

Statement of Stephen Selk, PE, P. Eng.  
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US Chemical Safety Board  
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FDNY Headquarters  
Brooklyn, NY

Good morning and thank you for holding this public forum. I am Stephen Selk, Investigations Manager, from the U.S. Chemical Safety Board – the CSB. I led the CSB's investigation of a chemical explosion at a sign manufacturer in Chelsea. This accident injured 36 people, including New York firefighters who were there to rescue survivors.

On behalf of the Chemical Safety Board I would like to applaud New York City for undertaking the revision of its fire code. This three-year process has been made possible by the support and commitment of New York City's Mayor, City Council, and the New York City Fire Department. Completing a final draft of the revised fire code brings New York City one step closer to implementation.

Four years ago, the Chemical Safety Board called upon New York City to revise its nearly 90-year-old fire code to help prevent chemical accidents and fires.

The Chemical Safety Board is an independent federal investigative agency, established by Congress in 1990. We determine the root causes of serious chemical accidents and make safety

recommendations to government, industry, and other bodies. Board investigations are unique in that we look not only at rules violations but also at the overall adequacy of regulations, standards, inspections, and oversight.

In September of 2003 the CSB completed its investigation into the incident at the Chelsea sign making company. The CSB found that the accident occurred due to improper mixing and handling of hazardous materials by poorly trained workers and that the New York City fire code did not adequately cover activity such as the storage, handling and use of hazardous materials.

In fact, we learned that the city's fire code dated from 1918 and had not undergone a comprehensive review process in the succeeding 85 years.

As a result of these findings the Board issued three recommendations to the Mayor and City Council of New York City.

Although the CSB has not completed its official review process an initial evaluation suggests that basing the proposed code on the International Code Council's model fire code will address most of the CSB's concerns regarding the safe storage, handling and use of hazardous chemicals in city buildings.

As requested in the CSB's recommendation the city has included the following requirements for hazardous materials within Chapter 27 of the revised code:

1. Hazardous materials must be identified and labeled
2. Permit applications are to include a hazardous materials management plan and inventory statement.
3. Material safety data sheets are made accessible to the workforce.
4. Incompatible chemicals are adequately separated.

We are not certain that the new code, however, is sufficiently explicit in addressing the need to provide chemical safety training to workers in a language they can understand, and we urge the City to look into this matter further before final approval.

We also encourage the city to use the momentum of this important step to promptly implement the two other CSB recommendations to the City from our 2002 report. The first is to ensure that its fire inspectors are properly trained on issues of hazardous substances in the new code. The second is that the Fire Department and the city's Environmental Protection department establish a program

to exchange facility information regarding hazardous chemical inventories.

As the Board learned at a public hearing held in New York City in April 2003, city fire inspectors conduct about 100,000 hazardous materials inspections every year. For many small businesses, these are the only regular government safety inspections they will ever receive. Indeed, a fire code is only as effective as its enforcement, it is important that fire inspectors receive the proper training so they are able to apply these new regulations.

Thoroughly training city fire inspectors on the new code and ensuring that hazardous information is shared among related agencies will improve both enforcement and emergency response and will help to prevent another incident like the one in Chelsea five years ago.

Thank you for holding this public forum. The CSB commends all those involved in developing the new fire code and improving the safety of this great city.