

**Washington, D.C.** - Triangle Congressman David Price (D-NC) today wrote the U.S. Secretary of Transportation, questioning the agency's regulation of unspent oxygen canisters, following yesterday's revelation by the U.S. Chemical Safety Board that such devices contributed to last October's hazardous waste fire in Apex.

In the letter Price notes that the fatal crash of ValuJet flight 592 in 1996 was blamed on expired oxygen canisters that were improperly stowed yet still combustible. As a result the National Transportation Safety Board (NTSB) recommended that expired canisters should be "actuated," meaning the combustible oxygen gas should be released, prior to being transported. However, the Department of Transportation has never issued regulations requiring this step to be taken.

"The EQ facility clearly failed to implement precautionary measures that could have prevented that horrifying fire in Apex," Price said. "And yesterday's announcement further reveals how this fire could have been prevented or at least minimized at many steps along the way. The Department of Transportation has known for years about the danger of transporting and storing expired oxygen containers without taking the necessary steps to make them safe. I want to know why the Department has not acted on the long-standing recommendation of government safety experts, which in this case might have been able to protect Apex residents from a very dangerous situation."

The text of Price's letter follows.

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June 28, 2007

The Honorable Mary E. Peters

Secretary of Transportation

June 28, 2007

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U.S. Department of Transportation

400 Seventh Street, SW

Room 10200

Washington, DC 20590

Dear Secretary Peters:

I am writing concerning the U.S. Chemical Safety and Hazard Investigation Board's (CSB) June 27, 2007 Safety Advisory regarding the Dangers of Unspent Aircraft Oxygen Generators.

On October 5, 2006, a fire occurred at the EQ Industrial Services (EQ) hazardous waste treatment, storage and disposal facility in Apex, North Carolina, located in my congressional district. The fire resulted in the evacuation of thousands of residents and the complete destruction of the hazardous waste building at the facility. During the course of its investigation, CSB discovered that the initial small fire observed by firefighters was in the same location as a fiberboard container of unspent aircraft oxygen generators and containers of solid chlorine-based pool chemicals awaiting final disposal. CSB has concluded that the oxygen generators most likely contributed to the rapid spread of the fire to the area where flammable hazardous wastes were stored.

I am concerned that current U.S. Department of Transportation regulations are insufficient for ensuring the safety of unspent oxygen generators. Following the fatal crash of ValuJet flight 592 in 1996, the National Transportation Safety Board (NTSB) identified the probable cause of the crash as a fire in the cargo compartment initiated by the actuation of one or more oxygen generators improperly carried as cargo. In its findings the NTSB stated: "Given the potential hazard of transporting oxygen generators and because oxygen generators that have exceeded their service life are not reusable, they should be actuated before they are transported." There

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are currently no regulations in place, however, to ensure that this necessary step is taken once oxygen generators are removed from an aircraft and/or transported for disposal.

The discovery of unspent oxygen generators at the site of the EQ fire raises serious safety concerns. I would appreciate a response regarding current DOT regulation of unspent oxygen generators and opportunities for more effective safety requirements. Thank you in advance for your time and attention.

Sincerely,

DAVID PRICE

Member of Congress

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