



## **Meeting Minutes**

**August 10, 2023**

### **VIA TEAMS/TELECONFERENCE**

Trice Burgess, Trice Burgess (FRD Special Ops)  
Margaretta Loya (CIA)  
Adam Leary (Citizen)  
Vanessa Baker (FMO)  
Bowman Olds (Prince William County LEPC)  
Fernando Castaneda (DHS)  
Ben Coffman (FRD)  
Joseph Colein (INOVA)  
Tracie Hanson (DHS)  
John Higginbotham (VDEM)  
Johna Gagnon (EQAC)  
Lynn Green (Citizen)  
Richard Michelback (Chairman – FCPS)  
Eddie Murphy (DOT PHMSA)  
Bart Routh (Vice-chair – SICPA)  
Matthew Schultz (Loudoun County LEPC)  
Amara Smith (Colonial Pipeline)  
Deputy Chief John Walser (FRD)  
Chief John O’Neil (Fairfax City FD)  
Donna McGraw (VA Health Department)

### **STAFF SUPPORT**

Trice Burgess, Fairfax County, FRD  
Vanessa L. Baker (Vee), Fairfax County, FRD

### **FJLEPC MEETING CALLED TO ORDER**

Chairman Richard Michelback called the August 10, 2023, meeting of the Fairfax Joint Local Emergency Planning Committee to order at 10:00 a.m. He introduced himself as the current chair, representing Fairfax County Public Schools; Bart Routh the Vice-chair. Chairman Michelback has been on this committee for at least eight or nine years, and he is happy to be here with everybody, thanks for attending today. He also welcomed everyone to the virtual meeting, and roll call was taken by Trice Burgess. (See above)

### **APPROVAL OF MINUTES**

Chairman Michelback asked everyone to review and approve the August 10, 2023, meeting minutes. John O’Neill (INOVA) motioned for meeting minutes as corrected, be approved. Motion carried and was approved.

### **REGULAR COMMITTEE REPORTS**

**Public Communications:** Trice Burges reported that he did not see anybody from the Department of Emergency Management and Security this morning.

**Business Outreach:** Working with various business councils to support them through outreach.

**HMERP Exercise Subcommittee:** N/A. BC Vannoy was unavailable; no one from HazMat attended this meeting. Trice Burgess stated that the HazMat Emergency Response Exercise will be held later in the year; November / December time frame.

**CCC Liaison:** Bart Routh was unavailable to attend the August 24<sup>th</sup> CCC meeting; he was on vacation.

**Ways and Means:** Erik Peterson from INOVA was unable to attend this meeting. Joseph Colein (INOVA) mentioned that their Chemical Spill Team held their third quarter training; it went ok. Also, someone discussed their fire extinguisher and a capsulation agent for lithium as well.

**Liaison with other LEPCs:** Matthew Schultz (Loudoun County LEPC) thanked Mr. John Higginbotham (VDEM) for reviewing their draft of the Hazardous Materials Emergency Response Plan; they were officially approved. Mr. Schultz suggested changes or edits to the plan.

The next Loudoun County LEPC meeting is September 26, 2023. Mr. Schultz will do a quick review of the EH Merp with the committee to get approval of that draft, which will become their official plan.

They're also working on their administrative procedures. They're still trying to officially define voting members of their committee; has almost all of the PCA required groups represented.

What's Outstanding:

- News Media Group: Working with their public affairs and communications on getting that role filled.
- Community Groups: Mr. Schultz is currently working on the agenda for the next meeting. He looked at the agenda for the Fairfax LEPC and likes the idea of having a "standing agenda" and maybe review some policies and procedures.

Mr. Higginbotham, Prince William County LEPC mentioned that their LPC died two weeks ago of occupational cancer. He was a retired Alexandria firefighter.

Bowman Olds, Chairman of the Prince William County LPC stated that they're working on providing future dates going forward.

Chairman Michelback attended the Alexandria city LPC meeting. It was scheduled for an hour and a half and lasted about four minutes. They discussed the plans to renovate and tear down the decommissioned coal-fired electrical plant located in the northern part of the City along the Potomac River. There were several citizens present. The company hired to do the demolition presented a presentation discussing the phases and details to ease citizens' minds.

