

U.S. Chemical Safety and Hazard Investigations Board

Business Meeting

June 25, 2019

CSB Headquarters Office - Washington, DC

U.S. CHEMICAL SAFETY BOARD MEMBERS PRESENT:

KRISTEN KULINOWSKI, INTERIM EXECUTIVE AUTHORITY

MANNY EHRLICH, MEMBER

RICK ENGLER, MEMBER

STAFF PRESENT:

Tom Goonan, General Counsel

Tamara Qureshi, Investigator In Charge

OPERATOR: Welcome to the Chemical Safety Board public business meeting. My name is Richard and I'll be your operator for today's call. At this time, all participants are in a listen-only mode. Later we will conduct a question and answer session. During the question and answer session, if you have a question, please press * then 1 on your touchtone phone. Please note that this conference is being recorded.

I will now turn the call over to Kristen Kulinowski. You may begin.

MEMBER KULINOWSKI: Good Morning. We will now call to order this business meeting of the U.S. Chemical Safety Board, CSB.

Before we begin, I'd like to highlight safety information. Please take a moment to note the locations of the exits at the side and the back of the room. I also ask that you please mute your cellphones so that these proceedings are not disturbed. Thank you.

Today, we meet in open sunshine, as required by the Government in the Sunshine Act, to discuss the agency's operations and activities.

I am Kristen Kulinowski, Interim Executive Authority of the Board. Joining me today are Board Members Manny Ehrlich and Rick Engler. I am pleased to welcome our new General Counsel, Tom Goonan. Mr. Goonan joined the CSB last month and comes to us with a

distinguished career in the Federal government. Tom, welcome to your first public business meeting.

TOM GOONAN: Thank you.

MEMBER KULINOWSKI: I would also like to welcome to the Board our newest investigator, Crystal Thomas. She is out in the field. Ms. Thomas is an experienced investigator with both Federal and private-sector experience. And we are delighted to welcome her to the Board as well.

I'd also like to take this opportunity to recognize outgoing Senior Advisor and former Acting General Counsel Tom Zoeller, who will be leaving the CSB next week to return to a job in the transportation sector. Tom came to the CSB after a long and illustrious career in aviation. Most recently he served as Managing Director of the National Transportation Safety Board, sister agency. He led the agency through some very difficult times and it's helped us in instituting a culture that we continue to strive to improve, as we're always trying to continually improve, and stepped up when we needed a General Counsel and has...wore two hats. He did many, many things for us. He was an excellent advisor and he will be missed.

The CSB is an independent, non-regulatory federal agency that investigates major chemical incidents at fixed facilities. These

investigations examine all aspects of chemical incidents, including physical causes related to equipment design as well as inadequacies in regulations, industry standards, and safety management systems. Ultimately, we issue safety recommendations, which are designed to prevent similar incidents in the future.

Today's agenda for new business includes the release of the CSB's DuPont Investigation Report during the New Business portion of our meeting.

If you are in the room and wish to make a public comment at the end of the meeting, please sign up using the yellow sheets at the registration table. Those on the webinar will have an opportunity to ask questions. Please use the ask feature...ask question feature and the operator will unmute your line. You may submit public comments by email to meeting@csb.gov to be included in the official record.

Before proceeding, I would like to recognize my fellow Board Members for any opening remarks. Member Ehrlich.

MEMBER EHRLICH: Good morning, thank you. I'd like to welcome you all here. I'm glad you could take time out of your schedule to join us. I hope you find the meeting productive today and I'd like to echo Kristen's comments about Tom Zoeller. It's been a real

pleasure working with him. He's just an incredible man of high integrity and it's been a real pleasure. Thank you.

MEMBER KULINOWSKI: Thank you. Member Engler.

MEMBER ENGLER: Thank you. I also offer my welcome and thanks for attending. And my appreciation to our Senior Advisor, Tom Zoeller, for the work he's done in...in stabilizing and improving many aspects, many critical aspects, of the work of CSB.

MEMBER KULINOWSKI: Thank you.

MEMBER EHRLICH: I should also add, I'm sorry..

MEMBER KULINOWSKI: Member Ehrlich.

MEMBER EHRLICH: I have to go to California today so I will be leaving at 11:00. No one should take it personally. Just getting close to the door. That's all. Thank you.

MEMBER KULINOWSKI: First, I'd like to begin with an investigation update. It has been a very busy hundred days for the CSB. We have deployed four times since the last Business Meeting in March.

A team was deployed to investigate the fire that occurred on March 17, 2019 at the Intercontinental Terminals Company or ITC facility in Deer Park, Texas. Due to the high levels of volatile organic compounds present for approximately 13 weeks after the incident began, the initial investigative activities were limited

to interviews of key staff and the identification and acquisition of relevant documents. Limited photo documentation was accomplished using an unmanned aerial vehicle or drone.

The investigation team was able to enter the accident location on June 13th to begin the on-scene inspection and additional photo documentation of the accident site. Today, on-scene investigation activities continue.

