

# Final Transcript

**Customer: US Chemical Safety Board**  
**Call Title: CSB Business Meeting**  
**Date: January 20, 2016**  
**Time/Time Zone: 1:01 pm Eastern Time**

## **SPEAKERS**

**Hillary Cohen**  
**Vanessa Allen Sutherland**  
**Manny Ehrlich**  
**Kristen Kulinowski**  
**Rick Engler**

## **PRESENTATION**

**Operator:** Welcome to the CSB Business Meeting. My name is Paulette, 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 question-and-answer session. Please note that this conference is being recorded.

I will now turn the call over to Hillary Cohen, Communications Manager. Ms. Cohen, you may begin.

**Hillary Cohen:** Thank you. Good afternoon, everyone. Welcome to our first public business meeting for this calendar year. Leading today's meeting is going to be our Chairperson, Vanessa Allen Sutherland, and she has opening remarks. She'll take us through the agenda and we'll go to public comment near the end of the meeting. If you have any trouble hearing on the line, please let us know, as we will try to speak up. Thank you.

**Vanessa Allen Sutherland:** Thanks, Hillary. Today, we are meeting in open session, as required by the Government in the Sunshine Act, to discuss operations and activities of the CSB. As Hillary mentioned, I'm Vanessa Allen Sutherland, the Chairperson of the Board. Joining me today are Members, Manny

Ehrlich, Kristen Kulinowski, and Rick Engler. Also joining as our acting general counsel, Kara Wenzel, and members of the staff. Thank you to everyone who's participating by phone, as well.

We will have public comment at the end, and we'll make sure that as you're listening on the phone, we give you instructions as to how to participate remotely.

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 incidents or accidents in the future.

The purpose of today's meeting is to provide an opportunity for the Board to discuss ongoing investigation and organizational activities, including the status of the CSB's Action Plan, and a very brief discussion about deployment. At this time, please allow me to go over the afternoon's agenda, and please hold any questions. I will, in a moment, ask you to turn your cell phones off and put them on vibrate.

First, the Board will give a brief update on the CSB's open investigations. We will then provide an update on IG issues, Inspector General. We will have an update on finance and budget issues, followed by a very brief organizational update, and lastly, recommendation status changes. We will then discuss our annual Action Plan and provide a short discussion on the CSB deployment process, and then you will have an opportunity for public comment or questions, and an overview of our next public meeting.

If you wish to make a public comment, there was a sign-up sheet at the very first table or front table. Please feel free to write your name on that. For those who are on the phone, you may submit comments by e-mailing to [meeting@csb.gov](mailto:meeting@csb.gov), and all comments will be included in the official record.

So, as I mentioned, before we begin, please turn your phones on silent. Just a quick moment for safety information: The doors in which you came for this conference room, and the glass doors in front, are the exits, so those are to your right. Restrooms are through the front doors, just adjacent to the elevators; make a left. So with that, we will officially commence the agenda.

February 11<sup>th</sup>, which is just shy of a month from now, will be my six-month anniversary at the Board, and let me start by saying that it has been very busy, but an honor to work with such a dedicated staff, and to meet a variety of different stakeholders in the process. In this short period of time, I've chaired two field hearings, three business meetings, and met with many of the stakeholders; probably many of you are also on the phone, as well as in the room. Last week, we held a meeting in Torrance, California, to release preliminary findings into the ExxonMobil fire and explosion that occurred last February—February 2015.

Today, we are in DC for one of our regularly scheduled business meetings, and next week we will be in Waco, Texas, to release our final investigation report into the fatal 2013 ammonium nitrate fire and explosion at the West Fertilizer facility. To put it simply, it has been very busy.

I have been listening closely to stakeholders and staff and hearing their concerns. The Board Members have been equally participatory and active in getting up to speed and learning all the ongoing activities and operations that are underway at the CSB, and that I'll talk about in a moment. [I've] thought a lot about what it might take to make the agency more successful and productive.

Over the next few months, I and my fellow Board Members' staff will be working to: prioritize investigations; potentially commence studies; review, assess, and close recommendations; and conduct additional outreach activities, those from our Most Wanted List, and additional issues of concern, or areas

of concern. My goal is to focus on reasonable, broad scale, chemical safety change while using our resources in the most efficient manner possible. All the while, I want to continue to pursue organizational excellence to ensure we have consistent policies, current documents, [and] updated procedures, as well as clear roles and responsibilities. I think this will enable the staff to spend more time on mission-critical work, knowing that much of the operational underlying work and documents are current and up-to-date.

We will be finalizing our Action Plan to ensure that deadlines are met and the goals remain on track, aligned with our Strategic Plan, which, I think I mentioned at the last meeting, expired in 2016, at the end of 2016. By using and clearly defining both accident assessments and full-scale deployments, I also believe that we can make the most of our staff and our resources by trying to assess any emerging issues in the state of chemical accidents today. CSB products are very powerful. We've heard from many of you about videos in particular, but certainly, they are a powerful tool as we, as a Board, continue to ensure that they get into the hands of those who need them, and that they are ultimately refreshed, and we use them as reminders of what incidents have happened in the past.

