

For Immediate Release:

Jan. 13, 2014

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Lessons Unlearned: Too Many Similarities Between West Virginia Chemical Spill and West, Texas, Disaster

***Statement of Tom O'Connor, Executive Director, National Council for
Occupational Safety and Health***

Nobody likes to hear, "I told you so," but in the case of last week's chemical leak in West Virginia – responsible for hundreds of thousands of residents being left for days without access to clean water – it is impossible not to point fingers.

First, the U.S. Chemical Safety Board recommended three years ago that the state and local governments create a new, stricter chemical safety program to prevent accidents and releases in the Kanawha Valley, known as Chemical Valley. The CSB suggested that the program follow the model successfully implemented by Contra Costa, Calif., in which companies are required to submit safety plans, which then are reviewed by local government agencies.

The CSB had been investigating in the Charleston, W.Va., area following an August 2008 explosion and fire that killed two workers. As often happens with recommendations made by the agency, the state failed to take the advice to implement the more stringent chemical safety program.

Since its creation, the CSB has issued countless reports, analyses and recommendations that promptly are ignored by the government agencies and private industry to whom they are targeted. But under the statute governing the CSB, the agency has no enforcement ability, so its recommendations often fall on deaf ears.

Second, President Barack Obama's Executive Order on Improving Chemical Facility Safety and Security – issued last summer in the wake of the West, Texas, disaster – was designed to address gaps in oversight similar to those present in West Virginia. But because of delays caused by the government shutdown, federal agencies have not yet shared their progress in addressing chemical safety.

The agencies should quickly complete their review of existing safeguards. They also should assess what steps need to be taken to ensure that hazardous chemical

storage and production facilities are adequately covered by state and federal enforcement powers to make chemical facilities and their surrounding communities safer.

Finally, like the West, Texas, catastrophe, Freedom Industries in West Virginia failed to implement emergency plans. The 1986 Superfund reauthorization law ("SARA Title III") requires companies to report information about the types and amounts of chemicals stored at a given facility. As was the case in the West incident, neither the community nor emergency responders were aware of the quantity of potentially hazardous chemicals at the site. That law failed in West, Texas, and it failed again in West Virginia. This should be remedied before West Virginia's Elk River community experiences a similar fate.

When companies are dealing with hazardous chemicals, it is shortsighted not to have a safety contingency plan. The owners of chemical facilities across the country should take this opportunity to develop safety plans so they are better prepared in the event that something should happen at their own facilities. As the expression goes, "Fool me once, shame on you. Fool me twice, shame on me."

Improvements in chemical safety and security across the country are direly needed. Updated safeguards cannot wait.

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The National Council for Occupational Safety and Health is a federation of local and statewide organizations; a private, non-profit coalition of labor unions, health and technical professionals, and others interested in promoting and advocating for worker health and safety.

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