

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Oversight and Investigations Chair Diana DeGette

Hearing on “Protecting Communities from Industrial Accidents: Revitalizing the Chemical Safety Board”

September 29, 2021

Good morning. Today’s oversight hearing covers one of our small, but incredibly important, independent agencies: The Chemical Safety Board or CSB.

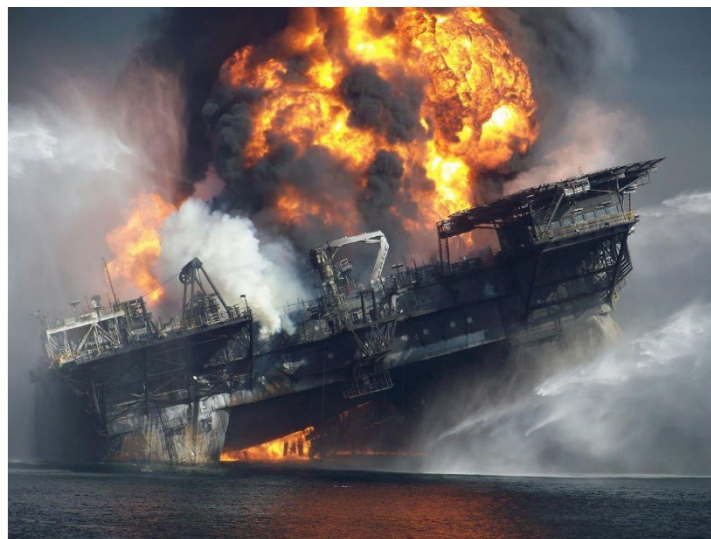
Although many have never heard of it, the CSB plays a vital role in protecting American workers and communities.

We are all familiar with the role of the National Transportation Safety Board or NTSB. When a plane falls from the sky, we want to understand not just why it happened, but also what can be done to prevent it from happening again.

And that is the role the CSB plays when it comes to industrial incidents. The CSB improves the safety of American workers, communities, and the environment by investigating the root causes of these tragic events and making recommendations to prevent them in the future.

While many Americans may not know the CSB by name, they are certainly familiar with some of the critical incidents that it has investigated.

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We all remember the 2010 Deepwater Horizon disaster.

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A sudden explosion and fire on an offshore rig that took the lives of 11 workers and seriously injured 17 others. It also triggered a massive oil spill into the Gulf of Mexico that lasted for 87 days – one of the worst environmental disasters in U.S. history. In fact, this Subcommittee held a field hearing in Louisiana to assess the local impact of the spill, and then I and Ranking Member Waxman later sent a letter to CSB requesting that they further examine the root cause of the accident.

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In 2005, there was the BP America Refinery explosion in Texas City—just outside of Houston. In that incident, 15 workers were killed and 180 more were injured during the restart of a unit at the refinery.

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In 2013, Texas saw yet another tragedy — this time at a fertilizer storage and distribution facility in the town of West.

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A fire within the storage facility triggered a massive explosion of ammonium nitrate. 12 emergency responders and 3 members of the public died, over 260 people were injured, and more than 150 homes and businesses were damaged, resulting in hundreds of millions of dollars of property destruction.

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More recently, in 2019, there was a massive fire at the Philadelphia Energy Solutions Refinery in Philadelphia, Pennsylvania when a vapor cloud including potentially deadly hydrofluoric acid ignited.

The quick actions of a control room operator to rapidly drain the remaining hydrofluoric acid prevented a massive release of more of the harmful gas, which would have placed the highly populated surrounding communities at tremendous risk.

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These are just a few examples of the critical incidents that CSB has deployed to over the past several years.

The devastating impacts that these accidents have on facilities, their workers, and surrounding communities are obvious.

And, the CSB safety recommendations that have come out of these and other investigations are directly responsible for improved safety conditions within many U.S. industries.

CSB's work has saved lives and protected communities, and those of us with industrial facilities in our districts understand the stakes in CSB's work.

We want to see this agency flourish.

Despite its positive impact, there have been challenges at this agency since its inception.

In recent years, board vacancies, unfilled staff positions, employee morale issues, and – most recently – the COVID-19 pandemic have led to underproductivity at the agency.

While we were pleased to see that the CSB published two new final investigation reports last Friday, there are still currently 18 open investigations – some dating back to incidents that occurred in 2016 and 2017.

This is among the biggest backlog of investigations the agency has ever had.

The timeliness of these reports matter. When CSB isn't expeditiously sharing its findings, it cannot effectively prevent future incidents and fulfill its mission to protect people and the environment.

Now, we are aware that many of the challenges I've already mentioned were inherited by our witness today, Chairman and CEO Katherine Lemos.

But we're here today not to focus on CSB's past, but CSB's present and future.

The questions today are straight-forward:

How does the CSB intend to finish and close the many important investigations it has opened, and when can we expect to see the vital recommendations that come from that work?

How will the CSB take on important new work if it cannot close the many investigations that remain incomplete?

When will the CSB fill key staffing vacancies vital to its investigative mission?

Finally, what is the plan to address how the important governing board operates and to avoid the dysfunction it has suffered from in the past?

In short, we need to understand the Chair's strategic plan to move this agency forward.

I am pleased that part of the solution is already underway — Chairman Lemos will soon have reinforcements on the Board. President Biden has nominated three new Board members who we hope to see confirmed soon.

We look forward to the increased activity that we expect to see once they are on board. But we also know that new Board members alone will not solve all the CSB's problems, which is why I am holding today's hearing.

I thank Chairman Lemos for being here today, and I look forward to today's discussion so that we can ensure CSB has the leadership, strategic plan, and resources needed in order to execute on its vital mission.

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American workers and communities are counting on it.