

Dr. Rafael Moure-Eraso
Chairman, U.S. Chemical Safety Board
Speech to the United Steel Workers
March 7, 2012

Thank you for that kind introduction. I very much appreciate the opportunity of speaking at this annual meeting of the United Steel Workers. So many friends here who share the same commitment that we have at the CSB to the cause of worker safety. Leo -- David -- Peg— Mike—always great to be with you.

I want to say once again to Mike Wright, how much the CSB board and staff appreciated the very positive remarks that you made in the January *Chemical & Engineering News* article.

You complimented the quality of CSB investigations, recommendations, videos, and of our website. I want to compliment the great work of the USW in making workplaces safer.

The CSB is not, as you know, a regulatory agency.

But we do have a very powerful tool: we conduct thorough investigations, make strong recommendations, and make all this information public through our reports and safety videos.

With the help and support of great workers' organizations like the USW, we can make safety change continue to happen.

With that in mind, I want to announce today, that the CSB Board – my colleagues with me today, John Bresland and Mark Griffon – voted recently to develop a new policy providing broad participation of chemical plant employees and their representatives in CSB investigations.

We have appreciated USW participation in the past in helping us get to the truth of what has happened after a tragic accident.

Now, there will be even greater participation under a formal system that has been developed.

There isn't time here for all the details but –basically -what will happen is this: If the CSB initiates an investigation at a union-represented site, the CSB will promptly identify and notify all unions of its plans to investigate.

The CSB will seek participation by contract employees and their representatives, similar to facility employees.

The CSB will take measures to avoid interference by any party with the proper exercise of employee participation.

CSB investigators will allow and encourage employee representatives to accompany the CSB team during site inspections and tours.

And employees will get the same opportunity as company managers to participate in evidence testing and reviewing draft reports.

This is an important milestone for the CSB. No one knows more about the day-to-day operations at a plant than the workers who go there every day to earn a living. We cannot fully succeed in our mission without your help.

Since I was appointed chairman of the CSB by President Obama in June of 2010, my number one priority and mission has been to build on and continue to improve the quality of CSB investigations.

The entire board shares that goal.

And, by way of re-introduction -- Mark Griffon was appointed to the board at the same time I was, and we both joined John Bresland, the former chairman... whose nine years of service to the agency, and his chairmanship, have been invaluable.

I think the CSB is well positioned and organized to move ahead and continue to do important things for accident prevention.

With full board support, I named Dr. Daniel Horowitz as managing director. I believe he's doing a great job in overseeing the day to day investigation activities. He's with us at the meeting this week.

The investigation teams are in place under outstanding leadership: our top investigation managers are Johnnie Banks and Don Holmstrom.

Now, we are a very small agency with a big mission – to prevent injuries, to save lives. We need to expand in order to keep up with the accidents that we just cannot get to. We are aware of the current budget realities.

But, we are very encouraged by the fact that in December Congress made a decision to fully fund the CSB at the level requested by the president, at 11.1 million dollars.

Not huge by Washington standards, but a record-high budget for the CSB that will help us increase investigative staff. And we are in the process of hiring new investigators.

Let me briefly review what the CSB has been doing on the accident investigation front.

Last year we released a report and safety videos on the Bayer CropScience explosion in Charleston, West Virginia.

Two workers were killed. Only luck prevented pieces of a reactor vessel from hitting pipes leading to a large tank of methyl isocyanate ..

The same chemical that killed so many at Bhopal, India –which Mike Wright and Peg Seminario ---as onsite labor investigators of the tragedy--know about all too well.

Next, we released a report on three accidents that happened one after another at DuPont's - Belle, West Virginia facility – in one of the accidents, a worker died tragically from phosgene exposure after a hose burst.

Then we issued a report called Public Safety at Oil and Gas Storage Facilities after we learned kids were being killed from explosions while socializing at these unsecured oil production sites with few if any warning signs.

Next we released a report on a laboratory accident that occurred at Texas Tech University in Lubbock, which severely injured a lab worker, pointing out this is a nationwide problem with workers at academic labs across the country.

And, we completed the investigation of Goodyear in Houston where one worker was killed and seven others were injured during a maintenance operation when ammonia over-pressured inside a heat exchanger.

I take pride in these investigations.

But one particularly stood out for me.

That was the series of combustible dust flash fires at the Hoeganaes powdered iron manufacturing company in Gallatin, Tennessee last year.

A total of five workers died in those accidents. The first flash fire was in January of 2011.

Our investigators went in, found large quantities of dust on equipment and many horizontal surfaces in many areas of the facility.

