



U.S. Chemical Safety and Hazard Investigation Board

Office of General Counsel

Memorandum

To: Chairperson and Board Members

From: Christopher Warner *Ch Warner*

Cc: Manuel Gomez
Daniel Horowitz
Steve Selk
Randy McClure

Subject: Board Action Report – Notation Item 400

Date: February 14, 2006

On February 13, 2006, Notation Item 400 was approved by a vote of the Board, resulting in the adoption of the investigation report and recommendations on the incident at the Sterigenics facility in Ontario, California. Board Members' editorial comments will be forwarded to the Office of Investigations. A Board Member's dissent from the vote is attached to this memorandum.

Voting Summary – Notation Item 400

Disposition: APPROVED

Disposition date: February 13, 2006

	Approve	Disapprove	Calendar	Withhold	Not Participating	Date
Chairperson Merritt	X					2/3/2006
Member Bresland	X					2/13/2006
Member Visscher		X				2/13/2006

I am satisfied with the Sterigenics report, with one exception: as I have previously indicated, I do not agree with the report's recommendation to CalOSHA, i.e. to inspect the ethylene oxide sterilization facilities in California "in terms of the findings of this report."

I understand that the number of such facilities is not expected to be very many, though apparently at this point no one is certain about the number of facilities. My objection is that it seems to me an unnecessary intrusion into CalOSHA's inspection priority-setting process, which as I understand it, generally targets inspections towards "high hazard" industries and facilities, based on workers compensation data, pursuant to legislation passed by the California legislature in 1993.

It is also not clear what focus the inspections would have, since our principal finding and recommendation seems to be that Sterigenics should have a means of monitoring ethylene oxide levels inside the chamber – but that is not a requirement and would not apparently be something that CalOSHA could require at these other facilities.

The results of this investigation seem ready made for outreach about the circumstances and causes of the explosion to other similar facilities, either by CSB, or someone else if we lack the resources. It is not clear that recommending that CalOSHA redirect its inspection/enforcement resources away from high hazard facilities is either necessary or desirable.

- *Gay Viooch*