ACCIDENT AT DUPONT PUTS PLANT IN SPOTLIGHT
La Porte Factory Faces Scrutiny Following Deadly Gas Leak
There was a deadly gas leak earlier this month at DuPont’s chemical plant in La Porte, Texas. Reuters
By Alexandra Berzon
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DuPont Co.’s chemical plant in La Porte, Texas, for many years has gained a strong reputation among industrial-safety experts for migrating to safer chemicals. DuPont itself is widely credited with helping to invent safe handling procedures for chemicals that have been adopted throughout the industry.

So when a gas leak at the plant earlier this month caused four employees—two of them brothers—to be fatally overcome by an industrial chemical called methyl mercaptan, some in the chemical safety world were taken aback. But records from Texas courts, state environmental agencies and federal environmental and safety agencies paint a more complex story.

“The minute you would say DuPont La Porte, it would be an example of good safety practices,” said Daniel Horowitz, managing director of the U.S. Chemical Safety Board, which is investigating the accident. “Certainly it’s an education for me. It’s an old plant and this shows that by cherry picking a random example”—that is, the La Porte plant—“you could miss a lot of problems.”

The chemical giant has had a recent run of what investigators classify as significant accidents at other plants. The La Porte accident is the third DuPont investigation since 2010 by the Chemical Safety Board, a small federal agency that completes reports on only three to five of the most significant chemical accidents in a typical year. DuPont was the only firm to have multiple CSB investigations during this time.

DuPont spokesman Gregg Schmidt said the company is taking action to determine why the La Porte incident happened “and what more we can do to prevent anything like this from happening again.” DuPont had no further comment on other incidents.

Porte factory is an assembly of metal pipes and towers built in 1946 and filled with chemicals that are regulated by state and federal environmental agencies. It is just one of several old petrochemical plants lining Strang Road, which abuts the Houston Ship Channel linking the Port of Houston to the Gulf of Mexico. Most days, the area bustles with trucks, trains, vessels and barges serving the refineries, asphalt plants and chemical facilities that line the channel’s shores.

A sign at the entrance to Dupont’s plant reads: “Safety is a Core Value.”

A 2012 report by the National Academy of Sciences, as well as several earlier reports, praised the plant for adopting a safer approach to making insecticide, among other safety measures. Rather than transport and store high quantities of methyl isocyanate, or MIC, a highly volatile and toxic chemical that has been responsible for numerous deaths elsewhere—most infamously in Bhopal, India, in 1984—the La Porte plant in the 1980s switched to generating its own MIC so that it could still produce the same agricultural insecticides without shipping or storing large quantities of MIC.

“It may be safer but maybe not safe enough,” said Scott Berger, the executive director of the Center for Chemical Process Safety, which includes DuPont as a member. “Until we see what caused this accident we won’t know whether it’s something that is completely out of the blue or whether it is an indicator of things that are systemic.”
The plant has been cited by state environmental regulators more than 50 times in recent years for illegally releasing chemicals and other violations. Local environmental advocates say this isn’t abnormal for similar chemical plants in Texas. The state fined DuPont $91,125 in 2012 and $26,250 this year for the issues. The state lists the plant’s safety compliance as “satisfactory,” a state spokesman said. The state’s inspections are based primarily on records maintained by DuPont and other air-quality gauges, the state spokesman said.

The plant was also cited for problems with its chemical processing systems in 2007 by the U.S. Occupational Safety and Health Administration and has been the site of at least three chemical accidents since 2007 that caused property damage, evacuations or injuries, according to U.S. Environmental Protection Agency records.

In the 2007 incident, 6,500 people sheltered in place and two people were injured when 325 pounds of a highly corrosive substance called oleum was released due to equipment failure, according to a report the company filed with the EPA and obtained by the nonprofit Center for Effective Government. At the time, a company spokesman said the sheltering was a precautionary measure and there was no risk to the community.

The last federal EPA investigation, in 2008, found environmental problems, and the agency is still in negotiations with the company to settle the issue, according to an EPA spokeswoman.

In addition, the plant was the site of a major accident in 2009 when a worker fell into a pool of 400-degree water and ended up seriously burned. A jury awarded the worker, Robert Roye, $11.5 million from DuPont in 2012. A Texas appeals court reversed that decision in August, finding that Mr. Roye didn’t meet the burden of proof that DuPont had a duty to warn him of a “concealed hazard” that the company knew or should have known about. Mr. Roye’s attorney said in an interview that Mr. Roye plans to appeal the case to the Texas Supreme Court.

The exact sequence of events that led four workers to be overcome by the gas leak before 4 a.m. on Nov. 15 is still being investigated. But there are some early clues as to what may have happened, according to people familiar with the matter. On the third floor of the five-story building where insecticide is produced, chemical operations had been shut down because too much water got into the process, according to a person familiar with the matter. As workers started it up again, this person said, they were trying to fix a blockage they had discovered in the methyl mercaptan line.

Investigators are looking into the possibility that methyl mercaptan may have gotten into an enclosed area used to vent tanks and reactors, which itself may have been blocked by accumulated liquid, according to this person. The dangerous chemical may have then been released from the ventilation system during a routine operation to open valves, this person said.

Investigators are also looking into whether a separate vent system worked properly, whether the alarm system was functioning properly, and whether the plant had the proper personal safety gear, the people familiar with the matter said.

Mr. Schmidt, the DuPont spokesman, said the company is cooperating with authorities but wouldn’t comment on the specifics of what took place.

Two of the men killed at the plant were sons of Gilbert Tisnado, who says he is also a worker at the plant and has a third son also employed there. Mr. Tisnado said he always thought of DuPont-La Porte as a safe plant. Based on conversations with other workers, he believes one of his sons, also named Gilbert Tisnado, 48 years old, was in a separate control room at the time of the accident and rushed into the affected area to try to help his younger brother Robert, 39.

“They loved the plant and loved the people there,” Mr. Tisnado said of his sons who died.
The younger Gilbert Tisnado’s wife and the daughter of Crystal Wise, 53, another worker killed in the incident, have sued DuPont for negligence. The fourth worker who died was Wade Baker, 60. DuPont says it doesn’t comment on pending litigation.
DuPont, a chemical giant with around 64,000 employees, is often credited with having helped to invent and market “process safety management,” chemical-handling protocols that were codified into law in the early 1990s. Today the company has a unit that provides safety consulting to other companies. DuPont was given an important safety award last year by the National Safety Council, for best integrating safety into business practices.
The company has had high-profile mishaps involving chemical releases in the last few years including fatal accidents in Buffalo, N.Y., and Belle, W.Va. In addition, a chemical release in Fayetteville, N.C., sent 11 workers to the hospital last year. North Carolina safety regulators found three safety violations following the accident for fines of $18,900.
Mr. Schmidt noted that the Chemical Safety Board last year commended DuPont for instituting the agency’s safety changes at the corporate level following the Buffalo incident.
—Alison Sider and Lisa Schwartz contributed to this article.
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Corrections & Amplifications
Methyl mercaptan is not used to make methyl isocyanate, or MIC. An earlier version of this article incorrectly stated that the chemical is used in generating MIC.