KANAWHA COUNTY COMMISSION

Post Office Box 3627
Charleston, West Virginia 25336

Telephone (304) 357-0101
Fax (304) 357-0788
www.kanawha.us

Henry C. Shores
Commissioner

W. Kent Carper
Commissioner

David J. "Dave" Hardy
Commissioner

TESTIMONY OF: W. Kent Carper
President, Kanawha County Commission
President, Metro 911 of Kanawha County

DATE: Tuesday, April 21, 2009 - 12:00 Noon

BEFORE: United States House of Representatives
Committee on Energy and Commerce
Subcommittee on Oversight and Investigations

REGARDING: Investigation of the explosion and fire at the Bayer CropScience Facility located in Institute, Kanawha County, West Virginia, on August 28, 2008.

INTRODUCTION

I want to thank the Chairman and distinguished members of the House of Representatives' Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations for inviting me to speak today. I am appearing before the Committee in my capacity as the President of the Kanawha County Commission, Kanawha County, West Virginia, and President of the Governing Board of the Ned Chilton Metro 911 Center. In addition, I am Kanawha County's Board representative to the Kanawha County Emergency Ambulance Authority and previously served as an Assistant Prosecuting Attorney of Kanawha County, the Public Safety Director, Chief of Police for the City of Charleston, West Virginia.

My primary purpose for testifying today is to make clear the aberration of a response by Bayer CropScience regarding the explosion and fire that occurred at its facility located in Institute, Kanawha County, West Virginia, on August 28, 2008. In my judgment, lives in the community were placed in grave risk and such risk was unnecessary and avoidable had Bayer CropScience followed protocols currently in place.

The lack of quality and timely information from Bayer CropScience placed first responders unnecessarily in harm's way and placed thousands of citizens at risk. Now that the incident is being investigated, I am concerned with the manner in which Bayer CropScience is attempting to utilize the Homeland Security laws passed by this Congress to avoid sensible disclosure of events surrounding this incident.

Accompanying me today are Carolyn Karr Charnock, Executive Director, Kanawha County Ned Chilton Metro 911 Center; David Erwin, Emergency Operations Center Coordinator, Kanawha County Ned Chilton Metro 911 Center; Dale Petry, Kanawha County Emergency Services Director; David Armstrong, Kanawha County Emergency Services Deputy Director; Grant Gunnoe, City of Charleston, West Virginia, Emergency Services Director; Chief Joe Crawford, St. Albans, West Virginia, Police Department; and David Sweeney, Region I Planner, West Virginia Department of Military Affairs & Public Safety.

Ms. Charnock, Mr. Petry, Mr. Erwin, and Mr. Gunnoe were present in the Emergency Operations Center located in the Ned Chilton Metro 911 Center throughout the incident. Mr. Armstrong reported to the front gate of the Bayer CropScience

facilities, where he was initially denied access, and finally was admitted into the on-site Command Center. Chief Crawford was deployed with his officers in the City of St. Albans which is directly across the Kanawha River from the Bayer CropScience facilities. Mr. Sweeney participated in all of the post event debriefings.

EXECUTIVE SUMMARY

Late in the evening of August 28, 2008, at approximately 10:30 P.M a thunderous explosion occurred in western Kanawha County near Institute, West Virginia which shook homes throughout a 20 mile radius. The Institute area, approximately 20 miles from Charleston, West Virginia, the State Capitol, is home to a significant minority population, elderly, and West Virginia State University, a historically African-American land-grant university, which has evolved into a fully accessible, racially diverse, and multi-generational institution. Currently West Virginia State University has a total enrollment of 5,000 students with approximately 475 students live on campus immediately adjacent to the Bayer CropScience facilities.

Within minutes the Kanawha County Ned Chilton Metro 911 Center began receiving radio and telephone reports of the explosion from emergency responders and concerned citizens. At 10:36 P.M. Kanawha County activated the Emergency Operations Center (EOC) located in the Ned Chilton Metro 911 Center and EOC personnel began assessing the situation based on extremely limited information as to the cause and origin of the explosion. Based upon the initial reports and lack of definitive information, Metro 911 dispatched the wrong fire department to a location on the wrong side of the Kanawha River.