While that investigation continued, another flash fire occurred.

We had the dust tested.

Then soon after we held a news conference to release our dust test data, yet another accident occurred.

Our immediate reaction was to urge the company --publicly --to stop production until preventive actions were taken.

The release of our Hoeganaes final report and safety video in Nashville on January 5, 2012, was extremely well received and resulted in almost immediate announcements from the company, the city of Gallatin, Tennessee OSHA and other recommendation recipients that they will take action.

And our safety video on these accidents resulted in well over 7,000 unique viewers watching online the very first day was released.

We continue to press OSHA to accelerate the issuing of a combustible dust standard for general industry. And David, I take the opportunity again today!

We strongly believe that such a national standard would greatly reduce the number of tragedies caused by this insidious hazard of dust.

As we all know, OSHA regulations on grain dust—already in the books since the 1980's—have been very effective in reducing fires and explosions, cutting deaths by 60%.

That's the kind of success for worker safety that OSHA can produce when it develops new standards.

We are also very pleased with the response to our recommendations following flammable gas explosions at ConAgra in North Carolina, and Kleen Energy in Middletown, Connecticut. Ten workers died in these two accidents and many others were injured.

Our CSB recommendations have resulted in major codes and standards changes aimed at banning gas blows and restricting the purging of flammable gases.

The State of Connecticut passed legislation banning the practice.

We have a recommendation in to OSHA to ban the practice, which we believe is inherently unsafe.

On April 19, we will be releasing our report on the tragedy that killed a contract welder at the DuPont Yerkes facility near Buffalo New York—a USW plant.

One finding I can tell you about right now from this report: Corporate procedures for hot work did not require adequate gas testing before beginning welding.

Finally in my comments today, I want to address the issue of the CSB workload and the backlog, which I know is of concern to the USWand it is of great concern to me and the board as well.

The Deepwater Horizon investigation, has taken many resources from other work that needed to be done. But we are moving ahead on our investigation of this tragedy.

We expect to have a public meeting on safety indicators for offshore drilling safety within a few months, and a final report in about a year.

The report will speak to the regulatory regime governing offshore drilling in the U.S., and we will have, we think, some unique findings concerning the equipment used to shut off the oil during the blowout, and about the reliance on manual operations to detect problems and respond to them—rather than through automated equipment.

In the meantime, there have been delays with the Tesoro investigation in Anacortes, Washington, a USW plant, and the CITGO investigation in Corpus Christi, Texas, another USW plant.

In addition, two Silver Eagle investigations in Salt Lake City, and one on the destruction of the Caribbean Oil tank farm in Puerto Rico were also put on back-burners.

However, we are moving ahead on these now. Our investigation teams have set up timelines for completion within next 6 to 12 months.

In addition, progress is being made on the Horsehead Zinc facility accident, a USW plant where two workers died, where we are in the process of obtaining additional data from the company.

I assure you that we have been completing high quality investigations. We had approximately 22 investigations underway when I began my tenure as chairman.

But today we are down to 14 open cases on the books after a year and a half of hard work by investigators and by our board members,

And during this time, we have also been able to deploy to several serious accidents involving fatalities that the board and I felt we were duty-bound to investigate. (Hoeganaes, Donaldson Enterprises, Horsehead, Carbide Industries).

In summary, the backlog is substantially less than it was in early 2010, two years ago. And by this time next year the backlog will be under better control than at any time in recent years.

Looking ahead, we want to focus on investigations and recommendations that will have a meaningful, nationwide impact in saving lives.

Already, we have established a good record on adoption of recommendations and we are doing more. I am working with the board to develop a "most wanted" recommendations list.

We receive a lot of feedback and very satisfying comments from stakeholders around the world. This includes the USW, other labor organizations, workplace trainers who use our material, members of Congress, staff members and, yes, industry groups.

Just last Friday we received this email from a high level PSM trainer at a leading industry consulting firm. He said, quote "It may be contentious for you with the facilities you investigate --- or with organizations you make recommendations to, but I can say with certainty that folks in industry watch the videos (and ...read the reports), and ask "can that happen here?"

I would end my comments today saying that all of us at the CSB appreciate the USW's ongoing support .

We value cooperation during investigations at accidents that unfortunately may have involved members of the United Steel Workers. As I said at the beginning, our new policy increasing worker participation in our investigations will help us immensely.

We could not do without your input in helping us develop findings and recommendations in such accidents.

We share a common goal: the right to a safe workplace, and the efforts to make this right a reality.

I renew our commitment to you: the CSB will not let up in producing tough but fair investigations and recommendations that save lives.

Thank you.