

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

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Hon. John S. Bresland
Chairman and CEO

Hon. William B. Wark
Board Member

Hon. William E. Wright
Board Member



June 18, 2010

Honorable Henry A. Waxman
Chairman
U.S. House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Honorable Bart Stupak
Chairman
U.S. House Committee on Energy and Commerce
Subcommittee on Oversight and Investigations
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman and Chairman Stupak:

I write in response to your letter of June 8, 2010, requesting a CSB investigation of the causes of the BP/Transocean rig explosion that occurred on April 20, 2010. We recognize that this human and ecological disaster is one of the most significant chemical accidents of the current era. We also agree, as noted in your letter, that the CSB's past work on BP's safety culture and corporate safety oversight places us in a unique role to understand important aspects of this tragedy. In addition, as we stated to you in our letter of May 7 we are of the opinion that we have the legal authority to investigate this accident. All of us share your hope that every possible lesson will be learned from this accident so that nothing similar ever occurs again.

For all these reasons, the CSB intends to proceed with an investigation of the root causes of the accidental chemical release that destroyed the Deepwater Horizon rig and took the lives of 11 workers. The investigation will include the key investigators who were involved in the CSB's 2005-2007 investigation of the March 23, 2005, explosion at the BP Texas City refinery. We intend to prioritize this work and to apply all of our available resources to ensure the best possible investigation.

Although we will be vigilant for any similarities to the Texas City explosion, as suggested in your letter, we believe it is also important that this investigation be approached without any preconceptions and that all possible underlying factors and causes are thoroughly

and objectively examined. Like other CSB investigations, the investigation should include an examination of key technical factors, the safety cultures involved, and the effectiveness of relevant laws, regulations, and industry standards. We further note that there are numerous other investigations of the April 20 accident that have either been announced or are underway, including those of your own committee, various federal regulatory agencies, and the presidential oil spill commission. To the extent possible, we will seek to coordinate and to avoid duplication of effort with those important activities, without compromising our statutory independence.

We would particularly welcome the Committee's assistance in promoting cooperation with the other investigations that are currently underway, including help with obtaining relevant documents already collected from companies or other parties or otherwise in the possession of federal regulatory agencies. Additionally, we would appreciate the Committee's help in ensuring the integrity and independence of the CSB investigation, as distinct from any criminal inquiries that may occur. Although we have the highest respect for those inquiries, it is important that law enforcement investigators collect information directly from the parties involved and not via the CSB investigative process, which requires an open exchange of information between key witnesses and our civilian safety investigators.

The CSB plans to focus on events prior to and including the explosion on April 20; we believe that an examination of the response to the disaster and the impact of the ongoing massive oil spill is beyond the CSB's current resources and abilities.

To conduct this work, the Board will have to make some difficult choices and decisions. As you know, the CSB had a record-high caseload even before this disaster occurred. We already have a higher number of open investigations than we have actual investigators on staff. Accordingly, to investigate the rig disaster, we anticipate that certain extraordinary measures will be required, including:

- Bringing certain ongoing investigations to a very rapid conclusion, including investigations of the major explosions at the Kleen Energy power plant (Middletown, CT) and the ConAgra Slim Jim facility (Garner, NC)
- Terminating certain smaller investigations and placing other investigations on hold pending a further definition of the scope for the BP/Transocean investigation
- Temporarily reassigning personnel within the agency to support the new investigation
- Subject to existing Congressional and OMB notification requirements, drawing upon the Board's \$847,000 emergency investigative fund to put in place appropriate contracts and experts as rapidly as possible
- Requesting supplemental funding, as needed, to ensure a thorough and complete investigation. We note that the total cost of the CSB's prior investigation on BP Texas City was approximately \$2.5 million. However, the new BP/Transocean investigation presents in many respects an even higher level of cost and complexity.

We thank you and the Committee for your recognition of the importance of our safety investigations and for your longstanding support of our mission.

Sincerely,

A handwritten signature in black ink that reads "John Bresland". The signature is written in a cursive, slightly slanted style.

John S. Bresland
Chairman

Cc: The Honorable Joe Barton, Ranking Member
The Honorable Michael C. Burgess, Ranking Member, Subcommittee on Oversight and
Investigations