As reports continued to be received by Metro 911, it was determined the explosion may have happened at the Bayer CropScience (Bayer) facilities located in Institute, West Virginia. At 10:39 P.M. Metro 911's personnel took it upon themselves to call Bayer and inquired if there had been an explosion at the facility. The Metro 911 Supervisor could only reach a security guard who answered the phone at the front gate of Bayer's facility and said he could not give out any information. Bayer had assured Kanawha County emergency officials in 2008 they would provide a Supervisor, authorized and informed, to provide information to Metro 911. Bayer made such a

promise due to their inability to provide timely information after a vapor release in the same Larvin unit in December, 2007.

EOC personnel were operating under the assumption that information regarding the explosion would be forthcoming any moment due to the protocol established after the December , 2007, incident. At 10:42 P.M. the Bayer Security Guard called Metro 911 requesting an ambulance be sent to the main gate of the facility. When questioned further about the explosion, the Bayer Security Guard once again stated he could not provide any information.

During this timeframe, Metro 911 received information from an off-duty Bayer employee, via the Kanawha County Sheriff, who had been paged to report to the plant because there had been an explosion in the Larvin unit. At 11:15 P.M., 45 minutes after the explosion, the Bayer security guard called Metro 911 stating there was an "emergency at the plant" and to "alert the public." When questioned if there had been an explosion in the Larvin unit, the Bayer security guard stated he was allowed to advise only of an emergency at the facility and would not confirm there had been an explosion in the facility. At 11:34 P.M. the Bayer security guard called Metro 911 to inform the EOC that the facility was "responding to our emergency" and to "keep the community on alert."

Kanawha County has had an Emergency Plan specific to chemical emergencies for decades. This plan was ascribed to by all the chemical plants in Kanawha County. The plan provides for protocols for redundant means of communications including separate radio frequencies for use in emergency situations should phone communications fail. Bayer failed to follow any of the required protocols and left Kanawha County emergency personnel completely uninformed as to any potential danger to the public, as well as, emergency responders on the scene.

The Kanawha County Emergency Plan does not provide for any protocols to deal with an "emergency at the plant" and "alert the public." This total lack of information resulted in a series of protective actions in the absence of an effective plan. Therefore, rather than continue to wait for a response from Bayer for vital information and to protect the public, at 11:42 P.M. the EOC ordered an immediate shelter-in-place for the affected area.

During this entire time period, Kanawha County emergency personnel and the West Virginia State Fire Marshal tried to enter Bayer's facility and were held at the front gate for a prolonged period of time. Once admitted to the facility's Command Center, they were sequestered in a separate room and refused access to any information about the emergency.

Normally, during an event of this nature, I would have reported to the EOC, but I was out of town during this incident. At approximately 12:00 midnight, I called into the EOC to obtain first-hand knowledge of the situation and to offer my assistance and remained in command with the EOC until the incident deescalated. I was informed of the total lack of information from Bayer, which I found to be totally unacceptable. A Bayer representative, Mike Curry, reported to the EOC, and I immediately questioned him as to the nature and location of the explosion in the facility. Knowing the extremely dangerous chemical MIC was produced and stored in this facility, I inquired as to what products were involved and whether lives were in danger. Mr. Curry offered no more information than what the EOC currently had, which was woefully inadequate.

With Mr. Curry present, I contacted the Fire Chief on scene, Chief Andre´ Higginbotham of the Institute Volunteer Fire Department, to discuss the situation. It was confirmed at this time, more than two (2) hours after the initial blast, there had been an explosion in the Larvin unit of the Bayer facility, fire crews were fighting the fire and at least one person had been injured and transported to a local hospital. Learning this, we still did not know (1) if any product had been released, although a significant haze hung over the valley, and (2) whether there was a danger to the public and responders in the area.

In addition to talking with Chief Higginbotham, I was also in communication with David Armstrong, Kanawha County Emergency Services Deputy Director, who had finally been admitted into Bayer's Command Center. Mr. Armstrong could only offer opinions as to what was happening as Bayer was unwilling to share any information with Mr. Armstrong. At this time I discussed with our EOC team whether or not an evacuation was in order. The rationale for considering an evacuation was based on: (1) the number of elderly citizens and West Virginia State University students in the area who do not have transportation, (2) the unknown nature of the product(s) involved, (3) the size of the explosion of material still unknown, (4) whether the integrity of other vessels

were a concern, and (5) whether any other products, including MIC, was at risk due to the impact of the explosion. I would have been remiss not to have grave concern if this group had been treated differently than a more affluent area of the county.

