



P.O Box 223, Anacortes, WA 98221

May 14, 2018

Ms. Tari Enos, Administrative Regulations Analyst
Division of Occupational Safety & Health
WA State Dept of Labor and Industries

Via email: psmcomments@lni.wa.gov

Re: Evergreen Islands Supplemental Written Comment, L&I Revision of Chapter 296-67 WAC, Safety Standards for Process Safety Management of Highly Hazardous Chemicals, First Draft of Rules

Dear Ms. Enos:

Evergreen Islands appreciates this opportunity to submit a supplemental written comment on the first draft revision of the Washington State's Process Safety Management (PSM) regulations for oil refineries. This comment is intended to supplement our comment received by you on April 10, 2018 rather than to replace our earlier comment.

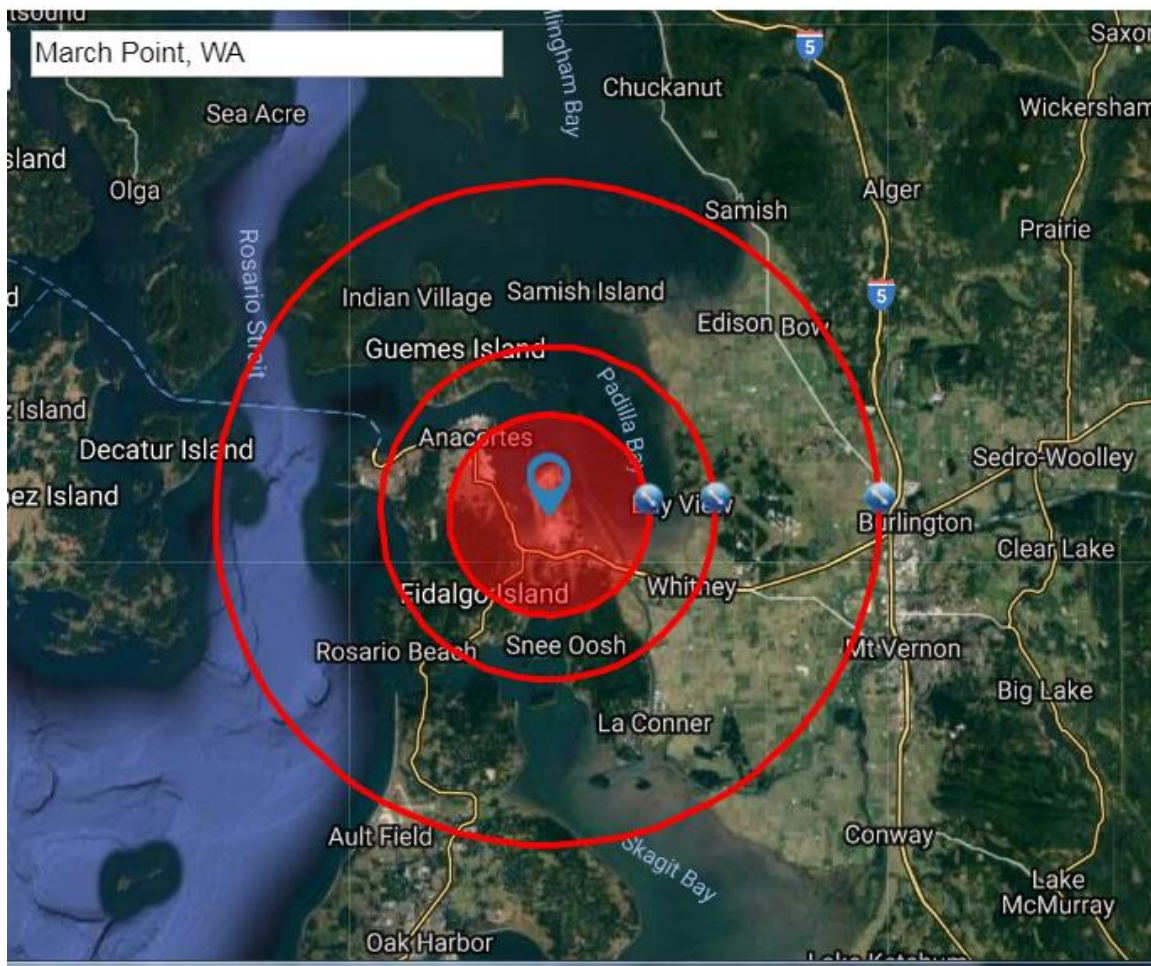
Evergreen Islands was incorporated as a 501(c)(3) organization in 1977. Our mission is to promote, protect, and defend the saltwater islands of Skagit County and their unique ecosystems. To fulfill this mission Evergreen Islands actively supports the enactment and implementation of effective local, state, and national laws that protect the Skagit environment in which we live and work. As nearby community members we are undeniable stakeholders in the refineries' safety cultures and process safety performance.¹ With our 41-year history of protecting the local environment, our organization has a vested interest in the strongest possible updated regulations applicable to the March Point refineries. Accordingly we have been participating in your agency's stakeholder meetings on these rules. The updated Washington PSM rules must be sufficiently robust not only to prevent further refinery worker deaths and injury in our state, but also to safeguard communities like ours and the natural environment surrounding the refineries.

