

Process Safety Management Advisory Committee Meeting Notes

9/6/2017 , 9 a.m. to Noon

L&I Service Location, 12806 Gateway Dr. S., Tukwila, WA 98168

These notes are a summary of comments made at the meeting

Welcome/Introductions Alan Lundeen, Standards and Technical Services and Lab Program Manager

Lundeen told the group that the department wants to move forward with updating the Process Safety Management rule for refineries. Lundeen explained the rule making process and that the goal is to have a PSM update for refineries completed within 18 months.

The department kicked off formal rulemaking when it filed the *CR 101* on Aug. 22. The department plans to release a draft rule to stakeholders by the end of the year. The current plan is to host three stakeholder meetings after the draft rule's release to receive stakeholder input.

Anyone interested in this rulemaking should submit all questions and comments to Tari Enos, at Tari.Enos@lni.wa.gov.

Refinery management presentation Frank Holmes, Director of Northwest Operations for the Western States Petroleum Association

Holmes said it is not appropriate that a small group would meet with the governor and not include the rest of the group. This was in response to the Blue Green Alliance's meeting with the governor.

He questioned the purpose of the rulemaking and wanted the department to include a problem statement including the gaps that currently exist in the rule.

Holmes said there was not an evaluation of citations and no analysis of the findings from the rule review committees work after they reviewed the current PSM requirements.

He said the refinery industry has been and will be a willing participant in the process especially important now that this rulemaking is targeting the refining industry. He said he was disappointed that other industries affected by the PSM rule will not be included in this rulemaking.

Holmes said the rule writers need to be aware of unintentional consequences when drafting the rule. He also encouraged the rule writers to use clear and understandable language that is value added.

Lundeen said the rule needs updating because it is outdated and does not meet current minimum requirements within the industry. The department expects to complete the rulemaking by the end of 2018 with adoption the summer of 2019.

Refinery labor presentation Butch Cleve, United Steel Workers 591 President

Cleve said there is a strong case for change. The Chemical Safety Board included many recommendations for change in their report assessing the cause of the Tesoro explosion in 2010. The PSM Advisory Committee convened to evaluate what could be done to improve worker safety. Much of the story will not be heard. There are many unreported close calls in refineries. Fatalities are higher in refineries in Washington than many other states. Refineries are the biggest contender in PSM. There is little consistency from site to site. The current process is lacking knowledge from those doing the job.

The good news is we have very engaged stakeholders and have a good template for improvements in the California PSM rule. It is a significant improvement over what we have. It has enforceability. It would also be valuable to have similar rules across the West Coast. We had some great speakers that had a common theme of raising the bar. Raising the bar benefits everyone and we all win by raising the bar. The United Steel Workers encourages L&I to continue with the rulemaking process focusing on refineries.

Tony Bocek- BP Cherry Point - We need a good understanding of safety culture. The heart of PSM is its safety culture. My hope is L&I is careful not to add too strict of rules that workers cannot comply. We need to go beyond compliance. Safety culture cannot be improved by a rule, Bocek said. He also cautioned against doing too much in the rule. If everything is critical then nothing is critical. If you put too much regulation on the everyday worker it will cause more problems.

Steve Garey of the Blue Green Alliance – Garey said the Blue Green Alliance did meet with the governor and others were notified. No one should be apprehensive about this process to get a better rule and that they were committed to the process, he said.

Sarah Hough – Shell – Hough said she was concerned about the timeline being too short for this rulemaking depending on the extent of the changes.

Future Advisory Committee meeting planning /Action items/Closing: The next PSM Advisory Committee meeting is set for 9 a.m. to noon March 7, 2018 at the L&I Service Location, 12806 Gateway Dr. S., Tukwila, WA 98168