At 5:50 A.M. on August 29, 2008, the Bayer security guard called Metro 911 to report an "all clear" for the facility with the exception of the Larvin unit which was still under watch. Throughout this entire incident, I found it difficult to believe our primary point of contact with Bayer was a security guard at the front gate. Furthermore, the reluctance by Bayer to provide information was totally unacceptable. One should ask were the West Virginia State University students, as well as, area residents treated differently than those who live in more affluent areas. Simply put, lives were at risk, and information was withheld!

POST SCRIPT

What have we learned from this event? Critical information needs to be shared and shared immediately. To address this concern, I had emergency officials implement a protocol providing steps should a chemical plant fail to provide within 15 minutes to the Ned Chilton Metro 911 Center all required information during an emergency, including the effect on the public, the EOC will immediately call for a shelter-in-place in the affected area. I even had clocks placed in the 911 Call Center and EOC to track the time elapsed during such an event.

Furthermore, with the leadership of Governor Joe Manchin III, the State of West Virginia Legislature just passed legislation that provides for reporting requirements for industrial accidents. This legislation creates two timeframes:

1. Timeframe Number 1: within 15 minutes of the industrial facility ascertaining the occurrence of an emergency event at an industrial facility, the industrial facility shall contact the Mine and Industrial Accident Emergency Operations Center by telephone OR shall contact a local emergency telephone system (Metro 911).
2. Timeframe Number 2: starts AFTER the Mine and Industrial Accident Emergency Operations Center or a local emergency telephone system (Metro 911) has been contacted. Within 30 minutes of obtaining information that affects the public health, safety and welfare, state AND local officials shall notify the public of any hazardous materials or events that may affect the area.

This legislation also stipulates another reporting requirement for the local emergency telephone system (Metro 911): In the event that an industrial facility contacts a local emergency telephone system (Metro 911) to report an emergency event, the local emergency telephone system (Metro 911) shall immediately forward all information received to the Mine and Industrial Accident Emergency Operations Center.

Ironically, the Chemical Safety Board has a public hearing scheduled to be held at West Virginia State University just two day from now on Thursday, April 23, 2009. Much to my dismay, it is my understanding Bayer intends to hide behind Homeland Security legislation and wants to prevent testimony and the sharing of information at the Chemical Safety Board's public hearing. I truly do not believe it was the intent of Congress to allow for chemical plants to use Homeland Security legislation as a smokescreen to prevent providing the public information regarding their safety and well being. If this is the case, I would respectfully request this Congress to change the law to provide for the access to information vital to the public's safety and well being. Emergency responders and the community in general do not know the total extent of the dangers area chemical plants pose. Citizens have every right to know. Bayer CropScience needs to be forthcoming with total cooperation at the upcoming Chemical Safety Board public hearing.

Once again, thank you for inviting me to testify before this Committee. Respectfully submitted:

W. Kent Carper
President, Kanawha County Commission
President, Metro 911 of Kanawha County

Name:	W. Kent Carper
Residence:	Charleston, West Virginia, Kanawha County
Information about family:	Married to the former Debbie Mitchell of Charleston, Kanawha County, West Virginia; 3 children: Traci; Bryan; and Virginia; 4 grandsons: William, Andrew, Michael, and Carson
Educational background:	Stonewall Jackson, 1970; Honor Graduate West Virginia State College, 1975. Law Graduate Ohio Northern University, 1978.
Occupational History:	Present: County Commissioner, President, County of Kanawha; Attorney at Law. Former: Administrative Assistant Legal Division State of West Virginia Department of Highways; State of West Virginia Deputy Securities Commissioner; Kanawha County Assistant Prosecutor; Public Safety Director/Police Chief, City of Charleston, West Virginia.
Prior/Current Public Office(s):	State of West Virginia Deputy Securities Commissioner; Assistant Kanawha County Prosecutor; Police Chief/Public Safety Director, City of Charleston, West Virginia; Member of the Kanawha County Emergency Ambulance Authority Board of Directors and Executive Committee for 19 years; President, Ned Chilton Metro 911 Board of Directors for 10 years.

