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## *From the Vice President's Desk*

### **It's Time to Roll Up Our Sleeves & Get to Work!**

Thank you to all who attended our emergency oil meeting June 15-16 in Pittsburgh. We heard many excellent speakers talk about the need for our employers to comply with safety regulations and for the government to rigorously enforce those regulations.

You can read the speech I made to the delegates at [www.oilbargaining.org](http://www.oilbargaining.org) or access it by going to the USW homepage, [www.usw.org](http://www.usw.org), pulling down the "Our Union" tab and clicking on "Oil Workers." Lynne Baker, our *Oil Worker* editor, has been transcribing some of the speeches made at the meeting and once approval is obtained they'll be posted on the oil site as well.

#### **Industry Refuses to Bargain**

As you recall, we sent a letter to the industry requesting that they open up the National Oil Bargaining agreement to negotiate over health and safety only. I requested that we have an honest discussion where we could share the right and wrong actions that are being done. After that we could sign a deal that would have health and safety language we all can live with.

Not surprisingly they said they weren't interested in negotiating health and safety language. They said we talked about it in the last round of bargaining and weren't able to reach an agreement.

The industry thinks health and safety is something they take care of alone. So far they haven't done too good a job of it, and if they were smart they'd work with us since we understand the processes and our lives are on the line every day we go into a facility.

But since the industry turned us down they can explain to Congress and the American people that they refused to sit

down with us and talk about saving lives.

#### **Time to Change Our Safety Culture**

Like I said at the meeting, it's not just the oil companies that need to change their safety culture. We have to change our safety culture, too. Some of our members are afraid to challenge management on safety issues and let them know when it is unsafe to do a job. It's not worth risking your life so the company can make an extra buck.

Be sure to check your union contract to see if it has a provision that allows you to refuse unsafe work. Not all our agreements have this and that's something we need to work on in 2012 bargaining.

For locals that have that provision, be sure to educate your members about the right way to go about refusing unsafe work. We held a legal workshop at the emergency meeting on the process to follow. For those who attended the meeting, share the information with others in your local.

We also need to fight against the attitude that an accident isn't going to happen to us or occur at our facility. I thought that way for 17 years when I worked at Texaco. Then on St. Patrick's Day in 1977 I lost 14 friends who died in an accident at the plant.

At our emergency meeting we heard from a panel of workers who also didn't think an accident could happen at their plants until one did. Their stories will be appearing in the next few issues of *The Oil Worker* and in the next issue of *USW@Work*.

#### **Safe Refineries=Job Security**

We need to remember that if our facilities are safe we have job security. That's why it is so important that our members at

BP's Texas City refinery monitor the company to make sure it fulfills its obligations under the recent settlement agreement with OSHA. BP will be paying another record OSHA fine—this time \$50.6 million—for repeat violations found during a follow-up OSHA inspection last year. The company agreed to spend a minimum of \$500 million to immediately make repairs and do upgrades so current employees have a safe workplace.

Our jobs become insecure when a refinery doesn't repair equipment and toxins are emitted into the air. That's when the community pushes back and files lawsuits against the refinery. Last week the Texas attorney general filed a lawsuit against BP for illegally emitting 500,000 pounds of contaminants, including benzene, for 40 days after an April 6 fire at the Texas City refinery. A leaking unit wasn't shut down and the state says proper maintenance could have prevented the release.

This same unit was the site of a fire in the summer of 2005 and relates to seven of the 72 violations OSHA cited BP for that year. The *Houston Chronicle* reported that the state's lawsuit mentions 39 other instances of pollution at the Texas City refinery.

Texas City area residents are reportedly signing on to a \$10 billion lawsuit plaintiff attorneys have filed, seeking class-action status.

This all could have been avoided if proper maintenance was done. If you want to secure your jobs, stay on top of your company on matters related to health and safety, especially in this economic climate. You don't want a fire to destroy a unit and then have the company decide not to rebuild that unit because of poor profit margins. That's what happened at

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# Oil Workers Lobby Capitol Hill on Refinery Safety

By Lee Medley

What does it take to prevent future disasters and protect the health of miners? What about the rest of us, what about the health and safety in our workplaces, refineries, mills, factories and shops?