There was a motion to create a communication council with the citizens to recover reports (e.g., safety, emissions, and pollution).

Chairman Michelback noted that it wasn't really an LPC meeting, but more like a town hall meeting to discuss the plan. The meeting ended around 6:30 p.m.

## **SUBCOMMITTEES REPORTS:**

### **HAZMAT RESPONSE TEAM (HMRT) UPDATE**

HazMat – not present.

### **RECENT INCIDENTS**

Trice Burgess stated that there is not much going on other than our usual gas leaks. We had several and some powder calls, but nothing planned out with the powder calls.

### **HMRT TRAINING**

Trice Burgess stated they're still doing regular drills. Last month, the drill was on radiation and transportation issues. It was a good drill that went well.

Bill Benoit is now in charge of HazMat.

### **FJLEPC COORDINATOR UPDATE**

#### **Tier II Manager Update and HMERP**

Welcome Vanessa "Vee" Baker to the FJLPC Staff. She is taking over the position that Karen Lowery left earlier this year. Special thanks to Karen for her support and work with the FJLEPC since 2016.

#### **EPCRA Tier II Report**

- The Online Tier II Manager Program has been renamed to Hazconnect.
- Online Tier II Manager Program stats:
  - 578 facilities in system
  - 423 active facilities
  - 155 inactive facilities
  - 162 Critical Hazard Facilities
- 2022 Annual Tier II Reporting cycle has been completed.
  - 100% submitted. Still working with the Environmental Protection Agency (EPA) to get one facility information submitted as quantities were under-reported. The EPA has contacted this business and is requesting additional information from them.
- The First Due Response App has been updated with the latest Tier II facilities.

2023 FJLEPC HMERP was submitted to VA DEQ/VERC on July 7, 2023.

Norfolk Southern and CSX Transportation have both provided the FRD with their annual hazardous materials transportation commodity reports for HazMat which has traveled through Fairfax County this past year. This information has been shared with our HazMat team and the Special Operations Division.

The information is considered sensitive, so I can't really go into much more detail on specifics. I have access to the EPA Central Data Exchange program now.

In researching the data for Fairfax County, I discovered several facilities that have possibly not been reporting under the EPA's Risk Management Program. I have requested EPA look at the facilities in question to see if they need to be reporting under the Clean Air Act RMP or not, as that is outside our scope.

The Hazconnect Program is up for renewal this month.

### **FJLEPC Website**

FJLEPC Website WordPress subscription was renewed in July.

The website has been updated to reflect changes to the Online Tier II Manager program being renamed to Hazconnect. If there is anything additional that the Committee would like to include on the website, please let me know.

**Old Business:** Chairman Michelback stated that there is nothing on the agenda.

**New Business:** Chairman Michelback stated that the Leadership Team would like to suggest posting the recorded videos of our meetings on the website; open for discussion.

Trice Burgess Comments:

- That should not be a problem.
- The only challenge is we'll have to update our account with WordPress because the current account does not accept videos, so that would be an additional cost, about \$45 a year in addition to what we're already paying.
- The other challenge is, I could store the data (videos) on my computer hard drive, but the county won't allow any storage on their servers for video files, so that's a challenge from that perspective.

Johna Gagnon Comments:

Ms. Gagnon asked is there a limit in terms of how much you can put up here? Is this the link or you're actually putting up the recordings, because if we do six recordings a year, at the end of the year do you have to archive it or remove it?

Trice Burges replied: There is a limit for the amount of space you can use, but we're using such a small amount of our website hosting space right now. We might have to archive them later on; will have to look into that, not 100% sure on that.

We're not proposing personal phone numbers, photos, websites, etc., only names.

Chairman Michelback stated that unless I hear a motion, I think we should table this for the next meeting. Everyone needs time to think about posting the meeting to the website.

