

UNITED STATES OF AMERICA

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CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

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PUBLIC MEETING RE

DPC ENTERPRISES PLANT

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JUNE 9, 2004

6:00 P.M.

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The meeting was held at the City of Glendale Council Chambers, 5850 West Glendale Avenue, Glendale, Arizona, John Bresland, presiding.

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P R O C E E D I N G S

(6:00 p.m.)

1
2
3 MR. BRESLAND: Good evening. Welcome to
4 this public meeting of the U.S. Chemical Safety and
5 Hazard Investigation Board. I'm John Bresland, a
6 member of the Board.

7 Before we begin, we have put some safety
8 information in terms of if there is an emergency how
9 do you exit the building, and there are exit doors at
10 the ones you came in both my right and my left. And
11 then behind me there are two more exit doors that
12 eventually will lead outside. So, if we have to use
13 them, hopefully we won't. That will be the way for
14 you to exit.

15 Again, I'm John Bresland, a member of the
16 Board of the Chemical Safety Board. We'd like to
17 welcome you all to this public meeting to bring the
18 community up to date on the CSB's investigation into
19 the chlorine release last November 17, 2003 at the DPC
20 Enterprises Plant here in Glendale, Arizona. I would
21 especially like to thank the City of Glendale for
22 their very kind hospitality in making these really
23 wonderful facilities available to us for this
24 important meeting. The cooperation of local officials
25 in our investigation has been much appreciated, and we

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1 are very, very grateful for that.

2 Later in the public meeting we will have a
3 public comment period and we'll hear from anyone who
4 wishes to speak about this investigation. I would
5 remind you to please sign the sign-up sheet that is at
6 the front entrance and if you haven't signed there's
7 still plenty of time to do so. That sign-up sheet is
8 on the table outside as you came in. Also, on the
9 table outside is more information about the CSB and
10 it's investigations and you're welcomed to take any of
11 that information away with you.

12 With me at this table is another member of
13 our five-member Board at the CSB, Rixio Medina. We
14 also have the lead investigator in this instant that
15 we are discussing tonight, Mr. John Murphy, who is
16 sitting over here. He is accompanied by investigator
17 Michael Morris, who's standing in front of us here.
18 And also next to me is our general counsel, Mr. Chris
19 Warner. In the audience is our chief operating
20 officer, Mr. Charles Defras (phonetic). I believe
21 Charles is outside right now welcoming people. And
22 our public affairs person, Mr. Sandy Gilmore. At this
23 time we'd like to recognize Glendale City Councilman,
24 Phil Lieberman, and ask him if he'd like to give some
25 brief remarks.

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1 MR. LIEBERMAN: Thank you, Mr. Bresland.

2 You will pardon my appearance. I didn't
3 know I was going to do this until exactly eight
4 minutes ago, but it's alright. I like it. Last
5 September 17th, I got a call on what I would call my
6 hotline from our city public relations director who
7 said, Phil, there's a chemical spill. A chemical
8 spill? Yes, and it's in your district. Uh-oh. And,
9 we're even getting around to where we may have to
10 evacuate homes. You better get over there. Believe
11 me, I did in nothing flat. And then I discovered that
12 I really couldn't get there if I wanted to because
13 road after road after road was blocked. I did go to
14 the baseball park where facilities were going to be
15 set up and were being set up, and we had a nice
16 audience there of people who had been asked to leave
17 their home. There was food. There was services.
18 There was information. I thought for the very first
19 effort of this type everything was working.

20 I do at this time want to publicly thank
21 the Board, the U.S. Chemical Safety and Hazard
22 Investigation Board. I'm delighted and I'll use that
23 term again delighted, to find that they are with the
24 City of Glendale, with the City of Phoenix, they are
25 doing the investigation to tell us what we can do

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1 hopefully about the incident and more importantly what
2 we can do to make sure that something like this never
3 ever happens again. I also want to take this time to
4 welcome you into Glendale, into the Glendale council
5 chambers, which is where you're at.

6 And we are delighted, and I would tell you
7 as a representative of the council, personally, I'm
8 also delighted to see so many of you here. I hope to
9 learn from this meeting. We are certainly learning
10 from this incident. We had a meeting just last week
11 where we were discussing this incident. We hope that
12 it never happens again.

13 We also hope that should there be anything
14 like it that does happen again we will no more about
15 what to do. We will know more about what to do with
16 the people who are in the area. We'll know more
17 about, of course, the prevention of it, and I'm going
18 to tell you with that, that I again want to welcome
19 the Board. I want to welcome all of you. I want to
20 welcome Claude Mattox, who just arrived, who I
21 understand is going to speak to you a few works at the
22 minute. And, again, please forgive my informal
23 attire. Claude, it's your turn. Thank you.

24 MR. BRESLAND: Thank you, Councilman
25 Leiberman. And now I'd like to introduce Phoenix city

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1 councilman for District 5, Mr. Mattox. Thank you for
2 coming.

3 MR. MATTOX: Thank you very much. Good
4 evening. I'm going to be very brief. Thank you,
5 Phil, for recognizing that I had shown up late. I
6 appreciate you bringing that to everyone's attention.

7 PHIL LIEBERMAN: Better late than never.

8 MR. MATTOX: Absolutely. I am Claude
9 Mattox, Phoenix City Council. I happen to share a
10 border with Mr. Lieberman. The City of Phoenix shares
11 the border with Glendale and while the incident
12 occurred in Glendale, those who were affected as far
13 as the residential communities is concerned are in the
14 City of Phoenix and were in my district. This
15 evening, my interest is threefold. I would like to
16 know what happened.

17 The second thing is, is I would like to
18 know what preventative action can be taken to keep it
19 from happening again in the future but, more
20 importantly, how can the City of Phoenix and the City
21 of Glendale work together inspecting these facilities
22 and preventing this from happening in the future. As
23 I look at what's out there in the City of Phoenix and
24 surrounding communities, there are many of these
25 facilities that surround our border. Phoenix does not

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1 go into those facilities and inspect because they're
2 outside of our jurisdiction, so a lot of the
3 discussion that Phoenix has been having is how can we
4 improve that, what can we do as far as working with
5 our border communities to help them in identifying
6 problems, preventing those problems from happening. I
7 appreciate everyone coming this evening and I'm very
8 interested in hearing what has to be said. So, thank
9 you all for being here.

10 [Applause]

11 MR. BRESLAND: Thank you very much, Mr.
12 Mattox. Before we begin with the formal presentation,
13 I'd like to very quickly tell you a little bit about
14 the Chemical Safety Board, and I've asked Mike Morris
15 to move ahead a couple of slides that we're going to
16 show you. Let's go to the first slide, Mike.

17 As you can see, the Chemical Safety Board
18 is an independent federal agency. It's mission is to
19 investigate chemical accidents and when we talk about
20 chemical accidents we talk about accidents in
21 facilities that are using chemicals. And that's much
22 broader than perhaps you would think. It's not only
23 oil refineries, chemical plants. It could be steel
24 mills. It could be paper mills. And in this case
25 here it's a distributor of chemicals. And as part of

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1 our investigation we determine root causes and we
2 issue recommendations, and one of the most important
3 things we do is make sure that those recommendation
4 are implemented. Our goal is to safe lives. Our goal
5 is to protect the environment. And our ultimate goal
6 is the prevention of more accidents in the future.

7 As you can see we're not a regulatory
8 agency. We're not like EPA or OSHA. We don't issue
9 fines or penalties. We have five Board members who
10 are appointed by the President. Mr. Medina is the
11 most recent appointee and he's been on the Board for
12 several months now. Our investigations are conducted
13 by the professional staff that is headquartered in
14 Washington. We've a budget of about \$9 million a
15 year, and our investigations typically take about a
16 year to complete. And we normally investigate about
17 12 significant incidents a year. Coming across our
18 desk and coming through our information services,
19 we're seeing perhaps 500 to 1000 incidents a year, but
20 we pick -- because of our limited budget, we pick the
21 most serious of those incidents to investigate.

22 So, tonight here's what you're going to
23 hear. First of all, you're hear a presentation of the
24 preliminary findings from the investigation into the
25 chlorine release at DPC. This is what we call our

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1 mid-term meeting. We'll come back at the end of our
2 investigation and do a final meeting and that will be
3 done in about six months. So, after the presentation
4 by Mr. Morris and Mr. Murphy, we'll have a panel of
5 emergency responders and we'll discuss who those are
6 in a few minutes, then we'll have a panel of people
7 from citizens groups and then the company, DPC, has
8 accepted an invitation to make a statement about the
9 incident.

10 Then there's going to be a public comment
11 period where any member of the public may speak for up
12 to three minutes on matters that are relevant to our
13 investigation. And I should say when I talk about
14 timing, we have a little machine here that is set up
15 to hopefully keep you on time. It'll go from green to
16 orange to red, and green is typically three to four
17 minutes, and then we'll give you a little leeway and
18 then it'll turn to red. We're not going to tell you
19 what happens when it turns to red.

20 [Laughter]

21 It'll be quite a -- quite a non pleasant
22 sensation.

23 [Laughter]

24 So, we're here to report to the community
25 and to listen to the members of the community because

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1 of an accident that occurred in which a quantity of
2 chlorine was released to the environment. Chlorine,
3 as you may know, is one of the major building blocks
4 for thousands of products made throughout the world,
5 from compact discs to PVC piping. Another very
6 important aspect of chlorine is that it's used in the
7 treatment of drinking water and the treatment of
8 wastewater.

9 And, in this particular case, the truck
10 that was being loaded was going to be shipped to the
11 City of Glendale for the disinfection of their -- I'm
12 sorry, the City of Scottsdale for disinfection of
13 their drinking water. About 12 million tons of
14 chlorine are manufactured every year. As well as
15 being a very important chemical it's also a very toxic
16 chemical and in high concentrations it can kill a
17 person in just a few minutes. So, the CSB takes very
18 seriously accidents that involve the release of
19 chlorine. Fortunately, in this case no one was
20 seriously injured and the amount released was limited.

21 In August of 2002, DPC had another
22 incident in Festus, Missouri about 30 miles south of
23 St. Louis, in which 40,000 pounds of chlorine were
24 released. There, only favorable winds kept the
25 chlorine from blanketing a nearby mobile home park.

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1 The CSB investigated that incident and our report is
2 available on our web page at www.csb.gov. I would
3 recommend that if you're interested in the issue of
4 chemical plant safety, it's got a wealth of
5 information including a very interesting update on
6 chemical process incidents around the world and it's
7 updated to within incidents that have probably
8 happened in the last hour or two.

9 So, the work of the CSB is to find out
10 what happened in these kinds of accidents and then
11 make safety recommendations to prevent them from
12 happening again. That's why this meeting is important
13 tonight. So, I'd like to thank you for your
14 attendance here this evening. Now, I'd like to ask if
15 my colleague, CSB Board Member, Rixio Medina, has any
16 comments.