Just a little over two weeks later, on April 2nd, 2019, KMCO LLC experienced a fire and explosion event at its facility in Crosby, Texas. The company reported a release of isobutylene, a highly-flammable gas, prior to the incident. On-scene investigation activities continue there as well.

Equipment of interest has been identified and removed from the site to a secure location for examination. The Investigator-In-Charge arranged for the services of a metallurgist to assist in the inspection and analysis of components of interest.

On May 3rd, 2019, AB Specialty Silicones facility in Waukegan, Illinois experienced a fire and explosion event. This resulted...this incident resulted in the death of four workers and the injury of at least one other worker. The explosion severely damaged the production facility and impacted neighboring facilities. The explosion was also felt in communities up to 20 miles away.

The investigation team has not yet been able to access the building in which the incident occurred due to structural integrity issues and the continued presence of hazardous materials.

Nevertheless, investigative activities include performing field work, interviewing personnel, reviewing documents, and analyzing blast indicators.

Last Friday, we initiated a new investigation at the Philadelphia Energy Solutions refinery, which experienced a fire and explosion. Investigators arrived on site yesterday. We will continue to update the public and media as our investigation moves forward.

We have seven other investigations that are in various stages of development. With these new deployments, we are adjusting the investigations workplan and reprioritizing some of our work. As we continue our hiring of new investigators, we will reassess the staffing on these projects and most likely there will be additional adjustments to milestones for bringing the investigation reports to the Board.

The status summaries of the other open investigations not mentioned just now can be found on the table outside the room.

I will now like to recognize Member Ehrlich to provide an update of ongoing audits by the EPA Office of Inspector General. Member Ehrlich.

MEMBER EHRLICH: Thank you. As of June 25th, 2019, the CSB is currently working with the OIG, Office of Inspector General, on three separate audits.

Fiscal Year 2018 Purchase Card Review Audit. CSB has provided all requested documents to the OIG. The final report is expected by the end of July.

Financial Statement Audit. CSB continues to work with OIG's requests for documentation. The Fiscal Year 2019 CSB Audit Exit Conference is scheduled for November 12th of 2019.

And the FISMA, or Federal Information Security Modernization Act audit. CSB and Office of Inspector General held its 2019 Entrance Kickoff Meeting on June 18th, 2019. Field work for the audit has begun.

MEMBER KULINOWSKI: Thank you. I will now recognize Member Engler to provide an update on the appropriations for the agency for Fiscal Year 2020. Member Engler.

MEMBER ENGLER: Thank you, Dr. Kulinowski. I am pleased to report that the House Appropriations Committee supported the agency's request for \$12 million for Fiscal Year 2020. We are

grateful to the leadership of the Subcommittee on Interior Appropriations, Chair McCollum and Ranking Member Joyce, and the full committee Chair Lowey and Ranking Member Granger and their staff for the support of the agency's budget request.

Although the Senate has not yet begun the process of moving appropriations bills for Fiscal Year 2020, we are hopeful that they will similarly support our budget request. We look forward to working with them as they move through this process. Thank you.

MEMBER KULINOWSKI: Thank you, Members Ehrlich and Engler. This brings us to the New Business section of the meeting.

Today, we will be releasing the final investigation report into the November 15, 2014, methyl mercaptan release at the DuPont Plant in La Porte, Texas, that killed four workers.

First, I would like to recognize the family and friends affected by this terrible incident. Four people were killed, two of them brothers. On behalf of the Board, I offer our condolences on these terrible losses. We pledge to make every effort to help prevent such tragic chemical incidents from happening in the future.

The CSB's final report includes key lessons related to emergency planning and response, process safety management systems, and process safety culture. Our investigation revealed a long

chain of failures leading up to this fatal event, including deferring much-needed process improvements that could have prevented the toxic release.

I would like to introduce Investigator-in-Charge Tammy Qureshi who will be giving a presentation on the CSB's final report, which was recently unanimously approved by the board.

Investigator Qureshi, please proceed.

TAMARA QURESHI: Good morning. Today I'll be discussing the DuPont Toxic Chemical Release Final Investigative Report.

On November 15th, 2014, approximately 24,000 pounds of methyl mercaptan was released from DuPont La Porte's facility in Texas. Four people were killed and several others suffered from toxic mercaptan exposure.

In 2015, the CSB held a public meeting and released its interim recommendations and animation. To start off this presentation, we will be playing the animation released with interim recommendations that detailed the events leading up to and during the incident.

[PLAYS ANIMATION]

TAMARA QURESHI: The interim recommendations that were released in September 2015 noted various safety deficiencies at the

DuPont La Porte facility, including that the manufacturing building where the release occurred was unsafe as designed.

The interim report made seven recommendations, six to the DuPont La Porte facility and one to the local union. One recommendation to the DuPont La Porte facility was closed, acceptable. The remaining recommendations to DuPont La Porte and to the local union were closed because they were no longer applicable to the facility. Since the time of the interim recommendations, the DuPont La Porte facility stopped manufacturing chemicals.