Closing the CSB safety recommendations, publishing articles or op-eds, are all part of our work to reach a broader audience and to assure that we are doing as much as possible to promote chemical safety. My recent initiative to have the CSB products translated into Spanish, and to have the addition of a Spanish website page on our home site, is intended to do just that— and to get safety information to a wider demographic. So, for those who are here, and on the phone, and who listen to this at a later date, please let us know how we might otherwise continue to broaden our reach and broaden our scope so that chemical safety information is meeting not just traditional audiences, but those who are affected day-to-day and work in these industries.

Together, we can have one of the most high-functioning, efficient agencies in the federal government. I'd like to think of us as being like the smallest, most powerful agency officials, the smallest budget with the

biggest reach. In the words of Margaret Mead: “Never underestimate the power of a small group of committed people to change the world. In fact, it is the only thing that ever has.” I hope that my term as Chair will see both staff and Board Members continuing to work together to achieve operational excellence and execution of our important mission. I thank all who are attending, and would like to open it up to my fellow Board Members for any additional comments, thoughts, or statements.

Don't have a button this time, which is really nice. Manny Ehrlich?

**Manny Ehrlich:** Do I get a two-minute buzz-off?

**Vanessa Allen Sutherland:** [Indiscernible].

**Manny Ehrlich:** Good afternoon. Thank you for coming. I'm Manny Ehrlich. I am the senior member on the Board with 13 months now, okay. I'm also the senior member chronologically. I'm not sure what one has to do with the other, but it's been an interesting year for me, 13 months.

As some of you know, I spent 50 years in the chemical industry, which isn't bad for a guy that's 35 years old, and I think we've made some progress, and taking what we've learned on a number of these incidents back to folks in the field and hopefully they'll have some benefit in terms of not having the same types of incidents occur again. Working with this Board, it's been an honor, and it's been a real honor and a pleasure to work with Chairman Sutherland, Chairwoman Sutherland. (I'm sorry about that.) She brings an incredibly fresh perspective to what we're trying to do here. Thank you for coming, and I look forward to talking with you later.

**Vanessa Allen Sutherland:** Member Kulinowski?

**Kristen Kulinowski:** I was confirmed on the same day as Member Sutherland, Chair Sutherland; started just a little bit after her, officially. I have to say, in my first, almost-five months, it has been an honor and privilege to get to know the hard-working, dedicated, professional staff at CSB, and to appreciate the diverse perspectives that I felt Board Members and a Chair bring to this organization. So I'm very pleased to be here, both at the agency, and today, and thank you for your interest.

**Vanessa Allen Sutherland:** Member Engler?

**Rick Engler:** Thank you. Thank you to all those on the phone, who have joined us. Thank you to those who are here today to listen and to talk with us later. I'm pleased to be here to continue to work. I'm confident that we're on a forward path. I'm really excited about that after some of the challenges we previously faced that we have opportunities to make a big difference and trust we'll have a productive meeting.

**Vanessa Allen Sutherland:** So at this time, the Board will start with our open investigations and give a brief update. We'll start with Member Engler to discuss the CSB's ongoing ExxonMobil investigation. Then, move to Member Kulinowski, who will update us on the Williams Olefins investigation. Member Ehrlich will discuss [the] Macondo, or Deepwater Horizon, investigation, and then I will do a couple of updates on the remainder—I think, the three or four remaining investigations.

Member Engler, would you update us?

**Rick Engler:** Thank you. On February 18, 2015, an explosion occurred in the electrostatic precipitator, or ESP, at the ExxonMobil refinery in Southern California, in Torrance, just south of Los Angeles. The explosion injured four workers, caused significant property damage to multiple process units within the refinery, and resulted in an offsite, accidental, release of catalyst dust.

Debris from the ESP fell on neighboring units within the refinery, including the alkylation unit and the platinum reformer unit. Multiple pieces of equipment in that platinum reformer unit were impacted and failed. During the ESP explosion, there was also a near miss release of hydrofluoric acid when a large piece of ESP debris fell within feet of a storage vessel storing thousands of gallons of modified HF in the nearby alkylation unit. If the storage vessel had failed due to impact from the ESP debris following the explosion, HF would have been released. Based on the release characteristics of HF, potentially many thousands of workers and community members could have been exposed to the toxic gas with the possibility of serious injuries and fatalities.

The CSB completed an interim public meeting in Torrance, California, that Chairwoman Sutherland just referred to, on January 13<sup>th</sup>, that: provided details of the incident to the community; received public comment; and convened a panel of experts on refinery safety reforms that are currently being considered in California. More than 300 people attended, 350 people viewed it online, and the meeting received wide coverage in the media, both locally, across the state, and nationally.

