

Major stories and events
Apollo 13 still resonates in Houston and beyond. **PAGE A14**
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HOUSTON CHRONICLE

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Chance of storms: High 96, Low 76

Police review board derided

Members call for reforms to boost its powers, staff

By James Pinkerton

With police transparency a hot national issue in the wake of numerous highly questionable shootings, Houston's Independent Police Oversight Board is under attack by its own members and a growing chorus of activists, who call it a toothless watchdog that isn't independent and hasn't performed any public oversight since it was created five years ago.

The 21-member board, as established by then-Mayor Annise Parker, can review matters only referred to it by the Houston Police Department, has no paid staff, lacks even limited subpoena power and isn't allowed to tell the public what it's doing.

James Douglas, a law professor and president of the Houston branch of the NAACP, said if the board is to be a watchdog, "it can't be chained up," and former Houston police chief and City Council member C.O. "Brad" Bradford called it "purely cosmetic" and said it has no real power to in-

Review continues on A24

CAMPAIGN 2016

State GOP facing big questions

Many ponder what Republicanism will look like in 5 years

By Mike Ward

AUSTIN — Though the Texas GOP officially is on-board for Donald Trump, some Republican officials and consultants privately speculate that a win by Democrat

Hillary Clinton could be better for the party.

Having Clinton in the White House, they say, would allow Texas Republicans to continue to use Washington's excesses and "overreach" to solidify their ranks and help fundraising, while a Trump presidency would add un-

Texas continues on A22

CHEMICAL BREAKDOWN



In 1995, a warehouse fire exposed the city's shortcomings

IT'S NOW 2016, AND NOTHING HAS CHANGED



Gary Coronado / Houston Chronicle

By Matt Dempsey and Mark Collette

Flamming liquid poured out of the warehouse as Houston firefighters arrived. A black plume big enough to show up on weather radar touched the sky that Thursday morning in May. Explosions echoed through Spring Branch. Students fled a nearby school. A substance like tar coated cars in the neighborhood. Blood-red fluids spilled into a creek, choking fish and turtles.

More than 400 firefighters responded over two days, and when they were done, piles of torched barrels and melted plastic tanks lay in a snow-white blanket of firefighting foam.

Days later, they still didn't know what they'd been fighting. No city inspector had been inside the place for years, and the owner's records burned up in the blaze. The firefighters didn't even know there was a chemical facility in the neighborhood, one surrounded by houses and apartments, a nursing home and a gun shop full of ammunition.

The problems encountered at Spring Branch weren't unique.

The fire department in the nation's fourth-largest city has no idea where most hazardous chemicals are, forgetting lessons learned in a near-disaster 21 years ago, a Houston Chronicle investigation has found.

Less than a quarter of hazardous materials facilities with permits have been inspected.

Chemical continues on A16

A 1995 fire at Houston Distribution, top, inspired the city to enact regulations and insist on more information from facilities with hazardous materials. A May fire at the Custom Packaging & Filling warehouse in Spring Branch, bottom, illustrated how little is still known about most facilities.

Drug cases being tossed

Adderall loophole unwittingly OK'd by Legislature

By Brian Rogers

A Katy teenager, splitting his time between classes at community college and working at a sandwich shop, was burning the candle at both ends when he was arrested on charges of illegal possession of prescription Adderall.

The 19-year-old student agreed to spend two years in prison through a plea deal, but he lost his job and was kicked out of school.

It turns out he never should have been charged with a felony at all.

Unbeknownst to district attorneys across the state, the Texas Legislature approved a bill last year that inadvertently decriminalized possession of Adderall and, it appears, other prescription amphetamines as well.

Now the "Adderall cases" — as they are being called around the Harris County criminal courthouse — are being dismissed as jurisdictions across Texas work quietly

Lawyers continues on A23

Tribes split on drilling

Despite protests, some are drawn to Big Oil profits

By James Osborne

WASHINGTON — Amid hundreds of protesters chanting "Standing Rock" and waving signs reading "Stand Up to Big Oil," Jonathan Vez looked out of place in his black suit and eyeglasses.

A business trip to Washington happened to coincide with a protest outside the White House — one of a series across the country aimed at stopping an oil pipeline near the Standing Rock Sioux reservation in North Dakota. As vice president of the Navajo Nation, Vez wanted to show his support. But back home on the 27,000-square-mile Navajo reservation spanning New Mexico, Arizona, Colorado and Utah, dealing with oil

Drilling continues on A25

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CHEMICAL BREAKDOWN



Mark Mulligan / Houston Chronicle

Four hundred firefighters responded to the Spring Branch warehouse over two days and didn't know what chemicals were on site.