What is the answer?

## Miner Safety and Health Act

The outcome of H.R. 5663 (the Miner Safety and Health Act of 2010) will provide our answer. H.R. 5663 is not just for miners; in this bill are many of the provisions that we have lobbied for in H.R. 2067 (Protecting America's Workers Act), provisions that will update OSHA protections for American workers for the first time in 40 years. These provisions include but are not limited to:

- \*Increase OSHA and MSHA Civil and Criminal Penalties for Serious Job Safety Violations.

- \*Require Corrections of Hazards While Employer Contests of Serious OSHA Violations are Pending.

- \*Strengthen MSHA's Enforcement for Mines with a Pattern of Violations.

- \*Enhance Whistleblower Protections for Workers Who Raise Job Safety Concerns and Report Injuries or Illness.

- \*Provide Victims of Job Injury and Illnesses and Family Members the Right to be Heard in OSHA Investigations.

While many of us consider these no-brainers, the opposition is mounting.

## Promise Fulfilled

USW International President Leo W. Gerard, following up on his promise at the emergency oil health and safety meeting in Pittsburgh, brought us to Washington D.C. the week of July 26 to bring our message to Capitol Hill. Brothers Jim Savage, Local 10-1, Dave Campbell, Local 675, and I joined our legislative staff member, Liz Bettinger, Health and Safety Representative Kim Nibarger and USW intern Victoria Anderson in an aggressive agenda of office calls and meetings. We had representation from the East Coast, the West

Coast, and the Gulf Coast refineries.

Our plan was to not only address the pending H.R. 5663 legislation, but to raise awareness on health and safety within the entire industry, and also the use of hydrofluoric (HF) acid in certain facilities.

## It's Not Just BP

Our first meeting was with staffers from the Energy & Commerce Committee who were with the offices of Henry Waxman (D-CA) and Ed Markey (D-MA). The meeting went well and helped us with what was to come. We were asked to first help with terminology. They needed to understand not only what information was needed but what verbiage to use in asking for it.

Another point that we made, that would have to be reiterated throughout the day, was that this was not a BP issue—it was an industry issue. The media glare was on BP but the spotlight needed to be bigger and brighter. We left with support but also with a commitment to provide additional information, which Brother Kim Nibarger took the lead on.

We moved on to Rep. Lynn Woolsey (D-CA), author of H.R. 2067 (Protecting America's Workers Act), to thank her but also to understand the status of H.R. 5663. Representative Woolsey had worked hard to have the OSHA provisions in H.R. 2067 added to the Miners bill. We were informed that there was a move to strip H.R. 5663 of the OSHA provisions and that we needed to shore up our support.

We spent the next two days meeting with staff, representatives, and senators, explaining everything from our position on the OSHA provisions to the fact that the industry is pushing time durations between turnarounds.

## Sharing Our Stories

Brother Savage spoke of the death of a worker in the Delaware City refinery and that the pollution fine for the fish killed in the Delaware River was over four times the fines for the worker completely

burnt to death by acid. Brother Campbell explained the use of a risk matrix and the danger to the worker and / or facility when cost overruled safety. We talked of using process safety incidents instead of slips, trips, and falls to predict how well a plant was doing in health and safety, and we repeatedly said these were not issues isolated to BP.

We spoke with Representative Henry Cuellar (D-TX) and one of his staff, and then with staff from the offices of Representative Solomon Ortiz (D-TX), Representative Robert Brady (D-PA), and Representative Patrick Murphy (D-PA).

In the Senate, we spoke with Senator Patty Murray (D-WA) and Senator Maria Cantwell (D-WA) and their staff. Then we spoke with the staff of Senator Mary Landrieu (D-La.), Senator Frank Lautenberg (D-NJ), Senator Bob Casey (D-PA), and Senator Barbara Boxer (D-CA). The day after we left Washington the Senate took up H.R. 5663.

