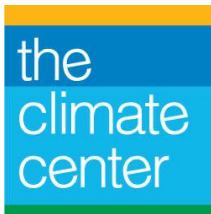




COMMUNITIES FOR A BETTER ENVIRONMENT
established 1978



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April 22, 2025

Re: Community and Worker Opposition to Proposed CalARP Amendments Which Would Make California Refineries Less Safe

Dear Ms. Brega and Ms. Lee,

The undersigned organizations submit this letter expressing our vehement **opposition to the proposed amendments to the state’s landmark Process Safety Management (PSM) rules** under California Accidental Release Prevention (CalARP) Regulations Title 19, Division 5, Chapter 2, California Code of Regulations Sections 5050.3, 5110.1 5110.13, 5110.16, 5130.6. If enacted, the proposed amendments would significantly endanger the safety of the workers and communities in and around California’s refineries.

We urge the CalEPA to reject these amendments and preserve the intent and function of the current CalARP PSM and parallel CalOSHA PSM 5189.1 regulation. Adopted in 2017, the current PSM rules establish detailed and effective procedures to quickly identify and respond to safety threats within refineries, and critically, protect the vital role of workers and their union representatives to speak up and ensure action is taken. We strongly disagree with the characterization of the amendments in the Notice of Proposed Rulemaking that the amendments are “clarifying” and reject the assertion that “the proposal would also help ensure protection to public health and safety in California, as well as worker safety.”

Refinery workers and surrounding communities have not forgotten the preventable fires and toxic explosions that catalyzed the adoption of these much-needed PSM protections. On August 6, 2012, a massive fire erupted at the Chevron Richmond Refinery that endangered 19 workers’ lives and resulted in 15,000 Richmond residents seeking medical attention as the fire filled the sky with a toxic black plume.¹ The Chemical Safety Board

¹ See U.S. Chemical Safety Board (CSB), *Final Investigation Report, Chevron Richmond Refinery Pipe Rupture and Fire*, p.22-33. Jan. 28, 2015. <https://www.csb.gov/file.aspx?DocumentId=5917>

investigation found that this incident had been avoidable, if only company management had not been able to ignore repeated warnings from their employees and been required to follow the process safety systems recommended by those refinery workers.^{2,3} Through the Interagency Working Group on Refinery Safety convened by Governor Jerry Brown, labor, community, public health, and government agency staff worked over a multi-year period with CalEPA and Cal/OSHA to craft and enact these regulations to address major lessons learned from the Chevron fire and other dangerous incidents.⁴

The amended language deceptively repackages language proposed by Western States Petroleum Association (WSPA) in 2015 and 2016, but rejected for being wholly insufficient to prevent incidents like the Chevron Refinery fire.^{5,6} These proposed changes would make California's refineries *less safe* and increase the danger to workers inside and community members outside of the refinery fence line, in addition to the surrounding environment.

The proposed language weakens these hard fought-for protections in four critical ways:

1. ***Increase the threat from highly hazardous materials*** by changing what is defined as highly hazardous;
2. ***Reduce safety procedures designed to minimize the dangers in this inherently hazardous industry*** by limiting the definition of what constitutes a major change;
3. ***Weaken solutions to safety problems*** by diminishing the consideration of actions that eliminate instead of marginally reducing the safety and health hazard; and
4. ***Reduce the decision-making power of operating and turnaround workers and their unions to keep themselves and the surrounding communities safe*** by giving upper management back the ability to ignore the warnings of workers.

² See CSB *Final Investigation Report, Chevron Richmond Refinery*. Jan. 28, 2015, p. 8, 13, 66, 69, 81, 84. Link: <https://www.csb.gov/file.aspx?DocumentId=5917>; see also CSB *Final Chevron Regulatory Report*, p. 18, 53-54, 47, 114, Link: <https://www.csb.gov/file.aspx?DocumentId=5912>.

³ CSB, *Final Chevron Regulatory Report*, August 6, 2012. <https://www.csb.gov/file.aspx?DocumentId=5912>.

⁴ "CSB Chairperson Vanessa Allen Sutherland said, 'This [2015] explosion and near miss should not have happened, and likely would not have happened, had a more robust process safety management system been in place.' See Link: <https://inspectioneering.com/news/2017-05-03/6462/csb-releases-final-report-into-2015-explosion-at-exxonmobil-ref/> / process safety quote; see also U.S. Chemical Safety Board (CSB), 2014 Tesoro Martinez Sulfuric Acid Spill Investigation Details. Link: <https://www.csb.gov/tesoro-martinez-sulfuric-acid-spill/>.

⁵ For example, in the 2017 PSM rulemaking, WSPA (Commenter AP) proposed to "limi[t] the applicability...to process areas..." But CalOES rejected the suggestion substantive reasons: "If...limited...the Chevron or Torrance incidents may not have been addressed..." CalOES Final Statement of Reasons, Program 4: Petroleum Refineries, p. 496. Link: <https://calepa.ca.gov/wp-content/uploads/2024/04/2017.07.15-FSOR.pdf>.

⁶ CalOES responded similarly to Tesoro refinery recommendations (Commenter R): "Petroleum refineries are inherently dangerous facilities and each process...needs to be regulated..." (p. 135, R-11). Link above.

As the current federal administration seeks to roll-back essential environmental, community, and worker safety protections, it is critical that the CalEPA hold the line. This responsibility is particularly critical for the oil refining sector, which has a troubling history of catastrophic events in California. Most recently in February, an enormous fire at the PBF Martinez refinery burned for three days, released 500 pounds of sulphur dioxide into the community, injured six workers, and forced tens of thousands of local community members to shelter in place. Now is the time for us to consider actions that improve—not weaken—refinery safety in California.

Although the initiation of this rulemaking and the proposal of this language is required by a settlement agreement with the WSPA, a process which completely excluded impacted refinery workers and community organizations, the settlement does *not* require its final adoption.

We urge CalEPA to reject these amendments and work with stakeholders to preserve the intent and function of CalARP and PSM 5189.1 to effectively keep refinery workers and communities safe.

Thank you,

Signed,

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