## Resuming Community Outreach

Charman Michelback:

- The Fairfax Festival at the government center.
- Participating in other events that allow for tables to be set up, tents, etc. to share information, similar to what you see at the big Fairfax Festival.
- Suggest table this for the next time as well as the members in attendance today.
- Ask members to think about this and what we could do to reach out to the public and let them know that we're here, we exist, and we're looking out for them to advocate for ourselves.

Next agenda item:

Trice Burgess presented the video discussing the [Bopal India Incident of 2 December 1984](#).

This is what got the Emergency Planning Community Right-to-Know Act (EPCRA) and the community the right to know, and chemical preparedness started in the United States since it happened in 1984 in Bopal India. It was and to this day, I think is probably the deadliest industrial chemical accident in the world.

On the 2nd of December 1984, a cloud of toxic gas leaked from the Union Carbide Pesticide plant in Bopal, India overnight, while residents of the city slept, the gas infiltrated hundreds of homes by the morning, thousands of people were dead or dying, but this was just the beginning of an unprecedented disaster. The impact of which would last for decades.

Bopal is the capital city of the state of Madhya Pradesh, located in central India, it has long been a city of economic importance, a base for many large industries, including the pesticide production industry in the 1960s and 1970s. In an effort to encourage investment, the Government of India introduced policies which made it easier for foreign companies to operate in India.

The American Union Carbide Corporation saw an opportunity and struck a deal to build a new pesticide plant in India in 1969. Negotiators insisted that a significant portion of the investment required for the plant came from local shareholders. This prompted the Indian government itself to take a 22% stake in the subsidiary company Union Carbide India Limited.

Bopal was the perfect location for this new government backed plant. The city had an ideal central location and excellent transport infrastructure. These factors help the plant to thrive. It provided jobs for hundreds of local workers and significantly improved the economy of the area. It did so well, in fact, that it was soon expanded as well as formulating pesticides from component chemicals. It would now also manufacture some raw materials, a much more hazardous process for several years.

All was well at the plants, but towards the end of the 1970s, demand for pesticides fell dramatically. Crop failures and famines meant that farmers had less money at their disposal. And so, we're investing much less in pesticides.

The plant in Bopal wound down its operation until it was running at just 25% of its capacity. An effort were made to find a buyer for the facility in order to keep the plant in operation. Budget cuts were made across the board, including a sharp reduction in routine maintenance and safety training. In 1979, local trade unions complained about leaks within the plants, and in 1981 a worker was killed after he came into contact with phosgene gas while carrying out maintenance on some pipe work.

A local journalist, Rajkumar Keswani, a personal friend of the worker who was killed, began investigating health and safety practices at the plant. He was appalled with what he found and wrote several articles, including one entitled "Bopal Sitting on Top of a Volcano".

The local government were aware of falling safety standards at the plants but were wary of burdening an already struggling enterprise with further penalties or costs. Part of their job was to keep people employed and the Union Carbide plant was integral to the economy of the area. The decline in standards that the plant then remained unchecked, production limped on, and then on the 2nd of December 1984 the issue came to a head in the worst possible way.

At around 10:00 PM, during attempts to clean some internal pipework, water was accidentally mixed with methyl isocyanate through a faulty valve. This started a runaway reaction which generated huge amounts of heat and pressure within a tank.

A refrigeration system should have helped lessen the dangerously high temperatures, but this was out of action at the time. The coolant within it had been removed for use elsewhere in the plant as the heat and pressure continued to rise, two senior employees noted unusually high readings, but in both cases put them down to malfunctioning instruments. Such malfunctions were common occurrences at the plant.

By 11:00 PM, the pressure in the tank had risen from 2 PSI to 10PSI and by 11:30 PM workers had started to experience symptoms consistent with exposure to the chemical, methyl isocyanate. Alarmed, they started to look for a leak. At 11:45 PM, a leak was found, but the decision was made to address it after an employee tea break at 12:15 AM.

In the meantime, workers on GTE continued just search for other leaks. Five minutes after the tea break had finished at 12:40 AM, the pressure and the tank had reached 40PSI. A concrete slab above the tank cracked from the pressure and an emergency valve burst open. A loud rumbling was heard throughout the plant as toxic methyl isocyanate was released directly into the atmosphere. This gas should have been partly neutralized by a flare tower, a safety device that would burn off the gas as it escaped, but again, this was out of action. The gas flowed freely into the air and blew in a southeasterly direction through the city of Bopal.