The CSB found that the incident at the DuPont La Porte facility had important lessons that legacy DuPont facilities and industry could learn from. In its Final Investigative Report, the CSB determined that the cause of the highly-toxic methyl mercaptan release was flawed engineering design and lack of adequate safeguards.

The CSB further determined that numerous safety management system deficiencies contributed to the severity of the incident. The CSB found deficiencies in formal process safety, culture, assessments, auditing and corrective actions, troubleshooting operations, management of change, safe work practices, shift

communication, building ventilation design, toxic gas detection, and emergency response.

The weaknesses in the safety management system resulted from a culture at the DuPont La Porte facility that did not effectively support strong process safety performance.

The CSB presented three key findings in its Final Investigation Report. First, DuPont La Porte did not effectively respond to a toxic chemical release. Second, DuPont's corporate process safety management system did not ensure that DuPont La Porte implemented any [inaudible] effective process safety management system. And, finally, DuPont La Porte did not formally assess its culture for process safety, allowing serious process safety deficiencies to exist at the site.

The Final Investigation Report is broken down into three major topics: Emergency Response, Process Safety Management Systems, Additional Facts, Conditions, and Circumstances. The report sections are further broken down into incident-related events and guidance to industry.

At the end of the report, the guidance to industry is summarized in 24 lessons in the safety guidance section. There are 13 lessons on emergency planning and response, 10 lessons on

process safety management systems, and 1 lesson on incentive programs.

The Final Investigative Report makes two recommendations. Although DuPont La Porte no longer manufactures chemicals onsite, it still maintains the emergency response team for the other companies located at the La Porte site. R8 recommends that DuPont La Porte work with other emergency response team member companies and Local 900C to update the emergency response plan. The emergency response program should ensure that periodic drills and exercises are performed on new procedures developed to address key lessons to strengthen emergency response team capabilities.

R9 is a companion recommendation to R8, to Local 900C, to work with DuPont on developing and implementing the emergency response plans described in R8.

And, for questions, I will turn it back over to our Interim Executive, Dr. Kulinowski.

MEMBER KULINOWSKI: Thank you Investigator Qureshi. I will note that, as with so many CSB investigations, this incident connected to our critical drivers list the issues that the CSB has identified as critical drivers for chemical safety change. It's a short list, but it's full of very important issues that we see recurring in investigations over and over, which is why something

gets elevated to a critical drivers list item. Particularly the emergency response and planning component and the process safety management component.

So if we could get some movement on these critical drivers list issues, then, you know, our...it is our goal that we can avoid these kind of incidents in the future. Congratulations, thank you. I would like to recognize my fellow Board Members for any remarks related to the DuPont Investigation Report. Member Ehrlich.

MEMBER EHRLICH: Thank you. First of all, thank you for the report. It had an incredible gestation period in terms of getting it out because of everything else that was going on. But it is a good report and I appreciate it.

Having spent nearly 60 years in the chemical industry and my back...with my background of hazardous material and emergency response, I find that the lessons learned from this particular investigation are many. And what I've done is I've already incorporated a lot of the commentary into my outreach and advocacy presentations, particularly with regard to the culture and things like normalization of deviance. I mean, in the final analysis, this is just a tragic incident that didn't have to...didn't have to end the way it ended.

When I came out of school in...in the '60s, DuPont was the...the gold standard in the chemical industry. And, unfortunately, they've...they've not put the emphasis on culture improvement, process safety, and issues other than revenue generation. And they've led to events like this, which is just tragic.

So thank you for a good job and thank you for the opportunity to comment.

MEMBER KULINOWSKI: Member Engler.

MEMBER ENGLER: Thank you very much. First of all, I just have a question. I recognize Darrell Hornback from the International Chemical Workers Union this year, director of the program with the ICWU. Did anyone hear from DuPont? No? Not seeing anyone. I just wanted to express my appreciation, for the agency's appreciation, to the International Chemical Workers Union and to DuPont for participation in the appropriate stages of the investigation and providing input that was invaluable, both at the local level and at the national level. So thank you.

I voted for the report. But I also submitted a statement in dissent. You can do both. You can vote for a report and you can concur and you can dissent. So I'd just like to read quickly my concurrence statement.

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 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."

So, although we did not find that the employee incentive system onsite, which essentially increased compensation as a result of lower reportable injuries, was a causal factor, there was a careful evaluation done of this matter in the circumstances section of the report. And I think it create...it offers a valuable lesson

to industry. I would add that the very existence of an incentive system that pays people to...that pays people based solely on a metric around reduced injury and illness rate immediately raises a question about the organizational, for lack of a better term at this point, culture at the facility and is one that should be investigated.