Chemical from page A17

Little effort is made to find the ones skirting the rules or to help businesses that don't know what the rules are.

City officials say the Custom Packaging & Filling warehouse in Spring Branch was operating illegally and that's why it wasn't on their radar. But city records show owner Traci Willis paid for and received annual permits at least seven times since the last inspection in 2008. Two inspectors visited the site that year, Willis said. The first noted in his report that the facility may have too many hazardous materials for its permit, and may have to reduce its chemical inventory.

Willis said the second told her the permit was fine, and left, despite stacks of chemical containers in the yard.

"I don't believe he went outside and looked at anything," she said.

There was no follow-up, according to city records.

Firefighters once routinely visited buildings in their districts to plan for emergencies — including ferreting out hazmat sites — but those visits stopped in April 2014. The department had started entering old plans into a new, sophisticated database and didn't want to create a backlog.

Only some supervisors have been trained on how to add information to that system, so most records remain on paper.

Fire inspectors, who conduct separate visits to check for fire code compliance, including hazmat rules, aren't entering any information into that database.

The result: Most hazardous materials facilities in Houston operate illegally, said retired firefighter and fire inspector Chris Cato.

"That's the thing that keeps me up at night," Cato said. "I know these guys are going in on a warehouse fire. That product is going to outrace the sprinkler system. It's going to weaken the members of that steel rack. And because that steel rack was never reviewed to meet structural requirements, it's going to fail, and it's going to hurt those guys."

Mayor Sylvester Turner refused an interview, with his spokeswoman saying these issues were not a priority compared to flooding or pension reform. Interim Fire Chief Rodney West and interim Fire Marshal Jerry Ford also declined interviews. The department would not make Hazmat Coordinator Troy Lilley available even for general discussions about records and procedures, saying the information could aid terrorists. It has dodged multiple requests by the Chronicle for records, in some cases citing security concerns and in others not providing documents for at least two months, far beyond the 10-day deadline under the state open records law.

Turner, since the Spring Branch fire, has said several times that the city needs to conduct more inspections, especially because Houston's lack of zoning allows for hazardous materials

Mayor, City Council say no changes forthcoming

next to homes.

But Turner and the City Council have said no changes will happen until next spring, at the earliest, because they want to study the problems further.

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These issues should have been resolved 21 years ago.

In 1995, a warehouse east of downtown caught fire and quickly raged out of control.

So many fire companies raced in from across the city that Bill Sheffield could barely keep track of all the notes he'd scrawled on a fistful of papers, listing the trucks responding to Market Street. He stood in knee-deep water, emerald green from whatever chemical was seeping out of the inferno.

The fire grew so big that it started generating its own weather. An enormous draft swooped over Sheffield and sucked every piece of paper into a coal-black sky.

"We're screwed," he yelled to his chief against the wind. "I got no clue who anybody is anymore."

Explosions ripped through the air. On the radio, firefighters screamed for backup. The chief yelled at dispatchers for more companies.

A representative for Houston Distribution Inc. arrived with chemical data sheets, but didn't know exactly what chemicals were burning, couldn't say what might be in the water or in the acrid fumes. But he told the firefighters to turn their attention to the next building, because it was full of organic peroxides.

"Well, boys," the chief said. "It's no longer a question of if. It's a question of when. We're fixing to have a hell of an explosion."

The Market Street fire triggered months of investigations, policy debates, multimillion-dollar lawsuits from neighbors exposed to fumes, and promises from city leaders that they would never be that unprepared again.