An alarm within the plant was activated at 12:50 AM, triggering two sirens, one internal within the plant and one external for the benefit of the residents of Bopal. In accordance with company procedure, this external alarm was quickly shut off so as to prevent panic in the local population.

At 1:00 AM, the local police were informed that people were beginning to flee from the neighborhood of Troll, around 2 kilometers or 1.25 miles from the plant. When the police first called the plant, they were assured that nothing was amiss. The evidence of their own eyes, however, told them otherwise. People in the city were experiencing a range of symptoms such as irritation, vomiting, stomach pains and a burning sensation in the throat.

Hospitals were already overflowing with seriously ill residents in the absence of any clear information from the plant, however, police and doctors had no idea what they were dealing with. By 2:00 AM, the leak from the plant had been stopped. It was only 1/4 of an hour after this that the public siren was reactivated, and a plant employee walked to the police station to inform them that there had been a leak.

This warning, given more than an hour after the beginning of the accident, came too late. Within hours, the streets were littered with bodies. The horrifying effects of the gas leak were numerous. People died in their homes or fell ill while attempting to flee the area. Hospitals were overwhelmed, with more than 170,000 casualties. Animals died in their thousands, as did almost every tree in the plant in the affected area.

Food and medical supplies for the survivors were badly needed, but delivery drivers were afraid to enter the affected area, creating a secondary humanitarian crisis. Survivors were left with few resources, are completely overwhelmed. Healthcare system and injuries that ranged from liver damage to blindness, more than half a million people in total were exposed to the gas, including 200,000 children. Due to the density of the gas, it was at its most potent lower to the ground, so it was children that were at the greatest risk.

Around 3800 people died in the immediate aftermath of the disaster, but this was not the end. In the weeks and months and years that followed, the ghastly continued to exert a terrible toll on the local population. Infant mortality doubled and thousands of people experienced increased incidences of cancer and birth complications. The immediate response to the disaster lasted for months, but the people of the area around the plant would continue to suffer for years and decades.

To compound their suffering demands for compensation from Union Carbide would lead to a lengthy legal battle, one which began just a week after the catastrophe, but which continues to this day. In March 1985, the Indian government passed the Bopal Gas Leak Act, which allowed the government to act as the sole legal representative for the victims in and outside of India.

After four years of legal proceedings, Union Carbide accepted an out of court deal in which they took responsibility for the disaster and paid \$470 million in compensation to the Indian government. This amount was based on the figures of 3000 people dead and 102,000 with permanent disabilities. Both numbers were by most measures' huge underestimations in terms of personal responsibility, the Chairman and CEO of the Union Carbide Corporation, Warren Anderson, was arrested. And then released on bail in India, he fled the country and when he was summoned back to face charges, he did not comply. The United States also declined to extradite him.

In June 2010, more than 25 years after the gas leak, seven former Union Carbide India Limited employees were convicted of death by negligence. They were sentenced to two years in prison and fined to the equivalent of \$2500. They were all released on bail shortly after the verdict.

A strong sense of injustice remains evident in Bopal even today. Many hundreds of people suffer severe medical conditions as a direct result of the disaster. Just over half a million people have received compensation for their injuries and just over 15,000 relatives of victims have been compensated, receiving on average just \$2200 each.

Meanwhile, the sight of the Bopal plant sits abandoned in the city, leaking toxic chemicals into the environment more than any other industrial disaster in India's history, the Union Carbide Gas leak remains an open wound, **a tragedy for which there has been inadequate compensation, insufficient clean up, no closure, and little accountability.**

- Chairman Michelback: Any comments, questions, or updates on the video?
- Trice Burges: A recent check. It's still an open site out there and it has not been cleaned up.
- Bowman Olds: Outstanding video.
- Johna Gagnon: I thought when I saw that science in 30 years, I realized next year will be the 40th anniversary. Would that be something (next year), that we might be able to do something with that concept 40 years later?
- Trice Burges: Sure, we could look into that.
- Chairman Michelback: It's a good idea, should look at that a little bit further.

