

Back to Message Tesoro FlyerEng .jpg



TO: Honorable Mayor and City Council, and, City Officials

FROM: Peter Rosenwald SUNKISTPETE @ YAHOO.COM  
562-438-5394

NOTE: I supplied this flyer to Long Beach officials. The flyer was produced by Alicia Rivera of COMMUNITIES FOR A BETTER ENVIRONMENT. (SEE BELOW)

# Stop the Tesoro merger! Speak out!

Tesoro eliminated one more competitor by buying BP refinery and has applied for permits to merge the two refineries together to become the largest on the W. Coast and one of the largest producers of gasoline.

**Speak against the storage expansion.**  
Attend the Air Quality Management District's **public hearing on this project** and say NO to 8 more storage tanks.

**WHEN:** Tuesday, May 17  
**TIME:** 6 p.m. to 8 p.m.  
**WHERE:** Carson Center, 801 E. Carson Street, 90745

For more information contact  
Alicia Rivera from CBE  
310-634-7839 alicia@cbeocal.org



**IMPACTS COULD INCLUDE...**

- ◆ 3.4 MILLION more barrels of crude, possibly dirty crude like explosive Bakken & Tar Sands
- ◆ Could increase explosion & fire hazard in a high earthquake zone
- ◆ Increases VOCs that worsens asthma and are linked to cancer
- ◆ Climate impacts can increase
- ◆ Increases rail activity for butane/propane
- ◆ Could increase gas prices

*\*SEE BELOW\**

Alicia's contact information is:  
ALICIA @ CBE CAL.ORG  
310-634-7839

← CONTINUED →

PLEASE ATTEND, OR, SEND A REPRESENTATIVE TO THE MAY 17<sup>TH</sup> MEETING IN CARSON.

May 3, 2016

MAY 10, 2016  
SUBMITTED TO MAYOR/COUNCIL  
AND CITY OFFICIALS  
- BY -  
Peter Joseph Rosenwald  
SUNKISTPETE @ YAHOO.COM  
562-438-5394

Honorable Council members and City Staff:

These articles demonstrate that Tesoro operates in any manner that it wishes, even contrary to good business practices reflected in the operations of almost all other oil companies.

Is this the character of a company Long Beach wishes to sponsor its award-winning neighborhood leadership program?

Please do not accept the \$20,000 grant being offered by this poor corporate citizen.

Sources of articles included in this packet:

Martinez News-Gazette

San Francisco Chronicle

Contra Costa Times

Oakland Tribune

San Antonio (Texas) Express News

The Columbian (Vancouver, WA)

Long Beach Press-Telegram

The body of this letter was read to the City Council Special Meeting on May 3, 2016 during Agenda Item 29.  
Peter Joseph Rosenwald

**Peter Joseph Rosenwald**

Thank you for your consideration,

*Peter Joseph Rosenwald*

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Seal Beach, CA 90740**

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*Acid spews on workers - Tesoro bars safety agency*  
**Refinery won't let the feds in to inspect**

**San Francisco Chronicle (CA)** - Friday, February 21, 2014

*Readability: >12 grade level (Lexile: 1440L)*

*Author: Jaxon Van Derbeken*

In an unprecedented challenge, Tesoro Corp. has barred federal authorities from going inside its refinery near Martinez to investigate an incident in which two workers were burned by acid spewing from a broken pipe, The Chronicle has learned.

State officials ordered a partial shutdown of the Golden Eagle Refinery following the Feb. 12 incident after inspectors with California's workplace safety agency found numerous suspected safety violations, state officials said.

The investigators with Cal/OSHA went to the plant at 150 Solano Way in the unincorporated community of Pacheco when a pipe containing sulfuric acid burst, spraying the two workers in the face with the caustic chemical. The two were flown by helicopter to UC Davis Medical Center in Sacramento, where they were treated for first- and second-degree burns and released later that day.

On Feb. 18, Cal/OSHA ordered Tesoro to shut down the section of the refinery where the pipe was located until the company reviews its operations, shows how it protects workers against acid spills and conducts refresher training. The unit adds octane boosters to refined gasoline.