## Co-sponsors Obtained

We also met with Representative Gene  
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## How to get *The Oil Worker*

If you are an oil worker and are not receiving *The Oil Worker* newsletter and would like to get it, please send your home e-mail address to International Vice President Gary Beever's administrative assistant, Julie Lidstone, at [jlidstone@usw.org](mailto:jlidstone@usw.org). Besides your home e-mail address, please state the name of the company you work for and your job title.

*The Oil Worker* comes out at least once per month and features information about oil bargaining, the oil industry, health and safety, oil unions from around the world and health care.

# It's Time to Roll Up Our Sleeves & Get to Work!

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Sunoco's Marcus Hook refinery and our members bore the brunt of that decision through layoffs.

## Follow the Plan

Together we can do something about improving health and safety at our plants. We went over an action plan at the emergency meeting and an action checklist and flash drive with sample letters to the editor and a ton of other information was given to each delegate.

I want to thank all the locals that participated in the June 20-26 action. Stickers and the handbill, "Big Oil's Safety Standards Need Overhauling" were distributed to all members on all shifts.

Every local is to plan its own action the week of August 22-28 to show visible support for our health and safety campaign. This could be distributing a handbill or *The Oil Worker*, a t-shirt day, sticker day, writing letters to the editor in support of the "Miner Safety and Health Act of 2010," calling your congressional representative to cosponsor the bill (H.R. 5663), etc.

This bill doesn't just help miners; its

provisions to strengthen the Occupational Safety and Health Act come from the Protecting America's Workers Act. You could use the sample letters to the editor on the flash drive as a guideline for writing in support of H.R. 5663. More information on this legislation is on the oil bargaining website, [www.oilbargaining.org](http://www.oilbargaining.org)

Also on the flash drive is a draft letter to send to your senators in support of the Chemical Security bill. Be sure to review the Community Outreach Toolkit on your flash drive because it has a sample city-council resolution, community-directed handouts and community petitions. These activities can help our campaign.

If your local has not already done so, have it submit the USW data demand regarding oil product (ex. gasoline) imports to your employer (a copy is on the flash drive). We need this information for our campaign on oil product imports.

## Send in Incident Report Forms

Every local must submit a listing of the process safety incidents happening at their facilities. You can download the form where you can record these incidents at [www.usw.org/our\\_union/oil](http://www.usw.org/our_union/oil). One person

from each local should be designated to do this. The information would be sent to Mr. Kim Nibarger of the Health, Safety and Environment department at [knibarger@usw.org](mailto:knibarger@usw.org).

## Attend National Oil Bargaining Conference

Don't forget to register for the 2010 National Oil Bargaining conference being held Sept. 13-16 in Dallas, Texas at the Sheraton Grand Hotel at the Dallas/Ft. Worth airport. To make a room reservation, call 1-800-345-5251. The room rate is \$109/night plus tax. Make your hotel reservation and register for the conference ASAP if you have not already done so. You can register on-line and download the call letter by going to the USW homepage at [www.usw.org](http://www.usw.org)

At this conference we will further build our solidarity around our health and safety campaign and begin the process to build unity for a new National Oil Bargaining agreement in 2012. See you in Dallas!

**Gary Beevers**  
**International Vice President**  
**Chair, National Oil Bargaining Program**

# Oil Workers Lobby Capitol Hill on Refinery Safety

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Green (D-TX) and Representative Rick Larsen (D-WA) and their staff. The reception and response we received from these two congressmen help to revitalize all of us. To run across two congressmen like Gene Green and Rick Larsen, whose true focus is on the working families of their districts, helped us to strengthen our message and continue our fight. Following our meeting with the congressmen both signed on as co-sponsors of H.R. 5663.

