



U. S. Chemical Safety and Hazard Investigation Board RECOMMENDATION STATUS CHANGE SUMMARY

Report:	US Ink Fire
Recommendation Number(s):	2013-1-I-NJ-R5
Date Issued:	January 15, 2015
Recipient:	New Jersey Department of Community Affairs
New Status:	Closed – No Longer Applicable
Date of Status Change:	April 26, 2022

Recommendation Text:

Promulgate a regulation that requires all occupancies handling hazardous materials to inform the local enforcement agency of any type of construction or installation of equipment at an industrial or manufacturing facility. Also require local enforcement agencies to evaluate the information to determine whether a construction permit is required.

Board Status Change Decision:

A. Rationale for Recommendation

On October 9, 2012, a flash fire caused burn injuries to seven workers, including three who sustained third-degree burns, at the US Ink/Sun Chemical Corporation ink manufacturing facility in East Rutherford, New Jersey. The U.S. Chemical Safety and Hazard Investigation Board's (CSB) investigation into this incident found that, during the start-up of US Ink's new dust collection system, a flammable mixture consisting of hydrocarbons and combustible dusts accumulated in the ductwork and ignited, causing a flash fire.

The CSB investigation determined that improper design and operation of the dust collection system was one of the causal factors that led to the incident. Minimum design criteria set by nationally recognized industry standards by the National Fire Protection Association (NFPA) had not been followed when designing the new dust collection system as US Ink/Sun Chemical Corporation was not required to follow these industry standards by either a federal or state regulation. As a result, the CSB issued three recommendations to the New Jersey Department of Community Affairs (NJ DCA) to revise their regulations to address hazardous material and combustible dust regulatory gaps. This status change summary addresses CSB Recommendation No. 2013-1-I-NJ-R5.

B. Response to the Recommendation

In every communication with the CSB, the NJ DCA stated that with their implementation of CSB Recommendation Nos. 2013-1-I-NJ-R3 and 2013-1-I-NJ-R4 which required the removal of the exemption for “manufacturing, production, and process equipment” under the New Jersey UCC specific to dust collection systems, and training for local code officials on the National Fire Protection Association (NFPA) standards referenced in the New Jersey adoption of the

International Building Code (IBC), the regulatory gap no longer exists and will accomplish the goals of this recommendation without any further regulatory amendment. Additionally, the NJ DCA informed the CSB that buildings containing hazardous materials under the Uniform Fire Code (UFC) which is under the purview of the Division of Fire Safety. Both the UCC and the UFC would regulate a business that changed the quantity or the type of hazardous materials or the manner in which a hazardous material is stored or handled. Furthermore, if the business is classified as a “Life Hazard Use” (N.J.A.C. 5:70-2.4) the fire official is required to perform annual inspections. Changes in the storage or handling of hazardous materials would be identified and addressed during that process as well.

The NJ DCA acceptably implemented CSB Recommendation Nos. 2013-1-I-NJ-R3 and 2013-1-I-NJ-R4.

C. Board Analysis and Decision

Based upon the information above since the NJ DCA acceptably implemented CSB Recommendation Nos. 2013-1-I-NJ-R3 and 2013-1-I-NJ-R4, the gap that was meant to be addressed by CSB Recommendation No. 2013-1-I-NJ-R5 no longer exists. Therefore, the Board voted to change the status of CSB Recommendation No. 2013-1-I-NJ-R5 to “Closed – No Longer Applicable.”