17 MR. MEDINA: Thank you, John. Good
18 evening. I would like to echo John's welcoming
19 comments and would like to thank you for being here
20 tonight. We hope to have a very productive meeting
21 that will assist the Chemical Safety Board in
22 completing it's investigation. We have made special
23 efforts and preparations to ensure that the
24 Spanish-speaking only members of the public would
25 benefit from this meeting, and we have a translator

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1 who will be available to assist during the public
2 comments period. And also, we have the slides that
3 will be presented by the investigators translated into
4 Spanish and Mr. Jeffers (phonetic) will be able to
5 provide them at your request.

6 Thank you.

7 MR. BRESLAND: Thank you, Mr. Medina. I'd
8 like now to introduce our lead investigator, John
9 Murphy and Mike Morris, who will present the
10 preliminary findings. The first presentation is by
11 Mr. Murphy.

12 MR. MURPHY: Thank you, Board Member
13 Bresland, and good evening. As John has stated, we
14 are here to discuss the DPC chlorine release of
15 November 17, 2003 and to give you some preliminary
16 findings. What happened that day was the chlorine was
17 being transferred from a rail care to a tank truck. A
18 chlorine scrubber was overloaded and chlorine was
19 released to the environment. First we need to discuss
20 a little bit about the DPC of Glendale operation. It
21 is basically a chlorine repackaging facility. They
22 receive rail cars of chlorine and repackage them into
23 one ton and 150-pound cylinders. On occasion,
24 approximately monthly, they also fill tank trucks of
25 chlorine. An important part of the process is a

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1 scrubber, which is a safety and environmental device
2 that prevents chlorine vapor releases and produces
3 bleach as a byproduct. The plant also has a separate
4 bleach facility.

5 This is a picture of the tank car that was
6 being unloaded on the day of the incident. Upon
7 arrival, it contained approximately 180,000 pounds of
8 chlorine. This is a picture of the tank truck that
9 was being filled, that as John stated, for shipment to
10 Scottsdale for municipality water treatment purposes.

11 This is a picture of the chlorine scrubber. This is
12 a very important part of our story. It's basically,
13 just a 4000-gallon tank. It contains 3500 gallons of
14 scrubbing solution, which we'll talk about later. You
15 might notice at the bottom of the picture you see
16 water in the containment area. This is water that was
17 deluged on the toxic cloud for mitigation purposes by
18 the fire department.

19 This is an overview of a profile of the
20 incident. We have calculated that up to 3500 pounds
21 of chlorine gas was released when the scrubber was
22 overloaded. Over 4000 people were told to evacuate.
23 Businesses in the surrounding area around the facility
24 were also evacuated. Two elementary schools had to
25 shelter-in-place. By shelter-in-place, we mean the

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1 people at the school were told to stay in the schools.

2 The ventilation system was shut down and they were to
3 stay there until the event had passed on. Also, 14
4 people including 10 police officers went to the
5 hospital and were evaluated for chlorine related
6 symptoms.

7 Now, a little bit about the
8 characteristics of chlorine. At normal temperatures
9 and pressures, chlorine is a greenish-yellow gas. It
10 has the smell of household bleach. When it's shipped
11 like in tank cars or tank trucks, however, it is in
12 the form of a liquefied gas under pressure. As Board
13 member Bresland has stated, chlorine can have adverse
14 health effects if inhaled. In low concentrations, the
15 effects are rather mild, but at higher concentrations
16 they can be deadly. At one to three parts per
17 million, there is mucous membrane irritation. From
18 five to 15 parts per million, there are moderate
19 respiratory tract irritation.

20 From our reports, people that were exposed
21 to gas, they were probably exposed to these lower
22 concentrations. However, at higher concentrations at
23 30 parts per million there can be immediate chest
24 pain, vomiting and coughing. At even higher
25 concentrations the chlorine gas can be deadly. At 430

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1 parts per million, there can be death after 30
2 minutes. At 1000 parts per million, there can be
3 death within a few minutes.

4 Now, a little bit about the DPC scrubber
5 process. The scrubber is an environmental or safety
6 device used to prevent chlorine gas from escaping into
7 the environment and the process that feeds chlorine
8 vapors into a caustic solution. Again, you see the
9 picture of the caustic scrubber, basically a
10 4000-gallon tank with 3500 gallons of scrubbing
11 solution. This produces bleach, which can be sold as
12 a product.

13 A little bit more about the scrubber
14 process. Chlorine gas is normally vented into a
15 solution which starts off at 20% sodium hydroxide,
16 commonly called caustic. As the chlorine enters the
17 scrubber, the concentration drops as the process
18 continues. If the concentration reaches 0%, the
19 scrubber stops working and chlorine gas is released
20 into the atmosphere. This is what happened on
21 November 17th.

22 With that, I'd like to turn the
23 presentation over to Mike Morris, who'll talk a little
24 bit about the procedures for scrubber operation at
25 DPC. He will talk about the events of November 17,

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1 and some of our preliminary findings regarding the
2 operations. Mike.

3 MR. MORRIS: Thanks, John. First of all,
4 I want to discuss a little bit about what we found as
5 the DPC written operating procedures that we found so
6 far during our investigation. During the transfer
7 process when low-concentration safety alarms sound,
8 chlorine flow is to be shut off and caustic is to be
9 tested to determine the percent concentration. When
10 concentration is less than 0.5%, scrubber is emptied
11 and caustic is added to bring the solution back to 20%
12 caustic. What we found is common practice at the DPC
13 Glendale facility. After hearing the
14 low-concentration safety alarms, operators typically
15 would not shut off the chlorine feed while testing the
16 caustic solution. The scrubber solution was run down
17 to as low as 0.2% also, and this is significant
18 because once it reaches 0%, all the caustic is reacted
19 away and there's nothing left to treat the chlorine
20 vapors that are being emptied into the caustic
21 scrubber.

22 A little bit of timeline about the day of
23 the incident the Chemical Safety Board found. During
24 the morning they tested the caustic solution
25 concentration and found it to be somewhere around 2%.

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1 They began the chlorine transfer to the tank truck at
2 around 8:30. Low-concentration safety alarms later
3 sounded in the morning and, again, as practice that we
4 found the operators did not shut off the chlorine
5 flow. Operator at this time left to get a sample
6 bottle to do a test on the amount of caustic remaining
7 in the scrubbing system. Upon returning to the
8 scrubber tank, and this was about 11:30 in the morning
9 -- upon returning to the scrubber tank, the operator
10 witnessed the scrubber tank shaking and heard a
11 rumbling sound. At this point the operator pressed
12 the emergency shut-down button, which stopped chlorine
13 flow to and from the tanker truck. The rumbling
14 stopped at this time but the chlorine continued to
15 vent into the air from the caustic scrubber, and this
16 was due to once the caustic and the scrubbing medium
17 is depleted, it's all used up and once that happens it
18 gets down to 0, there's another reaction that occurs
19 and it releases the chlorine and the caustic breaks
20 down again over several chemical reactions.

21 This is animation of the normal chlorine
22 tank loading process, simplified animation. I just
23 want to point out to you that this is the rail tanker
24 truck car with liquid chlorine, chlorine vapor piping.

25 This is the tanker truck that was being filled, and

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1 this is the scrubber. How the operation normally
2 occurs is dry air is pumped into the rail tank car
3 which forces the liquid chlorine up through this pipe,
4 through the chlorine piping and fills the tanker truck
5 to be sold or sent away as product. Upon filling the
6 tanker truck, the vapor and the vapor space has to go
7 somewhere and we don't want that released to the
8 atmosphere. So, it goes through chlorine vapor piping
9 down, injected into the caustic solution, where it's
10 reacted away with the caustic solution and it forms
11 bleach, as John talked about earlier. The
12 recirculation line on the caustic scrubber, it
13 continuously recirculates the solution past sensors in
14 the recirculation line. And these sensors let the
15 operators know that alarms at certain set points to
16 tell them that they're getting close to using up the
17 caustic.

18 The next animation is of scrubber venting
19 from over- chlorination. This is what happened the
20 day of the incident. Again, the rail tank car, the
21 tanker truck and the chlorine scrubber operation was
22 working. They put dry air into the tank car, sent the
23 liquid chlorine into the tanker and the vapor was
24 going into the caustic scrubber. Once all the caustic
25 was depleted in the scrubber, at this time the

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1 chlorine vapor was now released into the atmosphere,
2 it wasn't being scrubbed. The scrubber continued
3 venting even after the operator hit the emergency
4 shutdown system. When the operator hit the emergency
5 shutdown system it closed valves automatically,
6 stopped the liquid chlorine from entering the tanker
7 truck and it also stopped the flow of vapor to the
8 scrubber. However, once the caustic in the scrubber
9 is depleted, several chemical reactions occur, and all
10 the chlorine that had previously been scrubbed was now
11 being -- through the chemical reactions, it was being
12 released and the bleach was breaking down.

13 The Chemical Safety Board's preliminary
14 findings of the DPC operations, it was common practice
15 for DPC operators not to shut off the chlorine flow as
16 required by the written procedure after a safety
17 alarm. Allowing the caustic to drop to 0.5%
18 concentration left a very limited safety margin.
19 Also, no automatic shutdown systems were in place to
20 prevent this over-chlorination. Again, John Murphy
21 would like to come down and speak to the emergency
22 response, and also steps forward for the CSB.

23 MR. MURPHY: Thank you, Mike. Now, some
24 of the preliminary findings regarding the emergency
25 response. There was some question as to whether the

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1 emergency shutoff valves operated as they were
2 supposed to. DPC's emergency shutdown system was
3 tested and did work as designed. Second finding is
4 there was a large multi-agency emergency response
5 which was very timely and largely effective. There
6 were some communication problems between the
7 responders and the public. Maybe the panel can speak
8 to some of these. Also, ten police officers were
9 evaluated at the hospital following mild exposure to
10 chlorine gas. And this evening, one of the purposes
11 of the meeting here, is for us to welcome further
12 information from the responders.

13 Now, what is the path forward, what are
14 the next steps? The investigating team is now working
15 on what we call root cause analysis. We're looking at
16 the key findings, putting a timeline together, asking
17 the questions why did these different events happen.
18 But with asking the why questions, we come up with
19 management system deficiencies. Once these are
20 identified, this leads us to recommendations. The
21 second thing the Board investigative team needs to do
22 is to complete a review of the DPC corporate safety
23 culture. Due to the fact that the Board has two DPC
24 chlorine releases, the Board has some concern about
25 the safety culture at DPC, and we want to do some

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1 exploration of this topic. Another thing we're
2 waiting for is the result of a Chlorine Institute
3 survey on what is the industry practice on operating
4 chlorine scrubbers. The Chlorine Institute is an
5 industry that is working side by side with the CSB,
6 helping us with the survey so we can find out what is
7 good practice for operating chlorine scrubbers. And,
8 finally, like what was said before, before the end of
9 2004, we will produce a CSB investigative report. The
10 report will include recommendation and there will be a
11 report by the investigative team to the Board here in
12 Glendale at the end of the report writing process.
13 So, with that, that concludes the presentation by the
14 investigative team, and I'll turn the podium back to
15 John Bresland.

