

**Republican Leader Cathy McMorris Rodgers  
Oversight & Investigations Hearing  
“Protecting Communities from Industrial Accidents: Revitalizing the  
Chemical Safety Board”  
September 29, 2021**

*As Prepared for Delivery*

## **LANDSCAPE OF ACCIDENTAL RELEASES**

The chemical industry is one of the largest manufacturing sectors in the U.S., serving both a domestic and global marketplace.

Our chemical industries help stimulate the economy by providing raw materials that we use in our everyday life.

But when major chemical accidents occur, they can result in devastating impacts including death, serious injury, and significant property damage.

These accidents pose a serious risk not only for workers, but surrounding communities.

In the Clean Air Act Amendments of 1990, Congress took a three-faceted approach to addressing the potential risks from these significant events, using the Occupational Safety and Health Administration, the Environmental Protection Agency, and the Chemical Safety Board.

To understand the role of the CSB, it is essential to understand the landscape in which this Board operates, including its main players and their designated roles.

## **EPA**

The EPA has a primary role in addressing accidental releases. The 1990 Amendments required the EPA to publish regulations and guidance for chemical accident prevention, preparedness, and response activities at facilities using substances that pose the greatest risk of harm from accidental releases.

It is also the EPA's role to build upon existing industrial codes and standards and require qualifying companies to develop their own Risk Management Program under Clean Air Act.

## **OSHA**

To protect workers from injury resulting from accidental releases, the 1990 Amendments also provided OSHA (Oh-sha) with standard setting and enforcement authority concerning process safety management.

OSHA also provides training, outreach, education, and assistance in this area.

## **PURPOSE OF CSB**

Unlike, EPA and OSHA, the CSB, by law, is an independent, non-regulatory body established to provide objective knowledge.

The Board's principal role is to **investigate** the root causes of accidental releases.

Without an independent, investigative body searching for the answers, the industry will not have all the valuable information needed to reduce the risk of a chemical accident.

Unfortunately, though, CSB has recently failed in fulfilling its mission.

Right now, the CSB has a backlog of 18 investigations...not including the two investigations were closed last Friday... with the oldest open investigation from 2016.

Let me be clear: waiting more than 5 years to close out these timely and important investigations simply is not acceptable.

These investigations help companies understand what went wrong to help prevent future accidents,

Something must be done to improve the investigative process and end the waiting game for owners and operators of these facilities.

## **FUNDAMENTALS OF THE CSB**

The CSB must have all its working parts to ensure functionality. Otherwise, CSB will be unable to address its investigative backlog, while also addressing new investigations.

A key building block of CSB work is quality investigators. They must have chemical or process safety expertise to analyze accidental releases and discover their root causes.

It is crucial that investigators have proper experience and the relevant scientific qualifications to make technically feasible and practical recommendations about how to reduce risks from chemical accidents.

## **EXPANDING AUTHORITY**

The Board's statutory responsibilities include investigating chemical accidents and providing Congress, federal, and state authorities with periodic reports that contain recommendations to improve chemical safety. Unfortunately, the CSB is not fulfilling those responsibilities.

Importantly, the CSB should not be seeking ways to expand its jurisdiction into EPA's or OSHA's authorities. The Board conflates "safety recommendations" as part of a root cause investigation. "Safe" is a feature that may be covered in CSB's periodic reports, not root cause investigations. The CSB should channel its resources into conducting investigations, especially looking for ways to meet the baseline.

Similarly, the CSB should remain independent in its work. It should not use the findings and recommendations in its reports to push certain agendas. My hope is the Board will resist the urge to become distracted with other priorities outside its statutory authority and focus on the main task at hand – demonstrating it can color inside the lines. Ultimately, workers, communities, and our manufacturing sector depend on it.

•

Thank you, I yield back.