**Probe blocked**

Investigators with the U.S. Chemical Safety Board, the lead federal agency in major chemical-plant accidents, showed up a day after the incident and gained access to the refinery grounds. However, Tesoro has rebuffed federal investigators' subsequent requests to return to the refinery, agency officials said Thursday.

Tesoro officials said the Feb. 12 incident was minor and did not qualify under the rules for a federal investigation.

Safety board officials could not recall another refinery or chemical plant on U.S. soil that has challenged the board's authority since its inception in 1998.

"It's rather unique," said Dan Horowitz, the federal agency's managing director, "because our authority is very broad. We not only investigate incidents, but we can investigate hazards even where there has not been a release."

**Feds' job**

The Tesoro incident, Horowitz said, falls squarely into the agency's jurisdiction.

"This is a hazardous unit - it released a hazardous substance, (and) those workers were seriously impacted," Horowitz said. "This is not the sort of accident that should be occurring, a loss of containment involving a hazardous substance. This is exactly the sort of incident that regulatory systems are designed to prevent. We need to find out why this happened."

He said the Chemical Safety Board has subpoenaed Tesoro to turn over documents about the unit's operations and answer questions related to the accident by March 7.

Tesoro, based in San Antonio, downplayed the incident and said it was not satisfied the federal board had the right to intervene.

Elizabeth Watters, a company spokeswoman, described the incident as a "minor chemical release" that left the two workers with "minor chemical burns."

Elizabeth Watters, a company spokeswoman, described the incident as a "minor chemical release" that left the two workers with "minor chemical burns."

"We were surprised when the Chemical Safety Board notified the company that the agency intended to deploy a team to investigate, as the (board) is not charged with investigating a personal safety incident that did not result in serious injuries or substantial property damage," Watters said.

The Chemical Safety Board's interest in Tesoro's operations heightened in April 2010, when an explosion at the company's Anacortes, Wash., refinery killed seven workers. In a draft report issued last month, the federal board said Tesoro had a lax approach to safety, which had led to "catastrophic consequences."

Don Holmstrom, head of the board's Western regional office of investigations, said the latest probe will focus on safety culture as well.

"We think there are some serious safety issues that need further examination," he said. "We need to examine how strong their safety culture is."

Working with state

Watters said the company takes "all incidents seriously" and was cooperating with Cal/OSHA's probe, "as it is clearly within their jurisdiction to investigate."

The workers burned in the latest incident were wearing standard protective gear, but Tesoro had not issued them the specialized equipment required by law to protect their face and body from acid burns, Holmstrom said.

Workers at the refinery told state investigators that they were "afraid" to operate the unit where the spill occurred because acid leaks occur "all the time," according to a Cal/OSHA report. They said the pipes carrying the caustic fluid are dangerously thin.

They said the pipe that failed Feb. 12 broke again just four days later, Cal/OSHA said. Pipe-fitters were working on the unit and "the piping came apart in the exact same spot it did during the accident," the state report said.

**Caption:** Tesoro Corp.'s Golden Eagle Refinery, where two workers were recently sprayed with sulfuric acid, sits near Interstate 680 close to the Waterbird Regional Preserve in Pacheco. Michael Short / Special to The Chronicle  
**Memo:** Jaxon Van Derbeken is a San Francisco Chronicle staff writer. E-mail: [jvanderbeken@sfchronicle.com](mailto:jvanderbeken@sfchronicle.com)

**Edition:** 5star-dot

**Section:** MainNews

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**Index Terms:** Tesoro Corp. , Chemical Safety Board; METRO, REFINERIES, ACCIDENTS, PROBE

**Location(s):** 150 Solano Way, Tesoro Golden Eagle Refinery, Pacheco, CA 94553, USA

**Record Number:** 85220CHE

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**Tesoro thwarts federal investigators from probing recent refinery accident near Martinez**

Contra Costa Times (Walnut Creek, CA) - Friday, February 21, 2014

*Readability: >12 grade level (Lexile: 1400L)*

*Author: Robert Rogers Contra Costa Times*

MARTINEZ -- Federal chemical safety officials say Tesoro Corp. is preventing them from investigating an incident at its refinery near Martinez in which two workers were burned by acid spewing from a broken pipe.

Three U.S. Chemical Safety Board investigators showed up a day after the Feb. 12 incident and initially gained access, but Tesoro's lawyers raised "jurisdictional challenges" and forced the investigators to leave, said Dan Horowitz, the CSB's managing director.

