

Congress of the United States
Washington, DC 20515

May 4, 2023

Baoguo Huang
Managing Director
Seqens North America
9 Opportunity Way
Newburyport, MA 01950

Dear Mr. Huang,

In the early hours of Thursday, May 4, 2023, an explosion at the Seqens pharmaceutical manufacturing facility in Newburyport injured four workers, with a fifth worker unaccounted for in a facility that is too damaged for first responders to search. This explosion is only the latest avoidable disaster at this facility, following years of serious safety violations, multiple fines, and other explosions. We write seeking the explanation as to why this latest incident occurred and how, after years of fines and regulatory enforcement actions, Seqens could have allowed unsafe conditions to persist.

Around 12:45 a.m. on May 4, first responders with Newburyport Fire were notified of a “violent explosion” at the Seqens facility. After arriving, they “saw an industrial-sized vat from inside the building had moved about 30 feet because of the explosion,” and observed “major structural damage to the building.”¹ Five workers were at the facility when the explosion happened, four of whom were injured and taken to the hospital. One worker remains missing.² This is an unacceptable and tragic outcome—every worker is entitled to a safe workplace and the knowledge that they will return home unharmed after a shift at work.

Under Seqens’ authority and under the watch of the previous owner—known as PCI Synthesis, and earlier as Polycarbon Industries Inc.—the Newburyport facility has been the site of repeated violations and disasters. Over the past three years alone, two incidents resulted in “serious” Occupational Safety and Health Administration (OSHA) violations. In 2021, fires and heavy

¹ Kelly Sullivan & Natalie Khait, *One worker missing after blast at Newburyport manufacturing facility*, Boston 25 News (May 4, 2023), <https://www.boston25news.com/news/local/violent-explosion-one-worker-missing-after-blast-newburyport-manufacturing-facility/SX3BAHJFPJGLLHN3CNWDLCG56M/>.

² John R. Ellement & Emily Sweeney, *One worker missing when chemical explosion rips through Newburyport factory*, Boston Globe (May 4, 2023), <https://www.bostonglobe.com/2023/05/04/metro/one-worker-missing-after-chemical-explosion-newburyport-factory/>.

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smoke at the chemical plant caused responders to declare a Tier 1 Hazmat incident,³ for which OSHA fined the company \$18,023 for two violations.⁴ One year earlier, in 2020, a series of explosions tore a hole in the plant's roof, triggering a Tier 2 Hazmat incident resulting in five OSHA violations and a \$53,436 fine.⁵

Other incidents of alarming misconduct predated those explosions and fires. In 2019, the Environmental Protection Agency (EPA) forced PCI Synthesis to pay more than \$200,000 in fines and remedial actions after observing hazardous waste law violations.⁶ In 2015, a "serious" OSHA violation resulted in a \$4,950 fine to the company.⁷ EPA found additional violations in 2006, including "failure to conduct personnel training, failure to separate incompatible wastes, and failure to comply with tank and air emission standards."⁸ It is now painfully apparent that your company has failed to create a meaningful or effective safety culture. Consequently, several of your workers are now injured and one is missing.

In order to understand the most recent disaster and the issues that underpinned previous health and safety violations, please respond in writing to the following questions by May 9, 2023:

- 1) To the best of your current understanding, please detail the timeline and cause of the explosion on May 4, 2023, including identifying the systems and chemicals involved in the explosion.
- 2) Did Seqens personnel or anyone else knowledgeable about the chemicals that may have been present in the facility and dispersed by the explosion alert the first responders about those chemicals?
- 3) In 2015, OSHA cited PCI Synthesis for four workplace safety violations, two of which were "serious" violations and two of which were "repeat" violations.⁹
 - a) Please describe all four violations.
 - b) On what grounds did PCI Synthesis appeal the OSHA fines, lowering the total from \$44,550 to \$23,880?

³ Dave Rogers, *City shuts down PCI Synthesis/SEQENS after 2nd chemical fire*, Newburyport News (June 14, 2021), https://www.newburyportnews.com/news/local_news/city-shuts-down-pci-synthesis-seqens-after-2nd-chemical-fire/article_4d05859d-611c-55dc-bbca-9e1a6f2a67c4.html.

⁴ Ellement & Sweeney, *supra* n.2.

⁵ *Id.*

⁶ Rogers, *supra* n.3.

⁷ *Id.*

⁸ *Id.*

⁹ Occupational Safety and Health Administration, *Inspection: 1536489.015 - Pci Synthesis*, U.S. Dept. of Labor (June 15, 2021), https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1016820.015.

- c) What did PCI Synthesis do to remediate the safety hazards and protect the health and safety of its workers?
- 4) In 2019, OSHA cited PCI Synthesis for eleven workplace safety violations, nine of which were “serious.”¹⁰
 - a) Please describe all eleven violations.
 - b) On what grounds did PCI Synthesis appeal the OSHA fines, lowering the total from \$86,266 to \$50,000?
 - c) What did PCI Synthesis do to remediate the safety hazards and protect the health and safety of its workers?
 - d) To the best of your knowledge, why were these safety measures insufficient to prevent the subsequent chemical fire at PCI Synthesis in February 2020?
- 5) In 2020, OSHA cited PCI Synthesis for ten workplace safety violations, eight of which were “serious.”¹¹
 - a) Please describe all ten violations.
 - b) On what grounds did PCI Synthesis appeal the OSHA fines, lowering the total from \$53,436 to \$28,000?
 - c) What did PCI Synthesis do to remediate the safety hazards and protect the health and safety of its workers?
 - d) To the best of your knowledge, why were these safety measures insufficient to prevent the subsequent chemical fire at PCI Synthesis in June 2021?
- 6) In 2021, OSHA cited PCI Synthesis for three violations, one of which was “serious.”¹²
 - a) Please describe all three violations.
 - b) On what grounds did PCI Synthesis appeal the OSHA fines, lowering the total from \$18,023 to \$8,000?
 - c) What did PCI Synthesis do to remediate the safety hazards and protect the health and safety of its workers?
 - d) To the best of your knowledge, why were these safety measures insufficient to prevent the most recent explosion at the facility in 2023?

We look forward to promptly receiving your responses to these questions and to your complete cooperation with first responders and federal, state, and local investigations. Newburyport and

¹⁰ Occupational Safety and Health Administration, *Inspection: 1463040.015 - Pci Synthesis*, U.S. Dept. of Labor (Feb. 13, 2020), https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1374461.015.

¹¹ Occupational Safety and Health Administration, *Inspection: 1374461.015 - Pci Synthesis*, U.S. Dept. of Labor (Jan. 3, 2020), https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1463040.015.

¹² Occupational Safety and Health Administration, *Inspection: 1016820.015 - Pci Synthesis*, U.S. Dept. of Labor (Jan. 7, 2015), https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1536489.015.

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the Commonwealth of Massachusetts deserve to understand how this history of repeated OSHA violations could have led to tragedy. Should you have any questions about these requests, please contact Senator Markey's office at 202-224-2742.

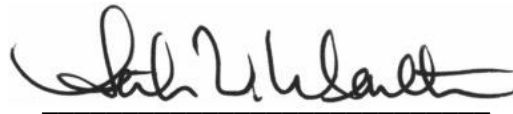
Sincerely,



Edward J. Markey
United States Senator



Elizabeth Warren
United States Senator



Seth Moulton
Member of Congress