The agency's first draft revision of PSM regulations contains significant improvements to help prevent more catastrophic incidents at Washington's refineries like those at March Point in

1998 and 2010 that together killed 13 refinery workers. However, the draft also contains weaknesses that would undermine its efficacy by watering down key provisions and enforceability. At stakeholder meetings, industry representatives have argued to weaken provisions of the first draft. This is unacceptable. As industry is aware, California's rules from which updated provisions are drawn are already the result of a compromise. The agency must refuse to adopt any recommendation to weaken them or leave current out-of-date rules in place. Instead, your agency must adopt updated rules that improve and strengthen California's rules and make clear Washington State's firm resolve to prevent further catastrophes like those at March Point.

In our earlier comment we described ways that PSM related incidents can impact surrounding communities and the natural environment. We cited CSB investigations of such incidents in California and one involving the Shell refinery at March Point in February 2015 that released uncombusted hydrogen sulfide, dimethyl sulfide, mercaptans, and benzene into the atmosphere and south from the refinery through the Swinomish Reservation and the town of La Conner. Shell's release occurred during a shutdown and decontamination procedure for cleaning of the refinery's east flare system. The release sent some residents to seek medical treatment and some went to emergency rooms or area hospitals.² To this list of examples of inadequate refinery safety regulations we add an April 26, 2018 explosion and fire at the Husky Energy refinery in Superior Wisconsin that injured 20 people and prompted the evacuation of schools, businesses and hospitals in a 78-square mile area around the refinery.³ The refinery was shutting down in preparation for a 5-week turnaround when the incident occurred.⁴

We include the map below to show surrounding communities and environment potentially impacted by PSM related incidents at March Point. The center point of this map is placed on March Point between Shell and Andeavor (Tesoro) Refineries and concentric circles are drawn 3 miles, 5 miles and 10 miles from center point. (We note, however, that the smoke plume from the Superior, Wisconsin refinery incident traveled approximately 25 miles.⁵) The map illustrates not only the communities surrounding March Point put at risk from PSM related releases of highly hazardous substances, but also the sensitive ecosystems of Padilla Bay (including the Padilla Bay National Estuarine Research Reserve) and Fidalgo Bay (including Fidalgo Bay Aquatic Reserve) threatened by such releases. Within these circles, of course, are the Swinomish Reservation where more than 1,000 homes are located and the City of La Conner, a popular tourism destination. These were the communities affected by the 2015 Shell incident.



Satellite map with center point on March Point placed between Shell and Andeavor (Tesoro) Refineries. Concentric circles are 3 miles, 5 miles and 10 miles from the center point. The square miles within the circles are 28, 78.5, and 314 sq. mi. respectively.

The incidents at March Point and elsewhere demand the strongest possible PSM standards. Eight years have already passed since seven refinery workers perished in the Tesoro Anacortes catastrophe. Washington State can and must do better. We fully support the comments submitted to the agency by the USW and BlueGreen Alliance, including the attachments thereto. The agency must retain all improvements and correct all weaknesses in the updated rules that USW and BGA have identified. The agency must move ahead as expeditiously as possible to enact strong consistent process safety standards. Thank you for your attention to our comment.

Respectfully yours,
Mary Ruth Holder, Representative
Evergreen Islands

Endnotes:

¹ See, e.g., James Baker et al., *The Report of the B.P. U.S. Refineries Independent Safety Review Panel* (January 2007), at 59-60 and 73, https://www.csb.gov/assets/1/20/baker_panel_report1.pdf?13842.

² Sandy Stokes, *Friday's Big Stink*, La Conner Weekly News, 2/25/2015 <http://laconnerweeklynews.com/main.asp?SectionID=2&SubSectionID=27&ArticleID=440>.

³ Jordan Barab, *Wisconsin Refinery Explosion Injures Workers, Causes Mass Evacuation, Confined Space*, A newsletter of workplace safety and labor issues (April 26, 2018), <http://jordanbarab.com/confinedspace/2018/04/26/wisconsin-refinery-explosion-injures-workers-causes-mass-evacuation/>; Meg Jones, *Fire extinguished at Superior oil refinery after at least 20 were injured in explosions*, Milwaukee Journal Sentinel (April 26, 2018 | Updated 9:13 April 27, 2018), <https://www.jsonline.com/story/news/local/wisconsin/2018/04/26/20-casualties-reported-superior-refinery-blast/554131002/>.

⁴ Chemical Safety Board, CSB News Release, *Husky Energy Oil Refinery Investigation Update*, (May 2, 2018), <https://www.csb.gov/husky-energy-oil-refinery-investigation-update/>; Danielle Kaeding, *Safety Board: Superior Refinery Explosion Happened In Fluid Catalytic Cracking Unit: US Chemical Safety And Hazard Investigation Board To Do Metallurgical Analysis*, Wisconsin Public Radio, WPR News, (May 1, 2018), <https://www.wpr.org/safety-board-superior-refinery-explosion-happened-fluid-catalytic-cracking-unit>.

⁵ Jones, *supra*.