may change the status from open no response to open acceptable response. That's a flavor. That's an example of how we might change the recommendation status. And all

of the current ones that the Board has recently voted on provide the rationale for each of those.

But it really...it signals to you the level of engagement. Either we are getting engagement and we're updating status accordingly or we're not hearing from a recommendation recipient and we're updating the status accordingly based on that as well.

KEN WARD: Thank you. My other question actually involved the recent deployment and no deployment decisions and I'm wondering if the Chairperson could kind of provide, from her own perspective, the...an explanation for the decision not to deploy to the chlorine leak here in West Virginia at Axiall Corporation and perhaps describe in...if that is part of a refined...this refinement of the Board's mission and if we can expect to see changes in...in the policies for deployment decisions as part of this refinement of where the Board is heading.

VANESSA ALLEN SUTHERLAND: So that's a multipart question. I'll take the first one, which is Axiall. And I know you had much engagement with our team during that deployment regarding our decision not to deploy. But for the broader group and broader benefit, I think what we said there and what we have said in many deployments, both during my tenure and before, is that we take a look at a variety of different factors. We meet as a group,

meaning all the Board members and members of our staff meet to discuss the incident, the facts, the severity of the injuries, the severity of the environmental damage. We discuss, you know, making sure that we have enough information at the time of the incident. And then we go through a process to evaluate what we know and looking at our current workload, our current resources, and understanding the prioritization of what it might mean for us to deploy to a new incident.

And I've said probably in a lot of different contexts... I'm sure Member Engler and Member Ehrlich have said something similar, with a staff of 40 and \$11 million budget, as well as only about half of those being investigators available to investigate, there are... I would love to investigate every incident and I would love to have a staff of a thousand people. Actually, I'd love to have a staff of just like 500, 250. I'm not picky at this point. And I'd love to have another budget because when you're in a safety agency, I'm not going to speak for my Board members, it is horrible and it's gut wrenching to not be able to deploy to other events. And everybody would love us to go and it would mean that we wouldn't be able to put some of the work product out that we already have in the queue out. It would mean that we would be pulling people back

from preexisting deployments. It would mean that we would have to stop work.

And one of the things that stakeholders over and over and over again have told me as the Chair is start...don't start something you can't finish. Those are in our stakeholder comments from last June. I've heard at a variety of levels—community, regulatory, trade association—you have to be strategic in where you go and how you go and make sure that if you can learn something new or there's going to be broad scale change that can affect the industry, that you think about that. And so we look at sometimes site specific issues that are more narrow versus broader issues where we could have a broader impact.

So I don't know if that is a segue into your second question about is it a refinement of the mission. I think a refinement of our mission is we want to be nimble, we want to be efficient, we want to go as many places as we can go. I don't know that that's changed dramatically. I think we're going to figure out how we can try to build more places with the resources, the limited resources, we have and also understand that whenever we go to those new places it often means that we can't finish the work that we've already started in another community.



It's a very... It's a very difficult conundrum and I don't think that anyone at this safety agency takes lightly the incidents that we see around the country, the injuries that people face. We all feel that and we meet those people and we very much wish that we could get out and be everywhere every day because of the number of incidents that happen.

So Members Engler and Ehrlich, I open it up to you as well for your thoughts because I don't want to necessarily have my comments be attributed to the entirety of the Board members. Member Ehrlich?

MEMBER EHRLICH: I really don't have anything in addition to add except to reinforce that it is a gut wrenching decision and it's difficult for us as Board members and it's difficult for the Chair. But you can only do so much with the resources you have. And it becomes very difficult. It's not an easy decision. But it is a carefully thought out decision and scientific data is used and reasoning data is used and the decision is supported by the Board and articulated through the Chair.

VANESSA ALLEN SUTHERLAND: Member Engler?

MEMBER ENGLER: I would only add that I think we're trying to stay in relatively close communication with other federal investigatory agencies so that in the event, in the likelihood that

the CSB cannot deploy, our communication to other regulatory agencies such as the Occupational Safety & Health Administration, OSHA, which is doing, as I understand it, and inspection of the Axiall facility, perhaps not to look at root causes but at least to have a presence that addresses a variety of issues including compliance with existing standards, including...as well as the General Duty Clause of the OSHA Act...

VANESSA ALLEN SUTHERLAND: And NTSB [multiple voices].

MEMBER ENGLER: It's very important, as Chair Sutherland pointed out, NTSB is deployed there. So I mention that. I don't know if that has, in the history of CSB, always been done. But I know there is renewed attention to that. Just last week, we were talking to OSHA officials about the situation at Axiall.