"We've certainly faced our share of jurisdictional challenges, but I can't think of another refinery or chemical plant that has taken a position that injuries aren't serious enough for us to investigate and that we lack jurisdiction," Horowitz said. "This is a new one to me."

Two workers suffered minor injuries Feb. 12 after an acid spill at the Tesoro Golden Eagle Refinery. The workers were airlifted to UC Davis Medical Center and treated for first- and second-degree burns and released, according to a hospital spokeswoman.

Contra Costa Fire District spokeswoman Lisa Martinez said the workers suffered burns after being exposed to a sulfuric acid.

The safety board was created in 1998, and has spent much of the past 18 months investigating the August 2012 fire at Chevron's Richmond refinery.

Tesoro spokeswoman Melissa Flynn released an email statement Friday saying the company was "surprised" that CSB intended to investigate the incident, which she called a "personal safety incident that did not result in serious injuries or substantial property damage."

"We recognize the important regulatory role of the CSB, and the company will voluntarily work with the appropriate regulatory agency in every instance," Flynn wrote. "However, Tesoro has decided that it must respectfully decline to participate in the CSB's review due to their lack of authority in this particular instance."

Horowitz disagreed, saying the CSB responded the day after his investigators were denied further access by issuing a subpoena to force Tesoro to comply with the investigation and turn over records related to the accident. Tesoro must respond to the subpoena by March 7, Horowitz said.

"Any time you lose containment in a refinery and workers are exposed, the incident is serious on its face," Horowitz said. "Clearly, it's important to find out what's going on (at the facility)."

The CSB's investigation of the Chevron fire in Richmond has resulted in hundreds of pages of investigative reports and recommendations for sweeping changes in refinery regulations.

California's Interagency Working Group on Refinery Safety, convened after the Chevron fire, released its final report last week, calling for improved community emergency response systems; better coordination among regulators; strengthening enforcement tools available to regulators; and requiring refineries to implement inherently safer systems, recommendations that in part echoed those made by the CSB.

"The bottom line is if the recommendations in the report are implemented, worker and public safety will be improved," Assemblywoman Nancy Skinner, D-Berkeley, said in a prepared statement. "The recommendations include increasing fines on violations and better public notification when incidents occur."

When asked in a telephone interview Friday about Tesoro's refusal to cooperate with the Chemical Safety Board,



Skinner said, "CSB was established by Congress to help improve safety as an independent watchdog. I cannot imagine that CSB would not have a legitimate role or right to work on the incident at Tesoro."

On Feb. 18, the state Division of Occupational Safety and Health (Cal/OSHA) ordered Tesoro to shut down the section of the refinery where the pipe was located pending further investigation. An agency spokeswoman wrote in an email Friday that Cal/OSHA discovered violations of state regulations for injury and illness prevention and the safe handling of hazardous materials at the unit.

Flynn, the Tesoro spokeswoman, said Cal/OSHA was permitted access because "it is clearly within their jurisdiction to investigate."

In order to reopen the alkylation unit, which adds octane boosters to refined gasoline, Tesoro must demonstrate to Cal/OSHA that a series of steps have been taken, including a complete review of operating procedures and engineering controls, refresher training for workers in the unit and a review of management of procedures, said Cal/OSHA spokeswoman Erika Monterroza.

"Cal/OSHA's investigation continues into the incident," Monterroza said Friday.

According to Cal/OSHA's order halting use of the unit, operators interviewed said they are "afraid" to operate the unit and that Tesoro is "cutting acid rates and not running the unit as it is designed to be run."

The latest incident comes on the heels of Tesoro agreeing to pay \$472,000 in civil penalties for 35 alleged air pollution violations between 2009 and 2011 in a settlement with the Bay Area Air Quality Management District. In April 2010, an explosion at Tesoro's Anacortes, Wash., refinery killed seven workers.

The CSB investigated that incident, and issued a draft report last month criticizing the company's approach to facility safety.

Contact Robert Rogers at 510-262-2726 or [rogers@bayareanewsgroup.com](mailto:rogers@bayareanewsgroup.com). Follow him at [Twitter.com/roberthroggers](https://twitter.com/roberthroggers).