Now, why didn't we not issue a recommendation in this regard? Well, one, there was the causality issue. The second is that this was guidance to industry. There are thousands and thousands of plants in the United States. If we issue a recommendation, we have to track them. So if we had issued recommendations to the industry in general, the practical concern would be how would we track what was going on in every...every single plant, whether they had such programs or not. Especially in the absence of any requirement to report them. So it wasn't practical. But I do...to...to do it as a recommendation.

But I very much do hope that the...all who read this investigation and...and look at the lessons will take it to heart. And one of the first steps can be to look back at their plant and find out if there are incentive programs that incentivize exactly the wrong thing, as opposed to incentivizing the reporting of injury, the reporting of near misses, the reporting of other

matters that may suggest that the facilities are not...that facilities are vulnerable.

So I think that's just a piece of a very comprehensive report that I wanted to...wanted to highlight and my appreciation, again, to the whole investigative team, including Tammy, that worked so hard and so long on this important report.

And I'll return to my other part of my statement as we...as we proceed with the meeting.

MEMBER KULINOWSKI: Okay.

MEMBER EHRLICH: Nice job.

MEMBER KULINOWSKI: I would like to address an issue that has arisen recently about the practice of including a memorial dedication to fatally injured workers in the CSB's investigative reports.

Two weeks ago, we released a thorough report on the Pryor Trust gas well explosion in Oklahoma, which killed five workers. Neither the Pryor Trust report nor this DuPont Investigative Report included a listing of the deceased workers. Though the deceased workers in the DuPont case were noted in CSB's interim recommendations document several years ago.

The CSB received correspondence from the United Support & Memorial for Workplace Fatalities, as well as a joint letter from

the National Council for Occupational Safety and Health, asking for the inclusion of the deceased workers' names in our investigative reports.

We understand that there is a lot of passion around this subject. And we at the CSB share the passion that you do about safety and we dedicate ourselves every day to preventing chemical incidents through our investigations so that workers are not killed on the job. The core of our mission is to share learnings from these tragedies to ensure that they do not happen again. Indeed, our mission statement is "a nation safe from chemical disasters."

So I understand the concerns expressed by these organizations. And I have directed our General Counsel to come back to the Board with a recommended course of action informed by laws, regulations, other Federal government agency policies where there's an investigative component and public reporting, and other relevant information. So we will address this again at our...at a future public meeting.

I would like to, once again, recognize Member Engler who has something more to say about this.

MEMBER ENGLER: Thank you. I dissented in part as...from...in a statement that's posted on the CSB website, from...as part of my approval of the report itself. So again, you can approve a report

but you can offer arguments in support but also in dissent. So I'd just like to read this brief statement.

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. Again, referring to the DuPont report 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. Similarly, my concern applies to the CSB's excellent report, which I also voted for, 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.

And again, a version of this statement is online under...on the CSB website, under the Open Government section. And the Board...subsection on Board votes.

MEMBER KULINOWSKI: Okay. Member Ehrlich, do you have anything you want to say on this issue today?

MEMBER EHRLICH: I...we had...we had a rousing, lengthy...lengthy discussion about this yesterday and I am not in favor of a

dedication page in our reports. I...I think if we want to recognize the decedents, that we can do that. But I would not... I don't think dedicating the report is necessary to give them recognition that they may be due.

MEMBER KULINOWSKI: Good. Thank you for your thoughts on that. As I said, we will be saying more about this in the future.

MEMBER ENGLER: [inaudible]

MEMBER KULINOWSKI: Member Engler.

MEMBER ENGLER: Just like to clarify one issue without delving further into it at this point in the meeting. There is a difference between a dedication page and...or including the names of the individuals that perished in the report. They're...they're two different things. Just...just for clarity for those following the issue. And options are to do both, options are to do none, options are to include just the names. Options are, as we have done in the past, have a dedication page and not the names or sometimes and the names.

MEMBER KULINOWSKI: So we will be giving this very thoughtful consideration and speaking more on it in the future.

I do want to note at previous public meetings, we have listed recommendations updates. And I neglected to do that earlier. So I would just like to note that we have... All of our recommendation

status changes are available on our recommendations part of our website. And, for those in the room, there's also a sheet that indicates which recommendation status changes we have voted on this fiscal year.

So just some highlights. We have issued 24 new recommendations in Fiscal Year 19. We have closed 13 recommendations, 8 acceptably, 1 no longer applicable, 1 unacceptably, and 3 reconsidered. And we have advanced recommendations 14, meaning we have changed status of those recommendations but they are still open. So this is a way that we recognize whether the recipient is receptive to the recommendation and has begun to take action, even if they haven't fully met the mark. We've issued 12 acceptable responses, indicating progress. And, unfortunately, two unacceptable responses.

So we continue to track these and all other recommendations in a very formal way, as part of our recommendations program. And all of these statistics are available on our website.

So, at this time, I would like to open the floor for public comment related to the CSB's activities. So please present your comments within three minutes. We will begin with the list of people who signed up to speak earlier today on the sheet. Then go

to those on the phone. Come back to the room for any others who didn't sign their name.

