



Chemical Safety and Hazard Investigation Board

Office of General Counsel

Memorandum

To: Board Members

From: Christopher Warner

Cc: Leadership Team
Rachael Gunaratnam
Christina Morgan

Subject: Board Action Report – Notation Item 933

Date: July 5, 2012

Effective on June 27, 2012, a majority of the Board approved Notation Item 933, thereby designating Recommendation 2005-04-I-TX-R6a, to the American Petroleum Institute (from the BP America Refinery-Texas City investigation), with the status of Open-Acceptable Response. Comments submitted by Board Member Griffon with his vote are attached to this memorandum.

Voting Summary – Notation Item 933

Disposition: APPROVED

Disposition date: June 27, 2012

	Approve	Disapprove	Calendar	Not Participating	Date
R. Moure-Eraso	X				6/20/2012
J. Bresland	X				6/26/2012
M. Griffon		X			6/27/2012

Mark A. Griffon

Comments to Notation Vote 933

June 27, 2012

I vote not to accept the proposed status change of recommendation 2005-04-I-TX-R6a to 'open acceptable' due to my concerns with some elements of the recommendation which I do not feel have been adequately addressed. While I do acknowledge that ANSI/API Recommended Practice (RP) 754 makes significant advances regarding the development and use of process safety indicators in the Refining and Petrochemical Industries I believe that the RP does fall short in many essential areas. I would also say that I do not feel that the response to the CSB recommendation should be categorized as 'unacceptable'; I feel that this recommendation is best described as 'remains open'. In the future I would recommend that the Board consider voting on status changes to recommendations in public meetings thereby allowing for a public record of the factors that were considered in making the decision. I believe the stakeholders and the public have an interest in the recommendations made by the CSB and the implementation of those recommendations.

Below are some of my conclusions with regard to RP 754. While some good work has been done, it is my opinion that many issues need to be addressed before the CSB recommendation to API should be considered 'closed acceptable' by the Board.

The RP makes several valuable contributions that are consistent with the purposes of the recommendation. If adopted, they would help advance some aspects of the use of process safety indicators in these industries. Some elements of note include:

- The RP highlights the need and establishes some obligations for the use of process safety indicators in the industry
- The RP defines a range of four tiers of indicators, the first two of which are standardized and normalized in terms of *rates*
- The RP creates a useful set of indicators for industry-wide evaluation of performance.
- The RP establishes obligations for public reporting of Tiers 1 and 2 indicators

The RP falls short in the following areas:

- In developing this document there appears to have been a lack of consensus among the principal affected parties.
- The RP does not address the issue of the statistical validity and power of its proposed indicators – especially important for the TIER 1 and 2 indicators which would appear to focus on low frequency types of events.

- The only standardized and normalized indicators created by this RP are those that include only the most serious, lagging metrics (Tiers 1 and 2).
- The indicators that reflect process failures or shortcomings that are “near misses” or management system flaws are not standardized or normalized under this RP (Tiers 3 and 4).
- The RP should consider an effective approach for reporting of leading process safety indicator data (Tier 3 and 4) to allow for broader comparison and trend analysis.

Finally, I should say that I am encouraged by the accelerated revision schedule for RP 754 (faster than the routine ANSI cycle of five years), which should permit the discussion and hopefully the correction of some of the aforementioned shortcomings, and, ideally, would permit the major stakeholders to try again to reach a consensus.



U.S. Chemical Safety and Hazard Investigation Board

MEMORANDUM

June 20, 2012

To: Board Members
From: Rafael Moure-Eraso
Cc: Leadership Team
Subject: Notation Item 933

A handwritten signature in black ink, appearing to read "Rafael Moure-Eraso". The signature is written in a cursive, flowing style.

Attached for your review and vote is Notation Item 933. This item provides for the approval of a status change to one of the recommendations to the American Petroleum Institute from the BP Texas City investigation. The response evaluation supporting this proposed status change was prepared by the Director of Recommendations, and concurred in by the Investigator-in-Charge of the BP Texas City investigation.

You may direct any questions about this item to Manuel Gomez. Additional background information and documentation for the evaluation of the recommendation covered by this notation item is posted on the G Drive at: G:\Recommendations\Recommendations for Board Vote\2012-06-20. For your convenience, you will also receive an e-mail with a link to the background information and documentation. Please note that your computer must be connected to the CSB network either at the office or via VPN in order to access these files.

Please return your completed vote sheets to Chris Kirkpatrick no later than the close of business on June 27, 2012. Thank you for your attention to this item.

**U.S. Chemical Safety and
Hazard Investigation Board**



Hon. Rafael Moure-Eraso
Chairperson

Hon. John S. Bresland
Board Member

Hon. Mark Griffon
Board Member

**CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
MEMBER VOTING RECORD**

Notation No.: 933

Voting Period: June 20 – June 27, 2012

Subject: Status Change – Recommendation to the American Petroleum Institute (2005-04-I-TX-R6a) from the BP America Refinery (Texas City) Investigation (2005-04-I-TX)

Whereas,

1. The Board is authorized by 42 U.S.C. § 7412(r)(6)(C)(i) to “investigate . . . and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any accidental release resulting in a fatality, serious injury or substantial property damages;”
2. The Board is further authorized by 42 U.S. C. § 7412(r)(6)(C)(ii) to “issue periodic reports to the Congress, Federal, State and local agencies, including the Environmental Protection Agency and the Occupational Safety and Health Administration, concerned with the safety of chemical production, processing, handling and storage, and other interested persons recommending measures to reduce the likelihood or the consequences of accidental releases and proposing corrective steps to make chemical production, processing, handling and storage as safe and free from risk of injury as is possible;”
3. The Board has issued such a recommendation to the **American Petroleum Institute** based upon the findings of the Board’s BP America Refinery (Texas City) investigation;
4. Consistent with Order 022, the Board is to vote on changes to the status of recommendations;
5. The staff of the Office of Recommendations proposes that the status of the above named recommendation should be changed, as described in the attached Recommendation Response Evaluation.

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Notation No.: 933
Subject: Status Change – Recommendation 2005-04-I-TX-R6a

[continued from preceding page]

Therefore, pursuant to its authority, the Board hereby votes to designate **Recommendation 2005-04-I-TX-R6a** with the status of **Open – Acceptable Response**.

_____ I **APPROVE** this notation item **AS PRESENTED**.

_____ I **CALENDAR** this notation item for discussion at a Board meeting.
_____ *Some of my concerns are discussed below or on the attached memorandum.*

_____ I **DISAPPROVE** this notation item.
_____ *A dissent is attached.*
_____ *I will not file a dissent.*

_____ I am **NOT PARTICIPATING**.

Date: _____

Member: _____