



Watchdogs Say US Chemical Safety Board Is "Flying Blind"

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The Arkema plant received major damage from flooding caused by Hurricane and Tropical Storm Harvey on September 4, 2017, in Crosby, Texas. (Photo: Scott Olson / Getty Images)

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In the early hours of August 31, explosions erupted at the Arkema chemical plant in Crosby, Texas, where floodwaters from Hurricane Harvey had cut off the power supply to refrigerated containers containing organic peroxide. Residences in a 1.5-mile radius had been evacuated, and deputies manning barricades began falling ill in the middle of the road one by one. Medics were called, but no further warning

was given as columns of black smoke filled the air.

Arkema knew the fires were coming -- organic peroxides burst into flames unless they are kept cool -- but company officials had insisted in a press conference prior to the explosions that the chemicals were not toxic or harmful to people, according to a [lawsuit](#) filed in September by emergency workers injured at the scene.

<http://www.truth-out.org/news/item/42843-watchdogs-say-us-chemical-safety-board-is-flying-blind>



The lawsuit describes the scene near the plant as "nothing less than chaos," with police officers doubled over vomiting and medics gasping for air on their way to assist them. At least 15 people were hospitalized. Arkema initially [told authorities](#) the victims had inhaled a "non-toxic irritant," but residues obtained from nearby residences tested positive for dangerous toxins, such as dioxins and heavy metals, according to a separate lawsuit filed by people living nearby.

What else is Arkema hiding? For answers to that question, the public is turning to the US Chemical Safety Board, where an investigation of the Arkema incident is ongoing. However, the federal agency has failed to implement a rule requiring chemical plant operators to report dangerous releases during accidents to its investigators. Congress mandated this provision back in 1990.

Had Arkema been required to report the looming chemical fires to the Chemical Safety Board, the government and emergency workers would have had more to go on than the "vague" disclosure offered by the company during the storm, according to Adam Carlesco, a staff attorney at Public Employees for Environmental Responsibility. The watchdog group filed a [lawsuit](#) on Thursday challenging the chemical board's inaction on the reporting rule. Other plaintiffs include the Memorial for Workplace Fatalities and two Gulf South environmental groups.

"America's sole industrial safety monitor is currently flying blind and placing the health of the public at risk," Carlesco said.

The Chemical Safety Board is the only federal body charged with investigating chemical accidents and making safety recommendations to improve the industry, but [a 2016 report](#) by the Environmental Protection Agency's (EPA) inspector general determined that the agency

faces several "management challenges," including low employee morale. The agency has also failed to investigate the vast majority of accidents that fall under its jurisdiction.

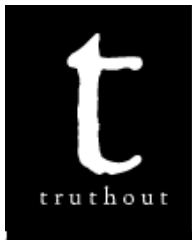
The EPA also called out the agency for failing to implement the rule requiring plant operators to report dangerous chemical releases, which Congress mandated with an amendment to the Clean Air Act 27 years ago. The Chemical Safety Board began the process of instituting the rule back in 2009, but never finished the job after receiving a number of [public comments](#) from chemical manufacturers and industry groups.

Carlesco told Truthout that Congress gave the EPA administrator authority to enforce the regulation and require chemical companies to start reporting to the safety board. However, the agency's current administrator, Scott Pruitt, is a right-wing Trump appointee who is dedicated to repealing environmental regulations rather than strengthening them. In fact, a [Truthout investigation](#) revealed that Pruitt delayed implementation of federal rules designed to prevent accidents at chemical plants just months before the Arkema accident, despite protests from first responders.

Chemical plant operators are required to file reports with the Coast Guard's National Response Center when accidents occur and pollutants are released into the environment. The Chemical Safety Board currently uses that database along with "media monitoring services" to monitor chemical accidents nationwide, according to Hillary Cohen, a spokesperson for the agency.

Yet advocates say this level of monitoring is not sufficient.

"A news clipping service is not an adequate safeguard for the health of communities, workers and first responders," Carlesco said. "American



communities are forced into a game of Russian roulette, never knowing when an explosive round will go off -- or what it contains."

[Dangerous chemical accidents are quite common](#) across the [industrial corridors](#) of the United States, and the Chemical Safety Board is currently investigating the Arkema fires along with [eight other high-profile accidents](#) that resulted in injuries and deaths at chemical plants and refineries nationwide. However, the agency's resources and staff are limited.

"With an investigative staff of 20, the board cannot investigate all incidents across the country -- internally we evaluate each event and determine if we have the appropriate resources to deploy a team," Cohen said.

Cohen said the board would once again consider implementing the chemical reporting rule in the coming year. There are signs of improvement at

the agency -- a recent federal survey found that employee satisfaction at the Chemical Safety Board [increased](#) by 22 points this year. However, it remains to be seen whether improved working conditions will help the agency conduct more investigations and meet other "management challenges" identified by the EPA.

The board's investigators [recently released this animation](#) explaining the events leading up to the chemical fires at Arkema, including an attempt by employees to move the unstable organic peroxide from the flooding storage containers to refrigerated truck trailers on higher ground as flood waters rose -- even moving one-gallon containers of the chemical by hand after their forklifts stopped working. The workers were evacuated before the facility lost power.

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