

CSB's New Transparency Initiative

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On January 14, 2025, the US Chemical Safety and Hazardous Investigation Board (“CSB”) released Volume One of a series of detailed reports on serious accidental chemical incidents reported to CSB under the Accidental Release Reporting Rule, implemented in March 2020.[1]

Prior to July 2022, CSB incident report was limited to basic incident data—facility name, location, date, and outcome: fatality, serious injury or substantial property damage. CSB's new initiative represents a landmark shift in chemical safety transparency. The release of detailed incident summaries, including analysis of probable cause and contributing factors, creates significantly increased legal and operational risks that require immediate strategic attention.

Volume One: A Look at the Data

This initial report meticulously details 26 events from April 2020 to September 2023 across 15 states, including California, Texas and Louisiana. The incidents, resulting in 5 fatalities, 17 serious injuries, and approximately \$700 million in damages, involved refineries, chemical plants, and food processing facilities.

Volume One does not just report the *what*—it delves into the *why*, detailing various incident types and causes. This means that specifics about incidents, previously kept internal, will now be accessible to the public, including employees, communities and competitors. As a result, companies should expect heightened scrutiny and a renewed focus on preventing incidents.

Each incident summary goes beyond a basic factual account, offering:

- *Detailed Chronology*: A timeline of events, actions taken and consequences.

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- *Probable Cause Determination*: A clear statement of the probable cause of the incident, often pinpointing equipment failures, process malfunctions, operational errors or inadequate safety procedures.
- *Contributing Factors*: A breakdown of secondary factors contributing to the incident's severity, such as inadequate training, maintenance deficiencies and design flaws.
- *Technical Specifications*: Inclusion of technical data, such as pressure readings, temperatures and quantities of materials released.
- *Safety Recommendations*: Concrete, actionable recommendations for preventing similar incidents, directed at specific companies, industry organizations and/or regulatory bodies.

Implications

The release of Volume One and future volumes carries significant implications for legal strategy and risk management. For example, the detailed reports may provide plaintiffs with readily accessible evidence and new avenues for legal action and argumentation. Any incidents reported to the CSB, no matter how minor, will be subject to public review and analysis. This includes the details of the incident and the CSB's findings regarding its probable cause. CSB's finding may also influence regulatory agencies to enact stricter enforcement and new regulations. Public awareness of incidents and associated probable causes may also affect a company's reputation and investor or stakeholder relations.

The CSB's new transparency initiative fundamentally changes the legal and operational environment for energy companies. Proactive analysis of Volume One and the implementation of robust safety and compliance measures are no longer optional—they are essential for mitigating future legal and reputational risks. CSB intends to make these compiled incident reports available to the public via its website "on a regular basis."^[2]

Volume One can be found [here](#).

^[1] CSB News Release, "U.S. Chemical Safety Board Announces New Safety Product to Provide the Public with More Information about Serious Chemical Incidents Reported to the Agency" (Jan. 14, 2025), *available at* <https://www.csb.gov/-us-chemical-safety-board-announces-new-safety-product-to-provide-the-public-with-more-information-about-serious-chemical-incidents-reported-to-the-agency/>.

^[2] *Id.*