

AUGUST 25, 2025 | OSHA INSPECTIONS, CITATIONS & ENFORCEMENT

Chemical Safety Board Marks First Enforcement Action Under Reporting Rule

By [Beeta B. Lashkari](#) and [Darius Rohani-Shukla](#)

Despite the U.S. Chemical Safety and Hazard Investigation Board (CSB) not requesting a budget in its [FY 2026 Budget Request](#) – instead stating that “[t]he President’s Budget proposes \$0 for CSB’s FY 2026 budget with the expectation that CSB begins closing down during FY 2025[,]” – there has been no shortage of activity at the agency over the past few months. Indeed, the CSB successfully enforced its Accidental Release Reporting Rule for the first time ever, published a new volume of incident reports, updated its reportable events dataset, and deployed investigators to investigate three new incidents, among other things. It also looks like the agency will be getting funding. So, although it has closed the doors on its Pennsylvania Avenue office, like previous terms where the CSB was up for elimination, it looks like the CSB will continue operating, at least in the near future.

CSB’s First Enforcement Action Under its Accidental Release Reporting Rule

On July 28, 2025, the [Environmental Protection Agency \(EPA\) announced a settlement with a California-based utility company for its failure to submit an accidental release report to the CSB](#) following a June 8, 2023, natural-gas release in San Jose, California that seriously injured a worker. Although the company filed a report concerning the release with the National Response Center (NRC) on June 8, 2023 and a follow up report on June 10, 2023, it did not report the incident to the CSB through the mechanisms available under the rule – that is, by either:

1. submitting the NRC identification number to the CSB within 30 minutes of submitting the report to the NRC; or
2. submitting a separate report directly to the CSB within eight hours of the accidental release.

Per the CSB announcement, this was despite the company being advised by the CSB that they were required to report the release. Accordingly, the CSB referred the matter to EPA for enforcement.

Although the Accidental Release Reporting Rule states that “[i]t is unlawful for any person to fail to make [required] reports . . . and suspected violations [] will be forwarded to the Administrator of the EPA for appropriate enforcement action[,] and that violations “may include [a]dministrative penalties; [c]ivil action; or [c]riminal action[,]” the [settlement](#), imposing a civil penalty and requiring submission of the report, marks the

first enforcement action resolved under the CSB's Accidental Release Reporting Rule since it was promulgated in February 2020. More broadly, the case stands out for creating an enforcement precedent and demonstrating the way the CSB's investigative mandate and the EPA's enforcement powers operate in coordination.

Incident Reports Volume 3 and the Database

In July 2025, the CSB released [Volume 3](#) of its Incident Reports, summarizing 30 serious events that occurred between April 2020 and January 2025 across 15 states. Collectively, those incidents resulted in two fatalities, 25 serious injuries, and approximately \$1.8 billion in property damage. Two individual events – one in Maine and one in Oklahoma – account for particularly significant losses (approximately \$350 million and \$930 million, respectively). Around the same time, the agency updated its database covering all reported incidents since the rule's effective date of March 23, 2020. (Although the reporting rule was promulgated in February 2020, there was a 30-day window for the rule to take effect.) As of July 28, 2025, the CSB had received reports of over 500 serious chemical incidents in 43 states.

Recent Deployments

- **Steel Manufacturing Plant (Clairton, Pennsylvania)**

On August 12, 2025, the CSB announced a formal investigation into a fatal explosion and fire that occurred at a steel manufacturing plant in Clairton, Pennsylvania. The facility, located about 15 miles outside of Pittsburgh, is considered the largest coking facility in North America. Nearly 1,300 employees work at the facility daily, according to the CSB. The incident took place on August 11, 2025, resulting in two fatalities, and at least ten others hospitalized for injuries.

- **Renewable Energy Facility (Fremont, Nebraska)**

On August 4, 2025, the CSB launched an investigation into a fatal explosion and fire at a renewable energy facility near Fremont, Nebraska, caused by an accidental combustible dust ignition on July 29, 2025. The event resulted in the fatalities of a father and his two young daughters who happened to be onsite at the time of the incident.

- **Explosives Manufacturing Facility (Ohio & Tennessee)**

On June 24, 2025, the CSB announced it would investigate two toxic chemical release incidents involving nitric acid at two explosives manufacturing facilities. The more recent event occurred on June 11, 2025, at an explosives plant near McArthur, Vinton County, Ohio, triggered by an unexpected chemical reaction in a 5,000-gallon nitric acid tank that produced nitrogen oxide gas. Per the CSB, the release formed a large, yellow-brown gas plume, prompting evacuation of a 3-mile radius, and temporary flight restrictions in a 30-nautical-mile zone. The earlier incident took place on November 24, 2024, at another site in Tennessee, where a similarly colored, large plume of toxic gas was emitted during a nitric acid release.

Funding Outlook

As of mid-August 2025, the CSB's appropriations remain under consideration. The House Appropriations Committee has advanced legislation which covers the CSB, at a materially reduced level relative to Fiscal Year 2025, providing about \$8.2 million in funding. The Senate Appropriations Committee, in contrast, has advanced

its version of the same bill with \$14.4 million, preserving funding closer to the current level. Despite an administration proposal to eliminate the CSB entirely, movement in both chambers indicates that the CSB is positioned to continue operating into Fiscal Year 2026, with the final funding level dependent on the outcome of negotiations between the House and Senate.

Conclusion

The aforementioned settlement marks the first time that the CSB's reporting rule has been successfully enforced, demonstrating to the regulated community that the CSB not only can, but will, refer alleged violations of the rule for enforcement, including steep civil penalties. While Fiscal Year 2026 funding remains unsettled, current legislative momentum, as well as the CSB's own level of activity in the last few months, suggests the agency's continued operations. Employers should thus remain extra vigilant in assessing and fulfilling their reporting obligations when responding to accidental releases.