

Written Testimony of Vanessa Allen Sutherland
Nominee for Chemical Safety Board Chairman and Board Member
Before the U.S. Senate Committee on Environment and Public Works
4.22.2015

Thank you, Chairman Inhofe, Ranking Member Boxer, and distinguished members of the Committee. I am Vanessa Allen Sutherland, and I am honored to have been nominated by President Obama to be the next chairperson of the U.S. Chemical Safety Board, the CSB. I would like to take this opportunity to acknowledge members of my family and friends, here today, who have encouraged, advised and supported me significantly throughout this process and long before it.

The CSB plays a unique and vital role investigating the most significant chemical disasters at fixed industrial sites, and making safety recommendations to prevent future loss of life and property. Although fortunately major disasters are rare, when they do occur they can have significant and lasting impacts on workers, employers, and communities. The Board is a non-regulatory agency whose investigations are not designed to punish or find fault, but rather to help all of us learn from these tragedies.

First, a bit about who I am and why I am so excited about this nomination. My background is as a practicing attorney, and I hold an MBA from American University. After serving in both government and industry for many years, in 2011, I was appointed as Chief Counsel of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration, or PHMSA.

PHMSA is involved in overseeing many of the same industries and similar hazards that the CSB investigates. As chief counsel, I manage a team of 31 lawyers advising the administrator and senior DOT personnel on hazardous materials policies, interagency relationships, media and Congressional affairs, investigative plans, and employment issues.

Improving chemical safety is an issue that holds great significance for me. Within a year of my joining PHMSA, there was a serious gas pipeline explosion in West Virginia. The administrator and I went to the site, where among others we met Ms. Sue Bonham, whose home was located next to the pipeline. Her story and testimony is one that I will never forget. She described to us in vivid detail the experience of living through a major explosion.

As she would testify to the Senate, "I stood in the center of my home where it was trembling, shifting, shaking, grinding all around me; the ground rumbling beneath me, thinking the earth would open up at any moment and swallow me." She recalled looking up from under her dining room table "only to see everything sizzling, blistering or melting."

While Ms. Bonham miraculously survived this explosion, her heart wrenching account is all too similar to the workers and residents who have experienced the industrial chemical

accidents that the CSB investigates. From the residents of West, Texas – who saw much of their town destroyed by an ammonium nitrate blast in 2013 – to the brave workers on the Deepwater Horizon, 11 of whom perished - these experiences are all eerily familiar and analogous.

Despite its small size – just 40 people with an \$11 million annual budget – the CSB has been in forefront determining the technical causes of these accidents and highlighting opportunities for improvement. CSB investigators drew attention to the unsafe storage of ammonium nitrate at the West fertilizer depot and were also first to put forward a detailed explanation for why the Deepwater Horizon’s blowout preventer failed to operate.

The same safety management systems and practices that we have sought to promote for pipeline safety are equally important in the chemical sector. These include implementing good engineering practices, worker training and procedures, equipment inspections, and above all a safety culture that permeates throughout the organization, and influences all decisions from the CEO downward. Over the years, the CSB has played an important role promoting these practices in the chemical sector.

I have always believed that safety is a shared responsibility. It is shared among company personnel, government agencies, standard-setting bodies, local emergency planners and responders, and educational institutions. For the public to feel safe from low-frequency, high consequence chemical disasters, all these organizations need to work together collaboratively toward a common purpose.

From my perspective, the CSB, through its nearly 100 major investigations over the years, has amassed a tremendous wealth of knowledge on chemical accident hazards. If confirmed by the Senate, I hope to use my term in office to encourage even greater use of this knowledge by industry, government agencies, and others for accident prevention and response. I believe the CSB’s work is a tremendous and often untapped resource for these organizations.

In 2009, the CSB made an important recommendation jointly to the American Institute of Chemical Engineers and to the Accreditation Board for Engineering and Technology, which called for university chemical engineers to be trained on chemical process safety. By 2012, the two groups had successfully acted on this recommendation, and as a result process safety training is now a requirement for getting a chemical engineering bachelor’s degree across the U.S.

Similarly in 2011, the CSB recommended that the American Chemical Society develop hazard evaluation guidelines for university chemical research laboratories, and the ACS has now done this as well.

And the CSB has done a great deal of educational work itself through its online safety video program, which began in 2005. This is a program to educate companies and workers about accident hazards, directly based on CSB investigation findings. The program has now produced at least 55 online animated videos on YouTube, with nearly

four million total views. The videos have been translated into many languages around the world, and won many awards both in the U.S. and overseas. I understand that most major U.S. chemical companies are using these videos in their training programs.

With education and collaboration we hope this Senate will not be hearing from another Sue Bonham.

Once again, I am honored by the President's nomination, and I will be happy to answer your questions. Thank you for the opportunity to appear here today.

Vanessa Allen Sutherland

Since 2011, Vanessa Allen Sutherland has served as the Chief Counsel for the Pipeline and Hazardous Materials Safety Administration at the U.S. Department of Transportation, whose mission is to protect people and the environment from the risks associated with hazardous materials transportation.

Prior to PHMSA, Ms. Sutherland spent seven years at Fortune 25 Philip Morris/ Altria Client Services in Richmond, Virginia. She managed technology transactions, procurement matters, data security and privacy, competitive intelligence, U.S. Customs issues, state and federal audits, and issues related to re-organization, dissolution and spin-off of international entities. Prior to her role at Altria, Ms. Sutherland spent six years in various legal roles at MCI/WorldCom, including Vice President and Deputy General Counsel for its webhosting and outsourcing subsidiary, eventually helping the subsidiary through legal matters that followed WorldCom's admission of accounting fraud and irregularities and bankruptcy. During that time, Sutherland was profiled in the Legal Times for being a top, senior, minority, in-house lawyer. She also has worked briefly for the Federal Deposit Insurance Corporation, the U.S. Department of Energy - Office of Inspector General and a law firm.

In 2012, she was the Recipient of a U.S. Secretary of Transportation Award at the 45th Annual Secretary's Awards after only a year in her new position, and two Secretary's awards in 2014. In 2010, she was the only in-house counsel recipient of thirty-one lawyers honored as "Leaders in the Law - 2010" for advancing the law, serving the community and improving the justice system in Virginia. She has been selected as a Fellow in both the Maryland State Bar (2005) and the Leadership Council on Legal Diversity (2011). She has been on the board or advisory committees of legal associations such as the Washington Metropolitan – Association of Corporate Counsel, Corporate Counsel Women of Color, Maryland State Bar, and the Virginia Bar Association.

Her non-legal contributions include having been the Vice Chairman of the Board for Peter Paul Development Center, whose mission is to help kids 7-18 by building a community of learners by engaging and challenging children, families and seniors in Richmond, Virginia's East End neighborhood. She has been Vice President, President and a regional chair in Jack and Jill of America, Inc. – James River Chapter, Mid-Atlantic Region, has been top fundraiser annually for the March of Dimes–Central Virginia and has been a member of the fundraising arm of the Richmond Symphony Orchestra.

After graduating high school at 16, Sutherland went on to obtain a B.A. from Drew University in New Jersey in Political Science and Art History after studying in London, England, to a J.D. and an M.B.A. from American University and a Certified Information Privacy Professional standing from the IAPP. She speaks French and is proficient in Spanish.

