Houston's acting Police Chief Martha Montalvo, with the support and photographic evidence from all technicians, said, "The Crime Scene Unit is small but highly critical — its technicians gather evidence in shootings involving HPD officers."

Montalvo's move comes in the wake of a highly critical audit by three outside experts who concluded that HPD's crime labs were not doing a good job of properly gathering evidence in shootings involving HPD officers. The audit focused on eight recent officer-involved shootings in 2016 and concluded that crime scene evidence was insufficient.

Delays continue on A35

Mike Smith cuddles with daughter Payton at home in Pearland. He was burned over nearly 80 percent of his body in 2013.

By Mike Morris

It's something of a ritual. Every time it storms, Buddy Barraza goes across the street and into his family's yard to fill up a nearby manhole with water.

The longtime Alief resident works for a drilling engineering firm, so he knows how severe storms work — or at least how to fix them in his own backyard. But he's been known to make the 50-foot trek into his family's yard with a familiar message for his family.

"Look, we have to be real careful — we don't want to flush the commode, don't wash, use a limited amount of water," he said. "My grandkids, they're 4, 6 and 7 years old. Whenever it rains hard, they'll come and ask me, 'Is OK to flush the toilet? They already worry that's a problem.'

Houston's long-running struggle with sewer spills spare few corners.

By Kevin Diaz

Washington — For Libertarian candidate Gary Johnson, Election Day arrives on Sept. 21 — the date of the first presidential debate.

The former New Mexico governor and noted advocate for legal marijuana has hit a respectable 10-plus percent in some national and state polls, raising the hopes of disaffected voters unhappy with the major-party offspring of Donald Trump and Hillary Clinton.

Johnson's majesty in the year of the outsider will still be well short of the 15 percent needed to make the debate, a threshold the so-called third-party candidate has managed since Texas billionaire H. Ross Perot won nearly in 1992.

Perot made it onto the debate stage with Republican George H.W. Bush and Democratic challenger Bill Clinton, who won the presidency.

Johnson's backers see it as a critical milestone, though one that seems to be fading with each pass.
Mike Smith picks up his daughter from her first day of school earlier this month. He says he doesn’t like the stares he gets in public.

Mike Smith and his wife, Robyn, took family portraits six months after the accident.

Smith and his wife, Robyn, took family portraits six months after the accident.
Deaths attributed to chemical accidents

<table>
<thead>
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<th>Year</th>
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<td>2015</td>
<td>Deaths: 0</td>
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Smith has limited motion as a result of his burns and sometimes struggles with simple tasks like tying his shoes.

Smith and his daughter enjoy homemade kolaches and joke about pulling out her loose tooth.

Chemical plant from page A20

One hundred and nine days after the Air Liquide accident, the Harris County fire marshal closed the investigation. The explosion was the “result of a release of confined fuel gas within the five standing cylindrical pressure vessel rooms on the second floor, where Ortiz was working.”

“The initiating cause of the detonation is unknown,” the investigator wrote.

On June 6, an OSHA investigator spotted a big tank at the plant from a distance and asked an employee to come closer and issued a statement that called it a “large and difficult task for our employees and the families of those involved.”

Browne said the company “cooperated fully” with federal and state law enforcement officials, including OSHA.

OSHA released a detailed report on June 21, seeking dozens of records from the company. The OSHA investigator noted in a report that Susan Amodeo Cathey, Air Liquides’ “point-of-contact,” had stopped responding to ombuds or within a month of the explosion. Air Liquide employees told OSHA Cathey was out of the country.

On June 8, an OSHA investigator spotted a big tank at the plant from a distance and asked what it was. Hydrogen, he was told. On June 10, OSHA issued an additional subpoena for the operating capacity of the tank, among other things.

On July 3, an investigator went to the plant to request more information on the hydrochloric acid at the factory but was “denied entry,” according to OSHA.

An OSHA investigator tried to interview Mike Smith, but he was still in the burn unit at UTMB and hadn’t talked to his wife or attorney about what happened.

All the employees working at the specialty gas plant on the day of the explosion were sent to other Air Liquide facilities or started working for other companies, the OSHA investigator noted.

On Aug. 5, OSHA closed its investigation without interviewing the surviving witness or posing any citations. Two weeks later, the EPA sent Air Liquide another batch of questions. What was the result of the internal investigation, the agency asked again. What measures had Air Liquide taken in response to its findings?

Later that summer, Mike Smith was transferred to Memorial Hermann’s rehab hospital.

Before surgery No. 20, he wrote a letter to his wife.

“Sorry for the surgery,” he asked. “Hope you enjoy it.”

Robyn visited him. Mike started to cry. Some of his surgeons had left him.

That October, Air Liquide responded to the EPA’s latest round of questions, objecting to the request for a copy of its internal investigation, saying it was still ongoing.

Smith rallied and fought off the infections. He came home. He was in good shape.

Before surgery, he was in good shape. He knew workers’ compensation but lost his job, Robyn said. Some medications were covered, some weren’t. Robyn told her husband job hunting to take-care of him.

That spring, on April 22, 2013, the EPA sent the company another request for information. To do its best of your knowledge, the agency asked, what caused the explosion?

Nearly a month later, 45 days after the explosion, the company responded.

“Air Liquide cannot identify the specific cause of the cylinder explosion, and the investigation of the explosion is ongoing,” the company’s lawyers wrote.

On May 31, 2013, after 17 months on the CSA board, Rosenberg resigned to return to Tufts.

“Unlocking forensics to going back to an academic environment where open debate is valued,” she said at the time.

That June, a congressional investigator found an agency in “crisis.”

Then-CSB Chairman Rafael Moser-Eraso blamed the board for the explosion. He received workers’ compensation but lost his job, Robyn said. Some medications were covered, some weren’t. Robyn told her husband job hunting to take-care of him.

CSB did not respond.

That August, two people died in an explosion at General Catalyst. CSB did not respond.

Later, the agency did investigate a leak at a DuPont plant in La Porte that killed four that November, though it has yet to issue a final report.

On March 9, 2014, the CSB sent a team to Toronto, Calif., to investigate an explosion at an Exxon Mobil refinery that had happened more than a week earlier.

Seventeen days later, Moser-Eraso resigned. He was replaced by a board chair who, according to a report released by the Inspector General earlier this summer, has improved morale.

The new chairman says that given the small staff and small budget, the CSB has to prioritize which accidents it investigates.

The Inspector General report found the CSB investigated only 3 of 50 fatal incidents in 2013, the same rate the year before and 1 of 19 in 2014.

Part 1: A Freedom of Information Act request by the Chronicle to the CSB turned up one page on the Air Liquide explosion. It had a cover of a TV news story posted the day after the accident.

The EPA is still investigating, according to a top enforcement official in the Dallas office, who declined to provide more information.

The agency released hundreds of pages of records to the Chronicle under a Freedom of Information Act request, most of correspondence with Air Liquide’s attorneys. So far, it has denied the release of documents that the company sought to keep confidential.

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