INCIDENT TIMELINE

Bayer CropScience Explosion/Fire
28 August 2008

2233	First notification to Metro 911 from a deputy in St. Albans reporting a loud explosion, unknown location.
2234	Radio report from an off-duty trooper, reporting an explosion and flames showing in the Jefferson area.
2234	STA 19 dispatched to the area of 6318 MacCorkle Ave to investigate. This is roughly across the river from the incident.
2235	First 911 call. This is from a citizen reporting explosion and fire in the area of the plant. Metro 911 starts receiving multiple 911 calls reporting the same.
2236	Dale Petry orders activation of the EOC
2237	STA 24 units confirming explosion and fire in the area of the plant. Metro dispatches STA 23/24
2239	Metro on-duty supervisor makes phone contact with 'Steve', the guard at the main gate, who says he can't give out any information.
2240	Fire dispatcher tells Chief 24 that Metro is unable to contact the plant.
2242	Sheriff's Department is beginning to close roads in the area of the plant, requests assistance from neighboring police departments. Rt 25 and I-64 are eventually closed.
2242	Call from Steve at the plant requesting an ambulance at the main gate for a burn patient. Caller refuses to give further information when probed by the calltaker.
2243	(Discussions occuring on various radio frequencies about a haze or cloud around the plant and in the St. Albans area. St. Albans fire considers a shelter-in-place for their community.)
2253	COMMAND radios Metro and requests Petry to respond to the scene and also requests KC1. KC1 is eventually told by COMMAND to report to the front gate but moves back to Shawnee Park after a few minutes on advice from the EOC (hazard unknown).
2246	CF 24 on scene as COMMAND
2300	Sheriff tells Metro that a deputy has made contact with an off-duty plant employee who reports that he has information that an incident has occurred in the Larvin unit and that the situation is serious. No further information.
2301	Metro contacts Chief 24 (COMMAND) to ask about the substance involved and the need for a shelter-in-place order. COMMAND advises he is trying to get information at the scene.
2308	Metro contacts Chief 24 again to ask about issuing a shelter-in-place. Metro is told "negative".
2315	Steve calls again from Bayer and says that a supervisor has told him to advise Metro that there is an emergency at the plant and to "alert the public". He will not provide further information except that the supervisor's name is Mike Cox. Specifically, he is asked to confirm that the emergency involves the Larvin unit. Steve replies that he is only allowed to advise that their is an emergency in the plant.
2320	State Fire Marshall radios Metro to explain that he can't get any information from his location on the scene as to what the incident involves. Wants to know what Metro has learned. Also advises that he is placing a Regional Response Unit on standby.
2334	Steve called gain from Bayer CropScience calls again to repeat that the plant has an emergency and to "keep the community on the alert". "We are responding to our emergency", he says. Metro's supervisor tells him that a shelter-in-place is being issued for certain areas and that Petry wants someone from the plant to respond to the EOC. Steve tells him Tom Dover's name (as a "spokesperson", but says he doesn't know when Tom will be available to talk.

2342	Metro announces that the Director of Emergency Management has ordered a shelter-in-place for all areas west of the city of Charleston.
0006	Steve calls again from Bayer with the same information as previously related. Also advises that Mike Curry is enroute to the EOC.
0035	COMMAND on the radio advising still a working fire, unknown what chemicals are involved.
0040	Steve calls again with the same information as previously related. No further information.
0112	Steve calls again from Bayer with the same information as previously related. No further information.
0143	Steve from Bayer with the same information as previously related.
0301	Steve from Bayer calls to say that the situation is now under control but they're "still in an alarm state.
0333	Steve from Bayer calls again to repeat that they are "still under an alarm".
0550	Steve from Bayer calls to report "All Clear" except for the Larvin unit.
0200	Interstate is reopened in both directions. Both railroads may resume normal track operations.
0428	Call cleared... all units in service. EOC opertions secured.

Yellow highlight indicates communication between Bayer and Metro 911
Red highlight indicates communication with Institute Fire Chief

September 11, 2008
Bayer Critique Notes

Dale Petry, Kanawha County Emergency Manager began the meeting by discussing his involvement in the incident of the night of August 28, 2008 at the Bayer CropScience Plant. Mr. Petry went over the timeline of when he was notified, to include his actions regarding requesting Metro 911 to continue to contact the plant and obtain information. Mr. Petry discussed his reasons for issuing the shelter-in-place at 11:19 p.m. and discussed the Emergency Operations Plan and the protocol for issuing the shelter-in-place.