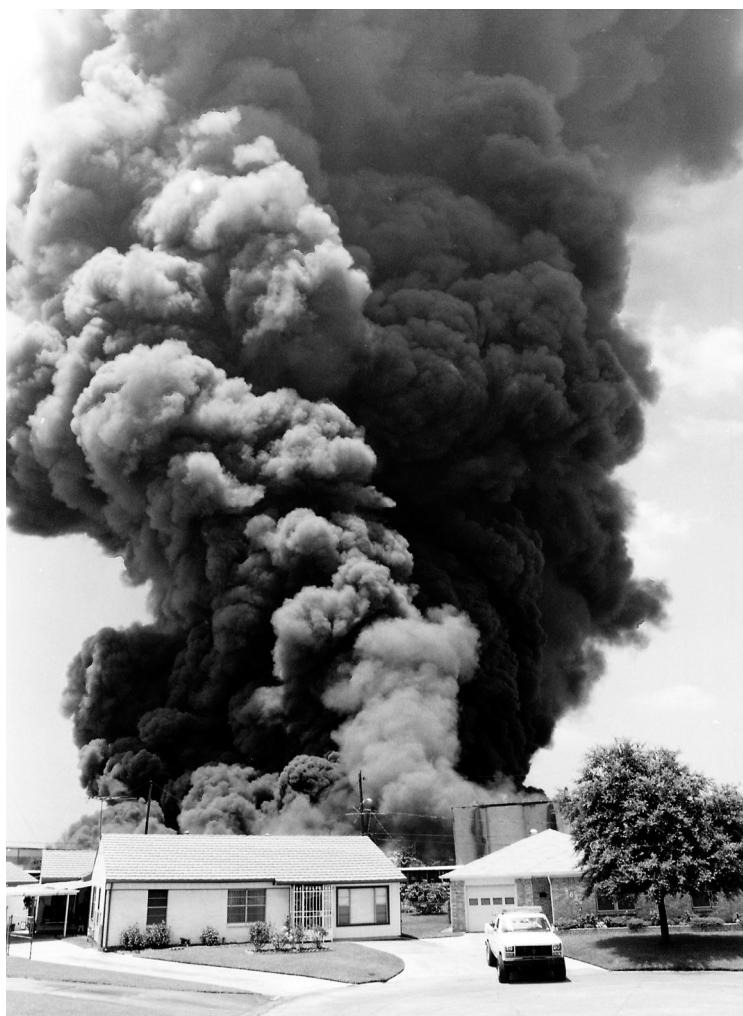
Consider where things stand now:

The part of the fire department responsible for inspections — the Fire Prevention and Life Safety Bureau, which reports to Ford — is unable to provide a clear picture of what its 125 inspectors do all year.

No one can say how many inspections are required annually, how many have been completed, how many businesses failed them or how many citations were issued. That's according to a city-commissioned study by Facets Consulting, which recently found major failings in every aspect of the bureau.

There isn't even a standard inspection form — inspectors come up with their own processes.

Bureau staff didn't know how

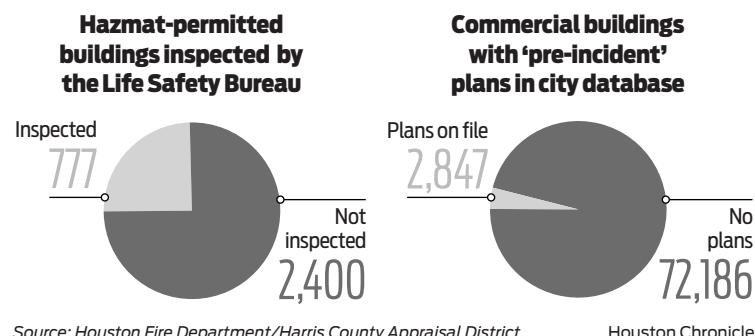


Houston Chronicle file

Pleasantville neighbors were evacuated during the 1995 fire at Houston Distribution Inc.

Prevention efforts falling short

The Houston Fire Department analyzes the safety of buildings in two ways — through inspections done by its Fire Prevention and Life Safety Bureau and through visits from firefighters to neighborhood buildings, who then develop what are called pre-incident plans. Many buildings are never seen, even those with hazardous materials.



Source: Houston Fire Department/Harris County Appraisal District

Houston Chronicle

many high-rises or apartment complexes are in the city, and the estimate for hazmat facilities — more than 3,000 — is based only on those that have applied for permits.

Life Safety staff estimated fewer than 20 percent of all businesses are inspected regularly, according to the Facets study.

Other cities have done more with less. The Charlotte Fire Department in North Carolina inspected 41,000 buildings last year — including every hazmat location — with 36 inspectors, Deputy Fire Marshal Jonathan Leonard said.

Under North Carolina state law, hazmat buildings must be inspected yearly by local authori-

ties. The longest any commercial building can go without inspection is three years. Texas has no such mandate.

"If you don't have community leaders saying, 'We want you in our buildings in a timely fashion,' if they don't have city government supporting that, it ties the fire department's hands," Leonard said.

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When Charlotte firefighters are on their way to an emergency, information about the property — including chemical locations and inspection history — pops up on a computer screen on the firetruck. It's been that way since

2003.

In Houston, firefighters still dig through binders, if any record is available at all.

A system that has cost the city at least \$1.3 million so far could change that, but after four years, it's still struggling to gain traction in the fire department.

In 2011, Houston began investing in Digital Sandbox, a security analytics program. It uses data across the metro area to help police size up threats. In 2012, fire officials realized they could use it to replace the binders on firetrucks with tablet computers.