**Caption:** Photo: The Tesoro Golden Eagle refinery is photographed on Saturday, December 13, 2003 in Martinez, Calif. Hunters that drive through the refinery to reach the Point Isabel wetlands will now be searched. The refinery has changed their policies due to security concerns. (Jose Carlos Fajardo/Contra Costa Times)

Photo: The Golden Eagle refinery owned by Tesoro just east of Martinez, Calif. on Wednesday, November 19, 2003. Tesoro purchased the refinery from Tosco. (Dean Coppola/Contra Costa Times)

Photo: The high-tech delayed coker that opened in 2008 at the Tesoro Refinery in Martinez, Calif., is photographed Tuesday Aug. 30, 2011. (Dan Rosenstrauch/Staff)

**Section:** *Breaking*

**Index Terms:** *My Town ; Environment ; Contra Costa ; News ; Local*

**Record Number:** *25200054*

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## Access World News

### **Oakland Tribune editorial: Tesoro undermines refinery industry credibility**

Oakland Tribune, The (CA) - Monday, February 24, 2014

*Readability: 11-12 grade level (Lexile: 1250L)*

*Author: Oakland Tribune editorial &#169; 2014 Bay Area News Group*

Message to Tesoro Refinery management: People don't trust you, and they never will if you keep stonewalling.

A pipe ruptured Feb. 12 at the company's refinery near Martinez. Two workers were airlifted to UC Davis Medical Center with first- and second-degree burns from spewing acid. To make matters worse, the pipe came apart in the exact same spot four days later.

Yet, somehow, Tesoro does not consider these serious injuries, wrongly questions the authority of the U.S. Chemical Safety Board to investigate and is refusing to cooperate with the agency's probe.

The company, after first granting the federal agency access, has blocked it from returning. When safety board investigators first arrived they found that the company was already altering the accident site, rather than preserving the evidence.

It smells of a horrible cover-up by a company with a long history of safety lapses. It threatens to undermine decades of work in Contra Costa to build trust between the county's refineries, the community and the government agencies responsible for protecting public and worker safety.

The state Division of Occupational Safety and Health has issued an order barring Tesoro from restarting the failed unit. In it, the agency outlines inadequate protections for workers, employees' fearing for their safety and intimidation by management.

This same refinery was the site of a 1999 accident that killed four workers. While the plant was under different ownership then, Tesoro has had its own problems there and at its Anacortes, Wash., refinery, where seven people were killed.

At the Contra Costa facility in just one year, 2012, significant incidents included two fires, a sulfuric acid release, a vapor release, and an unspecified leak, according to the Chemical Safety Board.

As for Anacortes, the board concluded in a damning report last month, the fatal explosion and fire there resulted from a "complacent" attitude toward flammable leaks and occasional fires. The board found that Tesoro had failed to correct a history of hazardous conditions.

It's imperative that Tesoro cooperate with the safety board. No other government agency has done, and is doing, such thoughtful and thorough examinations of refinery accidents and the industry's safety practices.

As we saw from its investigation of the 2012 Chevron refinery explosion in Richmond, the safety board provides analysis that is critical to the prevention of future explosions.

People's lives and safety are at stake inside the gates and in the surrounding neighborhoods. Unfortunately, Tesoro's response belies industry claims that it wants to make its plants safer, and that undermines those operators who are making legitimate and serious strides on safety. It is time for a close examination of Tesoro's processes.

**Caption:** Photo: The Golden Eagle refinery owned by Tesoro just east of Martinez, Calif. (Staff archives)

**Section:** *My Town*

## Two refinery workers sprayed with acid

Martinez News-Gazette (CA) - Tuesday, February 25, 2014

**Readability:** >12 grade level (Lexile: 1370L)

**Author:** Rick Jones

Tesoro refinery under investigation by Cal/OSHA

The United Steelworkers union has demanded Tesoro Corp. develop a "comprehensive, cohesive" safety program after a Feb. 12 incident at the Golden Eagle plant in Martinez that injured two workers.

The state Division of Occupational Safety and Health's (Cal/OSHA) investigation continues into the incident that occurred at the alkylation unit of the refinery, after a pipe containing sulfuric acid burst, spraying two workers in the face. The two were flown by helicopter to UC Davis Medical Center in Sacramento, where they were treated for first- and second-degree burns and released later that day.

