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ALLIANCE**



California **LABOR** Federation



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**WORKSAFE**  
safety, health, and justice for workers  
seguridad, salud y justicia para los trabajadores

December 20, 2016

Christine Baker, Director  
California Department of Industrial Relations  
1515 Clay St. 17<sup>th</sup> Floor  
Oakland, CA 94612  
Submitted electronically to [cbaker@dir.ca.gov](mailto:cbaker@dir.ca.gov)

**RE: Proposed Process Safety Management (PSM) for Refineries, GISO §5189.1**

Dear Director Baker:

Thank you for your call last week. We appreciate that you and your staff worked hard to understand our concerns regarding weaknesses in the July 2016 draft, and that you responded to those concerns with a number of changes to clarify the text.

We are now reasonably confident that the current proposal, if adopted intact by the Standards Board, will make a real difference in protecting the safety of refinery workers, contractor workers and surrounding communities, and it will protect the industry itself and the California economy from the effects of a major industrial disaster.

While we will most likely raise the matter of asphyxiants in the 15-day comment period, we are prepared to support this proposal when it reaches the Standards Board.

We also expect that you may come under pressure to make changes that would weaken the regulation and undermine its enforceability. We strongly urge you to retain the current draft as is. While we are not fully satisfied with the outcome, and we regret a number of changes that will undermine the effectiveness of the regulation in preventing major process failures, we believe that under your leadership, DIR has drafted a regulatory proposal that reflects sound engineering and management practices. After more than three years of effort, the proposal now carefully balances the needs of both industry and labor.

Any substantive changes introduced by DIR since our previous discussion would require us to reevaluate our support for the proposal. We are prepared to oppose the proposal if it is further weakened.

We know from a number of industry engineers working inside the plants that this proposal will allow them to push for improvements that have been needed for years in the state's refineries. We expect to join them in that effort under the provisions of the new PSM regulation. You can give us that opportunity by preventing further erosion of the proposal, moving the document forward—as is—into the 15-day comment period and hearing, and then pushing for rapid adoption, implementation and enforcement.

By providing this leadership, we believe the PSM regulation could be one of the most important regulatory achievements of the Administration.

If it would be helpful to discuss any of this with us directly, please contact Charlotte Brody of the BlueGreen Alliance.

Sincerely,

*Charlotte Brody*, BlueGreen Alliance

*Kim Nibarger*, United Steelworkers

*Lena Moffitt*, Sierra Club

*Doug Parker*, Worksafe

*Mitch Seaman*, California Labor Federation

*Jeremy Smith*, State Building and Construction Trades Council

cc. Standards Board Chair and Members, via Marlee Hart  
David Lanier, Secretary, Labor and Workforce Development Agency  
Cliff Rechtschaffen, Office of Governor Jerry Brown