Among the participants in the formal presentation were: the Torrance Refinery Action Alliance, which is a coalition of both the union representing refinery workers, and local community groups and other interested individuals; United Steelworkers, which represent the workers at the facility; and the plant manager—[all] provided perspectives. We also had a panel that I will come back to, on the refinery reform process in California, that featured presentations from the Western States Petroleum Association, the BlueGreen Alliance, Cal/OSHA, and Cal/EPA, in addition to some of the speakers I previously mentioned.

Rather than characterize our assessment of the incident, I'll refer you to go online where the same PowerPoint that was presented in Torrance is now on the CSB website at [csb.gov](http://csb.gov). So we're now

incorporating the learnings of the public meeting where we did find some new information to be considered into the investigation report outline, which is currently being developed by our Denver Investigations Team.

CSB will also work with the Department of Justice to enforce subpoenas related to the February 18<sup>th</sup> incident so that a full, all-cause investigation can be conducted. It should be noted that ExxonMobil has rejected many of CSB's subpoena requests related to the potential of an HF release onsite, and into the community, and we're pleased to be working with DOJ to obtain this critical information from the company.

Now, I should just be clear that, and our acting general counsel could provide any clarifying remarks, that while ExxonMobil has been responsive to many, if not all, information requests concerning the ESP unit, there are significant concerns related to a release of HF into the community by many parties. They have not cooperated in responding to those information requests, and that's why further pursuit of subpoenas is important, and we look forward to working closely with the Department of Justice to do just that.

I'd also like to note that CSB remains very interested in, and continues to track progress of, California's refinery safety reports. These are anticipated changes to the Cal/OSHA Process Safety Management Regulation, the Cal Environmental Protection Agency Risk Management Program standard, and their Emergency Response Program, as well. We think they're doing very interesting and important work. The proposed reforms are not yet in the formal, regulatory process within the Department of Industrial Relations; that we anticipate will happen soon, and we're tracking the development there closely.

Another area of CSB interest is the use of HF in refinery alkylation units, which, of course, I mentioned earlier in specific context of this investigation, but we're very interested in whether there are feasible and

safer alternatives. I look forward to a continued discussion of this issue within the CSB. So in a nutshell, I think we're doing a very important investigation at ExxonMobil.

Just a couple of other brief observations: one is that the refinery is in the process of sale to PBF. One of my concerns, I think it's shared by other Board Members, is that when you have a situation where there are new owners coming in with their acquisitions, where there are mergers (witness the Dow-DuPont consolidation that's in progress), issues [arise], such as, not only full compliance, but addressing the spirit of management of change.

What happens when you have major upheavals and transitions and changes when huge corporations merge? Does safety get lost in that process? How can it best be continued on an ongoing basis on the radar screen of the existing management and corporate boards, as well as on the new management and corporate boards? I think that's all something not only are we watching as a theoretical issue, but as a practical issue, because in the midst of at least two investigations, these changes were in progress. Thank you.

**Vanessa Allen Sutherland:** Thank you. That's a very good point. It's been in a merged company, and an acquiring company, and joins two cultures. It's not as easy as it sounds.

Member Kulinowski?

**Kristen Kulinowski:** Just a brief update on the CSB's open investigation into the explosion at the Williams Olefins plant in Geismar, Louisiana. On June 13, 2013, a distillation column heat exchanger catastrophically ruptured causing a Boiling Liquid Expanding Vapor Explosion, or BLEVE, and fire. Two Williams employees were killed, and 167 Williams employees and contractors were injured. The fire

lasted for more than three hours and resulted in the reported release of over 30,000 pounds of flammable hydrocarbons.

The incident caused approximately \$510 million in property damages and 1.5 year closure of the plant. The current status is that an advanced draft of the investigator's report, which is in the form of a case study, has been delivered to the Board very recently and is undergoing internal review. The team anticipates releasing the final case study sometime later in this fiscal year.

**Vanessa Allen Sutherland:** Thank you. Member Ehrlich?

**Manny Ehrlich:** Most of you remember hearing about [the] Macondo, or Deepwater Horizon, situation on April 20, 2010. A multiple-fatality incident occurred at the Macondo oil well, which is approximately 50 miles off the Louisiana coast, during temporary well-abandonment activities on the Deepwater Horizon, which was the drilling rig. What happened was that the well was being abandoned, and control was lost, and there was a blowout. The uncontrolled release of oil and gas from the well managed to find an emission source and ignited, and the resulting explosion and the fire led to [the] deaths of 11 individuals, serious physical injuries to 17 others, [and] the evacuation of 115 individuals from the rig.

The sinking of the Deepwater Horizon [led to] massive marine and coastal damage from a reported four to five million barrels of oil that escaped into the Gulf. This is obviously almost six years old. [The] CSB has conducted its review of the final two volumes of the CSB Macondo Investigation Report.

