



# Chemical Safety and Hazard Investigation Board

## Office of General Counsel

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### Memorandum

To: Board Members

From: Christopher Warner

Cc: Leadership Team  
Rachael Gunaratnam  
Christina Morgan

Subject: Board Action Report – Notation Item 917

Date: April 12, 2012

On April 10, 2012, the Board approved Notation Item 917, thereby designating Recommendation 2008-08-I-WV-R9, to the West Virginia Fire Commission, Office of the State Fire Marshal (from the Bayer CropScience investigation), with the status of Closed – Acceptable Action.

### Voting Summary – Notation Item 917

**Disposition: APPROVED**

**Disposition date: April 10, 2012**

|                       | <b>Approve</b> | <b>Disapprove</b> | <b>Calendar</b> | <b>Not<br/>Participating</b> | <b>Date</b> |
|-----------------------|----------------|-------------------|-----------------|------------------------------|-------------|
| <b>R. Moure-Eraso</b> | <b>X</b>       |                   |                 |                              | 3/27/2012   |
| <b>J. Bresland</b>    | <b>X</b>       |                   |                 |                              | 4/4/2012    |
| <b>M. Griffon</b>     | <b>X</b>       |                   |                 |                              | 4/10/2012   |



U.S. Chemical Safety and Hazard Investigation Board

MEMORANDUM

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March 27, 2012

To: Board Members

From: Rafael Moure-Eraso

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

Cc: Daniel Horowitz  
Manuel Gomez  
Rachael Gunaratnam  
Christina Morgan

Subject: Notation Items 917 – 923

Attached for your review and vote are Notation Items 917 through 923. These items provide for the approval of status changes to several recommendations, based upon evaluations of recipient responses prepared by the Office of Recommendations. These response evaluations and proposed status changes have been reviewed and approved by the Director of Recommendations.

You may direct any questions about these items to the Office of Recommendations staff members named in the evaluation reports, which are attached to each item. Additional background information and documentation for each of the recommendations covered by these notation items is posted on the G Drive at: G:\Recommendations\Recommendations for Board Vote\2012-03-13. For your convenience, you will also receive an e-mail with the links to the background information and documentation. Please note that your computer must be connected to the CSB network either at the office or via VPN in order to access these files.

Please return your completed vote sheets to Chris Kirkpatrick no later than the close of business on April 10, 2012. Thank you for your attention to these items.

**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.: 917**

**Voting Period: March 27 – April 10, 2012**

**Subject: Status Change – Recommendation to West Virginia Fire Commission, Office of the State Fire Marshal (2008-08-I-WV-R9) from the Bayer CropScience Investigation (2008-08-I-WV)**

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 has issued such a recommendation to the **West Virginia Fire Commission, Office of the State Fire Marshal** based upon the findings of the Board’s Bayer CropScience investigation;
4. Consistent with Order 022, the Board is to vote on changes to the status of recommendations;
5. The staff of the Office of Recommendations proposes that the status of the above named recommendation should be changed, as described in the attached Recommendation Response Evaluation.

[continues on next page]

Notation No.: 917  
Subject: Status Change – Recommendation 2008-08-I-WV-R9

[continued from preceding page]

Therefore, pursuant to its authority, the Board hereby votes to designate  
**Recommendation 2008-08-I-WV-R9** with the status of **Closed – Acceptable Action**.

\_\_\_\_\_ 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: \_\_\_\_\_