



Chemical Safety and Hazard Investigation Board

OFFICE OF GENERAL COUNSEL

Memorandum

To: Board Members

From: Thomas E. Zoeller, Senior Advisor 

Cc: Leadership Team
Tamara Qureshi, Investigator-In-Charge

Subject: Board Action Report – Notation Item 2019-42

Date: June 19, 2019

On June 18, 2019, the Board approved Notation Item 2019-42, thereby voting to adopt the Final Investigation Report on the DuPont La Porte toxic chemical release incident occurring on November 15, 2014, in La Porte, TX.

Voting Summary – Notation Item 2019-42

Disposition: APPROVED

Disposition date: June 18, 2019

	Approve	Disapprove	Calendar	Not Participating	Date
M. Ehrlich	X				6/18/2019
R. Engler*	X				6/18/2019
K. Kulinowski	X				6/18/2019

*Member Engler submitted a Concurring and Dissenting Statement, attached.

**Concurring and Dissenting Statement by CSB Board Member Rick Engler
On Notation Item 2019-42; Final Report on DuPont La Porte Facility Toxic Chemical Release
Investigation (Incident Date: November 15, 2014)
June 18, 2019
(Attachment to CSB Member Voting Record)**

This statement is attached to my voting record per CSB Board Order 1, 8. c., which authorizes Concurring/Dissenting Statements and provides for posting on the CSB's website.

On June 18, 2019, I voted for this Notation Item, as presented, which is a vote to adopt the final investigation report on this incident.

In concurrence, I believe that this report makes a valuable contribution to understanding process safety incidents and the need to ensure effective implementation of process safety management systems by the chemical industry. Moreover, the report's recommendations to the La Porte, Texas multi-member emergency response team (through a recommendation to DuPont management at that site) and to International Chemical Workers Union Council Local 900C of the United Food and Commercial Workers, can help to address any ongoing emergency response concerns.

I also support this report's findings and analysis of DuPont's employee incentive program at this site and CSB's guidance to industry that says that "Employee incentive programs that reduce bonuses to employees based upon the number of recordable injuries – or other similar metric – can create a disincentive for workers to report injuries or incidents" and that "Ensuring that employees can report injuries or other process safety management system deficiencies is therefore central to protecting worker safety and health and aiding accident prevention." (Section 7.1: Employee Incentive Program).

In dissent, I do *not* support the removal from drafts of this report of the names (and ages) of the four individuals who were fatally injured in this incident. Their preventable deaths were the central reason for this investigation in the first place and are an essential part of the CSB's unique historical record. I look forward to discussing this omission (and change from CSB past practice) with my fellow Board Members, including at the CSB public business meeting on June 25, 2019. Similarly, my concern applies to the CSB's excellent report on the Pryor Trust gas well blowout in Pittsburgh County, Oklahoma that killed five workers that was released on June 12, 2019. *This omission should be corrected in both reports. Moreover, the Board should establish a formal policy to include the names and ages of individuals who perished in all future investigation reports.*