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TESTIMONY OF:	Chief Joseph Crawford St. Albans Police Department
DATE:	Tuesday April 21, 2009 12:00pm
BEFORE:	The Committee on Energy and Commerce Subcommittee on Oversight and Investigations
REGARDING:	The investigation of the fire and explosion at the Bayer Crop Science Plant in Institute WV on August 28, 2008.

1. First I want to take this opportunity to thank you Mr. Chairman and the distinguished members of this committee for allowing me to speak here today. My motivation is to provide this Committee with the perspective of a responder, responsible for the safety of the citizens of our community as well as the safety of my officers. It is my hope and intention that this hearing today will help you understand what happened on the night of August 28, 2008. I want to give the members of this committee the most accurate information from a responder's perspective that will help this committee draft legislation and implement changes that need to be made. It is my sincere hope that the Chemical Industry will also make the necessary changes; to ensure that the citizens of Kanawha County and the first responder's safety are not compromised. I believe that this can be accomplished by all of us working together.

2. The City of St. Albans, West Virginia is southwest – and within sight – of the Bayer CropScience Institute Plant. The City of St. Albans is near the western border of Kanawha County. The Kanawha River separates the Plant and the town.

The population of the City of St. Albans is approximately 11,000 to 12,000 people. US Rt. 60 is the main highway thru town and has a high volume of traffic.

3. I had three officers on the scene of an unrelated call in the east end of the city when they heard and observed the fire and explosion. My supervisor radioed to METRO 911, Kanawha County's consolidated dispatch center, and advised them of the explosion at 10:33pm. The officers had direct line of sight to the Plant, being almost directly across the river from the explosion. I was at my residence, which is approximately two miles direct line of sight to the plant. The percussion shook my house and rattled pictures from the wall. I contacted my on-duty shift commander by phone and he confirmed that he and two other officers had witnessed the explosion and fire. Within minutes I was receiving phone calls from the local news media.

4. I and Chief Steve Parsons from St. Albans Fire Department responded to the east end of the City and met with my shift commander within ten minutes of the explosion. It was obvious that there was a large fire in the direction of the plant. We started assessing the situation and the wind conditions. We noticed a large plume moving west towards the Cities of St. Albans & Nitro, a city just across the river from us. Chief Parsons and I were in constant contact with METRO 911 trying to learn the gravity of the situation but were informed that Metro 911 was unable to get any information from the plant. Chief Parsons and I had discussions about ordering a shelter-in-place for St. Albans based on our assessment of the direction of the plume. We were waiting on more up-to-date information from the incident commander, which came an hour later. The incident commander advised that he did not think that a shelter-in-place should be ordered for the surrounding areas from his position. Hind-site if the same situation happened again, we would have sheltered in place immediately.

5. I also was in contact with my colleagues from the other law enforcement agencies. Because no one knew what substance was being released from the plant, area law enforcement officials were making decisions to close highways in the area of the plant to protect the public. I ordered the callout of off-duty St. Albans officers to assist. The traffic diversion plan from the Emergency Response Plan was used. Chief Parsons and I activated our Forward Operations Center at City Hall at approximately 11:15pm. We still were unable to obtain information from the Bayer CropScience Plant as to what chemicals were involved. Forty Five minutes into this event and we still did not have any information from the plant. However, we received information that the Incident Commander on the scene was advising that a shelter-in-place order was not needed. The only information about what was involved came from outside sources that it may be the Larvin Unit. At this time there were low lying hazy clouds over the city.

6. At 11:18pm we heard a secondary explosion. At 11:21pm we received unofficial information that an explosion had occurred in the Larvin pesticide unit. I had a growing concern about our officers being out in that environment directing traffic for an extended period of time. My colleagues also had the same concern for their officers. At 11:42pm, Kanawha County Emergency Management Director Dale Petry issued a shelter-in-place order due to the lack of information coming from the plant. It is common knowledge that MIC is stored and used at that plant on a daily basis. It was very frustrating not having any information about what was being released and trying to make decisions to protect our officers and citizens.

7. I was advised that at 11:20pm, representatives from the County staged at the main gate of the plant waiting to gain access to. I was advised later that representatives from Kanawha County Sheriff's Office, County OES, and the WV State Fire Marshall's Office had made numerous attempts to gain access to the Bayer Crop Plants EOC but were denied. This was being done to help coordinate efforts outside of the plant. Finally after 30 to 40 minutes Bayer Crop allowed those representatives inside the plant and escorted to the EOC. They were placed and

sequestered in a separate room connected to the plant EOC but still had problems getting information to relay back to the County EOC. At 00:35hrs Chief 24 (Incident Commander) radioed METRO 911 advising that he still does not know what chemicals are involved.

8. At approximately 01:15am there were discussions about evacuation. We were advised that the fire was still burning and that it could not be contained.

9. At 02:09am we were advised that the Shelter-in-place had been lifted and the roadways were reopened. At 02:30am the St. Albans Police & Fire Department units were released and the Forward Operations Center was closed.

In closing I would like to comment on some of the KEY problems that we faced that night, and some steps that have been taken to correct them:

- The most important issue was the lack of cooperation and communication from Bayer Crop Science. The record will reflect on numerous occasions that the security guard at the gate was directed not to give out any information to the 911 Center. Then once inside the plant, the officials were not given much information so that it could be relayed back to the County EOC. State legislation has been passed to address the notification process, where a chemical facility must notify the 911 Center of an event within fifteen minutes. Bayer has purchased radio's to be placed with the security supervisor, in their emergency vehicles and operations center. Bayer will have the capability to use the County OES channel and communicate information directly to the 911 center.
- The second issue is that there was a breakdown in communication between the incident commander and the County EOC. Information was relayed to the incident commander about the impact that the plume had on the surrounding areas such as St. Albans, Nitro, Institute, and Jefferson and it was ignored. This was an issue about sheltering-in-place. The

incident commander was not able to see the impact outside of the plant. As a City official and responsible for the safety and welfare of the citizens and my responding officers, it made it very difficult to make operational decisions. Records will support that the incident commander (Chief 24) was made aware of the conditions in the surrounding areas. This issue will be resolved in the future by ordering a shelter-in-place if we have not received information from the plant within 15 minutes.

- The third issue discussed in the Critique and the after action reviews, were conversations about placing monitors outside of the plant in the surrounding areas. Bayer has monitors along their fence line property on the river side of the plant. The discussion also included the capability of the monitors being able to send the information back to the County EOC, Mobile Command Center and other locations. This would allow Command personnel to make better operational decisions to the units out in the field. Bayer officials indicated that would be a good idea and indicated that Bayer may be able to assist with some funding for that project.
- And the last issue is the security of the plant. From a law enforcement perspective, I believe that Bayer needs to make their facility more secure. The reason for this concern is that Bayer could be a potential target for terrorism. When you have an event such as this, the first thing that crosses your mind, is this an accident or an attack? Due to the nature of the hazards stored and manufactured at that site, one **cannot** overlook that as a possibility. Just my observations from outside of the plant, there are no barricades at the main entrance of the plant. What would prevent a vehicle from running the gate at the guard shack? Another concern is the access from the river to the plant. There is a fence, but bolt cutters or a saw could give access to the plant property and go un-noticed.

Respectfully submitted,

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