On Feb. 18, Cal/OSHA ordered Tesoro to shut down the section of the refinery where the pipe was located pending further investigation. The unit adds octane boosters to refined gasoline. Cal/OSHA discovered violations of state regulations for injury and illness prevention and the safe handling of hazardous materials at the unit.

"Tesoro management trivialized the extent of the workers' injuries to establish jurisdictional defense specifically to avoid the scrutiny of U.S. Chemical Safety Board (CSB) and other agencies," USW Vice President Gary Beevers said in a press release. "Management's platitudes about operating safely have been exposed, as constant downward pressure to produce continues to threaten workers, their communities and the environment."

In a Cal/OSHA report, operators told investigators they were afraid to operate the alkylation unit. Workers at the refinery said they signed "green sheets" with the notation "signed under duress" for procedure changes and also said that Tesoro is "cutting acid rates and not running the unit as it is designed to be run." They are told to "cut the fresh acid rate to save the chemical plant (another unit) from working too hard. The operators state they argue with management when given the order to cut fresh acid because it causes all kinds of problems in the unit."

Investigators were also told there are acid leaks from the tubing on the sample stations "all the time." Operators stated if they open the valve from the beaker to the bottom of the sample station too much, it will splash up and hit them with acid.

Operators also reported Tesoro failed to conduct required management of organizational changes (MOOC) when they decided to reduce staffing for start-up and shutdown of the alkylation unit.

According to Cal/OSHA spokeswoman Erika Monterroza, in order to remove the order, Tesoro must demonstrate to Cal/OSHA that the following steps have been taken:

- Conduct a complete review of operating procedures for the alkylation unit;
- Review engineering controls of sample stations as per Title 8 section 5189(j);
- Review requirements for taking samples at the sample station including personal protective equipment;
- Review management of change procedures and conduct a management of organizational change for startup and shutdown of the unit;
- Provide refresher training to all operators at the unit.

"Cal/OSHA's investigation continues into the incident," Monterroza said Friday.

Tesoro did not respond to questioning as of presstime Monday.



The Martinez refinery has 700 full-time workers according to the Tesoro website and can produce 160,000 barrels per day making it the second largest refinery in Northern California. Tesoro has operated the refinery since 2002.

**Section:** *General News*

**Index Terms:** *Cal/OSHA, Division of Occupational Safety and Health, Erika Monterroza, Golden Eagle, Martinez, Martinez refinery, OSHA, refinery workers hurt, Tesoro, U.S. Chemical Safety Board, United Steelworkers*

**Record Number:** *cf6540cd76d9bf438f3f55a934813cc164dfed9*

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## Chemical Safety Board criticizes Tesoro

San Antonio Express-News (TX) - Thursday, February 27, 2014

*Readability: >12 grade level (Lexile: 1390L)*

*Author: Vicki Vaughan*

In a sharply worded letter to Tesoro Corp.'s chief executive Wednesday, the U.S. Chemical Safety Board blasted the company for denying access to its investigators following a Feb. 12 accident at the company's Martinez, Calif., plant.

The barring of safety board officials "creates a real concern that Tesoro may be trying to withhold other facts and issues from the agency," the letter said.

The letter was addressed to Tesoro CEO Gregory Goff and signed by safety board Chairman Rafael Moure-Eraso and board members Mark Griffon and Beth Rosenberg.

A Tesoro spokesperson did not respond to an interview request by deadline.

Agency officials said they wanted to "unanimously express our disappointment" that locally based Tesoro refused to allow its investigators to re-enter an area of the refinery where a pipe burst and sprayed sulfuric acid on two workers. The workers were airlifted to a hospital, treated for burns and released later that day.

The agency's investigators were able to enter the plant the day after the accident, but were denied access when they asked to return, safety board officials said on Feb. 20.

In denying access, a Tesoro official said at the time that the incident was a "minor chemical release," and that the federal agency "is not charged with investigating a personal safety incident that did not result in serious injuries or substantial property damage."

The safety board said in its letter to Goff that it has legal grounds for pursuing its inquiries. The release of acid that injured the workers "absolutely constitute serious injuries," the agency said.

