



U.S. Chemical Safety and Hazard Investigation Board

OFFICE OF GENERAL COUNSEL

Memorandum

To: Board Members

From: Steven Messer
General Counsel

STEVEN
MESSER

Digitally signed by
STEVEN MESSER
Date: 2026.08.07
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Cc: Charles Barbee
Adam Henson
Leadership Team

Subject: Board Action Report – Notation Item 2026-62 | Recommendation to Messer LLC (2021-03-I-GA-R3) from the Foundation Food Group Fatal Chemical Release investigation (2021-03-I-GA)

Date: August 7, 2026

On August 6, 2026, the Board approved Notation Item 2026-62, thereby designating Recommendation 2021-03-I-GA-R3 to Messer LLC from the Foundation Food Group Fatal Chemical Release investigation (2021-03-I-GA) with the status of Closed – Acceptable Alternative Action.

Voting Summary – Notation Item 2026-62

Disposition: APPROVED

Disposition date: August 6, 2026

	Approve	Disapprove	Calendar	Not Participating	Date
S. Johnson	X				8/6/2026
S. Owens	X				8/6/2026



U. S. Chemical Safety and Hazard Investigation Board

RECOMMENDATION STATUS CHANGE

SUMMARY

Report:	Foundation Food Group Fatal Chemical Release
Recommendation Numbers:	2021-03-I-GA-R3
Date Issued:	December 11, 2023
Recipient:	Messer LLC
New Status:	Closed – Acceptable Alternative Action
Date of Status Change:	August 6, 2026

Recommendations Text:

Create an informational product that provides Messer customers with information on the safety issues described in this report. In this informational product, recommend that Messer customers develop and implement effective safety management systems to control asphyxiation hazards from inert gases based on the guidance published in CGA P-86 Guideline for Process Safety Management, CGA P-12 Guideline for Safe Handling of Cryogenic and Refrigerated Liquids, CGA P-18 Standard for Bulk Inert Gas Systems, and CGA P-76 Hazards of Oxygen-Deficient Atmospheres.

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) facility in Gainesville, GA. 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 fatally injured. Upon discovering the two fatally injured employees, an emergency response was initiated which included attempts by other employees to rescue them and isolate the freezer from its liquid nitrogen source. During these activities, four additional employees of FFG were fatally injured. Additionally, three more FFG employees and one firefighter were seriously injured, presenting symptoms of oxygen deprivation. 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 two recommendations to Messer LLC (Messer). This status change summary addresses CSB Recommendation No. 2021-03-I-GA-R3.

B. Response to the Recommendation

Instead of an informational product, Messer made the safety issues from the CSB's investigation as well as the control of asphyxiation hazards from inert gases mandatory requirements provided both as information and checklist items imbedded in their product stewardship and customer handover checklists. Additionally, they developed a supplemental reference document that provided product safety information, codes, standards, and guidelines.

Upon review of the relevant documentation provided, the CSB determined that Messer successfully completed actions that met the objectives envisioned by the Board.

C. Board Analysis and Decision

Based upon the information above, the Board proudly voted to change CSB Recommendation No. 2021-03-I-GA-R3 to: "Closed – Acceptable Alternative Action."