

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 18, 2009

VIA FACSIMILE: 202-693-1659

Mr. Jordan Barab
Acting Assistant Secretary
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20201

Dear Assistant Secretary Barab:

In view of the decades-long history of deaths and injuries from reactive chemical accidents, we are writing to renew our request for the Occupational Safety and Health Administration (OSHA) to expand its process safety management rule (29 CFR 1910.119) to improve the control of reactive hazards, and, in the interim, we suggest that the agency issue a compliance directive covering these hazards.

Attached please find a copy of the Chemical Safety Board's (CSB) September 15, 2009, investigation report on the December 19, 2007, explosion at the T2 Laboratories' gasoline additive production plant in Jacksonville, FL. This accident killed 4 workers and injured 32 employees at both T2 and surrounding businesses. The explosion—equivalent to 1,400 lbs of TNT—was caused by a runaway chemical reaction involving sodium, a highly reactive alkali metal. The explosion of a 2,500 gallon reactor damaged buildings within one quarter of a mile of the facility, and reactor debris was found up to a mile away. The four workers died of blunt force trauma.

The CSB investigation report found that the company did not perform a Process Hazard Analysis (PHA) prior to starting up the plant; the company had advanced warning of serious reactive hazards because of three of its first ten chemical batches had uncontrolled exothermic reactions, but the company did not re-engineer the process before the plant exploded during the 175th batch; and the company did not design a pressure relief system to prevent a runaway reaction. CSB staff recently advised the Education and Labor Committee staff that the T2 accident would have been prevented if OSHA had a process safety regulation that covered reactive hazards (and which specifically included sodium) and there was employer compliance.

Indeed, the facts sifted from the rubble of this tragic explosion underscore the need for OSHA to follow CSB's 2002 recommendation to include reactive chemicals as part of its process safety management rule. Although the CSB's T2 report limited its recommendations to a call for the American Institute for Chemical Engineers and the Accreditation Board for Engineering and Technology to add reactive hazards awareness to baccalaureate chemical engineering requirements, the CSB noted that OSHA has not implemented its previous recommendation to expand coverage under its process safety rule for reactive hazards.

CSB has documented a long history of disasters from reactive incidents. Between January 1980 and June 2001, there have been 167 serious reactive incidents in the U.S. that resulted in 108 deaths, hundreds of injuries, and significant public impacts. Since that report, CSB has documented another 249 uncontrolled chemical accidents between July 2001 and December 2006.

Assistant Secretary Jordan Barab
September 18, 2009
Page 2

We note that some states have recognized the need for safety protections from reactive hazards. For example, following the T2 explosion, New Jersey promptly covered reactive chemical hazards under the state's Toxic Catastrophe Prevention Act rules.

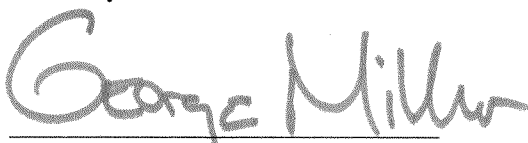
In 1998, OSHA prepared a draft Advanced Notice of Rulemaking which would have added reactive hazards to the process safety rule. This draft included sodium-- the reactive metal responsible for triggering the T2 explosion. Unfortunately, this safety rule was removed from the agency's "regulatory agenda" in 2001 by the Bush Administration due to "resource constraints."

On January 10, 2008, the Chairs of the Committee on Education and Labor and the Subcommittee on Workforce Protections wrote Assistant Secretary Foulke requesting that OSHA commence rulemaking for reactive hazards, after it became clear that a runaway reaction was responsible for the explosion at the T2 facility in Jacksonville. Regrettably, the previous administration failed to take action.

However, with a change in administration and its renewed focus on worker safety, we are optimistic that you will see the urgency in placing a reactive hazards rule back on the regulatory agenda. While we recognize it will take some time to implement a final rule, we respectfully urge the Administration to consider issuing a compliance directive for reactive hazards as a way to provide workers and their community with the protections they need and deserve.

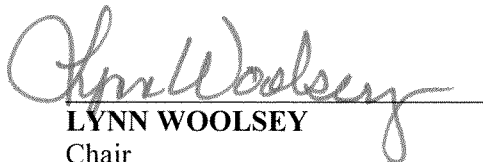
Please call Richard Miller or Lynn Dondis, staff of the Education and Labor Committee, at 202-225-3725, with any questions you may have.

Sincerely,



GEORGE MILLER

Chairman
Committee on Education and Labor



LYNN WOOLSEY

Chair
Subcommittee on Workforce Protections



CORRINE BROWN

Member of Congress

Enclosure

Cc: John Kline, Senior Republican Member, Committee on Education and Labor
Cathy McMorris Rodgers, Ranking Member, Subcommittee on Workforce Protections