The problem?

Only 2,847 buildings are in the system so far, a pace of about two per day. And most of it is not new information — it's data the city already had. That represents less than 4 percent of about 72,000 commercial buildings in Houston.

The goal is for firefighters to enter plans directly into Sandbox, according to a demonstration of the system by Assistant Fire Chief Jeff Cook for Chronicle reporters.

But data entry slowed while the department turned its attention to fire survival training, Cook said. That training took on new urgency after four firefighters died at a hotel fire in 2013 and another at a house fire in 2014.

Even when the department finishes entering old data and starts on new items, a big bureaucratic and cultural wall will stand in the way.

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Firefighting falls under the department's operations division, while inspections are under the fire marshal's office. They both report to assistant chiefs, who in turn report to Chief West.

The two divisions operate in silos, according to interviews with current and former fire officials. Inspectors don't even have radios to communicate to dispatch during emergencies, said Alvin White, president of Houston Professional Firefighters Union Local 341. Some inspectors talk to firefighters, according to the Facets study, but "this is not a uniform practice."

So whatever inspectors saw at hazmat facilities was never shown to the people who might have to fight a fire there.

"There's a ton of animosity between the divisions," said Cato, the retired inspector.

Cato said that when he moved from fighting fires to fire inspections, fellow crew members asked if he was going to do puppet shows — a job at the role the inspection department has educating schoolchildren on fire safety.

Contrast that with Charlotte, where Leonard said his department overcame those divides.

"We have a chief that is 100 percent behind the fire prevention bureau and what we do," he said. "And we have inspectors that engage (firefighters) on a routine basis."

When a fire broke out in July at a Charlotte warehouse, arriving firefighters were met by an in-

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CHEMICAL BREAKDOWN

Chemical from page A16

spector who had recently evaluated the building.

“They had firsthand knowledge of what the chemicals were, where they were burning and how best to treat it,” Leonard said.

That’s critical because putting water on the wrong kind of fire could cause explosions or toxic releases.

It’s not clear how the Houston fire marshal’s office intends to implement Sandbox, which would provide an instant avenue for inspectors to share information with firefighters in the field.

For at least the past decade, completed inspections were stored in the city’s building department database, inaccessible to the rest of the fire department. Those inspections are viewed as strictly for code enforcement purposes.

Firefighters rely on their own emergency planning visits — the ones that stopped more than two years ago.

Both kinds of visits log building layouts, where hazardous materials are stored, and whether tools like sprinklers are installed. Communication between departments would allow the

city to cover more ground.

Firefighters are supposed to do plans annually for every vulnerable building, including schools, nursing homes, apartment complexes, high-rises, and hazmat facilities.

Department guidelines say each shift at each station should conduct one plan every two months.

That means the department, with 93 stations, should theoretically complete about 2,200 plans a year. But because they’re stored on paper at the stations, the department can’t say how many it has or how old they are.

In the aftermath of Spring Branch, fire department inspectors called the Chronicle for its map of potentially harmful hazmat facilities. The newspaper created it earlier in collaboration with the Texas A&M Mary Kay O’Connor Process Safety Center.

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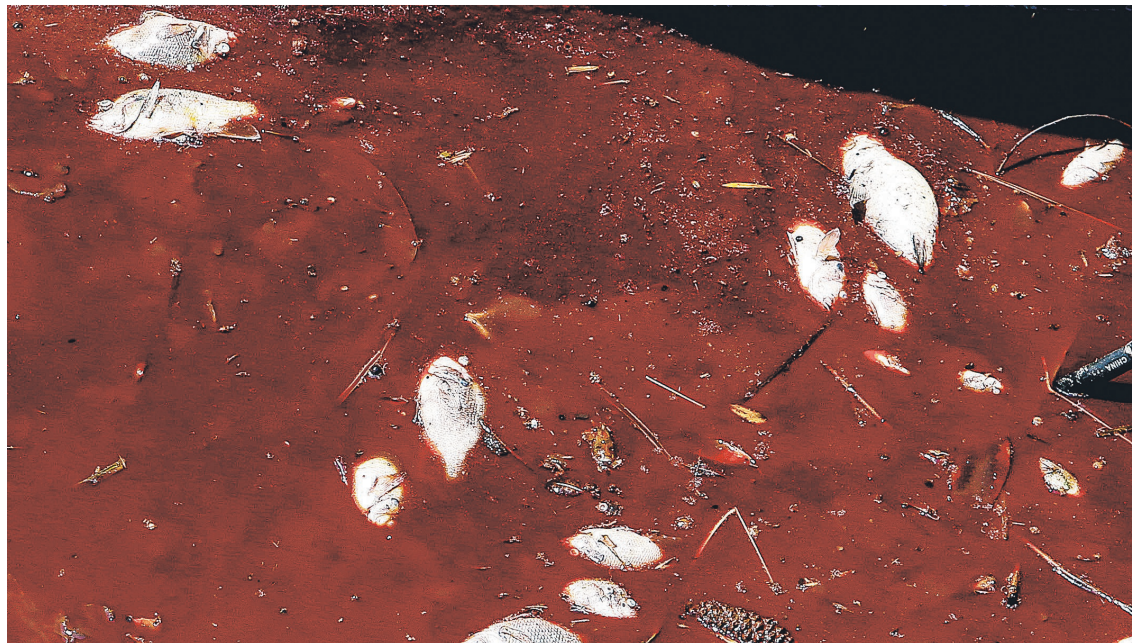
The initial Spring Branch alarm called firefighters to a home whose garage was burning. The garage was so close to the warehouse that they nearly touched, but hazmat units weren’t called for 20 minutes, and didn’t arrive for another 24 minutes, according to dispatch logs.

