

# Federal, state officials stonewall investigation of West, Texas plant explosion

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A month after an explosion at a fertilizer plant in the city of West, Texas killed 15 people, injured more than 200 others, and destroyed 37 blocks, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the State Fire Marshall's Office (SFMO) have virtually shut out investigators from the explosion site, hampering any kind of investigation.

Rafael Moure-Eraso, chairman of the US Chemical Safety Board (CSB) has stated that "to date, the CSB has experienced significant obstacles that potentially compromise and delay our ability to complete the comprehensive investigation." The statement was included as part of an appeal to Senator Barbara Boxer of California, who has stated that she intends to conduct hearings on the West explosion. No response to media inquiries from either the ATF or the SFMO has been delivered.

Moure-Eraso also included in his letter to Boxer more details about the obstacles which confront the CSB. A team of 18 investigators had been dispatched along with other experts to the scene of the explosion within 24 hours of the April 17 blast. Concurrently, the ATF mobilized its national response team which "assumed essential exclusive control of the incident site" along with the SFMO.

The problem is not merely the fact that these agencies have exclusively occupied the premises for an entire month, but that they have altered or removed almost all relevant physical evidence at the site. Further, "the ATF and SFMO consistently expressed the position that the CSB was not permitted to conduct separate interviews, prepare expert analysis, or author its own independent report." They justify this by considering this an exclusively "criminal" investigation with only one "version" of what occurred to report.

The CSB investigators were reportedly initially

barred entrance to the site, and were only provided very limited access several days after the explosion. By this time, the site had been massively altered by ATF personnel with the use of cranes, bulldozers, and other excavation machines, in their unsuccessful search to find the ignition source of the original fire. The ATF also delayed the CSB from interviewing first hand witnesses until three weeks after the explosion, "a completely unprecedented delay," according to Moure-Eraso.

The ATF and SFMO have not attributed a specific cause to the fire which ignited the blast, but have yet to rule out arson, electrical wiring problems, or a battery-powered golf cart kept near ammonium nitrate.

The obstacles being presented to a comprehensive investigation have become even more controversial as more information about weaknesses in emergency planning at the plant have come to the surface. According to the *Waco Tribune-Herald*, the stockpile of ammonium nitrate was well known to both farmers and firefighters in West. In fact, the explosive potential of that resource has been known to experts for decades, codified in national fire standards.

However, at no time in the years preceding this explosion has that stockpile been reported in local emergency plans. Following the blast, gaps have been revealed in the federally mandated system for planning hazardous materials incidents, a system that passes the burden of identifying such materials to the lowest jurisdictional level, often to volunteer fire departments such as that in West.

The Emergency Planning Right-to-Know Act of 1986 requires there to be "community response plans" which identify harmful chemicals in each county and which model how a disaster such as this would affect nearby populations. The Local Emergency Planning

Committee (LEPC) in McLennan County, where West resides, has not met since 2011 and its plan for hazardous materials has little information about site-specific chemical risks. In fact, concerning the West Fertilizer Company, it only refers to tanks of anhydrous ammonia, which actually survived the explosion. A map created in 2005 does not even include the plant, which has previously been cited by the EPA for failing to apply for a permit for the anhydrous ammonia.

Mayor Tommy Muska, a member of the volunteer fire department in West, explained that “everybody knew what was there. We knew there were explosives there, that fire and fertilizer don’t mix.” He even stated that fire volunteers had previously toured the West Fertilizer plant to familiarize themselves with the hazards there.

Fred Millar, a well-known emergency planning advocate based in Virginia, has stated that many small volunteer fire departments simply do not have the resources to conduct hazardous materials risk analysis. He places more importance on the county level LEPC to work with such departments. Millar calls McLennan’s map, which pinpoints “extremely hazardous” materials sites with circles identifying one and two-mile radius zones where people might be affected, “very rudimentary” and “lazy.” According to Millar, some chemical spills could affect populations as far as 15 miles away.

Millar chastised the local authorities further: “The people who dominate these LEPC’s are almost entirely local government and industry, and their one core value is, ‘Let’s not alarm the public.’” He continued, “Like most places in the country, they’ve been lowballing the risks.”



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