Joe Crawford, Chief of Police, City of St. Albans stated that he had four officers on the Eastern End of the County during the explosion and they started reporting information. They knew there had been an explosion, fire and a release from the plant from what they could see and hear. They immediately started determining which way the plume would be traveling to assess what to do in their city. Chief Crawford's concern was that it took 1 hour from the start of the event for the shelter-in-place to be issued, which created issues for his officers who were trying to direct traffic. Chief Crawford felt that the plant should have immediately notified Metro of the location and content of the explosion so that Law Enforcement and Firefighters could position their response.

Roger Wolfe, Mayor, City of Dunbar, stated that he felt that Metro 911 did a great job and passed on the information to the responders that they had. He was concerned over the chemical that was involved. Dunbar could not get information from the plant. Mayor Wolfe addressed the Bayer Representative and said that he was disappointed that no information was given to Metro from the Plant. Mayor Wolfe stated that the Chief of Police of Dunbar immediately started preparing for an evacuation for the city. He called all fire, police and public works officials out to duty. He requests that if there is another incident that Bayer provide the necessary information to Metro so that the proper responders can do their jobs.

Chief Lilly, Dunbar Fire Department – There was a lack of communication with the plant. Chief Lilly stated he is now aware that the City could send a representative to the County EOC during the emergency. He would like to work out ways to have better communication with the EOC.

Mike Rutherford, Sheriff of Kanawha County – Heard the explosion at his house in St. Albans and immediately went to the Bayer Plant. He requested that the roads by blocked off around the plant and that some roads be shut down. When he arrived at the plant, they were bringing the burn patient out of the gate. There was a haze and smell at the gate. He requested that the command post back off from the gate to Shawnee Park. He spoke with a person inside the plant via cell phone and obtained information that the explosion occurred in the Larvin Unit and that a dangerous Chemical was involved. He had Oakley at the EOC. KC-1 was dispatched. The biggest frustration was that Bayer would not give out any information. He had no complaints with Metro's response.

Lt. Savilla, Nitro Police Department – Extremely please with Metro and their ability to get out the information they had. Biggest concern was lack of information from Bayer. Difficult to get road blocks set up that would keep public and officer's safe due to the lack of communication from Bayer. EOC did as well as they could with the information they were receiving. State Police and Putnam County Sheriff's Department assisted with road blocks.

Ernie Hedrick, Chief of Nitro Fire Department – Were not requested to respond to plant by EOC or Chief 24. Response requested by State Fire Marshal as part of RRT. Had 6 responders with air monitoring devices. Plume was over Nitro. Need to find ways to get information out to the responders.

Andre Higginbotham, Chief of Institute Volunteer Fire Department – Chief 24 – At home when explosion occurred. Put VFD on standby. Set up staging area at entrance and could see fire. Established that no dangerous chemicals were compromised. "I was not in charge of the incident. I was in charge of the resources." Spoke with Chief Johnson at the EOC. Established nothing major was compromised, and there was not threat to the community.

Chief Joe Crawford – There was a secondary explosion that was heard by his officer's. Could see a release from the plant. Was never notified that there were no dangerous chemicals.

Chief Higginbotham – Was at the plant and there was no odor and the air monitoring was clear.

Mike Dorsey, DEP – Would have liked to have had information as to what was being released and what the public was being exposed to. The plant could have notified that certain chemicals were potentially involved and that air monitors showed all clear. Bayer did not brief DEP until 1:15 a.m. There were 3 command centers located at Shawnee, inside the plant and at the main gate of the plant.

Steve Parson, St. Albans Fire Chief – Metro did a good job. No excuse for Bayer not giving out information. Should have at least notified as to the location of the explosion inside the plant. Chief Parson's notified all other emergency responders and worked with other areas. Could not make a decision about a shelter-in-place without information from Bayer. Didn't call Shelter-in-place because Chief 24 said there was no need to do so. In the future, he will issue a shelter-in-place in his town within 10 minutes if he does not have information. When the shelter-in-place was released by the EOC, no one called St. Albans to first determine if the plant was clear. Would like better communication with the EOC before lifting the shelter-in-place.

Dale Petry – explained that the plant notified him that they wanted the shelter-in-place lifted and the roads opened.