Chemical barrels and tanks ruptured, and pesticides and petroleum additives spilled into the creek, killing hundreds of animals. Union officials, who believe firefighter cancers are connected to Market Street, now worry about long-term health impacts from Spring Branch.

It took two months before the city released to the public a complete list of chemicals found at the warehouse. Since there were no records available, the city relied on tests of the spilled materials.

The union said the city promised to pay for blood tests for all the firefighters who responded to the blaze. The city backed away from that promise and told the firefighters to pay for their own tests, White said.

HFD responds to about 1,000 hazmat calls a year. Its two hazmat units operate out of Sta-



Michael Ciaglo / Houston Chronicle

Runoff from the Spring Branch fire poured into a creek, killing fish and alarming neighbors.

tion 22, in the heart of the Ship Channel. The assumption is most responses will be in that heavily industrial area.

But at least 35 percent of the calls occur more than 10 miles away.

Eight facilities in the A&M list with the highest potential for harm are at least that far from the station.

The Facets study recommends Houston add another hazmat station on the city’s west side.

Los Angeles, another heavily industrial port with a smaller land area, has four hazmat units in different parts of the city.

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That a city the size of Houston, with so many chemical sites, could have such a loose grasp on what’s inside them is surprising perhaps most of all because of what unfolded at Market Street in 1995 — and how the city responded.

After a chief warned of an impending explosion, Sheffield ordered an evacuation of the nearby Pleasantville neighborhood.

Then began an extraordinary retreat from the warehouse. Hose after hose, all charged with water, blocked the only path out

for dozens of trucks. There was no time to drain them. Firefighters grabbed their axes.

They hacked apart hoses one by one, and the engines backed out foot by foot. They got every firefighter out and every truck, except for one.

Ladder 19’s cab caught on fire as the last man fled.

No one got seriously hurt. A railroad track acted as a fire break, and all available resources were diverted to protecting the peroxides. Sheffield has no doubt he and dozens of other firefighters nearly died, and possibly residents of Pleasantville, too.

The remainder of the warehouse complex reignited several times in the following weeks, incinerating another building.

Politics flared, too.

Mayor Bob Lanier’s administration studied the regulation of hazardous materials storage for six months. The City Council created a Committee on Environmental Standards. It enacted requirements that businesses post signs warning of potential danger. The council gave \$25,000 for emergency planning and education.

The city launched its first database for hazmat permits, and the fire department said it would in-

crease inspections of thousands of warehouses to twice a year. The City Council passed a measure restricting construction of new hazmat facilities within 1,000 feet of homes and schools. At the same time, Lanier ordered that warehouses must publicly disclose their contents.

Twenty years later, the Committee on Environmental Standards no longer exists. The city can’t point to any businesses that were fined for not posting danger warnings. The city stopped funding the local emergency planning committee. It rescinded the order on warehouse disclosures in 2011.

Sheffield remembers the promise of technology as personal computers emerged in the 1970s. It wouldn’t be long, they were told, and every truck would have all the information it needs on a single screen.

“We’re still centuries behind technology that’s out in the real world,” he said, “and it’s all because of money and bureaucracy.”

Rebecca Elliott and Mike Morris contributed to this report.

matt.dempsey@chron.com
mark.collette@chron.com

CHEMICALBREAKDOWN

THE SERIES SO FAR

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