Those listening on the phone can also email comments to meeting@csb.gov. I begin with Denny Dobbin. Please state your affiliation.

DENNY DOBBIN: Society for Occupational & Environmental Health.

MEMBER KULINOWSKI: Thank you.

DENNY DOBBIN: And only 40 years of experience, so I think Manny must've come to CSB as a baby. What I'd like to address is the issue of policy that your company...that was mentioned in the minority report, Member Engler mentioned.

I first have to say that I've...I've been around since the beginning and observed the beginning of the CSB since its very beginning. And am very impressed with the continuing excellence of the technical reports that...that come from it. And I think that was evidenced in...in your report. So thank you for that.

And, when you think about it, it is such a small budget, how much you all have done over the last years. So I'm really glad that...it used... I think it used to be \$11 million a year and now it's up to \$12, you said. So that's basically keeping up with the inflation.

And thank you for your verbal recognition of the workers who died, although you didn't list them by name. And so I do think that it's... When that policy came in, when the dead workers were listed, was a really important public health message. I mean it's... You mentioned passion. Well, it's passion to the families for sure. But it's also, I think, underlines how important your work is. So I think that including the names must...it seems like a really good public health message. And I'd sure like to see that continued.

I'd like to see some evidence behind any policy changes that you make and maybe you've already considered that. And if you have, then I'd like to hear about that. And...and I note that on Page 69, you mention a whole page of the American Chemical Council, which is an excellent organization. If I remember, when I started the MCA, Manufacturers Chemical Association... I wasn't around in the late 1880s when it was initiated. But it's certainly contributed over the years to...to the safety of enterprise.

But it's also sort of a semi-political organization. So if you're talking about passion and... It seems like you really do have to consider how the public health message of listing the workers is. It may not have to be a dedication, but I think it's a really important thing to recognize that for the families. It's a moral

issue. Nothing else. And that's a passion. Moral issues are a passion. And I'm passionate about the moral issues.

So I...I hope that Counsel really takes that into consideration as...as you look at the other policies and...and government. And I'd suggest really looking at evidence of...of the public health message that should contribute to the protection of workers in the future in these accidents.

Thank you.

MEMBER KULINOWSKI: Thank you. Next up, we have Mike Wright from the United Steelworkers.

MIKE WRIGHT: Morning. I want to make two points. The first is about the Board in general. I don't think you get enough praise in this society. So I want to give you a little.

We...we at the Steelworkers sometimes say that we are your biggest customer because we've had more... More of our plants have been the subject of CSB investigations than those of any other union or any company. In addition, we think more of our plants are the potential subject of a CSB investigation because we represent people in chemical plants, oil refineries, steel mills, the kind of places which sometimes have catastrophic accidents.

But we're really not your biggest customer. Your biggest customer is really the general public. Anybody who lives around

one of these potentially hazardous facilities. Anybody who's got a kid in high school who has been...whose kid has been protected by the work you've done on laboratory safety is...is really your customer.

So we...we continue to believe the Board is the best deal in Washington. Your...your budget is...is way too low. It's amazing, the kind of work you do with that kind of budget, with this very small staff you have. So I just...I just wanted to say that because I think that's not said enough.

I want to talk a little bit about the...about names. And I'm not going to make arguments because a lot has been said on it already. Arguments have been made on both sides. And the issue will continue to be under discussion. I just want to add a couple of facts.

We investigate about 30 fatal accidents a year. We also investigate cases which turn out not to be occupational but where somebody dies of a heart attack at work or from some other cause that we initially can't rule out occupational factors. We've had, for example, people dying from what the company says is a heart attack. It turns out to be stress. We've had people die from, again, heart attacks where they have been put in a very stressful position. We're given the risk factors. They already had a heart

attack, which the company knew about. The heart attack was almost inevitable.

And we...we do preliminary reports on all of those. And we always include names. With one exception. The one exception is we've had people, sadly, who commit suicide in our plants. In those cases, we redact the names. But in every other case, we include the names.

We have never had a family, in all the years I've been with the Steelworkers investigating accidents, which is 42, we have never had a family object to that. We've had lots of families who appreciate the fact and tell us they appreciate the fact, who believe that... You know, I mean, an accident report really... For them, it's kind of a memorial to their loved one. They want their loved one recognized.

So if...if there's any fear on the part of the Board that this is something families don't want, at least our experience is families want it very much. Thank you.

MEMBER KULINOWSKI: Thank you. Let's go to the phones now. Do we have any questions from those joining us remotely?

OPERATOR: For any questions on the line, hit * then 1 on your touchtone phone. Okay. We have a question on the line from Richard Rosera. Please go ahead.

RICHARD ROSERA: Good morning. I wanted to check with the Board on one thing I've seen in following the website, which is that the last transcript of a business meeting which has been published on the website was from July of last year. Are there going to be additional transcripts eventually posted here?

