

Remarks by Dr. Rafael Moure-Eraso  
Chairperson, U.S. Chemical Safety Board  
Before the ICC, October 22, 2012

Good morning. It is a true pleasure to be here before this ICC annual conference opening session. I want to say thank you to the President of ICC's Board of Directors, Mr. William Dupler for inviting me to be here today, it is an honor to participate in the ICC's 10th annual conference. The U.S. Chemical Safety Board – as I'm sure you all know—is an independent federal agency. We are not regulators. We don't issue fines or penalties. We don't have any compliance authority.

So, what do we have? We have information – findings from our investigations. We have safety recommendations that emanate from those findings.

And what else do we have? We have the International Code Council. We have the I-codes. And thank goodness. The CSB and the ICC have a very deep shared mission. And that is to closely examine the facts about accidents and safety issues and then figure out the best way to prescribe practices that will prevent accidents and save lives.

The CSB's accident and safety study investigations begin, of course.... with accidents. With the tragedy of lives shattered, explosions and toxic releases that shut down plants, cost jobs, and raise community anxiety about the trustworthiness of plants and refineries – large and small – to operate in a safe manner.

We begin with worker interviews and with on-site inspections, and continue on with equipment tests and a thorough examination of documents that we request concerning many aspects of a plant's operation – including training, process management, and hazard evaluations. And for all investigations, we also take a look at the applicable regulations and codes.

We look at the company's record of compliance, and the federal, state and local enforcement of codes that have been incorporated into regulations. In the course of our many investigations, the CSB has come to know the true importance of model codes.

We know that federal regulators – notably OSHA and the EPA – cannot be

in every factory and plant. Sometimes the most up-to date codes and guidelines are not referred to in the federal regulations. Both federal agencies have limited opportunities for action to prevent fires and explosions. CSB has found in several recent investigations, in fact, that the actions and interventions of local citizen's organizations and authorities have been powerful incentives to develop ways to work closely and directly with local industries to assure compliance with codes.

It's important to note how many more "boots on the ground" state and local officials have than federal authorities. We depend on code officials to protect our communities.

The CSB strongly commends the International Code Council for all the careful work you do to produce such effective voluntary consensus I-codes. From time to time, we may make recommendations to consensus code organizations to make certain changes to cover issues we have found in our investigations.

And I want to take this opportunity today to commend ICC for its willingness to consider CSB recommendations.

In particular, we shared a tremendous mutual success when you adopted changes to the National Fuel Gas Code following the terrible explosion, fires, and roof collapse at the ConAgra Foods Slim Jim facility in Garner, North Carolina, in 2009.

In that case, you may recall, the accident occurred during an operation to purge air from a new steel gas-supply pipe that was connected to a newly installed industrial water heater. They had trouble igniting the heater, and they continued to purge the line –indoors – for a long time. And the vapor found an ignition source.

Following that accident the ICC took action to prevent a similar accident from occurring. As I said in a statement and news release in October 2010: QUOTE: We commend the International Code Council's Board and membership for voting to approve an Emergency Amendment to the fuel gas purging requirements of the International Fuel Gas Code and the International Residential Code. The CSB believes these new requirements are urgently needed to prevent future tragedies resulting from unsafe purging practices at industrial, commercial and public facilities. UNQUOTE

And in that way, the ICC and CSB worked together to make a change that clearly and without doubt has and will save lives as companies comply with this code change.

And the CSB is currently working with ICC on something very close to all of our safety hearts – and that is – combustible dust. This is a scourge in industry across the country. These accidents continue to occur – an insidious hazard that is so preventable. And these explosions are particularly tragic for workers, usually causing horrible burn injuries. I know you want to stop these as much as we do.

In 2010, as you know, the Hoeganaes powdered metals plant in Gallatin Tennessee had not just one, not just two, but three --- three! --- combustible dust flash fires. They killed a total of five workers and injured three others. Despite evidence released by the CSB and information that Hoeganaes had in its possession even before the first accident in January 2011, the company did not institute adequate dust control or housekeeping measures after the first and second accidents. Tennessee OSHA and the City of Gallatin TN, are monitoring the adequacy of the dust controls instituted by the company after the third explosion. .

In November of 2011, the CSB was honored to hear testimony from Bruce Johnson of the ICC at our Hoeganaes investigation public meeting in Gallatin, Tennessee, along with other distinguished panelists. This input was invaluable.

Our final report was released in January 2012. We issued several recommendations -- to the company of course, to OSHA, to Tennessee OSHA, to the Metal Powders Association and to the city of Gallatin and its fire department – where code enforcement was problematic. The state of Tennessee follows the IFC, and the company’s lack of adherence to rigorous dust control standards was the primary cause of the incidents due to large dust accumulations throughout the facility.

And we are pleased to be following your progress toward adopting the recommendation we issued to ICC, as follows:

Quote “Revise International Fire Code Chapter 22 --- Combustible Dust Producing Operations; Section 2204.1 Standards, to require mandatory compliance and enforcement with the detailed requirements of the NFPA standards cited in the chapter, including NFPA 484.” UNQUOTE

We will be working further with ICC in the next few months to assure that this recommendation gets proposed for ICC action. And we are hopeful of its adoption by ICC in 2013. This action will set an important baseline standard across the country, so that both ICC and NFPA jurisdictions are taking strong measures to control these deadly incidents.

Changes in the fire codes brought about by ICC reverberate throughout industry, and throughout the states and local jurisdictions. Such a change on dust has the potential of saving many lives in the jurisdictions that would adopt it and enforce it.

Just to summarize my frustration on the issue of combustible dust and why I truly look forward to the ICC's action:

- The CSB issued a Combustible Dust Hazard Study in 2006
- We identified 281 dust fires and explosions between 1980 and 2005
  - 119 fatalities
  - 718 injuries
- 20% of dust fires and explosions were fueled by metal dusts
- The CSB recommended OSHA promulgate a General Industry Combustible Dust Regulation after its 2006 Combustible Dust Study. In 2009 the CSB recommended that OSHA move forward expeditiously with a standard following the CSB's investigation into the devastating 2008 sugar dust explosion and fire at Imperial Sugar that killed 14 workers.
- OSHA issued advanced notice of rulemaking in 2009
  - Held various stakeholder meetings
  - Initiated Dust NEP
- To date, no final rule has been published.

We know you are aware of our safety videos on this subject: There is Combustible Dust, An Insidious Hazard that includes animations and reporting on several explosions including West Pharmaceutical, CTA Acoustics, and Hayes Lemmerz. There is a video on the Imperial Sugar tragedy, and a video on the Hoeganaes flash fires. These videos and our reports are available on our website at [www.csb.gov](http://www.csb.gov). But more is needed.

It is all the more imperative that we work together – the ICC and CSB – to prevent these dust accidents.

In addition to the videos, the CSB continues to offer whatever information

and resources we may have to code officials. And we would welcome collaboration on ICC training programs – as suggested earlier by Sara Yerkes, to focus on recognizing potential dangers and ensuring mitigation. In summary, I can't emphasize enough the CSB's positive view of the work you all do at ICC.

Working together, the ICC and CSB can and do save lives.

Thank you.