Volume one was reviewed and approved some time ago. Volume three is focused on human and organizational factors, and volume four provides an analysis of the regulatory aspects of the incident, as well as changes that have occurred since the blowout. The next step is for the team to reach out to

potential recommendation recipients and stakeholders, as well as to coordinate a factual review [of] two volumes by a number of industry, regulatory workforce, and environmental organizations.

After these activities, there will be a final Board review, and release of the two volumes for Board consideration and vote. I talked to our team in Denver yesterday, and they anticipate completing this sometime in the spring of 2016. They've done an outstanding job on this particular one, and our team here, headed by Johnnie Banks, does an equally outstanding job on a number of the others that the Chair will talk about in a little bit.

**Vanessa Allen Sutherland:** Thank you. Now we're going to back down this way. Member Kulinowski?

**Kristen Kulinowski:** Speaking of Mr. Johnnie Banks, and investigations led by the DC team, I'll give you a brief update on the Freedom Industries incident of January 2014, when a release of methylcyclohexanemethanol mixture compromised the water supply for 300,000 residents in West Virginia. The Freedom investigative team is continuing to develop a full report. They're working to advance the investigation to the report-writing and review phase, which should be accelerated once the West investigation comes to a conclusion.

All field work and lab work has been completed. Once all the writing is done, it will undergo our extensive internal and external review process, and recommendations will be developed and submitted to the recipients for their consideration, all in line with our normal procedures. As these two important phases of the process are completed, we will release the report at a public meeting scheduled sometime, anticipated to be this year, in Charleston, West Virginia, where the incident occurred.

**Vanessa Allen Sutherland:** Thank you. So we will now discuss DuPont LaPorte, Texas. On November 15, 2014, nearly 24,000 pounds of methyl mercaptan was released at the DuPont Chemical

Manufacturing facility in LaPorte, Texas. The release resulted in the death of three operators and a shift supervisor inside an enclosed manufacturing building. Additionally, three other workers were injured from their exposure to methyl mercaptan, and at least three more workers experienced methyl mercaptan exposure symptoms. The investigation team is working to incorporate Board Member comments on the investigation scope, and is continuing to develop a robust causal analysis to guide completion of the investigation. As you may recall in September, we had an interim public meeting, and we are continuing to work on that for completion, we hope, in 2015.

Next, it's Tesoro Martinez. On February 12, 2014, two employees at the Tesoro Martinez Refinery in Martinez, California, suffered first and second degree chemical burns when they were splashed with concentrated sulfuric acid following the failure of a three quarters of an inch tubing connector at a sampling station in the refinery's alkylation unit. Approximately 84,000 pounds of sulfuric acid was released during that incident.

On March 10, 2014, two contract workers were sprayed with sulfuric acid while conducting planned maintenance work to remove piping in the refinery's alkylation unit. The sulfuric acid sprayed on the two workers when they cut into the piping using a portable band saw. The status update on this incident is that the investigation team in Denver completed a case study draft in December and circulated that product within CSB staff for internal review. We will be working in the next month to incorporate the feedback received on that review and will then provide an updated draft, which the Board will review, and a final voting version is likely for this summer.

West Fertilizer, which we just discussed and will be holding a public meeting on next week: [We are] currently preparing our final investigation presentation for that meeting. This is in anticipation of being there on January 28<sup>th</sup> at 6 p.m. at the Waco Hilton Hotel, where the team will present their findings and recommendations to the Board for consideration and a possible vote to adopt a report as a completed

product. The public meeting is going to be open for those who are physically present, but also webcast for those who cannot attend. The team will post a website link. I think that's already available on the CSB website, and please participate in that if you can.

And lastly, on December 3, 2015, after a series of seemingly unrelated incidents that occurred at the Delaware City Refining Company (DCRC) over a four-month period, a four-person investigative team from the CSB was deployed to meet with DCRC managers, supervisors, hourly workers, and representatives from the United Steelworkers. The team was able to: conduct a conference with key personnel that had direct knowledge of the most recent incident, including some of the events that had happened over the summer; tour the area; and observe and photo-document physical evidence.

In the coming weeks, the team will produce a safety alert or safety bulletin that will discuss the incident and admit observations on the factors that caused or allowed the events to occur at this refinery. While it is not anticipated that the final product will contain recommendations, the product will point out many of the lessons learned that we think contributed to the succession of events that occurred over that four-month period.

We will now move along to a very brief operational update, but feel free to ask questions if you have follow-up or if you would like additional data. We will discuss the Inspector General updates, finance and budget updates, organizational update, and then recommendation status report. As of January 20<sup>th</sup>, the CSB is currently working with the Office of Inspector General on five audits. Those audits are as follows.