Keith Vititoe, Sheriff's Department – Got to the scene and tried to get as close to the problem as possible. Was denied access to the Plant EOC by plant officials until Dale Petry contacted the plant. He, David Armstrong, Deputy Emergency Manager and Sterling Lewis, Fire Marshal were shuffled into a separate room and were not given information. There was a major lack of communication. He kept in contact with the local incident commander and David Armstrong kept in contact with County EOC. Work on sharing information with all command sites. There were air monitors in the plant.

John Smoot, KCEAA – Transporting patients affected by chemical exposure – the paramedics need to know what is involved for decontamination purposes. At one time they were told that there was possible 4 chemicals involved; 1-End Product and 3-used for production. Different products affect different systems. Need to know what the chemical is to properly treat the patient.

Rod Johnson, KCEAA – IC for EMS – Metro did an excellent job. Original call – Explosion but could not confirm where. Sent one unit initially and the others were in staging and standby. Patient that was transported did not get deconed on scene, he was deconed at the hospital. Command was located at Shawnee Park. Timeframe of delay for being told the name of chemical made it difficult to treat. Major problem was the delay in shelter-in-place.

Chuck Runyon, DOT – Metro good job. He was at the Shawnee Command Post. There were cars on the interstate that needed to be re-routed. Had 9 portable message boards dispatched. 30 minutes into situation all traffic was rerouted. Cars were off the interstate relatively fast. Lack of information from Bayer was the biggest problem. Unified command system.

Carolyn Charnock, Director of Metro 911 – Telecommunicators did a great job. Information that we had was sent out to the responders. 2800 calls within 4 hours, which were 6 calls per second. All staff was called out. Increase capacity on calls.

CW Sigman, CAMC Hospital – Too many command posts. Hospitals need to know who and what is being transported.

Chief Crawford – Request that Charnock find out if there were any missed calls.

Sheriff Rutherford – Moved to Shawnee Park because he did not want to put his people in harms way.

CW Sigman – You did what you could with the information that you had

Sheriff Rutherford – Lack of information from Bayer resulted in moving responders elsewhere. The right information must be given out.

Chief 24 – Higgonbotham – Traffic stopped at the gate of the plant. Outside agencies flooded the gate.

Mayor Wolfe – Thanked the Bayer official for attending. Stated that the response needs to be more unified.

Jim Woods, Fire Chief for City of South Charleston – Incident that impacts the City or could impact the City, there needs to be SOP's for the EOC to notify the cities. Commend news media for getting out information to the public. Need some kind of procedure for notifying the cities.

Alan Resnick, National Weather Service – Model running regarding wind direction. Someone form the NWS can be called out and available within 5 minutes. There is a person who is trained to work onsite. Bayer's information can be loaded into the wind information.

Sterling Lewis, State Fire Marshal – Was at the command post at Shawnee. Metro opened roads before it was discussed with the command post.

Chief Crawford – Never was notified that the shelter-in-place had been lifted. Should have notified all agencies.

Lt. Savilla – There needs to be unified command and decisions made at the command post.

Jimmy Gianato, State Emergency Manager – Inaccurate and lack of information from Bayer was the biggest problem. The state makes sure that the local's have the resources they need to respond. The Governor is going to introduce legislation to have industry reporting requirement of 15 minutes.

Tom Dover, Bayer Representative – Fully support and depend on Metro for response. Will work on ways to improve the information flow. Bayer's priorities are to protect employees and public; protect the environment; and protect assets in that order. Stated that he thought that their Incident Commander communicated to metro that there was a standby to be issued and that they may need outside resources and that there was no need for a shelter-in-place. Commended Chief 24.

Jessie Johnson, Citizen – In the area of the explosion on 8/28. Management of issue was extraordinary. The media coverage was good. Higginbotham was described as IC outside of fence – "Is he an employee of the Bayer Plant?" It is an impropriety to have him as an employee and Incident Commander. It is

unacceptable for Bayer to not share information. Internal fire department of the plant is not on the same frequency that is accessible to outside responders and is not recorded.

Bob Aaron, Reporter – Was there a PIO at the Command Post? Would have been better to say we have no information than to not say anything at all.

Delegate Bonnie Brown – Could not get through to the EOC number that was on the TV

Anita Ray, Kanawha Charleston Health Department – Citizens are now calling concerning their gardens and contamination. Would like to have information as to how to respond.

Gretchen Stone, State Journal – Will there be an after action report?

KPEPC – Will review plan and do a GAP Analysis on October 2nd.

Earl Whittington, Chief of Dunbar Police – Who is the responsible part for getting the information out?

