

Statement of Board Member John Bresland

Valero Incident Assessment

November 10, 2005

Good morning. I am John Bresland, a Board Member of the U.S. Chemical Safety Board, or CSB. With me is Mr. Stephen Wallace, an investigator on this deployment.

The CSB is an independent federal agency charged with investigating chemical accidents at fixed facilities. Board Members are appointed by the President and confirmed by the Senate. We currently have three Board Members. The CSB has a professional staff, and our offices are located in Washington, DC.

We are modeled after the National Transportation Safety Board. Following thorough incident investigations, we produce public reports on the causes of chemical process accidents. In these reports the CSB makes recommendations to facilities, companies, trade organizations and government agencies. We do not issue fines or citations, and we do not assign blame.

First, on behalf of the Board, I would like to offer my sincerest condolences to the families of the victims of Saturday's accident.

This morning's briefing concerns an incident last Saturday at the Valero Delaware City refinery. Two contract employees working for Matrix Services Inc., died from nitrogen asphyxiation while performing maintenance on a process

vessel in the hydrocracker unit of the refinery. Our agency sent a team of investigators to assess the incident, and we are here today to report on our preliminary findings. Over the past three days Mr. Wallace and his team have been interviewing witnesses, examining the scene and reviewing documents.

Now I'd like to give you some background on the refinery. In 2001, the CSB investigated an incident involving a sulfuric acid storage tank explosion in this refinery. One employee died in that incident. Among the factors involved in that incident was the use of safety permits during hazardous operations involving flammable materials. The CSB report on that incident is available on our web page, [www.csb.gov](http://www.csb.gov). At the time of that incident, the refinery was owned by Motiva Enterprises. It was sold to Premcor in May 2004, and Valero acquired Premcor on September 1, 2005.

Interviews with employees of Valero and Matrix Services Inc., the general contractor for this refinery, lead us to believe that the two Matrix Services workers who perished in this incident were assigned to re-attach piping to a vessel that had been shutdown and was being prepared for a return to service. The vessel contained a catalyst that is sensitive to oxygen and moisture. Nitrogen was added to the vessel to prevent moisture from reaching the catalyst.

It appears that one of the two contractor employees likely became disoriented, passed out, and fell into the vessel after he breathed nitrogen near the manway opening on top of the vessel. The manway was also the location on the vessel where the process piping was to be re-attached. Witnesses report that the

contractor employee had been reaching into the vessel, attempting to retrieve debris that was inside it. Witness statements indicate that upon seeing his colleague fall into the vessel, the second contractor employee then entered it, probably in an attempt to save his coworker. Both men died quickly from nitrogen asphyxiation. At this time, we do not know if the two men knew that the vessel contained nitrogen. If they did know it contained nitrogen, we are unsure whether they were aware of its serious hazards.

The Board believes that several significant safety issues are involved in this case, and we do intend to continue our investigation. We are concerned about the fatalities involved and the history of incidents at the facility. We are also concerned about employee awareness of the hazards of nitrogen. In June 2003, the CSB issued a Safety Bulletin on the hazards of nitrogen asphyxiation, in which we identified 85 incidents involving nitrogen in the United States between 1992 and 2002. Eighty deaths and 50 injuries resulted from these incidents.

At this time, we will take your questions. Please state your name and organization.