We also squeezed in a committee hearing on chemical security being chaired by Senator Lautenberg between a couple of our visits. By the end of our third day we were sure of a couple of things: First, we had done our job and had raised the awareness of the OSHA provisions in H.R. 5663 including activating the AFL-CIO around our activities and second, we were going to have to fight to keep the provisions in the bill and also to make sure they were includ-

ed in the Senate version.

I believe by bringing us face to face with the men and women responsible for these votes it reaffirms our friends and makes our enemies face the light of day.

## We are the Answer

I do know the answer to a safer workplace must come from us; we must continue the pressure, we must continue the fight. The answer cannot come from Washington D.C. or even Pittsburgh; the answer will come from the brothers and sisters in Louisiana, in California and Washington, in Pennsylvania and in Texas, and it will take all of us.

The last point I will share is to look at the votes cast by your representative and senator, and remember in November what they thought of your safety, what they thought of you being able to come home to your family, and what the value of your life is to them.

On a personal note, I would like to

thank my local, our officers and members for giving me the opportunity to make our voices heard and to Liz and Kim for leading the charge up the Hill.

*(Lee Medley is the president of USW Local 13-1.)*

## Distribute the Oil Worker to All Members!

*The Oil Worker* is your newsletter. We need every member in your facility to get a copy. So when you receive *The Oil Worker*, make copies for your members and use your Communications and Action Team, steward network or Rapid Response network to distribute them. If you email it to your members, please email it only to their home email address. This newsletter must not go through the company email system.

All information is taken from the Department of Energy (DOE) website. For the complete list of up-to-date refinery events go to [www.oilbargaining.org](http://www.oilbargaining.org)

## **SRU Snag at BP's 467,720 b/d Texas City, Texas Refinery November 20**

It was not clear if the incident had any impact to production.

Reuters, 10:30 November 20, 2009

<http://www11.tceq.state.tx.us/oce/eer/index.cfm?fuseaction=main.getDetails&target=132252>

Posted to DOE website 11-20-09.

## **Ultracracker Malfunction Reported at BP's 475,000 b/d Texas City, Texas Refinery November 20**

The cause of the malfunction is under investigation.

Reuters, 17:25 November 20, 2009. Posted to DOE website 11-23-09.

## **Accident Kills Worker at BP's Crude Facility in North Slope, Alaska November 18, OSHA to Investigate**

[http://www.rigzone.com/news/article.asp?a\\_id=82688](http://www.rigzone.com/news/article.asp?a_id=82688) Posted to DOE website 11-23-09.

## **Flaring Reported at ExxonMobil's 567,000 b/d Baytown Refinery in Texas November 20**

<http://www11.tceq.state.tx.us/oce/eer/index.cfm?fuseaction=main.getDetails&target=132322>

Posted to DOE website 11-23-09.

## **Flaring Reported at BP's 460,000 b/d Texas City, Texas Refinery November 20**

<http://online.wsj.com/article/BT-CO-20091120-713319.html> Posted to DOE website 11-23-09.

## **Husky Energy Reports Fire and Oil Spill at 146,200 b/d Lima, Ohio Refinery November 22—Incidents Occurred as Company Returned Facility from Planned Outage**

A fire damaged an iso-cracker unit at Husky Energy's 146,200 b/d Lima, Ohio refinery on November 22, but operators continued to restart the facility—minus the affected iso-cracker—after more than one month of planned maintenance, multiple news sources reported on November 23-24. Separately at Lima, an oil tank “boiled over...splitting open the top” of a fixed roof tank and spilling an estimated 49,000 gallons of oil. That incident also occurred in November 22, but was not related to the fire. The company did not expect the spill to postpone its start-up plans.

<http://toledoblade.com/apps/pbcs.dll/article?AID=/20091123/BUSINESS01/911239983-1/BUSINESS06>  
Reuters, 10:05 November 24, 2009  
Bloomberg News, 13:54 November 24, 2009. Posted to DOE website 11-24-09.

