



# Chemical Safety and Hazard Investigation Board

## Office of General Counsel

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### Memorandum

To: Board Members

From: Christopher Warner

Cc: Leadership Team

Subject: Board Action Report – Notation Item 882

Date: October 3, 2011

On September 30, 2011, the Board approved Notation Item 882, thereby adopting the investigative study and recommendations proposed by the item as the Board's Investigative Study and Recommendations on public safety at oil and gas storage facilities. A dissenting statement submitted by Member Bresland is attached to this memorandum.

### Voting Summary – Notation Item 882

**Disposition: APPROVED**

**Disposition date: September 30, 2011**

	Approve	Disapprove	Calendar	Not Participating	Date
<b>R. Moure-Eraso</b>	X				9/23/2011
<b>J. Bresland</b>		X			9/29/2011
<b>M. Griffon</b>	X				9/30/2011

Dissent Comments by John Bresland on Notation Item 882 – Adoption of an Investigative Study and Recommendations on Public Safety at Oil and Gas Storage Facilities

September 29, 2011

I voted to disapprove this Notation Item as presented because I have a concern about the scope of the recommendations in the Investigative Study. This Investigative Study was initiated after a tragic incident in Carnes, Mississippi in which two young men were killed. Following that incident the CSB created a video targeting individuals under the age of 25 as a tool to educate the public on the hazards posed by oil and gas wells and storage tanks. The video "No Place to Hang Out: The Danger of Oil Sites" has been distributed to school superintendents in Mississippi and is an excellent tool for educating the public. I hope that the video can be distributed to a wide audience in the oil and gas producing states and be a catalyst to educate the public on the dangers associated with unapproved entry into oil and gas producing sites.

The Investigative Study as written has expanded into an analysis of the hazards of the oil and gas well industry, focusing on Mississippi, Texas and Oklahoma. In the report (page 14) the Energy Information Agency is referenced as reporting that in 2009 there were 363,459 active oil and 461,388 active gas well sites in the United States. The CSB investigation determined that there were 26 incidents with fatalities or injuries at oil and gas well sites between 1983 and 2010. This is an average of approximately one per year. These incidents are tragic for the victims and their families. Yet I do believe that, sad as they are, they do not justify the study's proposed recommendations to EPA, the Oklahoma Corporation Commission and the Texas Railroad Commission to enhance security at the at the approximately 380,000 oil and gas well sites in Oklahoma and Texas.

I believe that a continued focus on educating the public on the hazards and a risk based approach by state and local officials to security at these sites will serve to prevent the types of terrible incidents that we have seen over the past 26 years.

  
John Bresland



U.S. Chemical Safety and Hazard Investigation Board

MEMORANDUM

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September 23, 2011

To: Board Members

From: Rafael Moure-Eraso

A handwritten signature in black ink that reads "Rafael Moure-Eraso".

Cc: Leadership Team

Subject: Notation Item 882

Attached for your review and vote is Notation Item 882. This item provides for the adoption of an investigative study and recommendations on public safety at oil and gas storage facilities.

The draft investigative study was subject to internal and external quality control reviews. Inquiries about the quality review process, or requests for additional documentation, should be made to Vidisha Parasram.

You may also direct any other questions about this item to Vidisha Parasram. Please return your completed vote sheets to Chris Kirkpatrick as soon as possible, but no later than the close of business on September 30, 2011. Thank you for your attention to this item.

**U.S. Chemical Safety and  
Hazard Investigation Board**



**Hon. Rafael Moure-Eraso**  
Chairperson

**Hon. John S. Bresland**  
Board Member

**Hon. Mark Griffon**  
Board Member

**CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD  
MEMBER VOTING RECORD**

**Notation No.: 882**

**Voting Period: September 23 – September 30, 2011**

**Subject: Adoption of Investigative Study on Public Safety at Oil and Gas Storage Facilities**

Whereas,

1. The Board is authorized by 42 U.S.C. § 7412(r)(6)(C)(i) to “investigate . . . and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any accidental release resulting in a fatality, serious injury or substantial property damages;”
2. The Board is further authorized by 42 U.S.C. § 7412(r)(6)(C)(ii) to “issue periodic reports to the Congress, Federal, State and local agencies, including the Environmental Protection Agency and the Occupational Safety and Health Administration, concerned with the safety of chemical production, processing, handling and storage, and other interested persons recommending measures to reduce the likelihood or the consequences of accidental releases and proposing corrective steps to make chemical production, processing, handling and storage as safe and free from risk of injury as is possible;”
3. The Board is also authorized by 42 U.S.C. § 7412(r)(6)(F) to “conduct research and studies with respect to the potential for accidental releases . . . where there is evidence which indicates the presence of a potential hazard or hazards;” and
4. CSB staff have prepared the attached proposed investigative study, including recommendations, on public safety at oil and gas storage facilities.

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**Notation No.:** 882  
**Subject:** Adoption of Investigative Study on Public Safety at Oil and Gas Storage Facilities

[continued from preceding page]

Therefore, pursuant to its authority under 42 U.S.C. § 7412(r)(6)(C)(i), (C)(ii), and (F), the Board hereby votes to adopt the attached proposed investigative study and recommendations as the Board's Investigative Study and Recommendations on public safety at oil and gas storage facilities.

\_\_\_\_\_ I **APPROVE** this notation item **AS PRESENTED**.

\_\_\_\_\_ I **CALENDAR** this notation item for discussion at a Board meeting.

\_\_\_\_\_ *Some of my concerns are discussed below or on the attached memorandum.*

\_\_\_\_\_ I **DISAPPROVE** this notation item.

\_\_\_\_\_ *A dissent is attached.*

\_\_\_\_\_ *I will not file a dissent.*

\_\_\_\_\_ I am **NOT PARTICIPATING**.

Date: \_\_\_\_\_

Member: \_\_\_\_\_