

Fire Marshal: Inspections Refused Since TX Blast

Paul J. Weber, Associated Press

AUSTIN, Texas (AP) — Five facilities in Texas with large quantities of the same fertilizer chemical that fueled the [deadly plant explosion in West](#) [1] have turned away state fire marshal inspectors since the blast, investigators said Monday.

A railway operator that hauls hazardous materials across Texas was also said to have rebuffed a state request to share data since the April explosion at West Fertilizer Co. that killed 15 people and injured 200 others.

Regulators and state lawmakers at a hearing about the still-unsolved explosion were intrigued by the lack of cooperation. State Fire Marshal Chris Connealy said "well, sure" when asked whether those facilities refusing to admit inspectors raised concern.

"In their defense, they may have a very good reason," Connealy said.

There is no state fire code in Texas. The state fire marshal's office lacks the power to make unannounced inspections of local businesses, nor does the office have the authority to compel local facilities to open its doors.

After the West explosion intensified scrutiny of Texas businesses that store ammonium nitrate, Connealy's office said it would try to inspect about 150 facilities that keep more than 10,000 pounds of the potentially volatile chemical.

Testifying to the House Committee on Homeland Security and Public Safety, Connealy said his office has completed about 60 inspections and aim to finish the rest by October. He said he did not know why five facilities wouldn't let inspectors inside.

"They just didn't want the fire marshal to come on the property," he said.

Speaking to reporters afterward, Connealy declined to name the facilities. He said he didn't immediately know whether he could make that information public.

Democratic state Rep. Joe Pickett, chairman of the House committee, said the state has seen little pushback from the fertilizer and chemical industry since the blast.

"At this point, today, I would say that any resistance is more just fear of the unknown than anybody trying to hide or cover up some situation like West," Pickett said. "I would believe if somebody thought they had something that was really dangerous, the only reason they would say no was to get it fixed that day."

Unlike the state fire marshal's office, the state Department of Health Services is allowed to make unannounced visits at the facilities, though to collect different

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Published on Industrial Maintenance & Plant Operation (<http://www.impomag.com>)

information.

Kathryn Perkins, an assistant commissioner in the agency's regulatory division, said fire marshal inspectors can accompany her agency on those trips. Even then, however, a business could choose not to allow the inspector inside.

"It'd be interesting to see if that happens," Perkins said.

Texas Department of Emergency Management chief Nim Kidd said his agency asked three railways that represent major hazardous material haulers to share data since the explosion. Kidd said Kansas City Southern Railway Co. was the only to tell state officials "no thank you, we're not interested."

William Galligan, a spokesman for Kansas City Southern Railway, did not immediately return a phone message or email seeking comment.

Authorities have yet to pinpoint a cause of the West blast and said forensic tests that could reveal a long-sought answer won't be done until 2014. Criminal responsibility hasn't been ruled out, authorities say. A former volunteer West paramedic, who said he was among the first responders to the April 17 blast and has since been charged with possessing pipe-bomb materials, has not been linked to the explosion.

Assistant State Fire Marshal Kelly Kistner told lawmakers chances are slim as to determining whether the electrical system at the plant played a role. Additional forensic testing won't be done until some time next year in a federal lab in Maryland.

"We still want to find an answer like everyone else does," Kistner said.

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