The FISMA FY-2015 audit. For those who love government acronyms, that is the Federal Information Security Modernization Act, and that is an annual compliance review. There were a total of seven recommendations for the CSB. One is closed, and the CSB is on track to close the remaining recommendations by March 30<sup>th</sup> of 2016. Thank you very much to the team for that.

On November 10<sup>th</sup>, the CSB was notified by the EPA-IG that [indiscernible] begins to complete an additional objective associated with the mandated FISMA reporting metrics. Copies of metrics and formal documents and policies and procedures were provided to the IG on November 16<sup>th</sup>. On January 7<sup>th</sup>, they sent a draft report for our review. This document does not include any new recommendations, but does include three areas for improvement. The CSB has added these three areas to its plan of action with milestones to address in advance of the next FISMA audit, which is likely to begin in June.

Second, our CSB Governance Project is underway. The staff met with the Officer of Inspector General on October 7, 2015, to discuss issues to be expected in the draft report. The OIG met with Board Members on October 28<sup>th</sup> to present and discuss its findings, and a discussion document is expected in early 2016 to give us recommendations, if any, on governance matters.

Third, we had an audit on [indiscernible] hotline results. The CSB met with the IG on October 7<sup>th</sup> and 28<sup>th</sup> to discuss the findings in that report. A response has been prepared and will be forwarded by January 21<sup>st</sup> outlining their findings particularly in the area of procurement and contracting.

Fourth, Improper Payments Act audit. The CSB met with the IG on December 17<sup>th</sup> for a kickoff meeting. We have received several requests for data, or clarification on data that has been received. All requests have been provided as quickly as the data has been gathered— usually within a week. The discussion document is expected from the IG by February 29, 2016.

Lastly, our audit of CSB purchase cards. We met with the IG on December 17<sup>th</sup>, as well, and discussed the purchase card compliance requirements. A draft report is expected from the IG by May 31, 2016. Thus far, we have received very favorable feedback from them on our timeliness and our likely findings for many of the five audits that I mentioned.

For the budget, on December 18<sup>th</sup>, Congress passed the Consolidated Appropriations Act providing funding for CSB and a lot of other agencies. The CSB was appropriated \$11 million for FY16, and the Board has been working with the financial operations team to develop an operation budget that's actually being circulated for review and final vote as we speak. We hope that when that is complete, we can more strategically allocate this year's appropriations for outreach and investigations and deployment.

Finally on the budget, the Board is reviewing a draft budget request for FY2017, which is due to Congress in only February. I believe it's the first week, by the 8<sup>th</sup>.

Next, organizational update. We have several organizational initiatives ongoing. The CSB's leadership team has implemented a new Code of Conduct. As a matter of fact, for those in the room, you can see it framed very nicely; it's a very lovely background. And this, I think, is a huge coup; we had a large group of CSB employees review and update what was previously a code of conduct that, I think, people decided needed to be refreshed in order to foster an environment of mutual respect across CSB.

As you can see, it's very crisp. I think there are seven key items on the Code of Conduct. For those who are on the phone, because it's very brief, I will simply share that these are: Conducting ourselves in a highly professional manner; Communicating constructively and often; Treating others as you want to be treated; Valuing teamwork; Taking personal responsibility for making the CSB a supportive, productive, and positive working environment; Building trusting relationships; [and] Working collaboratively to include others when appropriate, and a commitment to ourselves, as one CSB, and to our mission. Obviously, many of those are very applicable to our external relationships and making sure that we have [indiscernible] those as well.

Second, our agency has partnered with a consultant to help us update some of our outstanding and outdated documents, which will provide us infrastructure. They're predominantly in the HR procedures and Position Descriptions category. Having those documents, policies, and other critical reference materials is, I think, crucial to having consistent, equitable, and transparent agency operations. It's written, and we'll be able to refer to it over and over again. Infrastructure and written guidance has been a topic that many have expressed to me as an area that is of concern to them, and obviously, it's a part of running a well-run and efficient organization. So I'm excited to move forward with that because she had just started, but certainly we'll be looking at other small agency best practices on how to make sure we update those on a more regular basis.

And then lastly under organizational update, we will have a new employee starting on Monday, the 25<sup>th</sup>.  
Is Monday the 25<sup>th</sup>? Monday, the—

**M:** Yes.

**Vanessa Allen Sutherland:** ...I think it's the 25<sup>th</sup>, who will be working in Board Affairs, and we are excited about being able to start that hiring, and hopefully we'll be able to mention many new hires to come.

Last on our organizational update is a recommendation status change. The Office of Recommendations has been working very hard to advocate for the update and closure of recommendations that we know are going to make critical safety changes that have been identified in our investigations. The Board recently voted to change the status of 18 recommendations from 7 different investigations: the CAI/ Arnel chemical plant explosion; the Chevron Refinery fire; the General Store propane explosion in Ghent, West Virginia; the Honeywell chemical incident; the MSG chemical gas release; the US Ink fire in New Jersey; and the Valero McKee Refinery fire.

