




Chemical Safety and Hazard Investigation Board

Office of General Counsel

Memorandum

To: Board Members
From: Christopher Warner 
Cc: Leadership Team
Subject: Board Action Report – Notation Item 743
Date: March 16, 2010

On January 25, 2010, the Board approved Notation Item 743, thereby adopting an Investigation Initiation and Deployment Decision, which authorized the deployment of CSB investigators to the DuPont Belle, West Virginia, plant to conduct an investigation under the authority of 42 U.S.C. § 7412(r)(6)(C)(i). A copy of the Decision is attached to this Board Action Report.

Voting Summary – Notation Item 743

Disposition: APPROVED

Disposition date: January 25, 2010

	Approve	Disapprove	Calendar	Not Participating	Date
J. Bresland	X				1/26/10
W. Wark	X				1/25/10
W. Wright	X				1/25/10



Chemical Safety and Hazard Investigation Board

John S. Bresland
Chairman

William B. Wark
Board Member

William E. Wright
Board Member

INVESTIGATION INITIATION AND DEPLOYMENT DECISION

The CSB currently has 16 open investigations, and only 15 investigators. Many of these open cases are already behind schedule. Accordingly, the Board must weigh quickly, but carefully, the consequences of initiating additional investigations at this time. In this instance, the Board is confronted with an incident with tragic consequences and great potential significance. At the same time, the Board must acknowledge that taking on additional obligations at this time will lead to delays of other investigative matters, including the investigations at the Bayer CropScience facility in Institute, West Virginia, and the Veolia Environmental Sciences facility in West Carrollton, Ohio.

Despite the impact on current cases, the Board has determined that initiating an investigation of, and deploying investigators to, the incidents at the DuPont facility in Belle, West Virginia, is necessary. This determination is based upon the following information gathered by CSB staff:

1. On Saturday, January 23, 2010, a serious incident involving the release of phosgene occurred at the DuPont chemical complex in Belle, West Virginia. This was one of three known loss-of-containment incidents in the past week at the same facility. In addition, a preliminary review of CSB screening data indicates there have been a number of other incidents at the same site in recent years, including:
 - a release of monomethylamine in August 2009;
 - a release of sulfur trioxide in July 2009;
 - a leak of phosphoric acid in December 2008;
 - a leak of sulfuric acid in October 2008;
 - a release of sulfur trioxide in September 2008; and
 - a leak and fire in December 2006 involving trimethylamine.
2. The Belle complex is a very large facility that is regulated under the EPA Risk Management Program and the OSHA Process Safety Management standard because of the volume and hazards of the materials it handles and the potential risk to workers and the community.
3. Reports indicate that phosgene liquid or vapor was released from a braided steel flexible line which was connected to a 1-ton capacity phosgene storage tank. A worker was exposed to the phosgene and died approximately one day later from what are presumed to

be phosgene-related injuries. Phosgene is an extremely toxic substance that is used by a number of chemical facilities.

4. In addition, the President of the Kanawha County Commission, where the DuPont facility is located, has communicated his concerns about emergency communications between DuPont and county authorities about the phosgene release. Emergency communications issues have also been widely identified in the August 28, 2008, explosion and fire at the Bayer CropScience pesticide complex in Institute, West Virginia, which is nearby.

Because of the potential for serious or catastrophic harm from any loss of containment of phosgene, and because of the history of incidents at the facility over the past week and in recent years, the Board will deploy investigators to the DuPont Belle facility to conduct an investigation of the phosgene release and other recent releases. The Investigator-in-Charge shall provide the Board with a status report on the investigation team's preliminary findings, key issues, proposed costs, and a timeline for completing this investigation no later than 30 days from today.

BY THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

January 25, 2010.