



U.S. Chemical Safety and Hazard Investigation Board

OFFICE OF GENERAL COUNSEL

Memorandum

To: Board Members

From: Christopher M. Lyon *Christopher M. Lyon*
Acting General Counsel

Cc: Amanda Johnson
Adam Henson
Leadership Team

Subject: Board Action Report – Notation Item 2024-61

Date: March 14, 2024

On March 14, 2024, the Board approved Notation Item 2024-61, thereby designating Recommendation 2021-03-I-GA-R1, to Gold Creek Foods, from the Foundation Food Group Fatal Chemical Release investigation (2021-03-I-GA), with the status of Open – Acceptable Response or Alternate Response.

Voting Summary – Notation Item 2024-61

Disposition: APPROVED

Disposition date: March 14, 2024

| | Approve | Disapprove | Calendar | Not Participating | Date |
|-------------|---------|------------|----------|-------------------|-----------|
| S. Johnson | X | | | | 3/12/2024 |
| S. Owens | X | | | | 3/14/2024 |
| C. Sandoval | X | | | | 3/12/2024 |



U. S. Chemical Safety and Hazard Investigation Board RECOMMENDATION STATUS CHANGE SUMMARY

| | |
|-------------------------------|--|
| Report: | Foundation Food Group Fatal Chemical Release |
| Recommendation Number: | 2021-03-I-GA-R1 |
| Date Issued: | December 11, 2023 |
| Recipient: | Gold Creek Foods |
| New Status: | Open – Acceptable Response or Alternate Response |
| Date of Status Change: | March 14, 2024 |

Recommendation Text:

Include in the emergency action program provisions for proactively interacting with and informing local emergency response resources of all emergencies at the former FFG Plant 4 facility to which Gold Creek expects them to respond. At a minimum, Gold Creek should:

- a) inform local emergency responders of the existence, nature, and location of hazardous substances at its facilities, including liquid nitrogen;*
- b) inform local emergency responders of the location of emergency-critical equipment such as bulk storage tanks, points of use, isolation valves, E-stop switches, and any other emergency equipment or systems with which emergency responders may need to interact; and,*
- c) provide local emergency responders with information, such as facility plot plans, engineering drawings, or other information needed to mount an effective emergency response.*

Board Status Change Decision:

A. Rationale for Recommendation

On January 28, 2021, liquid nitrogen overflowed from an immersion freezer located inside Plant 4 at the Foundation Food Group (FFG) in Gainesville, Georgia. The release occurred while two maintenance employees were troubleshooting the equipment. Once the liquid nitrogen was released, it quickly vaporized and accumulated inside the room in which the equipment was located, creating an oxygen deficient atmosphere.

The two maintenance employees were asphyxiated. Upon discovering the two maintenance employees, an emergency response was initiated which included attempts by other employees to rescue the two maintenance employees and to isolate the freezer from its liquid nitrogen source. During these activities, four additional FFG employees were asphyxiated. Additionally, three more FFG employees and one firefighter were seriously injured, presenting with symptoms of asphyxia. The incident resulted in an estimated \$1.95 million in damage.

The U.S. Chemical Safety and Hazard Investigation Board (CSB) investigated the incident and found several safety issues including faulty equipment design, inadequate precautions for using

liquid nitrogen, the lack of atmospheric monitoring and alarms, inadequate emergency preparedness, a lack of a safety management system, and a lack of regulatory coverage for cryogenic asphyxiants. As a result of these findings, the CSB issued one recommendation to Gold Creek Foods. This status change summary addresses CSB Recommendation No. 2021-03-I-GA-R1.

B. Response to the Recommendation

Gold Creek Foods notified the CSB that the company has a plan in place to implement all parts of the recommendation within a general timeframe. Once Gold Creek Foods has implemented its plan and provided the CSB with sufficient information to support the implementation, the recommendation can be evaluated for closure.

C. Board Analysis and Decision

Based upon the information above, the Board voted to change CSB Recommendation No. 2021-03-I-GA-R1 to: “Open – Acceptable Response or Alternate Response.”