Half of those were closures, indicating that the recipients took actions to fully implement the intent of the recommendations. The other half were designations with the status “Open—acceptable response,” which indicates that the recipient has made progress towards satisfying the intent of the recommendations. I am pleased to see positive actions being taken to implement our recommendations, and expect that they will result in improved health and safety. All these status changes will be featured on the recent Recommendation Status Change section of our website, so that’s for those who want to go back and refresh their recollection. They will be posted soon.

Under our Most Wanted List, which is currently Process Safety Management and Combustible Dust, we are working on developing a new 2016 to 2017 Most Wanted List to guide the agency’s advocacy activities. The Board will review a list of issues of concern as presented by the team, and together, we plan to use the Most Wanted List and the Issues of Concern List to ensure that our activities are carried out strategically to maximize the impact we have with our limited resources.

Next, which we will discuss at the West public meeting next week in Texas, one area where we have had concern is the need to learn more about the proximity of communities to chemical facilities. So, our West Fertilizer investigation, which will be held next week, is just, I would say, the most recent indication that we need to take a look at how land use planning may have contributed to the consequences of the accident. We found similar circumstances in 13 past CSB investigations, and the Office of Investigations, both DC and Denver, and Recommendations, have worked together to develop a proposal for a new study to examine this issue and consider whether and how existing regulations and practices can be improved to address this risk. The board has heard the proposal, and we will discuss that further at next week’s West Fertilizer public meeting.

Finally, under recommendations, we are issuing a short CSB Performance and Impact Report for FY2015 to attempt to capture how CSB products are being used to improve health and safety around the country. The report will be available in the next couple of weeks and will be posted on our website. Some of the statistics in the report include 2 new investigations opened and completed; 24 recommendations closed and 32 issued; 6 new safety videos; and 7 public meetings, all in FY2015. So again, hats off to the team. I know the Board is always impressed with what we can accomplish with our staff, and that certainly is very indicative of that.

So, next, as we wrap up the last two topics and get to new business and a public comment period, I wanted to briefly discuss the CSB's 2016 Action Plan. As many of you probably knew and know, at the very first public meeting that Member Kulinowski and I were able to join, we had a couple of questions about the Action Plan. We shared that we were working diligently to try to complete FY2015, but to make sure that going forward, we had an Action Plan that was reflective of the Strategic Plan, which is usually a four-year window, as well as our annual budget, annual priorities, etc. So, this year the Action Plan, although a living document, is the guide that we are using to plan our work and to catalog our accomplishments.

The Board, with leadership from the Leadership Team and their staff, and, of course, myself, seek to accomplish several goals and objectives that are already articulated in the 2012 to 2016 Strategic Plan. While the management team and the Board will review and update the Action Plan quarterly for various accomplishments and assure that we're on track, the agency must focus on the following important matters during the fiscal year. There are many critical areas of work, including human capital and performance management, which must also be reviewed, in addition to the following items.

The Board has reviewed the Action Plan, and these things are where we are headed thus far: The CSB will complete at least four investigations, and you've heard already [that] next week we'll be meeting to

discuss West. The CSB will complete up to 25% of its open recommendations and assure that each Board Member participates in outreach and advocacy to support the Most Wanted List and those investigations. The CSB will complete a draft scope and proposal for a study and will likely commence work on that study, as I just mentioned a moment ago. The CSB will update at least 25% of its current Board Orders to correct stale or inaccurate information, things that are legally out-of-date, and to make significant progress on updating internal practices. I didn't mention this, but, courtesy of the Office of General Counsel and many of our Leadership Team members, we have five updated Board Orders that will be going to the Board for internal review and approval in the next week or two.

The CSB will commence and promote a new communications outreach initiative to make its materials available in Spanish, including updating the website and investigation products and press releases. The CSB will commence work on its next Strategic Plan, which I mentioned expires in December of 2016. The CSB will continue to close out and complete open audit recommendations from the Office of Inspector General. I think we're making good progress there, and we will re-examine initiatives that were already underway before we had four slated Board Members, for both incident investigations and deployment assessment, to update and standardize certain processes. The Board has been very active and participatory in that latter initiative.

From a new business perspective, we received many questions recently about our deployment process. So I just wanted to share generally some updates on that. The CSB relies on our multi-disciplinary team and two great investigative teams to conduct incident screening of chemical events that occur around the country at fixed facilities. Those events are evaluated and may lead to an internal [audio disruption] meeting.

Any time the agency visits a location to gather additional information or to conduct an investigation, we refer to that internally as a "deployment." We use it as a verb. It's the act of going. It does not

necessarily indicate a type of product that may result. It is the physical act. As the NTSB says, “we launch”; when they say they “launch,” they’re sending a team to do something. We say, “deploy.”

