



## Chemical Safety and Hazard Investigation Board

OFFICE OF GENERAL COUNSEL

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### Memorandum

To: Board Members

From: Richard C. Loeb *RCL*

Cc: Leadership Team  
Mark Kaszniak  
Christina Morgan

Subject: Board Action Report – Notation Item 2013-10

Date: February 26, 2013

On January 30, 2013, the Board approved Notation Item 2013-10, thereby designating Recommendation 2008-08-I-WV-R10, to the Occupational Safety and Health Administration (OSHA) (from the Bayer CropScience investigation), with the status of Closed – No Longer Applicable.

### Voting Summary – Notation Item 2013-10

**Disposition: APPROVED**

**Disposition date: January 30, 2013**

	Approve	Disapprove	Calendar	Not Participating	Date
<b>R. Moure-Eraso</b>	X				1/28/2013
<b>M. Griffon</b>	X				1/30/2013
<b>B. Rosenberg</b>	X				1/30/2013



U. S. Chemical Safety and Hazard Investigation Board  
**RECOMMENDATIONS STATUS CHANGE  
SUMMARY**

<b>Report:</b>	<b>Bayer CropScience (BCS) Pesticide Waste Tank Explosion</b>
<b>Recommendation Number(s):</b>	<b>2008-08-I-WV-R10 2008-08-I-WV-R12</b>
<b>Date Issued:</b>	<b>January 20, 2011</b>
<b>Recipient(s):</b>	<b>Occupational Safety and Health Administration (OSHA) Environmental Protection Agency (EPA)</b>
<b>New Status:</b>	<b>R10: Closed – No Longer Applicable R12: Closed – No Longer Applicable</b>
<b>Date of Status Change:</b>	<b>January 30, 2013</b>

**Recommendation(s) Text:**

**Recommendation No: 2008-08-I-WV-R10 (to OSHA):**

*In light of the findings of this report and the serious potential hazards to workers and the public from chemicals used and stored at the Bayer Institute site (such as phosgene, MIC, and methomyl), conduct a comprehensive Process Safety Management (PSM) inspection of the complex. Coordinate with the Environmental Protection Agency, as appropriate.*

**Recommendation No: 2008-08-I-WV-R12 (to EPA):**

*In light of the findings of this report and the serious potential hazards to workers and the public from chemicals used and stored at the Bayer Institute site (such as phosgene, MIC, and methomyl), conduct a comprehensive Risk Management Program (RMP) inspection of the complex. Coordinate with the Occupational Safety and Health Administration, as appropriate.*

**Board Status Change Decision:**

A. Rationale for Recommendation

On August 28, 2008, an explosion occurred at the Bayer CropScience (BCS) facility in Institute, West Virginia. A runaway chemical reaction inside a residue treater containing the pesticide methomyl caused the pressure vessel to overpressurize and catastrophically rupture during an attempted restart of a pesticide manufacturing unit. In light of that fact, and the substantial number and quantities of highly hazardous chemicals used throughout the facility, the Board asked OSHA and EPA to coordinate in conducting a comprehensive inspection of the facility 's PSM and RMP programs.

## B. Response to the Recommendation

OSHA opened a follow-on inspection of the methyl isocyanate (MIC) unit on March 2, 2011, using the procedures of its “PSM Covered Chemical Facility National Emphasis Program” (ChemNEP). Based on a review of the inspection team's findings, OSHA reported that it had concluded that expansion of the inspection beyond that unit to a facility-wide, comprehensive PSM inspection was not warranted.

EPA conducted an RMP inspection of the BCS site on March 27, 2012. During that inspection, EPA verified that the MIC, phosgene/chlorine, methomyl, and aldicarb units, all previously subject to RMP, had been shut down; and that all regulated chemicals had been removed and the units were in various phases of being decommissioned. EPA inspected the only active remaining unit at the site subject to RMP and found it to be in compliance with its regulations, with one exception that was subsequently corrected. As of September 7, 2012, EPA reported that the unit was shut down, the regulated chemical had been removed, and the unit was being decommissioned.

## C. Board Analysis and Decision

Neither OSHA nor EPA implemented the recommendation as envisioned by the Board, whose intent was for a collaborative inspection of all process units covered by the PSM and RMP standards. However, as all regulated substances and many other highly hazardous substances have been removed from the plant site by BCS, the need a joint RMP/PSM inspection at this facility is no longer present. Consequently, the status of CSB Recommendation Nos. 2008-08-I-WV-R10 and 2009-08-I-WV-R12 were changed to: **“Closed – No Longer Applicable.”**