



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

Report:	Bayer CropScience Pesticide Waste Tank Explosion
Recommendation Number:	2008-08-I-WV-R7A
Date Issued:	January 15, 2014
Recipient:	West Virginia Department of Health and Human Resources
New Status:	Closed – No Longer Applicable
Date of Status Change:	October 26, 2021

Recommendation Text:

Work with the Director of the Kanawha-Charleston Health Department to ensure the successful planning, fee collection, and implementation of the Hazardous Chemical Release Prevention Program as described in Recommendation 2008-08-I-WV-R6, including the provision of services to all eligible facilities in the State.

Board Status Change Decision:

A. Rationale for Recommendation

On August 28, 2008, an explosion occurred at the Bayer CropScience (BCS) facility in Institute, West Virginia. A runaway chemical reaction inside a residue treater containing the pesticide, methomyl, caused a vessel to overpressurize and catastrophically rupture during an attempted restart of a pesticide manufacturing unit. Highly flammable solvent sprayed from the ruptured vessel and immediately ignited, resulting in an intense fire. Two Bayer employees were fatally injured, one from injuries sustained as a result of the vessel rupture and one from burns received in the fire. In addition, two contract workers and six volunteer firefighters were medically treated for possible toxic chemical exposure. More than 40,000 residents were advised by fire officials to shelter-in-place for more than three hours as a precaution.

As a part of its investigation, the U.S. Chemical Safety and Hazard Investigation Board (CSB) evaluated regulatory oversight of high hazard chemical facilities in the Kanawha Valley. The CSB noted that despite the presence of many facilities that handle large quantities of hazardous materials, some of which are acutely toxic, comprehensive Occupational Safety and Health Administration (OSHA) and Environmental Protection (EPA) safety inspections have been historically infrequent. While some state and local governments with similarly high concentrations of these facilities have developed programs to audit and inspect them on a regular basis, neither the state of West Virginia nor any local government agency currently has developed such a program. As such, the CSB recommended that the West Virginia Department of Health and Human Resources (WVDHHR) assist the Kanawha-Charleston Health Department (KCHD) in the successful planning, fee collection, and implementation of the program. A similar recommendation was made to the West Virginia Department of Environmental Protection.

B. Response to the Recommendation

The implementation of this recommendation was predicated on CSB Recommendation No. 2008-08-I-WV-R6, issued to the Kanawha-Charleston Department Health (KCHD), being implemented. Recommendation No. 2008-08-I-WV-R6, which was not implemented, requested that KCHD develop an inspection and auditing program for the county's high hazard facilities.

C. Board Analysis and Decision

Based on KCHD's failure to implement Recommendation No. 2008-08-I-WV-R6, WVDHHR could not implement its recommendation. As such, the Board voted to close Recommendation No. 2008-08-I-WV-R7A as "Closed – No Longer Applicable."