

Polycarbon Industries, Inc.
9 Opportunity Way
Newburyport, MA 01950

May 11, 2023

The Honorable Edward Markey
255 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Elizabeth Warren
309 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Seth Moulton
1216 Longworth House Office Building
Washington, D.C. 20515

Re: Letter of May 4, 2023

Dear Senators Markey and Warren and Representative Moulton:

Thank you for your letter and for the opportunity to meet with your respective staff yesterday.

As your letter recounts and as we discussed yesterday, an explosion occurred at our facility in Newburyport, Massachusetts in the early morning hours of May 4, 2023. The first responders arrived quickly on site and did an incredible job. Four employees were safe, but one of our valued employees died during this tragic event. Our entire group and our employees mourn a devoted colleague.

With regard to your questions:

- 1) To the best of your understanding, please detail the timeline and cause of the explosion on May 4, 2023, including identifying the systems and chemicals involved in the explosion.*

Answer: The explosion occurred shortly before 1:00 a.m. EDT on Thursday, May 4, 2023. We currently believe that the vessel involved in the explosion contained Dekon, a chemical that we regularly produce at our facility. The cause of the incident currently is under investigation.

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- 2) *Did Seqens personnel or anyone else knowledgeable about the chemicals that may have been present in the facility and dispersed by the explosion alert the first responders about these chemicals?*

Answer: On the morning of the incident, PCI informed the Newburyport Fire Department (“NFD”), the Massachusetts State Hazardous Materials Team, and the Massachusetts Department of Environmental Protection about the chemicals the facility uses and produces as well as their properties. The company provided that information to NFD and the Hazardous Materials Team verbally that morning and it is our understanding that NFD and the Hazardous Materials Team quickly accessed the Safety Data Sheets online. PCI provided e-mail copies of those Safety Data Sheets to the Department of Environmental Protection in response to their request a few days later.

- 3) *In 2015, OSHA cited PCI Synthesis for four workplace safety violations, two of which were “serious” violations and two of which were “repeat” violations.*

- a) *Please describe all four violations.*
- b) *On what grounds did PCI Synthesis appeal the OSHA fines, lowering the total from \$44,550 to \$23,880?*
- c) *What did PCI Synthesis do to remediate the safety hazards and protect the health and safety of its workers?*

Answer:

- a) The initial alleged OSHA violations issued in June 2015 pertained to our on-site laboratory including (1) conducting annual fume hood evaluations, (2) evaluating glove boxes, gas cabinets, and ventilation engineering equipment, (3) designating the person responsible for our Chemical Hygiene Plan, and (4) conducting an annual review of our Chemical Hygiene Plan.
- b) We worked closely with OSHA within its normal administrative process to amicably resolve the alleged violations by promptly addressing each of the alleged violations and agreeing to take additional actions to enhance our employees’ safety and health as part of the resolution of the citations.
- c) As part of the resolution of the OSHA citations, we (1) tested the laboratory fume hoods, (2) implemented weekly testing of the laboratory ventilation engineering controls, (3) officially designated an employee as our Chemical Hygiene Plan officer, (4) reviewed and updated our Chemical Hygiene Plan, and (5) required all of our laboratory employees to complete an on-line OSHA Laboratory Standard course.

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- 4) *In 2019, OSHA cited PCI Synthesis for eleven workplace safety violations, nine of which were “serious.”*
- a) *Please describe all eleven violations.*
 - b) *On what grounds did PCI Synthesis appeal the OSHA fines, lowering the total from \$86,266 to \$50,000?*
 - c) *What did PCI Synthesis do to remediate the safety hazards and protect the health and safety of its workers?*
 - d) *To the best of your knowledge, why were these safety measures insufficient to prevent the subsequent chemical fire at PCI Synthesis in February 2020?*

Answer:

- a) The initial alleged OSHA violations issued in June 2019 involved (1) documentation of electrically classified areas, (2) documentation of equipment relief system design basis, (3) conducting a pre-startup safety review after rupture disks were replaced on vessels GL 2001 and 2002, (4) following management of change procedures for replacing rupture disks on vessels GL 2001 and 2002, (5) updating piping and instrumentation drawings with the replaced rupture disks on vessels GL 2001 and GL 2002, (6) documentation of adherence to recognized and generally accepted good engineering practices (“RAGAGEP”) with respect to a condenser, (7) conducting a process hazard analysis on our Dekon manufacturing process, (8) operating procedures, (9) annual certification of operating procedures (instead of once every three years), (10) equipment inspection procedures, and (11) our emergency response plan.
- b) We worked closely with OSHA within its normal administrative process to amicably resolve the alleged violations by providing OSHA with information where we believed that OSHA’s allegations were inaccurate and by addressing OSHA’s other concerns, including by agreeing to take additional actions to enhance our employees’ safety and health as part of the resolution of the citations.
- c) As part of the resolution of the OSHA citations, we (1) created new electrical classification drawings for the facility, (2) created a new Pre-Startup Safety Review Procedure and Checklist, (3) documented the engineering basis for replacing the rupture disks on vessels GL 2001 and 2002, (4) updated the piping and instrumentation drawings for vessels GL 2001 and 2002 to include the replaced rupture disks, (5) listed additional RAGAGEP standards in our Validation Master Plan, (6) inserted certain elements into our Dekon Batch Record, (7) certified that our Dekon manufacturing process operating procedures were current and accurate, (8) inserted a description of the employee alarm system and defined chemical releases in our Integrated Contingency Plan, (9) conducted a process hazard analysis on our Dekon manufacturing process, (10) completed an emergency relief venting report for equipment in our Dekon manufacturing process, and

