



# Chemical Safety and Hazard Investigation Board

## Office of General Counsel

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### Memorandum

To: Board Members  
From: Christopher Warner *Ch Warner*  
Cc: Leadership Team  
Subject: Board Action Report – Notation Item 713  
Date: August 31, 2009

On August 13, 2009, Notation Item 713 was disapproved. The item provided for the adoption, and authorized the immediate issuance, of a safety bulletin and urgent recommendations on the dangers of purging gas piping. Dissents submitted by Member Visscher and Member Wright, respectively, are attached to this Board Action Report.

### Voting Summary – Notation Item 713

**Disposition: DISAPPROVED**

**Disposition date: August 13, 2009**

	Approve	Disapprove	Calendar	Not Participating	Date
J. Bresland	X				8/12/2009
G. Visscher		X			8/13/2009
W. Wark	X				8/10/2009
W. Wright		X			8/12/2009

## Vote Explanation, Notation Item 713

I concur with issuing a safety bulletin based on the ConAgra explosion and recommendations for revising the North Carolina Fuel Gas Code, the National Fuel Gas Code, and the International Fuel Gas Code regarding safe purging of gas piping. Although the current language of the codes addresses purging, it is essentially an exhortation to do it safely, and some more explicit language and direction in the codes about how to do that would give more content and guidance about what doing it safely involves.

I am voting against this notation item for two reasons: (1) our colleague, Bill Wright, suggested substitute language for the recommendation that essentially asked the various committees of the various organizations that are responsible for the above-cited codes to revise the language on gas line purging, and in doing so address the purging to the outdoors, evacuating personnel, using gas monitors, and so on. I thought, and still do, that Mr. Wright's suggestion is a reasonable one. The approach he suggested, I think, is not hugely different from the language of the recommendation in the notation item, except that it more clearly leaves to the committees and organizations responsible for the codes how best to revise the code to address the safety concerns over purging gas lines. I think that is important. It recognizes that both their role as "authors and keepers" of the codes involved, and it recognizes the fact that these organizations and committees have a lot more experience and expertise, both with gas installations and with the codes themselves, than do we. So I think the approach he suggested is a good one; if there are changes to the specific language that should be made to his suggestion, I'm sure we could work on that.

Second, I have some procedural concerns associated with the notation item. As I read the notation item itself, if ESA submitted any CBI concerns by 5 pm on Monday, as I understand they did, even if those concerns were resolved or were lacking in merit, a vote by the Board to adopt the notation item is void. In other words, adoption of the notation item by the Board would be contingent on not receiving any CBI claim from ESA, which apparently was not the case. In addition, I understand the safety bulletin and recommendation are in the review process within the agency, and I would like that normal agency review process to be followed and completed before we vote for a final product.

None of the above should take long to resolve if this notation item is not passed, so that a revised notation item, safety bulletin and recommendation can be presented to the Board.

Gary Visscher

## Board Member Wright Comments on Notation Item 713

- Fail to see incorporation of changes I proposed on the draft urgent recommendation
  - ✓ Recommend they review their guidance and improve it
  - ✓ Recommend they address purging, ignition sources, vacating structure etc as necessary
  - ✓ Let the experts develop answer vice providing it to them.
- Believe this is more of an education issue vice failure of guidance issue
- Can see need for improvements in guidance, but disagree with proposed language in urgent recommendation/safety bulletin
- Believe the experts should improve their guidance vice having us give them the answer
- My understanding is this guidance was not followed in this case (CONAGRA), so wonder how the proposed “urgent recommendation” language would have prevented this incident.