MEMBER KULINOWSKI: Yes, we are...we commit to that.

RICHARD ROSERA: Okay, well, it's going on a year, like I said. And the other thing I wanted to ask about is what's your current headcount of investigators at the...at the agency?

MEMBER KULINOWSKI: I'm sorry, what was that?

RICHARD ROSERA: What is your current...

MEMBER EHRLICH: [multiple voices] investigators.

MEMBER KULINOWSKI: Currently, we have eight investigators.

RICHARD ROSERA: Okay, so basically...that includes Crystal Thomas at this point...

MEMBER KULINOWSKI: Yes.

RICHARD ROSERA: ...as the new investigator? Okay. Okay, thank you. I hope that your continued efforts will...will be fruitful. I realize that you're under a lot of stress. I did see the...the recent proposal of an addition to your Board, which I am very happy to see. And I will follow that hopefully through the...the final approval process and hope additional Board Members to complete

your...your Board and bring it up to five members takes place as soon as...as possible. Thank you very much.

MEMBER KULINOWSKI: Thank you.

OPERATOR: We have a question on the line from Mary Miller. Please go ahead.

MARY MILLER: Hi. Thank you very much. I'm not...am I...am I also able to give a...a comment about the report? Is that...is that the timing for this?

MEMBER KULINOWSKI: Yes, this is a public comment period.

MARY MILLER: Okay, all right, I didn't have a question but... So my name's Mary Miller. I'm an occupational health nurse practitioner. I'm a member of the Occupational Health & Safety section of the American Public Health Association. And I'm speaking on behalf of the APHA, which is a diverse community of public health professionals that champion the health of all people in all communities. And we've been supporting...am very supportive of the CSB investigators and the role that it's been playing in protecting communities and workers.

And this is my first time listening to an actual report summary and it just...it just reinforces how tragic and how heartbreaking and preventable this all was. And reinforces the important work of...of the CSB.

But it also reminds me that these...the people that have died and their families that are...have...have suffered such a severe loss need to be recognized. I'm speaking about including the names of the workers in...in the...in the report. Not as a dedication page. We supported the CSB's decision to include the list of victims in this incident and that many other reports issued by the CSB have...that involved fatalities also included a page listing the deceased workers.

The CSB Investigation Reports are an official government record. So without including these names, the individuals' names in this report, they don't become part of the historical record of this catastrophic incident. And I think it's really, really important... Myself and others I'm speaking on behalf of, believe that this is really important to document that there are real people involved in these incidents, that we acknowledge their...who they were, their tragic loss, and loss that families have suffered.

So we urge the CSB to amend the report to include the names of Roger Cunningham, Josh Ray, Cody Risk, Matthew Smith, and Parker Waldridge. And the...the Pryor Trust report, that is. And that the DuPont La Porte report include the names of Crystle Wise, Wade Baker, Robert Tisnado, and Gilbert Tisnado. And that the CSB

maintain a written policy that will ensure that the fatality victims will be included in all future reports.

I just...I just... I can't emphasize enough that it's so critical that people understand when... I...I looked at data for many, many years at the Washington State Department of Labor & Industries. And looking at numbers becomes numbing. Having the names and faces and...and the individuals behind the incidents, particularly fatalities, is...is really critical to help all of us remember why we do what we do and the importance of our work. So thank you.

MEMBER KULINOWSKI: Thank you.

OPERATOR: We have a question on the line from Tonya Ford. Please go ahead.

TONYA FORD: Yeah, I want to thank you very much for all that you guys do and the great work in the investigations. I'm with United Support & Memorial for Workplace Fatalities. And I'm representing families that have lost loved ones in work-related incidences. And I've written you guys and shared my...my thoughts in regards to taking the fallen workers' names out of your Investigation Report. And just, again, want to share the importance to families.

As I've reached out to the families and...and, again, asked for their thoughts and was just amazed how many people responded back

and said how important it is for the families to be able to...to hear their loved one's name and know that it...it's never forgotten. It's always in there. And the truth is that, to us, it's prevention and helps prevent and gain awareness to a horrible day that, to everybody, it may just mean that one day, that one incident.

But to us, it's forever. And it has forever changed our lives. And we're trying to turn that forever into something positive. And your Investigation Report truly does make a difference and truly can be that prevention. And, like many people have already said, just being a statistic or considered a worker, just really does make a numbness to it. And it...it really doesn't hit home to where you...you give a name and...and an age and it becomes possibly that reality and that important factor to hitting that that could be me. That could be my child working there. That could be my family member there. And how can I prevent this from happening to my family?

And...and that means so much to the family members. And, as somebody else had said in the call, and I apologize I didn't catch his name, as many years as I've been doing this and I lost my uncle in 2009, I have never had a family member come up to me and say, "Please don't mention my...my son, my daughter, my brother in any report or any article or anything." I've always heard, "Please

share, please tell his or her name." If it can prevent another family from going through what my family has gone through, we want our loved ones' names out there. We...we urge you and ask you to please, please remember them and...and share their names and...and let us not forget them. And...and it brings back..