We use that term to describe our visitation of an investigation site. It is not a synonym for a full investigation report, particularly given that, upon deployment, the CSB may not have yet determined the scope of the investigation, or the need to coordinate with other ongoing investigations, such as a criminal matter (to which we would defer most likely to a criminal law enforcement agency if they were onsite, and we had reason to believe that this was, in fact, terrorism or sabotage).

In some cases, the Board deploys to a site with an investigative team, as well, as part of the additional gathering of data about the incident. Upon returning from the accident site, the investigation team and Board consult to determine the type of product that may be produced, the scoping document. It could be drafted to determine: what types of issues will be investigated; if more information needs to be gathered, [etc.]. Moreover, the CSB may determine during its deployment that a variety of different issues remain to be investigated, and during the investigation, may determine that a variety of valuable, final investigative products could be used to advance chemical safety. Those could range from [a] safety alert or bulletin, [to] a case study, or [to] a longer investigation report.

We consider numerous factors when deploying, including: the number of injuries and fatalities; offsite impact; and the learning potential related to an accident; whether or not there’s criminal activity, which I mentioned a moment ago, which will require us to make sure that the way in which we gather evidence is consistent with that; whether it’s on our Most Wanted List, and it’s an issue of concern; emerging issues, etc.

Internal deployment meetings involve both the investigations team, the directors of our other offices, and the Board Members. Pursuant to internal procedures, a diverse team evaluates the information gathered

during this process, on behalf of the Screening department, with the intent of determining whether more information should be gathered, or whether a deployment should be commenced. If a deployment commences, and a discussion ensues following the factors that I just mentioned, then the agency must consider: if the apparent cause of the incident is well-known or well-studied; certainly, we want to make sure that we all confirm it is a fixed facility, and not another agency's jurisdiction; is the site safe to visit; how the staff's work may be currently affected; and other key factors.

In addition to deployment, the investigations team supports the review and closure of open recommendations. They continue to work to complete open investigations. They contribute materials or presentations for public meetings, support employee onboarding efforts, and review and support agency studies. They support audit and review initiatives that are ongoing. They conduct outreach activities, as well, at various conferences and [indiscernible].

That is one of the factors, or I should say, that's actually many, many factors that we take into consideration as part of the very broad deployment analysis. So, I commend the team for all the hard work and creativity and analysis that is given when we have our internal deployment meetings. The process is very thorough, and we try to have as diverse a perspective as possible in analyzing whether we believe that a deployment needs to commence.

So with that, at this time, I'd like to open the floor for public comment related to the CSB's operational activities, either the open investigations that you've heard from the Board Members or any of the other day-to-day activities that I just provided a report for. Due to the number of people on the phone, I hope there is a queueing system, but, just remember to keep your comment to three minutes if you do have one. We will begin with a list, if anyone is signed up, in the room; otherwise, we will take callers and anyone who submitted comments to [meeting@csb.gov](mailto:meeting@csb.gov). So with that, are there any comments from anyone in the room?

And Hillary, do we have to ask them to queue up or tee up on the phone?

**Hillary Cohen:** Yes. Are there any comments from the phone?

**Operator:** (Operator instructions.)

**Vanessa Allen Sutherland:** While we are waiting for those who are on the phone, does anyone in the room have a question, comment, or an area that they would like us to address at an upcoming meeting? Okay. Are there any questions on the phone?

**Operator:** Yes. We have a couple of questions. First question comes from Jeff Johnson from *Chemical & Engineer*. Jeff, please go ahead.

**Jeff Johnson:** Thank you. I'm curious if we're coming up on a year since you began a new investigation, and, I'm curious, have no accidents happened that have met your criteria for investigation, or can you explain when you're going to get on track to do investigations again?

**Vanessa Allen Sutherland:** Well, we are still doing investigations, and as I mentioned, we went to Delaware City, I think—

**Jeff Johnson:** I meant with [new] investigations, not the outstanding ones.

**Vanessa Allen Sutherland:** So you mean deployments?

**Jeff Johnson:** Yes, okay, deployment.

**Vanessa Allen Sutherland:** We continue to meet, and so the first part of your question is, there are incidents and accidents every day in the United States, which is why our mission is so important. Yes, we are meeting, and there are several that we actually have convened, meaning four. As I mentioned, without going through the bullet points too detailed, unless you want me to highlight any of those, there are a variety of different factors that we are in the process of trying to make sure we can complete and resolve.

We have several open investigations. Couple of which, like Deepwater Horizon, Freedom, West, Williams, we hope to be able to close out in the next few months, and that requires the same team in DC and Denver, who are working on recommendation support, public meetings, completing open investigations, to deploy. So I take it very seriously that we take a look at all factors that would affect the deployment. We did, as I mentioned, the December launch, a small team to Delaware City, and a report will be coming out for that to share our findings and hopefully provide some lessons learned, not just for that particular facility, but that might be useful at other refineries.

