United States Environmental Protection Agency
Office of Solid Waste and Emergency Response (5104)
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EPA
CEPP

EPA/OSHA JOINT ACCIDENT INVESTIGATION PROGRAM

Prevention of Chemical Accidents

FACTSHEET

WHAT IS THE PURPOSE OF THE JOINT ACCIDENT INVESTIGATION PROGRAM?

In a 1992 incident, lightning struck a fiberglass storage tank, setting off a series of explosions that released toxic fumes and spread thick smoke over town. More than 1,000 people were evacuated, and there were minor injuries, including nausea, skin irritation, and shortness of breath. Major chemical accidents and releases like this happen too often.

The purpose of the Environmental Protection Agency (EPA)/Occupational Safety and Health Administration (OSHA) Joint Accident Investigation Program is to determine the root causes and contributing factors of major chemical accidents and releases and provide recommendations on what industry, communities, the government, and other stakeholders can do to prevent similar events from occurring in the future. The program was initiated in January 1995, when the Administration asked OSHA and EPA, under their own existing authorities, to jointly investigate major chemical accidents and releases at fixed facilities. This function is similar to what was envisioned for the Chemical Safety and Hazard Investigation Board (CSHIB), which was created by the Clean Air Act (CAA) Amendments of 1990. The CSHIB was to have been an independent government investigative agency modeled after the National Transportation Safety Board. The Board was never funded. However, EPA and OSHA will conduct their joint investigations under their own authorities.

EPA will conduct these investigations using its authority under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104 and CAA sections 103, 112, 114, and 307. Likewise, OSHA has authority to conduct accident investigations under the OSH Act, which also allows them to promulgate and enforce mandatory safety and health standards for the purpose of assuring safe and healthful working conditions for every worker in the nation.

To initiate the joint agency investigation effort, OSHA and EPA have developed a Memorandum of Understanding (MOU) that establishes the policy and general procedures for cooperation and coordination between the two agencies, to ensure the most effective possible investigation of chemical accidents and to limit duplication of efforts. Major chemical accidents and releases that meet certain criteria will be chosen for joint agency investigation. As specified in the MOU, major chemical accidents and releases are those that result in fatalities, serious injuries, significant property damage, environmental damage, or serious off-site impacts such as evacuation. Other less severe accidents or releases with the potential for grave losses may also be investigated. Although the primary focus of each joint accident investigation will be to determine the root cause(s) of the accident or release, EPA and OSHA may take enforcement actions if violations of OSHA and EPA regulations have occurred.

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In addition to the MOU between EPA and OSHA, EPA is pursuing individual MOUs with states having OSHA-approved State Plans.

To support activities under the MOU, OSHA and EPA are developing other critical program components:

- A joint accident investigation protocol is currently under development. The protocol will define specific procedures that accident investigators will follow in conducting investigations.
- EPA and OSHA are fostering coordination and cooperation with other federal, state, and local investigatory bodies in order to further increase the efficiency of investigations.
- Major accident investigation reports may be reviewed by independent experts. The results of such reviews, which will be publicly available, will be used to guide and improve future studies, investigations and reports and revise reports if appropriate.
- EPA is coordinating with OSHA to develop an outreach program to stakeholders to familiarize them with the program, share progress and results of investigations, and provide alerts about particular hazards identified in the course of investigations.

Beyond establishing these components of the program, several accident investigations are underway. One investigation report (Terra Industries in Port Neal, IA), along with its expert review, has been completed. Prior to the release of a full investigation report, EPA intends to publish hazard alerts as promptly as possible to increase awareness of possible hazards. Alerts may also be issued when EPA becomes aware of a significant hazard. EPA has already published four hazard alerts based on the findings from previous accidents. Please refer to CEPPO's Home Page or call the hotline for copies of these or any CEPPO documents.

FOR MORE INFORMATION...

Contact the Emergency Planning and Community Right-to-Know Hotline

(800) 424-9346 or (703) 412-9810
TDD (800) 553-7672

Monday-Friday, 9 AM to 6PM, eastern time

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Visit the CEPPO Home Page on the World Wide Web at:

http://www.epa.gov/swercepp