



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 2024-110

Date: September 23, 2024

On September 23, 2024, the Board approved Notation Item 2024-110, thereby designating Recommendation 2021-01-I-TX-R7, to the Tennessee Division of Occupational Safety & Health, from the Wacker Polysilicon Chemical Release investigation (2021-01-I-TN), with the status of Open – Unacceptable Response/ No Response Received.

**Voting Summary – Notation Item 2024-110**

**Disposition: APPROVED**

**Disposition date: September 23, 2024**

	Approve	Disapprove	Calendar	Not Participating	Date
S. Johnson	X				9/23/2024
S. Owens	X				9/23/2024
C. Sandoval	X				9/23/2024



# U. S. Chemical Safety and Hazard Investigation Board

## RECOMMENDATION STATUS CHANGE

### SUMMARY

<b>Report:</b>	Wacker Polysilicon Chemical Release
<b>Recommendation Number:</b>	2021-01-I-TN-R7
<b>Date Issued:</b>	June 15, 2023
<b>Recipient:</b>	Tennessee Division of Occupational Safety & Health (TOSHA)
<b>New Status:</b>	Open - Unacceptable Response/No Response Received
<b>Date of Status Change:</b>	September 23, 2024

#### Recommendation Text:

*Promulgate a standard or modify existing standards to require employers to ensure the coordination of simultaneous operations (SIMOPs) involving multiple work groups, including contractors. Ensure that the requirements of this standard or standards apply to both general industry and construction activities and are not limited to activities occurring within confined spaces. Include in the standard requirements for Employers to ensure that the following activities occur:*

- a. Identification of potential SIMOPs;*
- b. Identification of potential hazardous interactions;*
- c. Evaluation and implementation of necessary safeguards to allow for safe SIMOPs;*
- d. Coordination, including shared communication methods, between the SIMOPs; and*
- e. Inclusion of emergency response personnel or services in the planning and coordination of the SIMOPs.*

#### Board Status Change Decision:

##### A. Rationale for Recommendation

On November 13, 2020, a graphite heat exchanger cracked during maintenance activities, releasing anhydrous hydrogen chloride at the Wacker Polysilicon facility in Charleston, Tennessee. The incident occurred on the fifth floor of an equipment access structure when a contractor applied excessive torque to flange bolts on the heat exchanger's discharge pipe.

Seven workers from two contracted companies were in close proximity to the release. The location of the release prevented the workers from accessing the platform's single means of egress. While attempting to escape by climbing down piping on the side of the structure, three of the workers fell to the ground, fatally injuring one and seriously injuring the other two. The other four workers remained in place until the release ended. One of these four workers sustained chemical burns from the release due to a rip in their personal protective equipment (PPE). The remaining three workers were uninjured.

The U.S. Chemical Safety and Hazard Investigation Board (CSB) investigated the incident and found several safety issues including ineffective written procedures, control of hazardous energy, and management of hazards during simultaneous operations (SIMOPs), as well as an insufficient means of egress from the platform. As a result of these findings, the CSB issued one recommendation to the Tennessee Occupational Safety and Health Administration (TOSHA). This status change summary addresses CSB Recommendation No. 2021-01-I-TN-R7.

B. Response to the Recommendation

In a letter dated August 1, 2023, TOSHA notified the CSB that they would be deferring to federal OSHA to determine the need for and promulgate the standard required by the recommendation. The CSB notified TOSHA that their response was insufficient in a letter dated September 25, 2023. TOSHA has not responded to the CSB's requests for further information despite several requests.

C. Board Analysis and Decision

The Board hopes that through further dialogue and/or advocacy that TOSHA may be persuaded to implement their recommendations. Accordingly, the Board voted to change the status of CSB Recommendation No. 2021-01-I-TN-R7 to: "Open - Unacceptable Response/No Response Received."