Higginbotham – stated that he communicated with Chief Johnson every 15 minutes

KPEPC plan has several methods for notifying the public. The IC is to appoint a PIO to communicate with the media

What channels does the EAS go out on?

Aaron Jones, Resident – Is Bayer going to step up to the plate and change their notification and communications?

Bayer – Work with emergency responders to do better communications. Guard station is always manned 100% of the time and that is why Guard makes calls. Will work with Metro for better communications.

Chief Hedrick – Information to the EOC came from on scene responders instead of Bayer officials.

Asked to Bayer – Are you open to having your radio traffic open to Metro? Bayer responded – We can talk about that.

KPEPC Radios are already onsite. Dale work with Bayer for radio frequency.

Higginbotham – Established contact with inside perimeter commander

PJ Johnson, County Fire Coordinator – Called Chief 24 and reached him 30-40 minutes after incident. Only advised to not to do a shelter-in-place. Did not get information from Chief 24 regarding the chemicals or tanks.

KANAWHA COUNTY COMMISSION

OFFICE OF EMERGENCY MANAGEMENT

Dale A. Petry
Director

200 PEYTON WAY
CHARLESTON, WV 25309

Office: (304) 746-8759

AFTER ACTION REPORT

Explosion and Fire Incident
Bayer CropScience/Institute Site

28 AUGUST 2008

Executive Summary

During the nighttime hours of August 28, 2008, Metro 911 of Kanawha County (Metro) began to receive radio and telephone reports of an explosion in the area of Jefferson, Kanawha County. Subsequent investigation revealed a large presence of fire coming from the Bayer CropScience Insitutute Site (Bayer). Upon notification, I immediately ordered activation of the Kanawha County Emergency Operations Center. Institute Volunteer Fire Department was dispatched to the main gate. Law enforcement self-dispatched to the area. Upon arrival, the fire department ordered two other departments to standby status and requested the county mobile command post.

This incident presented unique response issues because no call was received from the Bayer plant to report either an explosion or fire. Metro personnel who called the plant to get information were sandbagged for hours. Therefore, emergency management staff didn't have the proper information to implement public warning measures. First responders did not know what measures, if any, needed to be undertaken to protect themselves and traffic nearby. Metro received over 2,700 calls on 911 lines in the three hours following the explosion. A reverse-911 message to inform the public was hampered by the congested telephone network.

The event also presented some unworkable command and contol issues. Though the responding fire department commander declared himself as "Command" to Metro, he was sequestered in the guard shack at the main gate. The actual incident commander was part of the plant's internal emergency response team and had no contact with Metro or the EOC. This scenario resulted in confusion surrounding the location of the incident command post and the role of the person who called himself "command".

All of these facts—and more—we're brought to the table during an After Action Review held in September 2008.

Scenario

During routine maintenance in the Larvin® pesticide unit, a chemical reaction created a large explosion and fire within the unit. One worker was apparently killed instantly and another was transported to the burn unit in Pittsburgh where he died some three weeks later. The explosion was significant to be noticed as far away as downtown Charleston and instantly attracted widespread public attention.

Details from Metro's computer dispatch report are enclosed as Attachment 'A'. The first notification to Metro was from a deputy sheriff who radioed in. Almost simultaneously, the first 911 calls were received with non-specific information as to the location of the incident. Attachment 'A' will show that the first 911 call from the Bayer plant was a request for an ambulance for a burn patient.

Lessons Learned

An after action review included members of emergency management, Metro 911, fire, ems, law enforcement, Bayer CropScience, the media, members of the public and the LEPC was held_____. Some recommendations from this meeting along with the LEPC's PIE committee recommendations have resulted in modifications and additions to the Kanawha Emergency Management Plan that are currently in draft form. Those changes are included herein as Attachment 'B' and Attachment 'C'.

Chief among the findings was the need for further Plan-based training focusing on command and control protocol and unified command. Of course, funding remains an obstacle to significant and meaningful training. Further recommendations include:

- a protocol for area command and control
- guidelines that direct the Director of Emergency Management to issue a shelter-in-place when an potential Haz-Mat emergency exists but has not been reported to 911.
- Increased detail for Incident Command and Unified Command guidelines
- Stricter guidelines for fixed industrial facilities involving emergency notification and providing situational awareness to local government and public safety personnel.

Respectfully submitted,

Dale Petry