Even if no injuries had occurred, the board said has the authority to conduct hazard studies. The safety board has subpoenaed Tesoro for documents about the unit at the Martinez plant.

In Wednesday's letter, the agency said Tesoro indicated it will not comply "with the subpoena and other document requests," a stance that is "contrary to the federal statute that governs access and cooperation by companies" for incidents the board is investigating.

Safety board managing director Daniel Horowitz said Wednesday that Tesoro indicated in recent discussions it might challenge the subpoena over the serious injury issue, but the company stopped short of saying it would resist.

"At the same time, there is not an agreement right now on prompt site access, witnesses, documents," Horowitz said.

Last month, Tesoro was sharply criticized by the safety board in its report on a fire and explosion that occurred in April 2010 at the company's Anacortes, Wash., refinery in which seven workers were killed. The agency's draft report, released Jan. 30, portrayed Tesoro's safety culture as deficient. The agency reiterated that opinion in the letter, saying its Anacortes investigation "found a multitude of shortcomings in Tesoro's plant safety culture."

The agency said it wants to examine "safety culture issues stemming from the Feb. 12 incident" at Tesoro's Martinez plant. It urged Tesoro to "reverse course" and cooperate with its investigation.

vvaughan@express-news.net

San Francisco Chronicle archives contributed to this report.

## Chemical Board reacts to Tesoro incident

Martinez News-Gazette (CA) - Tuesday, March 4, 2014

**Readability:** >12 grade level (Lexile: 1570L)

**Author:** admin

EDITOR'S NOTE: The following letter is from U.S. Chemical Safety Board (CSB) members to the president of Tesoro.

Dear Mr. Goff:

The undersigned members of the U.S. Chemical Safety Board (CSB) write to you today to unanimously express our disappointment in Tesoro's recent actions blocking this agency from performing its congressionally-mandated duties in investigating the Feb. 12, 2014, sulfuric acid release and resulting serious injuries at your refinery in Martinez, Calif.

The actions taken by your company's refinery management in consultation with your legal counsel, refusing to permit the CSB to return to the site, refusing to preserve the site, prohibiting the conduct of certain interviews, and indicating that you will not comply with a duly issued document subpoena and other document requests, are contrary to the federal statute that governs access and cooperation by companies where an incident has occurred that is under investigation by the CSB.

Your counsel has presented to us and to the public the inaccurate claim that less than serious injuries occurred to two workers, who suffered first and second degree chemical burns when their bodies were sprayed with sulfuric acid while putting a sampling station back in service in the sulfuric acid alkylation unit. Your company's contention is that the CSB does not have jurisdiction in this matter.

A sulfuric acid release is a serious chemical process safety incident subject to CSB investigative jurisdiction.

We point out that our investigation team has determined already that approximately five gallons a minute was leaking until isolated. Acid splashing on workers' unprotected faces or other parts of the body, resulting in first and second-degree burns requiring air evacuations to a hospital burn unit, treatment, and subsequent significant lost time at work, absolutely constitute serious injuries.

However, even if no injuries had occurred, the CSB governing statutes provide authority for the agency to conduct hazard studies; the agency has for over a year been gathering information from numerous refineries with the intent of producing such a report.

Therefore any serious accident – such as a significant sulfuric acid leak – falls under CSB jurisdiction.


The action taken by Tesoro in preventing lawfully authorized CSB investigators from performing their official duties calls into question why Tesoro has taken this unprecedented action. It creates a real concern that Tesoro may be trying to withhold other facts and issues from the agency.

Our draft report on the 2010 accident at Tesoro's Anacortes refinery which killed seven workers on Jan. 30, 2014, found a multitude of shortcomings in Tesoro's plant safety culture. The CSB is interested in examining safety culture issues stemming from the Feb. 12 incident, providing another legal ground for our inquiry.

At the Martinez facility, despite your counsel's efforts to block our access, we have proceeded in our investigation and have determined that a mechanical integrity failure occurred on equipment connected to a 100,000 gallon process vessel containing flammable hydrocarbons and concentrated sulfuric acid, resulting in the sprayed acid, and that operators being sprayed by acid and caustic during routine sampling activities is a common occurrence.

