



National Association of SARA Title III Program Officials

Concerned with the Emergency Planning and Community Right-to-Know Act

July 22, 2013

Electronically Submitted – via e-mail

Chemical Safety and Hazard Investigation Board
Attn: D. Horowitz
2175 K St NW, Ste 650
Washington, DC 20037

Re: Comments on “Most Wanted List” Approach

Dear CSB:

Understanding that this will be read into the record, we will attempt to be brief and will not provide the normal background information on our organization.

NASTTPO and its members are avid consumers of CSB’s work products. Communities benefit from the analysis of accidents and the lessons learned. We are especially thankful for your efforts in evaluating accidents where responders have been killed or injured.

The awards CSB has received for its videos are well deserved. They are invaluable training and communication tools for local emergency planning committees and responders. Please continue the production of videos depicting the results of your investigations.

In this light we studied the “Most Wanted Chemical Safety Improvements Program” with interest. Without regard to the unfortunately chosen name, it appears to be a program that has little chance of improving accident prevention for these reasons:

- We want and need CSB to be an active force in accident prevention. That is best accomplished by investigations of accidents representing scenarios with broad application. There are lots of these unfortunately. They are not glamorous, but they do present examples of real-world risks to communities for which planning and preparedness can be conducted locally.
- We want and need CSB to be providing information rather than picking fights with sister agencies over the adequacy of their regulations. Tell states and communities how and why accidents happened so that we can work with similar facilities to educate and prevent the same type of accident.

- We need timely reports. Learning lessons from ancient history isn't effective.
- With the exception of the few videos released several years ago, we have seen a degradation in the performance of CSB on matters we find important. Frankly, CSB is not currently relevant to the work of emergency planners and responders. There aren't enough investigations of common accidents with broad relevance and the ones performed are not reported in a timely fashion.

We do not believe the agency's problem is public trust, but rather its public relevance. Dissemination of reports on large-scale accidents from years ago is essentially worthless towards promoting a goal of accident prevention at the community level. Contemplating the "Black Swan" event is not human nature. We all suffer from the "it can't happen here" mentality and much of the agency's recent work has reinforced that perception. We fear that resources are not being devoted to timely investigation of accidents with broad applicability, but rather to matters of political expediency. As this approach has not produced budget increases, we feel that the agency should step-back and reassess its priorities.

We don't believe that CSB can be both a regulatory advocate and conduct prompt and relevant investigations. CSB is not a regulatory agency. Certainly it is a good idea for CSB to advocate for safety by making solid and supportable recommendations – we have no idea what is meant in the strategic plan by the phrase "high impact recommendations" – but picking fights on regulatory changes or other efforts to implement recommendations is more about the value and budget judgments made by the regulatory agencies than it is accident prevention.

Ensuring that recommendations are implemented is not something CSB controls – defining your success by the number of implemented recommendations is a false metric. Devoting resources to fighting with sister agencies, states and locals doesn't strike us as the best use of resources. The value of your recommendations is shown by the progress of communities towards the goal of improving safety culture and is well beyond the agencies and regulations implicated in the accident being investigated. Your audience is not the community where the accident occurred. It is the rest of us and that is the metric you should develop.

It is not possible to regulate our way to accident prevention. Companies, employees, emergency planners and communities can benefit from and will positively

react to the dissemination of accident investigation information. The value of a recommendation that causes large and small businesses, their employees and communities to identify and react to perceived risks extends beyond anything that can be achieved by fighting over some specific regulatory change.

Our recommendation is that the agency should adopt an “Accident Prevention and Community Awareness Program”. The key elements of that program would be:

1. Improving community awareness of low probability/high consequence events resulting from common, historically accepted situations and behaviors.
 - o In other words, work to create situational awareness on a community-wide basis.
2. Adapting to the “Black Swan” is addressed by creation of a broad, community-wide safety culture and the resulting series of community norms which create non-regulatory, accident prevention behavior within the entire community.
 - o Inherently safer procedure, process and design is one of those behavioral expectations that can only be achieved through creation of a community-wide safety culture.
3. Write recommendations to the community as a whole. It is simplistic to believe that one new regulation will create “safety” within a community. It’s far too easy to view regulations as something to evade or minimize.

We need communities to go beyond the regulatory environment and think of the impacts from an accident on the businesses that provide jobs, the employees that hold those jobs and the rest of us who rely on that economic benefit for everything else. That interdependence creates a climate where everyone is vested in improved accident prevention. This is the safety culture that we believe CSB should address.

Thank you.



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