16 MR. BRESLAND: Thank you, Mr. Murphy and
17 Mr. Morris. There are actually two reasons for this
18 meeting this evening. One is to tell the community,
19 tell the people who are here this evening, what we
20 have found out so far in our investigation. The
21 second purpose of the meeting is to hear from the
22 community about any concerns that they may have, any
23 information that they may have that would be of use to
24 us in our investigation. And to do that we'd like to
25 introduce our first panel. And that panel is of

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1 emergency responders and someone from the local
2 emergency planning committee. And we'd like them to
3 come up and take seats up here on my right. And we're
4 pleased to have Glendale Assistant Fire Chief, Tom
5 Shannon. Chief Shannon was the ranking fire chief on
6 the day of the incident at the incident. We also have
7 Assistant Glendale Police Chief, Andrew Kirkland, who
8 was on duty that day, Phoenix Police Commander, Steven
9 Forster, who ran the Maryvale precinct command on the
10 day of the accident. And, we also have the Executive
11 Director of the Maricopa County Local Emergency
12 Planning Committee, Tim Newbill. I'd like to welcome
13 each of you and thank you for coming. I would like
14 each of you to give us a brief opening statement,
15 keeping it to three to four minutes, and that'll give
16 us plenty of opportunity and time for questioning. S
17 o, let's start with Chief Shannon.

18 MR. SHANNON: Okay. My name is Tom
19 Shannon. I'm the Assistant Fire Chief for the City of
20 Glendale. My role in this incident was twofold. I
21 serve as the emergency manager for the City, and in
22 addition the chief over operations, which includes
23 largely the hazardous materials and fire response. I
24 would like to welcome the Board and the citizens and
25 feel as though this is an opportunity to not only give

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1 you an idea that this type of response is, while quite
2 concerning, is something we plan for and train for
3 literally on a daily basis. The response that
4 occurred was an integrative response between several
5 cities. And that is not unique to this location. The
6 fire service industry in the valley is essentially a
7 jurisdiction less response, which means that Glendale
8 and Phoenix and Peoria and Tempe assets all work
9 together very seamlessly. So, I'll be prepared to
10 answer any questions regarding any procedures that
11 anyone might have and feel confident that with the
12 counterparts from the cities that are here, we can
13 very aptly answer any questions you might have. From
14 the emergency management point of view, in the
15 activation of the emergency operations center, this is
16 also a coordinated effort that included both a
17 communications strategy for the citizens as well as an
18 overall incident management plan. That was largely
19 completed by the law enforcement group in Glendale, in
20 as much as they were the emergency operations
21 commanders on this day, given the fact that a large
22 number of the fire command staff were at the incident.

23 So, between myself and Chief Kirkland, I think we can
24 very adequately respond to questions regarding the
25 emergency operations center. So, in closing, I'd like

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1 to just welcome you and I look forward to a good
2 discussion.

3 MR. BRESLAND: Why don't we go right
4 through the brief presentations and then we can pose
5 some questions to each of you at the end of that. So,
6 Assistant Chief Kirkland.

7 MR. KIRKLAND: Thank you. My name's
8 Andrew Kirkland. I'm Assistant Chief of Glendale, and
9 I want to thank the Chemical Safety Board for the
10 representatives that you sent out that worked with us.

11 They did a great job and we appreciated working with
12 them. I also want to take a moment to thank all the
13 responders that day, all the emergency responders from
14 Phoenix, our partners in the fire department as well
15 who helped us that day.

16 The police department takes these
17 incidents seriously and we attempt to learn as much as
18 we can as a public safety agency. We are committed to
19 protecting our community. We are here to share what
20 we've learned from this incident and to hear others
21 and how things could have worked better. We
22 understand, you know, our role in law enforcement as
23 first responders having a great deal of responsibility
24 at the ground level and responsible for evacuation.
25 Again, we take that very seriously, and we welcome you

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1 and look forward to sharing more.

2 MR. BRESLAND: Thank you. Commander
3 Forster from the Phoenix Police Department.

4 MR. FORSTER: Thank you, Mr. Bresland,
5 members of the Board. The Phoenix Police Department's
6 involvement was primarily was as an assistive unit to
7 Glendale PD and Glendale fire units and supportive of
8 a hazardous material incident. As both Chief Kirkland
9 and Chief Shannon have stated in the past,
10 organizationally intra-agency, intra-operability, we
11 drill these incidents quite frequently. We partner.
12 We share information. And we try to make each
13 incident a learning experience prior to if a
14 subsequent incident should occur. The primary role of
15 law enforcement in this particular case relating to
16 the Phoenix Police Department, as I stated, was
17 traffic control and evacuation system. Police always
18 defer to fire in these types of situations for their
19 expertise and their direction. Our primarily
20 responsibility was a significant commitment of
21 manpower, technical apparatus, aircraft and
22 coordination evacuation. When that was decided,
23 assisting and arranging for a reception area for those
24 citizens that were asked to evacuate, and dealing with
25 both individual notifications and use of the CEN

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1 system, which is Community Emergency Notification
2 System that was done through regional fire dispatch.
3 I would be glad to take any specific questions that
4 you might have. The general role was the commitment
5 of about 80 Phoenix police officers of various levels
6 of expertise to that significant event.

7 MR. BRESLAND: How many police officer?

8 MR. FORSTER: About 80 police officers,
9 roughly.

10 MR. BRESLAND: Okay. Mr. Newbill from the
11 LEPC.

12 MR. NEWBILL: Good evening, Mr. Bresland
13 and to the Board. I am Tim Newbill with Maricopa
14 County Emergency Management. I want to first start by
15 saying that I will be speaking this evening on behalf
16 of -- as a Maricopa County Emergency HAZMAT planner,
17 not the LEPC. Our bylaws state that without our
18 committee voting on speaking on the behalf of the
19 LEPC, and since we don't meet until next month, we
20 didn't have that opportunity. So, I will be speaking
21 this evening as the HAZMAT planner for Maricopa
22 County. And just our role was to receive the
23 information as whenever there is some type of release,
24 we receive the call and then to pass that information
25 on through the circ, as well as to just make sure that

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1 we're in communications with the Public Health
2 Department, and just to make sure that we are on
3 stand-by if for some reason it was to have escalated
4 to a larger situation, we were in communications from
5 that standpoint. Thank you.

6 MR. BRESLAND: Okay. We have several
7 questions that we'd like you to think about, and Mr.
8 Medina and I will kind of take it in turns to. One
9 question that I have, the number of evacuees has been
10 quoted at 4000 and I wondered is there any more exact
11 information as to how many people actually did
12 evacuate and how many people left their homes or their
13 places or business or their schools or their shops.
14 Do we have any more accurate information on that.

15 MR. FORSTER: I don't think we have an
16 exact number for you.

17 MR. SHANNON: I would defer to the
18 reception center run by Phoenix to give you an idea of
19 how many folks actually used that. I believe, Chief,
20 it was the 100s.

21 MR. FORSTER: Mr. Bresland, if I could
22 address that briefly. The 4000 number comes from, I
23 believe, what was the CENS, the Community Emergency
24 Response Notification System. As you know, that
25 system has the ability to make a significant number of

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1 calls. On that particular incident, when that system
2 was activated, there were 4128 phones identified in
3 the matrix that was used to define the parameters of
4 the evacuation. That activation resulted in 7762
5 actual calls being made in 16 minutes. Now, those
6 calls go out in English and Spanish and they go for
7 the hearing impaired. The actual number of people
8 that went to the John F. Long Community Center, the
9 Maryvale baseball park south of Indian School on 51st
10 Avenue, was about 200 people. Other folks had left
11 their homes, but I believe it was significantly less
12 than the 4000 number that is quoted.

13 MR. BRESLAND: Can you explain the
14 different between the 4128 phones and the 7000 phone
15 calls?

16 MR. FORSTER: The calls are made -- when
17 CENS activates, it calls that number three times if
18 there's no answer. So, the number of persons that
19 actually receive full delivery of the message, where
20 somebody actually answered the phone, were 1286. So,
21 that would be 30% of the calls that were made. There
22 were several where only a partial message was
23 delivered, where there was no answer, where there was
24 a hang-up and in some cases some of those numbers
25 actually went to fax machines. We use QWEST as the

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1 database for that system, the telephone subscriber
2 system.

3 MR. BRESLAND: What did the message say,
4 did it direct people to evacuate or to
5 shelter-in-place?

6 MR. FORSTER: The message can be custom
7 made to whatever the incident is. It can be
8 preprogrammed for a normal incident or a repetitive
9 incident that might be of interest to the community
10 but it's also tailor made to whatever the event is.
11 In this case, I don't have the exact verbiage -- a
12 transcript of that recording, but it basically tells
13 people that there is a chlorine leak incident, it
14 gives them directions to evacuate and where to go.

15 MR. SHANNON: Mr. Bresland, to clarify, on
16 that day there was the benefit of two systems working.
17 The Glendale system is slightly different in that the
18 way the message was constructed was done by folks in
19 Glendale and without coordination between the CENS
20 folks, because there was a time lapse between the two
21 systems being implemented, but the Glendale emergency
22 notification system utilized both Spanish-speaking
23 messages and English-speaking and deferred the Spanish
24 speakers to a separate number where they would
25 actually speak to a live body and they would provide

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1 information regarding the area of evacuation, the
2 location of the reception centers and any updated
3 information that came along.

4 MR. MEDINA: Since we're talking about the
5 community notification system, I would like to ask a
6 question. How is it then that we heard that the
7 Spanish-speaking people got the message in English and
8 the English-speaking people in Spanish. And, have
9 (sic) that issue been addressed and has it been
10 resolved to prevent from happening again?

11 MR. FORSTER: I believe that's a CENS
12 issue. I can't comment regarding that because I speak
13 to the Glendale issue. I would defer to the CENS
14 system, and I just couldn't comment regarding that.

15 MR. SHANNON: Mr. Bresland, Mr. Medina,
16 I'm not aware of the amount of cross linguistics went
17 and what the issue was. Again, CENS is run from
18 Phoenix Regional Fire Dispatch, and those particular
19 numbers, if that did occur, I don't know to what level
20 that is. If we were made aware of it, if CENS was
21 made aware of it, I believe they would have moved
22 forward to correct it.

