



Texas Department of Insurance

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SFMO Statement Regarding CSB Comments

On April 17, 2013, a fire and explosion occurred at the West Fertilizer Plant. As a result, 12 responders lost their lives. The State Fire Marshal's Office (SFMO) is the lead fire investigation agency for the State of Texas. The SFMO is required by state law to investigate all firefighter line of duty deaths (LODD). The investigation of the origin and cause of a fire is one component of the LODD investigation. Considering the magnitude of the fire and explosion scene in West, the SFMO requested the assistance of the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The investigation at the West Fertilizer Plant has at all times, and continues to be, an active criminal investigation, which takes priority over all other investigations. The investigation continues to date under the authority of an evidentiary search warrant issued by the 19th District Court of Texas.

Approximately 30 agencies assisted in the investigation at the fertilizer plant, including the Chemical Safety Board (CSB). The multiple agencies involved in the investigation all agreed upon a single protocol prior to the beginning of the investigation. All agencies, except CSB, operated within the protocol. Nevertheless, the SFMO and ATF attempted to fully cooperate with CSB. During the investigation, CSB was provided access to the scene, and CSB personnel worked with SFMO and ATF during excavation operations and neighborhood documentation activities. CSB also collected their own chemical samples, with the assistance of an ATF chemist and evidence technician. No evidence was destroyed or compromised. A personal tour of the scene was also provided by SFMO and ATF to CSB Chairman Rafael Moure-Eraso.

The SFMO and ATF maintain the West Fertilizer Plant fire and explosion is a criminal investigation. Upon completion of the investigation a full report will be issued.