And then the other issue which I'll just say very little about because it's best to say as little as possible [inaudible] thoughts is that perhaps there are other things that we can do and I'm doing some thinking about that. Short of a deployment but without raising major expectations by communities and the public about what the impact of a CSB engagement would be, short of a root cause investigation. What does that mean? If we see a pattern of incidents that might not score highly on our protocol for actual deployment, it nonetheless could be something of great concern

looking forward and how we...if we, how we, whether we, you know, communicate that to the facility is something that I think needs further assessment.

KEN WARD: May I follow up?

VANESSA ALLEN SUTHERLAND: Yes.

KEN WARD: Thank you. I appreciate...

VANESSA ALLEN SUTHERLAND: Is that still Ken Ward?

KEN WARD: Yes, ma'am. I'm not sure if I'm on question eight or ten or not here, but I appreciate the Board's patience. Just to put a finer point on it regarding the very significant chlorine leak here that posed a great threat to several communities in West Virginia, the CSB actually offered somewhat...what I found to be somewhat confusing answers about why that...there wasn't a deployment there. So I'm hoping maybe that that could be cleared up, whether it was... On the one hand, we were told it was we don't have the resources to deploy to additional multiple accident sites at the same time. And then later we were told, well, but it...that Axiall incident didn't actually cross the threshold for the...in terms of the consequences.

So I'm hoping maybe the Board could clear up for the community here exactly what the...what the determining factor or factors in that decision might have been. Because I think the Board would

agree that it's important for the public to understand those sorts of decisions and the nature of them.

VANESSA ALLEN SUTHERLAND: Yes, I think that's a great question for anybody else who's curious. They're not mutually exclusive. When we're making deployment decisions, there isn't often one decision. I think as you heard Members Engler, Ehrlich, and I just describe, we take a look at whether or not the event crosses a certain threshold. For many of you who have maybe familiarity with Department of Transportation and NTSB, that is an analogous process in a similar agency, where they look at the incident information as it is known and comes in. And if it crosses a certain threshold, they will deploy.

That is also, I'm sure, like us, juggled with the impact and the resources of current investigations, other deployments, other work, etc. So that is also a consideration. And I think if you talk to multiple people at an agency, you may get an answer. But I think sometimes they're trying to be responsive but it does not cancel out the validity of the discussion that we have that includes a lot of different aspects, including our resources and the current work that we have, the threshold of the...where that incident may rise and does it cross a threshold for deployment, and as Member Engler mentioned, looking at the state and federal

investigatory concurrent activity that's happening. And if others are going to be able to understand the root cause of it and are going to be investigating it, we take that into consideration as well. We also take into consideration is it a novel or new issue, meaning is this an area that continues to be happening a lot versus is it something we've never seen before. Both of those are equally important but it's something that we consider.

So I...it would be, I think, misleading or misrepresentative to answer your question by saying the one thing we looked at is X or the two things we looked at are Y. Because we don't look at it that way. We look at it in the variety of factors that we just described.

KEN WARD: Thank you.

OPERATOR: Once again, if you have a question, please press \* then 1 on your touchtone phone.

VANESSA ALLEN SUTHERLAND: I'm just going to check Board Affairs to see if we have email questions, if you could check the email address. Okay, no additional questions have come in through email. Nathan, are there any other callers in the queue?

OPERATOR: At this time, we are showing no additional questions.

VANESSA ALLEN SUTHERLAND: Okay, and any final questions from anyone in the room? Okay, then I would love to thank the staff for their continued dedication to the important work of this agency and I really want to thank my fellow Board members, including Member Kulinowski in absentia, for their contributions on a day-to-day basis and in helping us to move the agency forward and for us to get our chemical lessons and investigative work out to the broadest audience possible. All of us share a very strong interest in preventing chemical accidents and the kinds of significant disasters that we've investigated in the past from happening in the future.

I also want to thank everyone who attended, both on the phone and in person. We appreciate your comments and questions about our ongoing initiatives. We, as you can tell, are very receptive to getting any kind of questions and we try to make it known that we're available to clarify our operations.

We will be hosting our next regularly scheduled public business meeting in October. I believe it's the third week of October. So please check [www.csb.gov](http://www.csb.gov) for additional details about the location and agenda for the business meeting, but it will most likely be at 1750 Pennsylvania Avenue Northwest, right here at our headquarters.

Thank you for your attendance today and with that, this meeting is adjourned.

OPERATOR: Thank you, ladies and gentlemen. This concludes today's conference. Thank you for participating and you may now disconnect.