I think we, the team, [and] I certainly know, having talked to the Board, we are very eager to get back out and deploy and make sure that we are doing that in an effective, thoughtful way. I'm not going to monopolize; if anyone has any other comments they want to share on the Board, feel free to. I don't want to speak for everybody, but certainly going out and trying to get information on our Most Wanted List topic, on other issues of concern, or where we see the same type of accidents or incidents happening at a facility over and over, such as the Delaware City deployment that we had in December, is still very important to us.

Did you all have anything else that you wanted to add to that?

**M:** No.

**Vanessa Allen Sutherland:** Okay. Do we have additional questions or follow-up questions for those who are in the queue or on the phone?

**Operator:** We do have a question from Richard Rozara [ph], a private investor. Please go ahead.

**Richard Rozara:** Hello. This is Richard Rozara. Looking at your website and on the open government section for, in terms of public meetings, the last transcript of your business meeting that's posted was for July 22<sup>nd</sup> of last year. Is there any kind of schedule you have for posting updates of business meetings, transcripts?

**Vanessa Allen Sutherland:** That is a very timely question, Mr. Rozara, and yes, we are actually working on that now. That was something that we, last month, discussed in how the IG might want us to reorganize our website. So yes, we will be posting the October and November business meeting minutes, as well as January. They gave us suggestions about how to reformat that, but we are absolutely aware that we did [have] a little bit of a time lag there, and it is a top priority to get our business meeting minutes posted.

**Richard Rozara:** Thank you.

**Vanessa Allen Sutherland:** Yes.

**Operator:** Our next question comes from Ken Ward from the *Charleston Gazette*. Please go ahead.

**Ken Ward:** Hi. Thanks for taking my question. I wondered if the Board could narrow down a little bit regarding the Freedom Industries investigation. If I followed correctly, there was mention of a public meeting in Charleston, but the timeframe that was mentioned was just, "sometime this year." As you know, we just passed the second anniversary of that incident, and people here are very eager to hear what the CSB has found in that incident. I'm wondering if you all could narrow down the timeframe a little bit. I mean, are we talking March, or are we talking December?

**Vanessa Allen Sutherland:** Thank you, Mr. Ward. We actually have talked about that internally, and we have viewed generically this year, but our target is to have something completed in the next report, completed in the next six to nine months, so that would put us into the summer, not in December.

**Ken Ward:** Thank you.

**Vanessa Allen Sutherland:** You're welcome.

**Operator:** (Operator instructions.) We're showing no further questions at this time.

**Vanessa Allen Sutherland:** For those on the phone, there are no questions in the room. So I want to thank the staff for their dedication. We have 40 people who do a lot of juggling and a lot of aggressive timelines, so thank you very much for the ongoing work. As everyone who has been participating on the phone and in the room has heard, the Board, given that there are four of us, and we're all extremely active, we've been able to hold a lot of public meetings, [and] work on completing a lot of open investigations. We're slated to do a lot between now and the summer, and the team hasn't winced once.

So I think that's quite a feat, considering that when I started, we had seven or nine open investigations. We've had two interim meetings to share with people where we are. We are on track to complete four remaining in the next, I guess, half of this year.

And so, we can't do any of that, meaning the Board can't do any of that, vote on it, and have the kind of flawlessly executed public meetings, without our logistic staff, the Investigations team, the Recommendations team, and I don't know that people understand [what] it takes, and how much money and time and energy it takes, to ship a bunch of equipment out and make us look like we're all running smoothly, but it takes quite a bit. And so, I know, it takes quite a bit to go from California and do a public meeting for two days, to in two weeks go to Texas and do the same production over again, and get recommendations out, and respond to audits, and deal with organizational changes, and hire new people, and do a study, and, and, and. So I do not take any of that for granted for the team. There will be a pizza party tomorrow or something, I don't know, but I also want to thank the fellow Board Members for their contributions, not just today at the meeting, but in general.

It's very hard to get a lot of this work done if you can't find people, and they are here all the time, rolling their sleeves up, doing the same work that the staff is doing, so I very much appreciate that, as well. We all clearly share an interest in preventing chemical accidents and promoting safety, and I hope that when we have finished some of the organizational tasks, like updating our procedures and policies, and the things that take away from the mission and possible deployment, that we can then turn our time and spend the majority of our energy on outreach and deployment and investigative work. So I want to thank everybody who attended this meeting today, both in person and on the phone. We appreciate the comments that you shared on the phone, in particular.

We will be hosting our public meeting, as I mentioned, in Waco, Texas, next week. Our next public business meeting will be held in Washington, DC, in February on the 23<sup>rd</sup>. Details about the location and

the agenda for that business meeting will be available on our website at a later date, and that is in part because, as you can tell, if we continue to close things out very aggressively, we want to make sure that the public is kept up-to-date. So, thank you for your attendance, and, with that, the meeting is adjourned.

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