23 MR. BRESLAND: Now, one of the advantages
24 of an incident like this is, if there is such a thing
25 as an advantage from an incident like this, is that

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1 there are lessons to be learned. Now that you've
2 thought about it, are there any changes that you have
3 made or you would like to make in your whole emergency
4 response system, and I'm thinking in the specifics of
5 an emergency response to a toxic gas release like
6 this. Are there any things that you'd like to change
7 or any changes that you have made?

8 MR. KIRKLAND: I'll go first speaking for
9 law enforcement. And there are several changes that
10 -- at least things that we've learned from here. And
11 one is to continue training of our officers about
12 emergency response. Getting there, not arriving in a
13 hot zone, working with our dispatchers in dispatching
14 the call correctly, learning how to do that,
15 continually working with them to do that, but also
16 bringing in the other agencies in this valley, because
17 we had about 40 officers out there and Phoenix, they
18 had 80. If we needed more assistance -- our partners
19 in the west valley, we work with them very closely and
20 we're putting together our own system amongst law
21 enforcement agencies that will allow us to train and
22 work and communicate more effective together. So,
23 it's a learning process not for us, but we've expanded
24 that throughout the western part of this valley to
25 incorporate all of the agencies out here.

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1 MR. SHANNON: From the fire and emergency
2 management perspective without question, like law
3 enforcement, we take every incident like this and do a
4 self evaluation. Whether or not things went very well
5 or if they don't go so well. And particular issue
6 that comes up in incidents like this is communication.
7 Communication between disciplines: law enforcement,
8 fire. And communication between sectors within an
9 incident. In the fire service we will sectorize an
10 incident into the specific needs. Hazard sector is a
11 forward placed sector that operates the technical side
12 of making entry and gaining values and things like
13 that. And they communicate back to the incident
14 commander, who then communicates to other sectors as
15 well as our law enforcement partners in the unified
16 command process. We can always do better in making
17 that a very seamless process, either by improving the
18 technology, understand the language that is being used
19 so that there are not lapses of understanding. In
20 this particular case there were some semantic issues
21 in understanding by perimeter folks of the
22 appropriateness of using personal protective equipment
23 based on what they were hearing from the incident
24 commander. Really came down to semantics. And so
25 what we need to do and we will always continue to do

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1 is look at incidents like this and say are we talking
2 the same language at an incident. Are we using the
3 technology that's available so that the minimal amount
4 of lapse occurs between getting the message across,
5 because ultimately that transfers into impacting the
6 citizens. We need to make sure that we're very
7 flexible and adaptive to evacuation procedures and
8 making sure that we can predict very accurately the
9 cloud movement and so, overall, I would say
10 communications, integration of disciplines in terms of
11 what they do, and that will easily transfer into a
12 more efficient seam. But, this is an ongoing process.
13 This is something that we do after every incident
14 and, in particular, this incident has really just got
15 us focused a whole lot more on the unified command
16 process and the discipline communication process.

17 MR. BRESLAND: Okay. Thank you. Anybody
18 else like to comment on that?

19 MR. FORSTER: Yes, Mr. Bresland. To echo
20 Chief Shannon's comments and Chief Kirkland's both.
21 There are significant things that were learned -- some
22 procedural, some communications as was stated, some
23 additional opportunities to grow from this incident to
24 do two things, to protect the community and provide
25 better service to the community and to protect the

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1 first responders who, if they're not protected will
2 not be able to serve the community. That has led to
3 several ongoing issues in Phoenix per se. The West
4 Phoenix Fire District, which is through the leadership
5 of Chief Brunasini (phonetic) an Deputy Fire Chief
6 Russ Bovay (phonetic). We partnered with fire closer
7 than we ever had to do joint training exercises for
8 specific type incidents such as this, but incidents
9 where there are role reversals. As I said earlier,
10 hazardous materials fire incidents, fire takes the
11 lead, police become the support. Law enforcement
12 incidents, the roles switch. So, this has given us
13 some impetus to better understand our roles, to do
14 better joint training and to communicate to the level
15 that we don't -- not only do we not have
16 organizational misunderstandings but at the line
17 level, at the first responder level, that that level
18 understands each other's language and communicates in
19 an immediate environment.

20 MR. MEDINA: Mike, I have a request and a
21 question. First, to Commander Forster. I understand
22 that, and we have a community notification system that
23 has some specific functionality and another one that's
24 kind of a regional. We heard again that there were
25 difficulties in sending the right message to the right

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1 people and we don't know how to address that. I would
2 like to request that whatever agency's in charge, take
3 this opportunity to review what happened and, in fact,
4 that situation was a factor in this incident and what
5 can be done to have the correct numbers in the correct
6 system in order to prevent from sending the wrong
7 message from the wrong type of residents, because it's
8 critical. We understand it's critical that people
9 receive the right information when they most need it.

10 So, I would like to make that request and for the
11 agency responsible to help us and send to our
12 investigation team the result of that review, if
13 possible. If, in fact, it happened, what can be done
14 to prevent from happening again?

15 MR. KIRKLAND: Mr. Bresland, Mr. Medina, I
16 will absolutely follow up on that to clarify that for
17 the Board and for the community that I believe
18 deserves a response to that. In addition to the CENS,
19 there were multilevel response tactics that were used.

20 That included police officers and fire fighters going
21 door to door. That included police officers both in
22 Spanish and English using police cruiser PA systems
23 and it included the police helicopter, Phoenix's
24 police helicopter doing loudspeaker broadcasts trying
25 to assist in that. But your point is well taken. I

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1 will find the answer out for that, sir.

2 MR. MEDINA: Thank you. And my question
3 to Chief Shannon, do you have authority -- this is
4 more on the preventative side, do you have authority
5 within your jurisdiction to conduct inspections or
6 audits at chemical facilities?

7 MR. SHANNON: Well, certainly there are --
8 as businesses, there are permits required for specific
9 types of operations. My fire marshall is here to
10 speak specifically if you need to know details as to
11 the DPC facility and what permits are required.
12 However, what is philosophically required and legally
13 required is evaluated and then during the inspection
14 process on an annual or semi-annual basis based on the
15 hazard potential, it is confirmed again. So, the
16 difficulty for a fire department is to -- once a
17 permit is given without technical expertise, a fire
18 protection engineer that specializes in chemical
19 safety, to know whether or not there is additional
20 issues related to their permit. So, I don't know if
21 I'm answering your question directly. This company
22 satisfied all permit requirements for the type of
23 business that they do. We have had a longstanding
24 relationship with them in terms of preplanning,
25 knowing what's at their facility when they were both

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1 this company and a previous company. So, our fire
2 department and our inspectors are aware of what this
3 industry does in both permit and in pre plan, but in
4 terms of specific operations and whether or not that
5 follows an industry standard, I would have to defer to
6 my fire marshall.

7 MR. MEDINA: And my final question to
8 Chief Kirkland here, I understand from Chief Shannon
9 that perhaps the officers did not use the respirator
10 or the personal protective equipment that they had
11 because there could be some confusion in the
12 instructions or in the -- command. So, the bottom
13 line is why were these officers not using -- why did
14 they not use the proper respiratory protection
15 equipment?

16 MR. KIRKLAND: As Chief Forster mentioned,
17 there was communication issues, I think between -- as
18 people started to respond, about whether or not the
19 masks they had were actually -- would be effective in
20 that environment. And so that leads to what the point
21 that was made about how people at the ground level --
22 how our staff at the ground level -- we have to work
23 out those communication issues and what is said and
24 what is responded to and how they do what they do when
25 they arrive on scene, and that was simply a

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1 communication issue between the people with the boots
2 on the ground when they first got there.

3 MR. MEDINA: Thank you.

4 MR. KIRKLAND: Can I add just two things
5 that were not mentioned that should be addressed and I
6 think -- we talk a lot about our staff and training
7 and doing the education and that component of it, but
8 the two pieces that we've left out and should be at
9 the forefront as well as what we do is the business
10 community and talking with those businesses and not
11 only DPC but others and educate them on what happens
12 or what they should do. And also the citizens. We
13 take a lot of time -- we do a lot of education about
14 water safety, about all of these other things that we
15 do on a day-to-day basis and we should be talking to
16 them about this. We should not let those go. So,
17 those two components as lessons learned for us in law
18 enforcement is something that we're going to look at
19 as well.

20 MR. BRESLAND: This is a follow-up to a
21 question that Mr. Medina asked. And it's an issue
22 that comes up not only with this incident but comes up
23 quite commonly with the investigations that we do and
24 that is how does a local community -- there isn't a
25 simple answer to this question but I'd be interested

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1 in your thoughts, how does a local community that may
2 or may not have the expertise, how do they determine
3 if a facility in their community that is dealing with
4 hazardous materials, how do they determine if that
5 facility is being operated in an appropriate and a
6 safe way?

7 MR. SHANNON: I believe that to tag on
8 what Chief Kirkland was saying, it's the
9 responsibility of the fire department to assure that
10 they are an appropriately operating facility, but also
11 to educate the public in terms of just safe living in
12 their community. So, we can't put the onus on the
13 community to ask the question first. We can do a
14 better job of informing them. But, specific to your
15 question, citizens should feel very comfortable
16 whether they be from Phoenix or Glendale in calling
17 their fire department and asking to talk to the fire
18 protection department and get to the specifics. It's
19 essentially like calling the better business bureau.
20 Find out what kind of things are going on in this
21 industry and have you had problems and if you have had
22 problems what is your plan. I think that there's not
23 an agency within the automatic eight system, over 22
24 cities, that would deny citizens direct contact with
25 the folks who are doing the leg work at these

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1 facilities. So, it's a two prong deal. We certainly
2 want to hear from the citizens when they have
3 concerns, but we can do a better job of informing them
4 of safe living in their community, whatever the issue
5 is.

6 MR. BRESLAND: But you're the -- the fire
7 fighters are the people with the expertise in going in
8 and looking at the potential for fire fighting issues,
9 but -- the fire fighters are the people who can go in
10 and look at the facility if there's a fire risk, but
11 how do you determine without -- as you said without
12 the expertise if it's a chemical operation, how do you
13 determine -- how do you feel comfortable about its
14 operation and who would you call upon or who could you
15 call upon to give you that expertise?

16 MR. SHANNON: As a citizen you're saying?

17 MR. BRESLAND: No, as a member of the --

18 MR. SHANNON: Fire fighting community?

19 MR. BRESLAND: As a member of the fire
20 fighters or as a -- as a person who is running the
21 City of Glendale.

22 MR. SHANNON: Very clearly, you rely upon
23 you inspection programs. The facilities are inspected
24 on a regular basis. This facility was inspected two
25 years prior. As I mentioned before, we target

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1 facilities like this that are chemical producers and
2 chemical distributors as being high potential
3 facilities anyway. So, our front line folks, our
4 HAZMAT teams, make regular visits to them. They have
5 a direct relationship so they understand the process.

