

Written Statement of
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To the
United States Senate
Committee on Environment and Public Works

Regarding a Hearing on
“Stakeholder perspectives on the importance of the US
Chemical Safety and Hazard Investigation Board”

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My name is Chris Jahn. I am the President and Chief Executive Officer of the American Chemistry Council (ACC), the national trade association representing chemical manufacturers in the United States. I am testifying today on behalf of our member companies and the more than 540,000 men and women who make up America's business of chemistry.

ACC represents the major chemical producers across the United States, including a diverse set of small and medium-sized companies. ACC members make and enhance products that are critical to the everyday health and welfare of our Nation. In fact, more than 96% of all manufactured goods are directly touched by our industry.

I would like to thank Chairman Barrasso and Ranking Member Carper for holding today's hearing to discuss the Chemical Safety Board (CSB).

The CSB has the important job of independently investigating major accidents and making recommendations. The CSB's findings are very influential and appropriately, a catalyst for safety improvements.

ACC believes that the Board plays a much needed role for safeguarding chemical facilities, the public, and the environment. In order to be effective in that role, the CSB needs the five Board members contemplated in the authorizing statute, and Board members should have a broad range of applicable experience and expertise, including experience in the operations, processes and procedures typically applicable in commercial chemical facilities.

ACC is committed to working with the Administration and Congress to help ensure that we have a fully functioning – and fully staffed – CSB. We want to encourage well-qualified industry and process safety experts as candidates to fill out the Board, the Administration in nominating appropriate candidates, and the Senate in confirming nominees as soon as possible.

Unfortunately, there is a very real prospect that the Board will soon have only one full member. We believe that the Board's investigatory functions should receive broad support from all stakeholders, the Administration, and the Congress.

As you know, our industry is undergoing a major transformation. The United States has become one of the premier places to manufacture chemicals, thanks to a new era of unprecedented growth and investment that is driven by new, domestic sources of abundant and affordable natural gas. More than 340 new chemical industry projects valued at over \$200 billion have been announced for construction in the U.S. since 2010, which will generate hundreds of thousands of jobs for American workers and billions of dollars in economic activity.

Even as we continue to build on this new investment, we must make sure that growth does not come at the expense of the safety of our workers, communities and customers. Safety must remain at the forefront of everything we do.

Our commitment to safety is embodied in ACC's Responsible Care[®] program, the chemical industry's leading environmental, health, safety, and security performance initiative. Participation in Responsible Care, including third party audits and certification, is mandatory for membership

in ACC. The initiative also extends to ACC Partner companies, including chemical transporters, distributors, warehouses, logistics planners, and others along the supply chain.

Our program reflects a commitment by our member and partner companies to prevent and mitigate the impact of chemical incidents. Our Process Safety Code[®] obligates companies to develop and implement a comprehensive process safety management system to manage risk and seek opportunities to improve performance. Companies are also obligated to identify and prioritize potential safety risks and ensure employees have the required knowledge, expertise, tools and training to manage those risks.

One of the other important components of the Code obligates all ACC members to evaluate the circumstances of incidents and learn from their own experiences, as well as the experiences of other companies. To help collect and apply these learnings, ACC created regional networks across the country that bring site safety personnel together on a regular basis to share process safety knowledge, effective practices and solutions, and allow for regional peer-to-peer networking.

More recently, we brought together a special group to examine recent incidents that occurred in the Houston, Texas area. The group made several recommendations, including ways to enhance air monitoring capabilities, emergency response and the design and performance of above ground storage tanks. ACC's Board unanimously approved those recommendations.

Under the Process Safety Code, member companies are obligated to apply lessons learned is also one of the reasons why ACC and its members find considerable value in the CSB's work – especially the reports, videos and other materials generated by the Board as part of its investigations.

The Board deserves credit for the improvements that have made over the years to share useful information at all stages of their investigations, including their factual updates and final reports. At the same time, it is critical that the Board communicate not just the hazards of processes they investigate (as their remit is to address incidents arising from inherently hazardous operations) but also to address risks and steps that can be taken to mitigate risks.

We take every incident seriously, and we seek to learn from each one by sharing information on the factors that led to the incident and identifying excellent practices to prevent similar incidents from occurring in the future. That is why we have worked with the CSB to ensure that there is broad awareness of the CSB's recommendations within our industry. And it is why we have undertaken initiatives that complement – but do not replace – the Board's work.

Our working relationship with CSB extends beyond just incident investigations. We regularly participate in the Board's stakeholder meetings, and just recently, we provided comments in support of the Board's new accidental release reporting rule and offered suggestions on how to make the rule even better.

ACC values the work of the CSB. We recognize how challenging that work can be especially when multiple investigations are being conducted at the same time. Historically, the Board has done a good job managing its workload and completing its investigations.

Unfortunately, the CSB has not been able to operate at full strength without a complete complement of five Board members. In just another week, the CSB will have a single Board member – something that has never happened since the CSB began operations more than two decades ago. We believe the Board will be well-served by members who reflect a broad range of experience and expertise, particularly expertise in chemical manufacturing process safety.

I want to thank you for inviting the American Chemistry Council to participate in this important hearing today. I would also like to use this opportunity to thank the current and past board members for their work to promote sound chemical safety practices.

This hearing is an opportunity to reinforce the value of the CSB, and the need for a full complement of Board members so that its work can proceed efficiently and effectively.

We look forward to working with you and the Administration to fill the open positions at the CSB with capable and committed candidates, and to ensure the Board has the resources it needs to fulfill its mission.