### **Roundtable/Member Updates**

- Trice Burges: Roundtable discussion

[The Union Carbide Gas Leak | A Short Documentary | Fascinating Horror](#)

[The Bhopal Disaster \(Disaster Documentary\)](#)

[Bhopal: The Worst Industrial Accident in History](#)

- Joseph Colein: What I already mentioned, the third quarter Spill Team training in the lithium-ion extinguisher.
- Tracy Hanson (DHS): An inspector with the Department of Homeland Security, Cyber Security Infrastructure Security Agency along with Fernando Castaneda. We have developed a free voluntary program called [ChemLock](#) that aids training resources to any business company facility that has dangerous or hazardous chemicals. I have attached some fact sheets about the free voluntary chemical security resources that are available through [ChemLock](#). To assist facilities in improving their chemical security posture the Department of Homeland Security (DHS) / Cybersecurity and Infrastructure Security Agency (CISA) is pleased to present a voluntary initiative, [ChemLock](#). Whether you are a small business or an international/global company, everyone who interacts with dangerous chemicals has a role to play in understanding the risk(s) associated and taking collective action to prevent chemicals from being weaponized by terrorists' groups.

[ChemLock](#) is open to all facilities/businesses with dangerous chemicals. This voluntary program provides facilities "no-cost services" and tools to help them better understand the risks they face while in possession of dangerous chemicals and to improve their chemical security posture in a way that works best for their business model.

CISA [ChemLock](#) services include:

- [ChemLock Assessments](#) - CISA helps facilities identify the specific security risks their on-site chemicals present and offers scalable, tailored suggestions for security measures that will best enhance their security posture based on their unique circumstances and business model.

- [ChemLock Resources](#) - CISA's ChemLock resources are no-cost, publicly available guidance documents, templates, fact sheets, and toolkits to help facilities enhance the cyber and physical security surrounding their chemicals.
- [ChemLock Exercises](#) - Exercises and drills are an excellent way to test your organization's preparedness for a variety of different risks. CISA offers CISA Tabletop Exercise Packages (CTEPs), drills, and general materials to help facilities conduct exercises that are tailored specifically for chemical security.
- [ChemLock Training](#) - CISA offers live, on-demand training to assist owners, operators, facility personnel, retailers, and emergency personnel with understanding the threats that chemicals pose and what security measures can be put into place to reduce the risk of dangerous chemicals being weaponized.

To request CISA ChemLock services and tools, please fill out the [ChemLock Services Request Form](#). For additional information and/or questions, please feel free to e-mail: [ChemLock@cisa.dhs.gov](mailto:ChemLock@cisa.dhs.gov) or visit the CISA CHEMLock website: [ChemLock Resources | CISA](#)

- Johna Gagnon: We're just working through a couple of things including the data center and the issues that make environmental issues.
- Eddie Murphy (PHMSA): The May 2023 HazMat round table took place in Emmitsburg, Maryland and the report has been completed and it is posted to our web page. That report should be available, and you should get the link within the next few days.
- Bart Routh: Pulling up his notes from the Citizens Core Council. The next meeting is August 24<sup>th</sup>. The following meeting is tentatively scheduled for November 2<sup>nd</sup>. Their meetings are in person; however, they do have one virtual meeting a year.
- Matthew Schultz: Just want to do an informal introduction to our friends from the DHS that are on the call. They had reached out to the LEPC, so I look forward to having them attend our LPC, either virtually or in person in September.
- Chairman Michelback: Trice mentioned that Karen Lowery had to leave. She was promoted and moved on and we just wanted to make sure that we recognize her and show her our appreciation for all the work that she did for six, seven, or eight years; she helped us keep everything straight.

#### **ADJOURNMENT OF MEETING**

Chairman Michelback called for a motion to adjourn the meeting. Johna Gagnon so moved. Lynn Green seconded the motion. Motion carried and the meeting was adjourned at 11:53 a.m.

***The next meeting of the Fairfax Joint Local Emergency Planning Committee  
will be held on October 12, 2023***