6 They understand -- they have a personal relationship
7 with the responsible parties there so should there be
8 an incident as was the case here, you can say I am
9 aware of your off loading procedures and give me an
10 idea of what was different about this. And so, it's
11 an ongoing education piece for the technicians that
12 are there, the first fire responders and certainly an
13 integration between what the field knows and what the
14 fire prevention folks are finding out in their
15 inspection process. So, it's a very dynamic process
16 that's ongoing. We never feel satisfied with what we
17 know about a agency (sic).

18 MR. BRESLAND: I'm thinking of a facility
19 in Ohio that had an incident and the fire department
20 there had actually hired a chemist to get some
21 understanding of what the issues were around the --

22 MR. SHANNON: There is a city -- Tempe has
23 done just then. We intend to hire a fire protection
24 engineer to look at specialized systems. And we use
25 the knowledge that's gained by technicians who are

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1 specifically trained in chlorine systems or industrial
2 systems within the HAZMAT response -- hazard sector,
3 if you think of it, is a collective group of specially
4 trained folks. And so not everybody's got a single
5 answer, but several folks have exposure to the
6 industry.

7 MR. BRESLAND: Do you have some questions?

8 MR. MEDINA: Yes. We go to other
9 communities where there's always discussion between
10 appropriateness of short term place versus evacuation.

11 I'm interested to know how that decision -- what is
12 the process used to make the decision in this
13 particular case and what do you use to make that
14 decision?

15 MR. SHANNON: In this particular case, it
16 was a two-pronged consideration. We go into every
17 response knowing that it's very dynamic and you need
18 to be prepared for wind changes and not knowing
19 exactly how the situation is for some period of time.

20 So, we take a very pessimistic approach at first.
21 And we say this is the area that we know is impacted
22 and given that we're going to evacuate in a very
23 pessimistic mindset. In this case it was
24 approximately one square mile. As you gain more
25 information you make changes to the decisions about

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1 sheltering. Obviously, the most critically impacted,
2 we try to make -- we're essentially in rescue mode and
3 we're going to rescue those people. Those that are on
4 the fringe but in the case of a school that needs to
5 release children to go potentially into the hazard
6 zone, we're not going to let them do that. We're
7 going to shut off AC systems and ask them to
8 shelter-in-place and be very aware that we now have a
9 potential problem should any conditions change. The
10 decision to evacuate a grid is made based on not only
11 technical information we gain using software that
12 these specialists will use to say we know how much is
13 being released, we know what the wind conditions are,
14 and these folks could potentially be exposed, and then
15 we literally start using notification system, the door
16 to door. We use the media extensively to make those
17 connections. So, it's a very dynamic process that we
18 simply don't ever stop looking at. Very quickly, an
19 incident commander will try to move that into an
20 emergency management function as the incident gets
21 bigger, but at the most basic levels, fire fighters,
22 and I'll let Chief Kirkland speak to the law
23 enforcement community, we're looking at those most
24 likely to be effected in determining whether or not
25 it's safe to move them or just safe to protect them.

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1 MR. KIRKLAND: And I will echo that. And
2 it's our job to do the evacuation piece of working
3 with the fire folks to get that critical information.

4 But, he's right. That's the view we take and that's
5 the direction we like to go.

6 MR. BRESLAND: I think we are out of time
7 for Q&A. Just a couple of closing comments. One, is
8 there anything else that we've missed -- any other
9 thoughts that you have that you'd like to express. I
10 know we've covered a very complex issue in a very
11 short period of time. We could spend several days
12 talking about this.

13 MR. SHANNON: I would just say that we
14 welcome any recommendations that the Board might have
15 as a learning tool and certainly any input that the
16 citizens have in terms of their needs because,
17 frankly, that's why we're here. So, anything you
18 might offer at least from my perspective we would
19 welcome.

20 MR. BRESLAND: I think the other comment
21 that I have is that as I go around the country and
22 we're investigating other incidents and as I go around
23 the country talking to groups about the work that we
24 do, I have been using the response here that I saw as
25 an excellent example of first class response to an

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1 incident.

2 MR. FORSTER: Thank you.

3 MR. BRESLAND: I'm not an expert in this
4 area, but I certainly was very impressed by what I saw
5 and what I've heard from everybody.

6 MR. FORSTER: We appreciate that.

7 MR. BRESLAND: I think the community
8 should be happy with what you have here. You always
9 learn from the incident and hopefully the next time
10 anything happens you'll have learned from the one
11 before and things will be better. But, certainly, I
12 was very impressed by what I saw here.

13 MR. FORSTER: Thank you. We appreciate
14 it.

15 MR. BRESLAND: And thank you all for
16 coming. And I will turn to the second panel. The
17 next panel I would like to introduce will discuss
18 local emergency and local community issues. Because
19 of their ongoing involvement in local emergency
20 planning committee meetings, we've asked the following
21 people to join us. Mr. Steve Brittle is head of the
22 organization Don't Waste Arizona. The Reverend Ron
23 Friesen is Chairman of Black Canyon CLOUT, which
24 stands for Community Leaders Organizing for Urban
25 Transformation. And we also have Ms. Jamie Johnson,

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1 who's president of the Sevilla Neighborhood
2 Organization and the neighborhood association, who I
3 also understand has a business in the community.

4 JAMIE JOHNSON: Yes.

5 MR. BRESLAND: I'd like to thank you all
6 for joining us again. If you would limit your opening
7 remarks to three or four minutes. And let's start
8 with Ms. Johnson.

9 JAMIE JOHNSON: Yes. Thank you, Mr.
10 Bresland, Mr. Medina. Welcome to Arizona and thank
11 you so much for letting me speak before you today. My
12 name is Jamie Johnson and I am the president of the
13 Sevilla Neighborhood Association, and I'm involved
14 with a business calling Atsco (phonetic throughout)
15 Products, Inc., which was one of the businesses that
16 was evacuated during this chlorine spill. So, I have
17 the unusual opportunity to bring two perspectives to
18 the table tonight. The Sevilla neighborhood is
19 located directly east and north of 43rd Avenue and
20 Camelback in Phoenix and was immediately downwind from
21 the chlorine spill. A quarter square mile of our
22 community was evacuated through the Community
23 Notification System. In addition, I was the employee
24 that accepted the order from the Glendale police
25 officer, who requested our immediate evacuation at

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1 Atsco. The biggest problem that I observed was
2 communication. The Community Notification System was
3 -- the reports I got from the residents is it was hard
4 to understand. And as Mr. Medina brought forth,
5 English speakers received Spanish messages and vice
6 versa. The other observation is that they didn't
7 include actual travel directions. They were told
8 where to go, however, several of our community members
9 would have actually had to drive back into the heart
10 of the spill in order to take the shortest route going
11 to the Maryvale Stadium. So, It didn't include any
12 information as to how to circumvent increasing their
13 exposure to the chlorine. We also noticed that our
14 Hispanic residents were very bewildered by it. With
15 it being hard to understand and being so out of an
16 ordinary kind of thing, I think it frightened a lot of
17 people that they were getting some kind of odd
18 manifestation of a bad joke. So, I'm sure several of
19 them did what I did, was turn immediately to the
20 media. In Phoenix, KTAR has a very long history of
21 providing very timely and accurate information if
22 there's something severe enough to warrant our
23 attention. Quite frankly, I've seen more information
24 relayed on a thunderstorm moving through the valley
25 than I did on this chlorine spill where several lives

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1 were at stake. The police officer also didn't provide
2 any information on where to go, just said to evacuate.

3 And some of our employees actually drove back in
4 towards the spill. Maryvale Hospital was turning away
5 patients because they were overwhelmed with, again, no
6 clear indication where these patients should go for
7 medical attention. I do believe the number that were
8 probably seeking medical attention exceeded the number
9 that was previously presented. I understand the
10 command center was moved several times and our police
11 officers didn't have sufficient equipment to handle
12 the situation, although they were expected in some
13 cases to go door to door without any protection asking
14 people to evacuate. The people that were on the
15 ground, they did a wonderful job. I'm very proud to
16 say that I am a member of this community, and they've
17 always served us very well. But, I'd like to take
18 this as a learning experience, as we mentioned before,
19 and improve the method as well as our preparation.
20 Thank you.

21 MR. BRESLAND: Thank you very much.
22 Reverend Friesen.

23 REVEREND FRIESEN: Yes, I'm the chairman
24 of the Black Canyon CLOUT Neighborhood Association
25 Group. We represent the community directly east of

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1 the DPC spill, Indian School to Dunlap, 43rd Avenue to
2 I-17, approximately 10 square miles. After hearing of
3 the spill I began to do some research and found that
4 there was something called Local Emergency Planning
5 Commission, which is a department and a part of the
6 Maricopa County Emergency System, which is a Board
7 comprised of primarily people who work with emergency
8 issues as first responders. And Mr. Shannon, who was
9 here earlier, is on that Board as well as Mr. Newbill,
10 who serves as staff to that Board. And so I went with
11 a lot of questions to that Board on January the 7th.
12 I took along with me several people from the community
13 who were affected by the spill. One lady complained
14 of some of the symptoms you mentioned on one of your
15 slides today related to parts per million, five to 15
16 parts per million, moderate respiratory irritation,
17 and she lived approximately a mile and a quarter
18 northeast of the spill. And I'm sure she was one of
19 the few people, not only many other people, other
20 people were there complained of smelling the smell,
21 etc., over to 27th Avenue and Camelback area. So, we
22 had a large affected area. And so I took a lot of
23 these questions I had. I have also been pursuing with
24 Glendale Fire Department and the City of Glendale, the
25 AAR report, which is the after accident report, which

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1 I have not yet received to date. I've received lots
2 of e-mails saying well it's on its way bit I have not
3 yet seen it. And that is a concern I have that I have
4 not yet seen that report which details some of the
5 information that we talked about tonight. There was
6 an ad hoc committee formed by the LEPC that was
7 supposed to address some of the public concerns. And
8 I have a concern about the HMMP, the Hazardous
9 Material Management Plan, which has also not been
10 shown to us by DPC Enterprises. And so there's a lot
11 of concerns I have as a community member as to exactly
12 the community's responses and also some of the
13 learnings that should be coming out of this. Thank
14 you again for allowing us to come, Mr. Bresland and
15 Mr. Medina.

16 MR. BRESLAND: Can I just clarify on point
17 you made. The ad hoc committee to review the
18 incident. Can you explain?

19 REVEREND FRIESEN: Well, the LEPC formed a
20 little ad hoc committee out of some of its board
21 members, the purpose of which to represent and to
22 explore not only DPC but another facility down the
23 road approximately a mile, which is actually in
24 Phoenix, which has a similar situation, is the same
25 kind of a company, it's a repackaging company. It

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1 also has 90-ton car loads of chlorine sitting on its
2 railroad crossing every day. And so we as concerned
3 citizens say, here we have 180 tons of chlorine
4 sitting in our neighborhood virtually every day and we
5 have a lot of concern about the safety of our
6 neighborhood related to that.