A young woman came up to me with a disability this last April, after Workers Memorial Day, and I just loved how she came up to me. She grabbed my arm and she held me so tight. And she said just, "Thank you for not forgetting my daddy's name." And that, to me, meant everything. And so I know it may mean a name and may just mean something so simple to many. But to a lot more, it means so much.

So I...I urge that you please remember our fallen workers in these reports because it may mean so much more to others. So I appreciate your time and, again, thank you for these investigation reports because they truly do prevent work-related incidences and they mean a lot. And you guys do amazing work. So I thank you.

MEMBER KULINOWSKI: Thank you.

OPERATOR: And we have no further questions at this time.

MEMBER KULINOWSKI: Is there anyone in the room who did not sign up, who now wishes to make a comment? Please state your name and affiliation.

DARRELL HORNBACK: Hi, my name is Darrell Hornback. I'm the Director of Health & Safety for the International Chemical Workers Union Council, our membership that was at the La Porte, Texas, 900C Local.

First of all, I'd like to echo what we've already heard from this room, from almost everybody, and people that are not even here. We're amazed at the work that this agency is able to do. The recommendations that you put out, the technical data, and...and the way you present that with the funding that you do...do not have is amazing. If we could have a magic wand and get industry to just adopt a fraction of the recommendations that you do, it would definitely save lives.

On the aspect of names being withheld, it's a very hot topic, as you can tell. This is called a public meeting and there are, in our case, four members of the public that are not able to attend. The ones that have the most invested in this incident are not able to speak their mind or what they have to say. We hope you seriously reconsider and, if it's legally able to do so, include the names of all fatalities in these previous reports and any future reports. Thank you.

MEMBER KULINOWSKI: Thank you. One more time back to the phones for the last chance.

OPERATOR: And, again, it's a reminder to attendees, to queue up for questions or comments, hit * then 1. We have Peter Dooley on the line with a question. Please go ahead.

PETER DOOLEY: Yes, thank you for...for having this meeting and allowing public comment. My name is Peter Dooley. I'm with the National Council on Occupational Safety & Health, the organization mentioned before in terms of sending a letter on this issue. And I just wanted to just say a couple of additional comments.

One, I mean, we come to you as a very, very strong supporter of the work that you have been doing for decades and the importance of it. We...we...we really appreciate the work being done and support it at...at every level.

But, secondly, as a...I think a really important stakeholder in the sense that we use your reports routinely as educational tools to teach people about work...the prevention aspects of workplace fatality. And...and personally, I come to you with nearly 40 years of experience, including having done many workplace fatality investigations myself and produced reports on those workplace fatalities.

All of which, workers...the workers' names, and we also include photos, are...are really important factual pieces of information about the investigation. In...in many cases, it's...it's a very

extremely important factual piece of information. And...and as an educational tool, it makes the...it makes the report much more relatable to the audience, which is workers of all...all types and sorts, that we are presenting information to.

So I...I strongly urge you to...to reconsider the practice of identifying the names in the narrative of the report as simply factual information that should not be omitted. But...but also consider the dedication or memorial aspect of the personal information that could be identified in the report, as a way to...to further enhance the...the use of the report from a public health perspective and occupational health.

And...and it's interesting to note that there's a huge difference between any public servant—firefighter, correction officer, police—that's killed in the line of duty... I mean it's not only their names are...are...are memorialized forever. But they're...you know, they're...they'll print on plaques and...and everywhere else. It's never a question about the anonymous public servant. So it's a difference between, you know, some workers and others.

And so I...I urge you to consider the equality of identifying workers who have been killed on the job and make sure that that's part of the historical record. Thank you very much for the opportunity to comment.

MEMBER KULINOWSKI: Thank you for the comments. Any other calls...comments on the phone?

OPERATOR: Yes, there's one from Steve Schrag. Please go ahead.

MEMBER KULINOWSKI: Didn't catch the name.

STEVE SHRAG: Yeah, my name is Steve Shrag and I'm with the Connecticut Council on Occupational Safety & Health. And I want to reiterate everyone else's thank you for all the wonderful work the CSB does to document the need to protect workers. Richard Maurer, he lived in Salford Township in Pennsylvania, and he died on June 7th of this year. He was killed in a construction incident. I didn't have to go far to find his name. I'm sure his family mourns his loss. But this is exactly what needs to happen to better be able to understand how to protect workers.

Like others, I'm disappointed about the possibility of not mentioning workers' names when they are a fatality in a workplace. The reason to identify them, it...some have said it makes it a human issue, not a statistic. And it honors workers...honors workers' memory.

In Connecticut, we've had a struggle over this issue. Every Worker Memorial Day, we try to compile a list of workers who have died on the job and every year it's a rather difficult chore. This

year, we've had some success in getting our Workers Comp Commission to release the names of workers who've died, according to their record, and we brought a Freedom of Information Act request to the Department of Labor to get names from them.

