

Title: Investigation Board May Rise
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From the Ashes when president Clinton decided not to seek funds for the Chemical Safety and Hazard Investigation Board (CSHIB) in early 1995, CMA and the American Petroleum Institute (API) did not protest. The trade groups supported CSHIB's mandate to investigate the "root" cause of major chemical accidents, but, like Clinton, they knew that a newly elected Republican Congress eager to downsize OSHA and EPA was not likely to support another bureaucracy.

Two years later, API and CMA are reconsidering their stand on CSHIB. CMA's process safety task force hopes to hammer out a position at a meeting next week, and Chevron federal relations representative Jerry Walker, who chairs API's risk management task force, expects API to reach consensus by September.

Several members of Congress have begun to agitate for CSHIB, and, while there is still no sign of movement from President Clinton, Walker is bullish on its prospects: "I'm confident that the board will be funded." Industry support for CSHIB resurfaced after EPA and OSHA stepped in--at President Clinton's request--to perform root cause investigations in place of CSHIB. Industry is concerned that EPA and OSHA's regulatory focus will bias their assessment of accidents. "CSHIB had no enforcement agenda," says DuPont senior counsel James Williamson.

Modeled after the National Transportation Safety Board (NTSB)--which examines the wreckage of plane, train, and auto crash sites--CSHIB was to have conducted independent, on-scene investigations into the cause of chemical accidents. Like NTSB, its members must be confirmed by the Senate and its determinations cannot be used in litigation. "There is no such protection from EPA and OSHA's conclusions," says Grover Vos, Elf Atochem director/health, environmental, and safety policy and programs.

Environmental groups and labor unions worry that agencies will shrink from assigning blame where it belongs. "EPA and OSHA have learned, through long experience, not to antagonize Congressional supporters of the chemical industry," says Sierra Club president Adam Werbach. "Only a high-profile, independent CSHIB will have the power to prevent cover-ups and foot-dragging by local, state, or federal authorities."

James Makris, EPA's director/chemical emergency preparedness and prevention, defends EPA's record. He says the agency did not flinch from a tough call in its report on the December 1994 blast that killed four workers at Terra Industries' ammonium nitrate plant at Port Neal, IA. Rather than blaming a piece of equipment--the

sparger--as Terra did, EPA concluded that dangerous operating conditions left the plant vulnerable to an accident.

Still, discord and distrust have dogged agency investigations. Since last summer lawyers have delayed the release of a joint EPA-OSHA report on the cause of the accident at Napp Technologies' plant at Lodi, NJ in April 1995, which killed five workers. The delay suggests tensions within and between the agencies, insiders say.

Companies have also refused to cooperate with agency investigators. Officials at Tosco's refinery at Martinez, CA, where a blast in January killed one worker, have blocked investigators from interviewing some plant employees. Local citizen's groups, labor unions, and politicians complain that EPA and OSHA have not used subpoena powers to "stand up" to Tosco.

The squabble in Martinez spurred California Congressman George Miller (D., CA) and several other Democrats to push for hearings on a \$7-million budget request submitted to Congress and the President in January by CSHIB chairman Paul Hill. The Senate confirmed Hill, president of the National Institute for Chemical Studies (Charleston, WV), and two other CSHIB members in 1994, so cash is all CSHIB needs to get started. get attention. Meanwhile, the Oil, Chemical, and Atomic Workers International Union (OCAW) continues to threaten legal action to force Clinton to include CSHIB in his budget request. The sense of urgency was accentuated earlier this month when a blast at BPS's pesticide packaging plant at West Helena, AR killed three firefighters (CW, May 14, p. 5). But it remains to be seen whether the attention of the President and Congress is captured.

Reports from the industry, however, make it clear that the problem Congress empowered CSHIB to address is not going away. Industry officials are reluctant to exchange lessons learned about underlying causes of accidents for fear of litigation. "People are really gun-shy about sharing information," says Monsanto manufacturing technologist Jerry Veazey. Even intracompany information sharing has diminished because sites compete for capital and survival, says Bill Hoyle, a refinery operator on leave from Amoco to lead training courses for OCAW.

There is also a shortage of information to share. According to a 1994 report by the American Institute of Chemical Engineers' Center for Chemical Process Safety, incident reporting systems at most chemical companies "provide little support for systematically gathering data on underlying causes."

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