7 MR. BRESLAND: Okay. Thank you. Mr.
8 Brittle.

9 MR. BRITTLE: Thank you for the
10 opportunity to speak here tonight. I am a member of
11 the Maricopa County LEPC, but I will make clear I
12 don't represent them here tonight per our rules. We
13 did push. I was behind a push for this ring down
14 system and it took several years to get people to do
15 that. The thing that bothered me right away when I
16 heard about this incident is we specifically designed
17 the bid for this ring down where you could tell one
18 section near an incident to evacuate, because
19 obviously sheltering wouldn't work, but that a larger
20 area around it should have been told to shelter, and I
21 understand that didn't occur. It kind of goes back to
22 a problem that's recurring throughout the valley, and
23 this is just another example of it. Fire fighters are
24 real good about handling the incident right there, but
25 it seems that what's out of sight is beyond their --

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1 they don?t think about it. We're constantly hearing
2 from people that are a little bit further downwind who
3 get ill. Now, with chlorine, I think part of this has
4 to do with the way that the emergency planning is put
5 together, particularly with the type of modeling that
6 they use to determine what area should be evacuated
7 and what area should be sheltered. They focus on
8 something called the immediate danger to life and
9 health. For chlorine, that's 10 parts per million.
10 But, let's take a look at the OSHA standard. That's
11 only .5 parts per million. So, you're looking at a
12 level 200 times less that is an industry standard that
13 says you can't really expose people to that without,
14 you know, some kind of harm appearing. So, obviously,
15 when we have a chlorine incident you have to wait for
16 it to dissipate. There's nothing else you can do.
17 They should have told a much larger segment of the
18 population, probably an area three to four times
19 larger than the evacuation zone to shelter and to
20 avoid exposure and they missed that opportunity. We
21 for years have had problems with police officers.
22 They're often called blue canaries in the field of
23 emergency planning and response. They don't have the
24 training, they don't have the equipment. They go to
25 the hospital. And this keeps happening. And it will

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1 until there is sufficient outrage raised about it.
2 They should have not had this happened. They should
3 not have been sent in without the right kind of
4 equipment. And the LEPC did hear their concerns. I
5 don't think they properly responded. I think there's
6 a problem with the LEPC here. They have been
7 historically unwilling to critique a response to a
8 chemical incident, partly because its dominated by
9 fire departments who really don't want to say we
10 didn't do things right. The people who handle the law
11 enforcement that are no there don't show up to the
12 meetings and they're really not particularly friendly
13 to public input. They kind of do a dodge ball thing
14 and that's really unfortunate. The City of Glendale,
15 I went there asking for their hazardous materials
16 management plans for several facilities. They
17 couldn't find any of them. So, they had passed up an
18 opportunity to do electronic reporting using some free
19 software from EPA. They were given a computer. And
20 they ignored it. Until they, you know, kind of come
21 into the modern age, these kinds of incidents are
22 going to occur and it could be a lot worse. If that
23 railroad car had gone, then we would have lost a lot
24 of people. Thank you.

25 MR. BRESLAND: Thank you very much. We do

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1 have some time for questions and I will let Rixio --

2 MR. MEDINA: Question for the Reverend
3 Friesen. All these comments and you said you've had a
4 lot of communication by e-mail. Have you gone before
5 the LEPC and actually made publically those requests?

6 REVEREND FREISEN: Yes, on two occasions I
7 have attended. January 7, 2004. I presented about 14
8 questions to the board. They responded on an undated
9 memo to me approximately the end of February. I was
10 not happy with the answers I received so on April the
11 7th, I returned to the LEPC with another set of
12 questions. To date on now June 9th, I have not
13 received any answer to those questions at all. So,
14 they relate really to LEPC planning laws, to the ERCA
15 laws that relate to what the community has to provide,
16 what the right to know laws relate to what the
17 community needs to be informed about. The LEPC is
18 charged, as I understand it, with the task of ensuring
19 that the community is aware of the community's
20 response and it's capability to respond and to date
21 they've not satisfied me in saying to me, well, these
22 are the things that we are doing and these are the
23 learnings we have to date related to this spill. So,
24 I guess I'm saying I'm a dissatisfied
25 customer/community member in terms of this group, as I

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1 see their charge really to be answering these
2 questions for the community.

3 MR. BRESLAND: Getting back to the ad hoc
4 committee to review the incident which, as you say,
5 was formed by the LEPC. Was that formed with the
6 specific purpose of looking at the incident and
7 looking at the response to the incident and coming up
8 with suggestions for improvement?

9 REVEREND FRIESEN: As I understand it, the
10 primary task of that ad hoc committee was actually to
11 look at the response, to look at the capability of the
12 community to respond to incident, and then to also sit
13 down with the community and tell the committee this is
14 what we have in our committee. We have large
15 quantities of chlorine sitting here. This is what we
16 have done to respond to that. And that committee has
17 not met -- and one of the things that they were
18 charged with is actually have a community meeting in
19 which they would sit down with the community and
20 actually tell the community what exists in a
21 neighborhood, what the dangers are, and what the
22 community can do to satisfy that. It should be
23 interesting to you gentleman to know that I have
24 chosen this week, in fact, to move eight miles closer
25 to the intended place. You call me foolish. But, I

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1 also like to choose the neighborhood I am living in
2 and I'm enjoying my new 50-year-old house. But, the
3 point is is that I would like to feel that I'm safe
4 and my neighbors are safe choosing to live where we
5 do, even though we are within a very short distance of
6 two major tank cars of chlorine at two different
7 facilities.

8 MR. BRESLAND: Mr. Brittle, you are on the
9 LEPC?

10 MR. BRITTLE: Yes, sir.

11 MR. BRESLAND: So, what do you know about
12 this ad hoc committee?

13 MR. BRITTLE: There was one meeting that
14 was called with about two days of notice in a weekday
15 morning. I don't think that he was notified of it
16 even though he'd asked to be. And after the meeting
17 he was told that it had occurred. And I find these
18 kinds of things happen, unfortunately, with the LEPC.

19 I'm the only person on that that's supposed to
20 represent a community and community groups and I'm
21 always outvoted. But, there was a meeting. DPC
22 refused to come and talk about their incident because
23 they felt there was an EPA enforcement action coming
24 and the chairman of the committee decided not to
25 discuss the DPC matter at that time.

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1 MR. BRESLAND: Who is the chairman of that
2 committee?

3 MR. BRITTLE: Dr. Richard Thomas, who is an
4 LEPC member.

5 MR. MEDINA: Ms. Johnson, you mentioned
6 some of the opinions regarding notification and your
7 views of how things went that day. As a business
8 owner and as a member of the community, how well do
9 you think the public is being informed or trained on
10 what to do in case of an emergency?

11 MS. JOHNSON: The information's available,
12 but unless individual community groups like ours or
13 individuals in their home make a special effort to
14 maybe invite Red Cross or somebody else who's
15 involvement with disaster preparedness is pretty deep,
16 it's kind of hard to dig out. It was not totally
17 surprised that a large number of our residents have no
18 idea the magnitude of the chemicals that are located
19 near our community. The second location that the
20 Reverend to is Hills Brothers, which happens to be
21 right across the railroad tracks from the business
22 that I spoke of. And so when the police officer first
23 came to talk about a chemical spill we were concerned
24 it was right across the railroad tracks from us, as
25 opposed to being about a half a mile away. But, as

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1 far as finding out what to do, unless individual
2 businesses or individuals actually take it in hand
3 that by golly I'm going to learn this and be
4 moderately aggressive about that because they have to
5 take time from here or there, we aren't really getting
6 a lot of good instruction from any other source.

7 MR. BRESLAND: If you had a magic wand,
8 what would you do to ensure that communities are aware
9 of the potential hazards in their community from
10 chemical processing, and following up on a question
11 that I expressed to Chief Shannon, how do you think
12 communities should develop the expertise to understand
13 how the operations in their community work and do they
14 work safely and appropriately?

15 MS. JOHNSON: I do believe that community
16 members should be able to get access to find out the
17 scores and how the results are when these various
18 governmental agencies go in and inspect. I have to
19 admit that when I heard that two years prior that this
20 particular location had been inspected, somehow seems
21 very lax to me given the magnitude of the harm. As
22 far as communities, I always have appreciated when the
23 news media has brought forth preferably not exactly
24 the same day, when there are events and opportunities
25 for people to go and get information about how to

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1 protect themselves from a variety of things. And I
2 think some of it is as far as on the most local level
3 in terms of those entities that are close to us is
4 something that's going to fall in any kind of
5 organized or semi organized block watch or maybe
6 neighborhood group. But if the information is
7 available to those groups fairly easily without
8 spending hours and hours and hours of digging them out
9 from somewhere, that would help us greatly in terms of
10 communicating that to our residents.

11 REVEREND FRIESEN: Can I follow up on
12 that, Mr. Bresland?

13 MR. BRESLAND: Uh-huh.

14 REVEREND FRIESEN: As a member of the
15 community and as a resident in the community, it's
16 disconcerting to me to hear what we did hear from Mr.
17 Shannon, who I consider a friend, that the knowledge
18 that Glendale Fire does not currently have expertise
19 to do the inspections, that their experts in
20 preplanning and in zoning and making sure that the
21 business meets code at the time when they open their
22 doors and lock the doors and get the occupancy permit,
23 but after that the fire department is at this point
24 unequipped and untrained to actually do the
25 inspections. That is a great concern to me, and I

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1 think that is something I would like the Board to
2 address or to at least somehow take note of. And that
3 we then, you know, deal with that in terms of the
4 inspections as well.

5 MR. BRITTLE: If I might also. The LEPC
6 actually had a discussion about this telephone ring
7 down system that we'd like to put together an event
8 when it debuted that we would try to get every TV
9 station, every newspaper of every language have a day
10 basically awareness of the ring down system because
11 we're the largest county in America to have this, and
12 it just never happened. The Department of
13 Environmental Quality wound up awarding the contract
14 to QWEST to do this and they were supposed to do a
15 public education outreach. I have had several
16 discussions with the DEQ contractor who awarded it and
17 said no one's had any training and he said, well, I'll
18 have them call you and they never have. We have a
19 real problem.

20 MR. BRESLAND: Okay. Well, thank you very
21 much for your attendance. We appreciate your very
22 interesting comments. We're now scheduled to hear
23 from the company, DPC Enterprises, and we understand
24 that DPC has prepared a statement for the purposes of
25 this hearing. And while we welcome the statement, I

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1 want to point out that our investigators have been
2 interviewing and gathering much more information from
3 company officials, operators and other employees
4 during the course of this investigation and we welcome
5 Mr. Wayne Penick, who's DPC's Manager of Health,
6 Safety, and Security.