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(11) trained certain our employees to OSHA’s hazardous waste operations and emergency response standard (“HAZWOPER”).

d) Because the February 2020 incident involved a residual substance that was not part of the Dekon manufacturing process, nor was it contained in the equipment used to manufacture Dekon, we could not reasonably have anticipated that such residual substance could have been drawn back into the Dekon process during product sampling and initiate a chemical reaction. Consequently, neither the Dekon operating procedures nor the Dekon process hazard analysis at the time of the February 2020 incident addressed such a scenario.

5) *In 2020, OSHA cited PCI Synthesis for ten workplace safety violations, eight of which were “serious.”*

a) *Please describe all ten violations.*

b) *On what grounds did PCI Synthesis appeal the OSHA fines, lowering the total from \$53,436 to \$28,000?*

c) *What did PCI Synthesis do to remediate the safety hazards and protect the health and safety of its workers?*

d) *To the best of your knowledge, why were these safety measures insufficient to prevent the subsequent chemical fire at PCI Synthesis in June 2021?*

Answer:

a) The initial alleged OSHA violations involved (1) process safety information (4 citations), (2) operating procedures (4 citations), and (3) process hazard analysis (2 citations).

b) We worked closely with OSHA within its normal administrative process to amicably resolve the alleged violations by providing OSHA with information where we believed that OSHA’s allegations were inaccurate or double-cited, and by addressing OSHA’s other concerns.

c) As part of the resolution of the OSHA citations, we (1) revised the operating procedures for our PFN2 vessel, (2) created piping and instrumentation drawings for our scrubber ventilation system, (3) obtained design information for the facility sprinkler system, and (4) included newly discovered potential sampling hazards and prior incidents in our Dekon process hazard analysis.

d) The chemical fire in June 2021 was a toluene fire from an overfill that did not involve the Dekon process or the PFN2 vessel. Accordingly, none of the abatement items for the August 2020 OSHA would have prevented the June 2021 fire.

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- 6) *In 2021, OSHA cited PCI Synthesis for three violations, one of which was “serious.”*
- a) *Please describe all three violations.*
 - b) *On what grounds did PCI Synthesis appeal the OSHA fines, lowering the total from \$18,023 to \$8000?*
 - c) *What did PCI Synthesis do to remediate the safety hazards and protect the health and safety of its workers?*
 - d) *To the best of your knowledge, why were these safety measures insufficient to prevent the most recent explosion at the facility in 2023?*

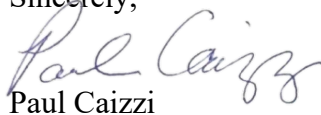
Answer:

- a) The initial alleged OSHA violations involved (1) grounding of pumps and (2) our emergency response plan (2 citations).
- b) We worked closely with OSHA within its normal administrative process to amicably resolve the alleged violations by providing OSHA with information where we believed that OSHA’s allegations were inaccurate, and by addressing OSHA’s other concerns, including by agreeing to take additional actions to enhance our employees’ safety and health as part of the resolution of the citations.
- c) As part of the resolution of the OSHA citations, we (1) ordered and installed new groundable diaphragm pumps, (2) modified our Integrated Contingency Plan to address decontamination and incident response critique and follow-up, (3) conducted additional OSHA HAZWOPER training of our employees, and (4) met with the Newburyport Fire Department and our hazardous waste contractor to discuss and coordinate emergency response.
- d) As we have not yet determined the cause of the May 4, 2023 incident, we cannot comment upon how any safety measures that we took in response to the October 2021 OSHA citations could have had any impact on the May 4, 2023 incident.

* * *

We are still at the start of the investigation and are committed to working closely and cooperating fully with the authorities and relevant agencies to determine the cause of the incident and take the necessary responsive steps.

Sincerely,



Paul Caizzi

Site Director, Polycarbon Industries, Inc.