## **Update: Valero Restarts Second Coker Module at 289,000 b/d Port Arthur, Texas Refinery by November 24**

Valero restarted the second of three downed modules on a 105,000 b/d coker at its 289,000 b/d Port Arthur, Texas refinery, a company spokesman said by November 24. The company continued to repair the third module. Operators shut the modules by November 17, citing cracks in the coke drums.

DJN, 11:31 November 19, 2009

Bloomberg News, 18:33 November 24, 2009. Posted to DOE website 11-25-09.

## **Flint Hills Resources Reports Brief Pump Seal Malfunction and Leak at 288,126 b/d Corpus Christi, Texas Refinery November 24**

<http://www11.tceq.state.tx.us/oce/eer/index.cfm?fuseaction=main.getDetails&target=132492>

Posted to DOE website 11-25-09.

## **Breakdown, Flaring at BP's 265,000 b/d Carson, California Refinery November 28**

It was not clear if the incident had any impact to production.

Reuters, 12:58 December 1, 2009. Posted to DOE website 12-1-09.

## **BP Discovers Oil and Gas Spill from a Pipeline in Prudhoe Bay, Alaska November 29**

The leak occurred on an 18-inch pipeline, which transports a mixture of crude, water, and natural gas. It is unclear how much was spilled. The cause of the spill is unknown and is currently being investigated

<http://www.reuters.com/article/domesticNews/idUSTRE5AT3FE20091130>

Dow Jones News, 11:34 November 30, 2009. Posted to DOE website 11-30-09.

## **Valero Experiences Brief Outage at it 142,000 b/d Corpus Christi, Texas Refinery November 30**

Bloomberg News, 10:46 November 30, 2009. Posted to DOE website 11-30-09.

## **Sunoco Slows Unit after Equipment Failure, Leak at 178,000 b/d Marcus Hook, Pennsylvania Refinery**

Sunoco slowed an unspecified unit after an equipment malfunction “resulted in a release of cooling water” at its 178,000 b/d Marcus

Hook, Pennsylvania refinery on November 28, a spokesman said. Operators returned the unit to normal rates later on November 28, he said.

Bloomberg News, 17:43 November 30, 2009. Posted to DOE website 12-1-09.

## **Sinclair Oil Reports SRU Snag, Flaring at 66,000 b/d Sinclair, Wyoming Refinery November 30**

A malfunction at a sulfur recovery unit (SRU) complex triggered flaring at Sinclair Oil Corp.'s 66,000 b/d Sinclair, Wyoming refinery on November 30, a news source said. It was not clear if the incident had any impact to production.

Bloomberg News, 12:19 December 1, 2009. Posted To DOE website 12-1-09.

## **LPG Release Triggers Evacuation at Sinclair's 66,000 b/d Sinclair, Wyoming Refinery November 30**

Sinclair evacuated employees after a 2,300-gallon isobutene release at its 66,000 b/d Sinclair, Wyoming refinery on November 30, a spokesman with the state's Department of Environmental Quality said. It was not clear if the incident had any impact to production.

Bloomberg News, 19:32 December 2, 2009. Posted to DOE website 12-3-09.

## **BP Resumes Normal Operations after FCC Snag at 467,720 b/d Texas City, Texas Refinery December 1**

BP resumed normal operations within 11 hours after a fluid catalytic cracking unit (FCC) snag at its 467,720 b/d Texas City, Texas refinery on December 1, it said in a filing with state regulators. Operators shut the unit to repair an associated compressor, according to a person familiar with the facility's operations.

<http://www11.tceq.state.tx.us/oce/eer/index.cfm?fuseaction=main.getDetails&target=132708>

Bloomberg News, 12:10 December 2, 2009  
Reuters, 11:53 December 2, 2009. Posted to DOE website 12-2-09.

## **OSHA Cites Hovensa LLC for 56 "Alleged Serious Violations of Workplace Safety and Health Standards" at 500,000 b/d St. Croix, U.S. Virgin Islands Oil Refinery December 1**

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=NEWS\\_RELEASES&p\\_id=16947](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16947)

Bloomberg News, 18:01 December 1, 2009. Posted to DOE website 12-2-09.