7 MR. PENICK: Good evening. My name is
8 Wayne Penick. I'm the Manager of Safety, Health and
9 Security for DPC Enterprises LP. We appreciate the
10 investigative work of the Chemical Safety Board
11 regarding the Glendale incident and the opportunity to
12 participate in this community meeting tonight.
13 Because litigation is currently pending with respect
14 to this incident, we are not able to answer questions
15 at this time, but we do think it is important for our
16 company to make a statement to this community. DPC is
17 committed to the safety of our employees and our
18 communities. We are proud to provide an essential
19 service to many residents in and around Glendale. For
20 example, DPC manufactures and distributes products
21 necessary to produce clean drinking water and properly
22 treat wastewater. Our company sincerely regrets the
23 incident that occurred at our Glendale, Arizona
24 facility on November 17, 2003, and we have taken
25 appropriate and immediate steps to prevent a

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1 reoccurrence. It should be noted that the DPC
2 Emergency Response System and the community emergency
3 network, worked and worked as they were designed to
4 and worked well together. Our emergency response plan
5 and exercises paid off as a result of a combined
6 effort of DPC employees and local responders and the
7 incident resulted in minimal exposure to the public
8 and our employees. DPC has determined and the
9 Chemical Safety Board concurs that the release
10 occurred as a result of an over-chlorination of a
11 batch of bleach that was being made in a scrubber.
12 The scrubber itself did not fail in any respect.
13 Rather, the concentration of chemicals placed in the
14 scrubber was not properly monitored resulting in the
15 over-chlorination. DPC has written procedures in
16 place which are designed to prevent over-chlorination
17 during the production of bleach. Had those standing
18 procedures been followed this incident would not have
19 occurred. Immediately after the incident DPC began an
20 aggressive investigation of the incident to determine
21 the cause and implement any necessary corrective
22 preventive measures to ensure the health and safety of
23 the public and our employees. I can report that three
24 specific steps have been taken based on this
25 investigation. Number one, appropriate disciplinary

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1 action was taken. All operations personnel have once
2 again received intensive and comprehensive training on
3 the proper procedures to be used for all operations.
4 Furthermore, DPC has reviewed those procedures with
5 all our employees at all of our facilities that
6 execute the same process in order to prevent a repeat
7 of this incident. Before the facility was put back in
8 service, all the equipment and systems were thoroughly
9 inspected and tested. All were found to be in proper
10 working order. As a result of additional safeguards,
11 DPC revised its procedure to shut off the flow of
12 chlorine to the scrubber well before the bleach batch
13 is finished. In addition, each batch is now finished
14 in an automated bleach production unit, reducing the
15 opportunity for the operator error during the
16 finishing process. We remain dedicated to the safe
17 handling and distribution of products that help ensure
18 a reliable supply of clean drinking water and properly
19 treated wastewater for the communities that we serve.
20 Again, we appreciate the efforts of the chemical
21 safety board and the opportunity to speak at this
22 meeting. Thank you.

23 MR. BRESLAND: I understand, Mr. Penick,
24 from your presentation that you're not able or willing
25 to take any questions, is that correct?

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1 MR. PENICK: Right. At this time we're
2 not able to answer questions because of the pending
3 litigation.

4 MR. BRESLAND: Thank you, Mr. Penick. The
5 Chemical Safety Board is continuing its investigation
6 of this incident and obviously we will continue to be
7 in discussions with DPC and we'll be following up with
8 you with additional questions that we may have. Now,
9 we come to the public comment period. If anybody has
10 not yet signed up who wishes to speak, please do so
11 now. And since we've had people sign up we'd ask you
12 to be as brief as possible. We're keeping the same
13 rules on presentation of three to four minutes, and if
14 you have any additional information please submit it
15 to us by writing to our Washington offices and our
16 address is outside. So, we have a list of people from
17 the public and the first one we have here is Mr. Larry
18 Franklin. Is Mr. Franklin here?

19 MR. BRESLAND: We have a microphone up
20 here. Mr. Franklin, if you would state your name and
21 then spell it for the record, please.

22 MR. FRANKLIN: My name is Larry W.
23 Franklin. F-r-a-n-k-l-i-n.

24 MR. BRESLAND: Thank you.

25 MR. FRANKLIN: And most of my questions

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1 have been answered in the course of your presentation,
2 sir. At this time, no further questions.

3 MR. BRESLAND: Okay. Thank you. That was
4 easy. Does that mean this meeting has been good?

5 [Laughter]

6 MR. BRESLAND: The second person on the
7 list is Mr. Barry Reed. Mr. Reed, again can you state
8 your name and spell it and your affiliation if you
9 have an affiliation that would be appropriate.

10 MR. REED: My name is Barry, B-a-r-r-y,
11 Reed, R-e-e-d. I am one of the senior partners of the
12 law firm of Zimmerman Reed, and I represent members of
13 the community in Festus, Missouri and in Phoenix,
14 Glendale, in litigation against DPC. Obviously, I
15 will have no questions directed to DPC, but there were
16 a couple of fact questions if I might ask a couple of
17 questions of the people engaged in the investigation.

18 I think a great many of my clients are very
19 interested in a couple of the points. The first would
20 be -- there was a mention of automatic shut-off valves
21 and I did some research on the internet, and I think
22 these basically operate with a computer sense, within
23 seconds which shut down any leak once it senses the
24 presence of chlorine. My question is, based on your
25 knowledge of the systems, would such a system have

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1 stopped this leak, this release? Perhaps I could
2 address that to Mr. Murphy?

3 MR. BRESLAND: We're not here to answer
4 questions this evening.

5 MR. REED: Oh, I see.

6 MR. BRESLAND: We're here to hear your
7 comments on the investigation and on the incident. We
8 will take your questions under advisement and we may
9 address them in the final report. But, the issue of
10 emergency shutdown -- automatic shutdown, is a very
11 broad topic and it's a complex topic and we will
12 discuss that if it's appropriate in our final report.

13 MR. REED: Well, if I can just perhaps
14 then put my questions on the record --

15 MR. BRESLAND: Please do.

16 MR. REED: I am very familiar with the
17 Board's report on the Festus matter that was released
18 in late May and one of my questions is whether your
19 investigation revealed compliance or noncompliance
20 with the recommendations of page 75 that were made to
21 DPC. My other question really concerned whether there
22 was any community alarm. My clients are not aware of
23 having heard any. And I was wondering whether your
24 investigation had revealed whether that did or did not
25 occur.

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1 MR. BRESLAND: Can you clarify that?
2 Without a community alarm here in Glendale or in
3 Festus?

4 MR. REED: In Glendale. I am aware there
5 was none in Festus, but I was wondering about
6 Glendale, since that was an issue that had come up
7 there. Those are my only questions.

8 MR. BRESLAND: Mr. Warner, did you have a
9 comment?

10 MR. WARNER: I would just like to point
11 out for the community that the Chemical Safety Board
12 is a non regulatory agency. We do a root cause
13 analysis. We try to find out what happened and make
14 broad safety recommendations. To do that we need the
15 cooperation of all parties, company, public. We do
16 not assess blame or reports may not be used in civil
17 litigation.

18 MR. REED: Understood. Yeah, it was not
19 about assessing blame. What I was simply trying to
20 find out is what had happened in terms of the
21 relationship between the two incidents.

22 MR. BRESLAND: Mr. Larry Krieger. I hope
23 I pronounced it properly. Again, can you state your
24 name and spell it and give us any affiliation that you
25 may have.

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1 MR. KRIEGER: Yes. That's Larry Krieger,
2 K-r-i-e-g-e-r. You were right the first time, Mr.
3 Bresland.

4 MR. BRESLAND: Thank you.

5 MR. KRIEGER: Well done. I am an
6 investigator who has served several of the attorneys
7 firms that are involved with the litigants against
8 DPC. I would like to begin by offering to you my
9 expression that the people of Glendale and police and
10 fire department and Phoenix police and fire department
11 from all examples that I have been able to determine,
12 performed in a very exemplary fashion and they should
13 be congratulated as such. I would like to bring
14 before this Board one matter that has not been
15 discussed this evening. On September 12, 2001, the
16 District of Columbia, in light of the terrorist
17 activities of the previous day, suspended all
18 transportation, handling and storage of chlorine in
19 the District of Columbia on a permanent basis. Given
20 their recognition of the difficulties that this very
21 dangerous chemical can provide when it is placed in
22 close proximity to personal residences and occupied
23 areas, I would like the Chemical Safety Board to
24 consider the necessities for increased security with
25 regard to companies that handle, transport and in any

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1 way utilize chlorine and have the potential of
2 spilling chlorine gas as a result of damage to any of
3 their facilities. Thank you, sir.

4 MR. BRESLAND: Can I ask you a question?

5 MR. KRIEGER: Certainly.

6 MR. BRESLAND: When you say increased
7 security, do you have some suggestions as to what --
8 what would you have in mind?

9 MR. KRIEGER: I do, sir. Night time
10 security at these facilities to prevent people from
11 tampering with equipment where a spill occurring in
12 the middle of the night would go undetected and would
13 have a much greater effect on the populous, for
14 instance, surrounding DPC in Glendale than took place
15 because of the immediate response that was capable
16 from the Glendale and Phoenix fire and police
17 departments. Additional security for tanker cars and
18 travel and transport. And I know this is a process
19 that's being studied by other groups at this time.
20 And more importantly, for those facilities that have
21 storage capabilities of chlorine in large containers,
22 where those containers could be damaged in any way and
23 cause leaks that would create additional danger to the
24 public that surrounds these plants. Obviously, we're
25 not going to be able to place plants only in places

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1 where people do not live. People want to live close
2 to their jobs and many of them work at the plants.
3 With that in mind, however, some form of increased
4 security, especially in the transportation and
5 handling of chlorine should be recommended, and I
6 believe it is within the purveyance of your Board to
7 make such recommendation and I would urge you to
8 consider them in your further deliberations with
9 regard to chlorine spills.

10 MR. BRESLAND: Are you aware of some of
11 the work that's being done on security vulnerability
12 analysis for chemical plants?

13 MR. KRIEGER: Yes, sir.

14 MR. BRESLAND: By the trade organizations
15 such as the Chlorine Institute or the American
16 Chemistry Counsel or --

17 MR. KRIEGER: I'm sorry, I couldn't hear
18 that.

19 MR. BRESLAND: The work that's being done
20 on assessing the vulnerability of chemical plants to
21 terrorist attacks or criminal attacks by the major
22 chemical trade associations on the facilities and
23 companies that belong to them?