Currently, when there's a car accident, the worker's name...the victim's name is mentioned. Currently, when there's a shooting, the victim's name is mentioned. And currently, when our soldiers die on the battlefield, we mention their names.

Please reconsider honoring workers who die on the job in the same way. Thank you.

MEMBER KULINOWSKI: Thank you for the comment.

OPERATOR: We have a question coming online from Burt Lowson[?]. Please go ahead.

BURT LOWSON[?]: Thank you. I'm just calling, representing myself as a...as a private citizen. However, I recently retired from a U.S.-based international oil and gas company. And I wanted to, first of all, also thank you for your outstanding work at CSB. The last 20 years of my career were spent overseas so I can vouch for the fact that not only is your work recognized in the U.S., but it...it's also an international best practice. And I hope you can continue that. I'm rather astounded to learn that you only have eight investigators for the size of the task at hand.

I was also shocked recently to...to learn that the Office of Management and Budget had proposed eliminating funding for the CSB. So I've written my elected officials and...and advised them to sustain full funding for the CSB. To...to borrow the words of Thomas Friedman, "That's just a flat-out stupid, crazy idea".

And...and a final note. Technology is bringing us new and different things and for the U.S., one of the things on our new energy independence is a huge expansion of LNG facilities. So I'm holding my breath that this new energy effort goes flawlessly. I do have concerns because it...it, too, is an extremely safety-sensitive process industry. So I hope that the industry is taking on their part to make sure the standards and practices are up to the task.

Thanks again for your outstanding work. I look forward to seeing more in the future. Thank you.

MEMBER KULINOWSKI: Thank you for the comment.

OPERATOR: And we have a question on the line from Peter Dunne[?]. Please go ahead.

PETER DUNNE[?]: Good morning. Back in 1911, most of you are aware, 146 people died in the Triangle Shirtwaist fire. The New York Times article on it gave the names of 145 of those 146, leaving out Violet Schechter, who it turns out... I was an industrial

hygienist for 20 years before I realized she was a relative of mine. My Uncle Sam was sent by his mother to identify the body because she couldn't bear it herself.

The thought that her name would have been excluded, or the name of the 146 would have been excluded, and that it would just have been recorded as a...a terribly unfortunate incident that had a big hand in getting safety and health legislation started in New York and...and eventually spreading elsewhere... It's...it's quite sad for me.

My experience with the CSB videos is that they are extraordinarily well executed and they...they are, of necessity, done with cartoon characters. They don't look like real people. But real people were involved in the injuries and the deaths that resulted in...in the incident report in the first place. To make these videos as powerful as they can possibly be, you can't leave out those names. Those names need to be in there.

I...I was the first public health educator graduated from the Johns Hopkins School of Public Health back in '72. And my impression from what I know is that you leave out the names, you wind up with hypotheticals like law students deal with all the time. And it's fine for them. But it doesn't work for you guys if you want to have preventive impact with the materials that you

laboriously put together and the ones I've seen have been remarkably powerful. And this is coming from a guy who made his own for NIH, FDA, and NIOSH for 37 years.

So keep up the good work and leave those names in, please. Thank you.

MEMBER KULINOWSKI: Thanks for the comment.

OPERATOR: Looks like we have no further comments at this time.

MEMBER KULINOWSKI: Last call in the room. All right, seeing no further comments, I want to thank everyone who has provided a comment here today. And I would like to give Member Engler an opportunity for a final remark.

MEMBER ENGLER: Just, for the record of the meeting, and I hope this can be through the Chair, transmitted to the transcriber, to make sure that the names and ages that I believe Mary Miller read in are in the transcript and the names are spelled correctly. Sometimes we have an issue in the transcript where it's hard for the transcriber to get things right. Also, I have a copy of my concurring and dissenting statement if anybody's interested.

So I look forward to continuing this discussion. Thank you to the other Board Members for engaging in it. And thank you to the many who have called in and have talked about it.

MEMBER KULINOWSKI: I want to thank everyone here today and staff for their hard work on everything we do. Their dedication is evident every single day, in helping us achieve our mission. I also want to thank my fellow Board Members for being here at today's meeting. I appreciate everyone's comments and look forward to our next meeting.

We have tentatively scheduled the next quarterly meeting for September 17, 2019. That means subject to change, so please continue to monitor our website and sign up for CSB news alerts as we approach September for a confirmation of the meeting, time, and agenda. Please check www.csb.gov, the Federal Register, or sign up for email alerts for additional details about the agenda of upcoming business meetings. And, of course, our website is a repository of so much of our work.

All of us share a strong interest in preventing chemical incidents in the future. With that, I thank you for your attendance and this meeting is adjourned.

OPERATOR: And, thank you, ladies and gentlemen. This concludes today's conference. Thank you for participating. You may now disconnect.