We have also learned that protective equipment required by procedure for sampling was not provided for the workers at the time – operators did not have ready access to face shields and acid suit jackets at the Martinez facility.

Furthermore, some workers have made the assertion to us and to their union representatives that they have been fearful



Peter Rosenwald

for their jobs at times when they wished to express safety concerns. We therefore seek further access and renewed cooperation with your company in order to determine all the facts.

We hasten to point out that the CSB is not a regulatory agency and does not issue fines or penalties, nor do we assess any individual blame for incidents. We look for root causes – to be shared with the workforce, the public and the industry in the interests of accident prevention.

Our independent, high-quality reports and safety videos have been recognized and respected over the years for their important contributions to safety. We are dismayed that Tesoro would not stand in support of furthering this vital mission.

The Chemical Safety Board strongly requests that, under your leadership, Tesoro reverse course, recognize its error, and cooperate with the lawfully authorized CSB investigation.

Yours Sincerely,

Dr. Rafael Moure-Eraso, Chairman and Board Member; Mark Griffon, Board Member; Dr. Beth Rosenberg, Board Member

**Section:** *Letters to the Editor*

**Index Terms:** *Dr. Beth Rosenberg, Dr. Rafael Moure-Eraso, Golden Eagle refinery, Mark Griffon, Martinez, refinery accident, Tesoro, Tesoro refinery, U.S. Chemical Safety Board*

**Record Number:** *dd25e16da621c7a1d88e82841ef6dd03e8379fe*

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**Oakland Tribune editorial: Consider shutdown if Tesoro Refinery doesn't change attitude**

Oakland Tribune, The (CA) - Tuesday, March 11, 2014

**Readability:** 11-12 grade level (Lexile: 1260L)

**Author:** Oakland Tribune editorial &#169; 2014 Bay Area News Group

Managers of Tesoro's refinery near Martinez must start demonstrating that they put safety before profits or regulators should start considering steps to shut it down.

Monday's acid spill was the second in less than a month, each involving the same unit and same chemical, and each sending two workers to the hospital. After the first incident, Tesoro stonewalled, blocking U.S. Chemical Safety Board investigators from accessing the refinery.

During the legal standoff, the company altered the accident site rather than preserving the evidence. When investigators finally gained some cooperation, they found out that the release was not the minor incident Tesoro had portrayed but rather involved an estimated 84,000 pounds of sulfuric acid.

Time after time, public figures, be it politicians or major companies, compound their errors by covering up rather than coming clean and working to resolve systemic problems. The more Tesoro digs in, the more the community rightly questions its safety culture.

The plant, under different ownership, was the site of a 1999 accident that killed four workers. Under Tesoro ownership in just one year, 2012, significant incidents included two fires, a sulfuric acid release, a vapor release and an unspecified leak, according to the safety board.

Meanwhile, at Tesoro's Anacortes, Wash., refinery, a 2010 fatal explosion and fire resulted from what the safety board called a "complacent" attitude toward flammable leaks and occasional fires. The board found Tesoro had failed to correct a history of hazardous conditions.

This community must not stand for that here.

Sure, a shutdown would hurt not only the local job market but also increase gas prices, albeit only a small amount, probably no more than a dime a gallon. But a major incident would have its own serious economic consequences.

Moreover, the money pales in comparison to the threat to worker safety, the environment and the health of surrounding residents and employees posed by a company that seems to recklessly dismiss safety.

Most in the industry recognize a "trust us" approach no longer cuts it. Chevron understood that after the 2012 explosion at its Richmond refinery that nearly killed 19 workers, spewed tons of pollutant-laced black smoke into the air for hours, sent 15,000 surrounding residents seeking medical attention and hospitalized about 20.

The public needs outside oversight to protect it. That's why the Chemical Safety Board has clear authority to investigate such accidents and find ways to ensure they don't happen again.

That's why Tesoro's stonewalling is so appalling. The company has yet to fully cooperate with the federal agency's investigation of the last release. If it doesn't immediately change its attitude, tougher action is needed.