24 MR. KRIEGER: Yes

25 MR. BRESLAND: And also in Washington, the

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1 issue of chemical plant security is a topic of ongoing
2 debate it the Congress right now, and there are a
3 couple of bills being considered and have been
4 considered for about a year, but which have not been
5 resolved?

6 MR. KRIEGER: Yes, sir, I am aware of
7 that.

8 MR. BRESLAND: But your point is well
9 taken and certainly this is an issue that is an
10 important one in today's world and it's one that is
11 under continuing discussion.

12 MR. KRIEGER: Your Board performs a very
13 important function, sir, and your ability to influence
14 those individuals who might bring this legislation
15 forward is certainly well recognized. I thank you for
16 your time here in Glendale.

17 MR. BRESLAND: Thank you very much. We
18 don't have anybody else who wrote down their name. Do
19 we have anybody else who would like to stand up and
20 make a few comments or make a comment? We've got two
21 people at least. Why don't you come down to the
22 microphone please. Again, if you'd state your name
23 and spell it and your affiliation, please.

24 MR. MEYER: My name is Scott Meyer,
25 M-e-y-e-r. I'm with an organization called Don't

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1 Waste Arizona also. I've been dealing with a lot of
2 emergency planning issues for about 15 years now in
3 what I'll call the Valley, which is about seven or
4 eight cities, which includes Glendale. I'll be real
5 quick. I would hope that the Board would make a
6 recommendation that the CEN system or the citizen's
7 alert, the system that alerts citizens to chemical
8 incidents, that there be some education on that. I
9 noted that Mr. Bresland in his opening remarks took
10 the time to explain what the meaning of
11 shelter-in-place is. We don't have that here. One of
12 the people on the citizen's panel mentioned that, you
13 know, people when they got the phone call thought it
14 was joke. They don't even know the system exists.
15 And unless citizens know it exists and now how to
16 respond and know what it means, it'll never work.

17 So, hopefully, there will be that
18 recommendation. Thank you.

19 MR. BRESLAND: Okay. Thank you, Mr.
20 Meyer.

21 MR. KREIS: Mr. Bresland, I'm Steve Kreis.
22 I'm an assistant chief with the Phoenix Fire
23 Department. The first thing I'd like to do is thank
24 all of you for extending your valuable time and
25 helping us with this event that took place on November

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1 17, 2003.

2 Just a couple quick comments, if I could.

3 There have been references made to the Community
4 Emergency Notification, CEN system. That system was
5 not scheduled to go on line until January of 2004. In
6 essence, this was baptism by fire for that system. It
7 was not scheduled to go on line at the time that we
8 used it. We felt it was an option that we couldn't
9 overlook and tried to take advantage of it as best we
10 could. We found that there were some small things
11 that we need to work on and we have continued to work
12 on that and will continue to work on that because it
13 serves the valley so well.

14 Another comment though that I would like
15 to make is that over the last 20 years, and thank you
16 for your nice comments on how the emergency responders
17 played that day, over the last 20 years here in the
18 valley there has been a strong relationship between
19 the fire departments and the police departments and
20 we've had a good relationship with the City of
21 Glendale. We were one of the very first automatic aid
22 partners.

23 So, I think that that relationship
24 continues to work and it showed itself very well. One
25 of the opportunities, I think, that's going to come

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1 out of this event for us is the same sort of
2 relationship in the areas of fire prevention and
3 inspections and joint sharing of resources, and
4 Glendale has acquired some resources and Phoenix is
5 doing some things to kind of address these problems.
6 So, again, let me just thank all of you for spending
7 your valuable time looking at this and helping us with
8 the situation. But there were a couple of comments
9 that I kind of wanted to pass along to the Board. So,
10 thank you.

11 MR. BRESLAND: Okay. Thank you. Do we
12 have any other -- anyone else in the audience who
13 would like to say something? Before we get to the
14 conclusion of the meeting and a few concluding
15 remarks, there have been some comments made by the
16 speakers, by the second panel and by some of the
17 citizens, about the emergency response and I'd like to
18 give the members of the initial panel, if they have
19 anything that they'd like to respond to and any
20 comments they'd like to make, especially on -- I guess
21 most of the comments were on the emergency
22 notification system. If you have any additional
23 comments or any rebuttals that you'd like to make,
24 we'd be happy to hear from you.

25 Mr. Shannon?

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1 MR. SHANNON: I don't know that I would
2 rebut, but I would expand on some of the information.

3 The emergency notification systems that are being
4 used now are being integrated so that you don't have
5 one brand not able to be utilized by another. That
6 process is ongoing. As Chief Kreis mentioned, it's a
7 work in progress. So, we will continue to address
8 that and will not be satisfied, not only as a result
9 of what could be seen as areas of concern at this
10 incident, but for future incidents. We simply just
11 don't know the limits to which that tool can be used.

12 Reverend Friesen indicated that he's quite
13 concerned with the City of Glendale's inability to be
14 able to predict whether or not the systems being used
15 in industry are appropriate. I don't necessarily take
16 that as a criticism at all. I would share his
17 concern. Any time we have industry we want to make
18 sure that that industry's providing whatever product
19 they produce in a very safe manner. The City of
20 Glendale, like every city, is challenged with
21 resources. We have inspectors that do a body of work
22 that oftentimes needs to be massaged as we become a
23 larger city or as industries change their methods of
24 business. So, I would welcome comments such as that
25 and, in fact, I believe that our fire protectin deputy

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1 chief has taken aggressive steps -- actually prior to
2 this incident, in terms of trying to predict how best
3 we can prevent events like this from happening by
4 being aware of the system. So, it's an integrated
5 system. It's a dynamic system. And I just want to
6 assure not only the Reverend, but the citizens that we
7 don't take that as a criticism. We take it as an
8 opportunity to do what we're tasked to do, and that is
9 predict where events could occur and be aware of them.
10 So, that's really all I have.

11 MR. BRESLAND: What about the issue of
12 training the residents on the use of the call down
13 system?

14 MR. SHANNON: Well, I certainly would
15 agree that residents need to know what tools they have
16 in their tool box or should expect to hear from them.

17 I don't feel fully required to speak about the CIN
18 system, essentially because I'm not a manager of that
19 program, but I would not suggest to you that the
20 comment made is inappropriate. The citizens need to
21 know what tools are going to be used on them. And
22 keeping asking questions. Hold our feet to the fire.

23 I mean, we are your public servants and so if you're
24 not happy with what you're hearing, keep letting us
25 know and we will work on it.

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1 MR. BRESLAND: Okay, thank you. Mr.
2 Mattox, did you want to say something?

3 MR. MATTOX: Thank you, Mr. Bresland and
4 Mr. Medina. We appreciate you coming out and having
5 this public hearing tonight.

6 Just a couple very quick comments in
7 closing. One of the things that we in the City of
8 Phoenix have been doing is discussing this issue very
9 specifically from a preventative perspective. There's
10 been a lot of discussion about the emergency response,
11 what were the shortcomings of the emergency response
12 to the CIN system, what were the problems with the CIN
13 system. My interest, as I said earlier, is what was
14 the problem, what's been done to correct the problem,
15 and how do we prevent the problem from happening in
16 the future. The City of Phoenix has been very
17 proactive in this process as far as taking experiences
18 that we've had in the past and capitalizing on them.

19 One of the things that I think has been
20 brought up tonight is that inspections, especially
21 with companies such as DPC, Hill Brothers and some of
22 those who have the larger quantities of hazardous
23 materials. City of Phoenix implemented a fee program
24 predicated on the types of chemicals you have, the
25 amounts of chemicals you have, in order to fund

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1 additional inspectors so that we can get around to
2 these properties more frequently. I would submit to
3 you as a suggestion that this is something that you
4 take into consideration in your recommendations.

5 One of the things that we from Phoenix's
6 perspective want to do is work with our fellow
7 communities, Glendale, Scottsdale and others who have
8 hazardous facilities that are on our border, work with
9 them to implement more inspections and to assist us in
10 working with them. We have a great cooperative effort
11 between the City of Phoenix and the communities that
12 surround us. This is another opportunity that we can
13 partner and work together to prevent problems,
14 especially those where something that occurs in one
15 city such as this event in Glendale would directly
16 affect the residents and the businesses in another
17 city. I appreciate you being here and I look forward
18 to your report on your recommendation. Thank you.

19 MR. BRESLAND: Thank you. If there are no
20 more public comments then that will bring our public
21 meeting to a close. Let me just say how much we
22 appreciate everybody's participation. To our panel
23 members, to the company, to members of the public, I
24 want to thank you for your attendance. The
25 information that we receive tonight will help us a

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1 great deal as the Chemical Safety Board investigation
2 continues its work. And this meeting will be posted
3 on the CSB website within the next week or so. We'll
4 determine the root causes of the accident at DPC in
5 Glendale and we'll formulate recommendations to the
6 company, to trade organizations, to workers and
7 perhaps to other government agencies so that these
8 kinds of accidents may be better prevented. Because
9 chlorine is in such wide use in this country and
10 because it can have such serious health effects we at
11 the CSP believe that it is imperative that companies
12 that manufacture or use chlorine should constantly
13 review their safety procedures and work to make sure
14 that operators are actually following those
15 procedures.

16 I have had several media interviews today,
17 and one of the comments that I've made in all of them
18 is if companies are taking on the responsibility of
19 handling a chemical as toxic as chlorine, they also
20 have to take on the responsibility of handling it in
21 the safest possible manner so that people in the
22 community are not impacted by an accident such as the
23 one that happened at DPC. The CSB works to prevent
24 accidents but we know that accidents will happen. When
25 chemical accidents happen involving toxic releases of

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1 chemicals into the atmosphere it's imperative that
2 local emergency agents be prepared to respond
3 effectively.

4 And I think we saw an effective response
5 here in Glendale from all of the agencies. We've
6 heard testimony that there were some glitches in the
7 response and the community notification, but overall
8 the response appears to have been timely and
9 effective. It's heartening to hear that your local
10 emergency response agencies have already reviewed what
11 happened and are taking steps to improve their
12 operations. This is doubly important given the
13 homeland security issues involved with chemical plant
14 safety. I'd like to give Mr. Medina the opportunity
15 for a closing comment.

16 MR. MEDINA: Well, we heard that many
17 Spanish-speaking members of the community were
18 impacted or some way involved in this incident. We
19 made a significant effort to invite them to this
20 meeting. Over 4000 invitations were distributed in
21 the community. We went to the Spanish media to invite
22 them. I'm sad to see that they weren't here today.
23 We will continue working and will have information in
24 Spanish available to them so they know where we're
25 going with this investigation, and the final report

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1 definitely we'll make a big effort to translate it and
2 make it available to them. Thank you.

3 MR. BRESLAND: With that, I'd like to
4 thank you again for coming this evening. Thank you to
5 all our participants and drive home safely.

6 Thank you.

7 [Applause]

8 [Proceedings Concluded]

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