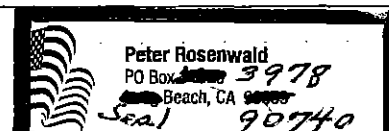
**Caption:** Photo: The Golden Eagle refinery owned by Tesoro just east of Martinez, Calif. (Staff archives)

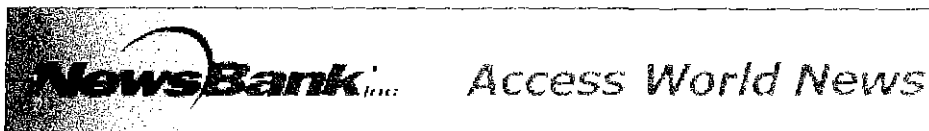
**Section:** My Town

**Index Terms:** Opinion

**Record Number:** 25320040

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## **SECOND TESORO SPILL INJURES TWO WORKERS - Contract workers suffer acid burns; feds say company downplayed February incident**

Contra Costa Times (Walnut Creek, CA) - Tuesday, March 11, 2014

*Readability: >12 grade level (Lexile: 1350L)*

*Author: Robert Rogers and Natalie Neysa Alund STAFF WRITERS*

**Abstract:** *Contract workers suffer acid burns; feds say company downplayed February incident*

MARTINEZ -- As Tesoro's Golden Eagle refinery dealt with the second acid spill in less than a month that required hospital treatment for workers, federal chemical safety officials said late Monday that the company had misrepresented to the public the extent of last month's incident.

The U.S. Chemical Safety Board said in a written statement that an "eye-opening" Tesoro document indicates that the Feb. 12 mishap resulted in the release of 84,000 pounds of sulfuric acid -- "hardly the minor release that Tesoro has been describing to the public."

The CSB said it was sending an investigator to probe Monday's spill. The agency said earlier Monday that it had regained access to the refinery near Martinez last week after Tesoro had prevented its investigators from returning to the site of the Feb. 12 incident.

Two employees were treated at a hospital Monday morning after they were exposed to sulfuric acid, Contra Costa County Hazardous Materials specialist Maria Duazo said.

Refinery officials contacted the agency at 10:49 a.m. and reported that two contract employees suffered sulfuric acid burns, she said. The workers, she added, both wore protective clothing.

Fire crews responded to the refinery, and the workers were taken by ambulance to John Muir Medical Center in Walnut Creek for serious but not life-threatening injuries.

The state's worker safety regulatory agency, Cal/OSHA, was also responding to the scene Monday, agency spokesman Peter Melton said. It issued an order for Tesoro to preserve the site of the accident.

Tesoro spokeswoman Tina Barbee wrote in an email Monday that the workers "were exposed to a chemical at a unit during planned maintenance activities."

Barbee wrote that the workers were wearing protective safety equipment and were decontaminated in a shower before being taken to the hospital, and that one has since been released.

The incident comes less than a month after two other workers were burned with sulfuric acid in the alkylation unit.

"The cause of (Monday's) incident is under investigation and is believed to be unrelated to the chemical release that occurred on Feb. 12," Barbee wrote. Tesoro also disagreed with the CSB's assertion that the company misrepresented the scope of February's chemical release. "... (T)he release was contained in a process sewer, which is part of the system's design," Barbee wrote. "The amount of SO<sub>2</sub> released to the environment was classified as minor according to regulatory requirements."

Cal/OSHA shut down the unit from Feb. 18 to Feb. 28 while it investigated the Feb. 12 incident. Late last month, federal chemical safety officials sent a sharply worded letter to Tesoro CEO Gregory Goff alleging that company officials violated federal law in blocking investigators from the site of the Feb. 12 accident.



Three U.S. Chemical Safety Board investigators showed up a day after the incident and initially gained access, but Tesoro's lawyers raised "jurisdictional challenges" and forced the investigators to leave, said Dan Horowitz, the CSB's managing director.

Horowitz wrote in an email Monday that CSB investigators had gained access to the facility last week.

Investigators "made progress," Horowitz wrote. "Tesoro has been cooperating to some extent."

In the statement released Monday, the Chemical Safety Board said Tesoro had yet to provide some of the key documents it is seeking, including a recent survey of safety culture. In addition, the CSB said evidence at the site had not been preserved.

The two workers who suffered injuries in the acid spill at the refinery last month were flown to UC Davis Medical Center and treated for first- and second-degree burns and released, according to a hospital spokeswoman.

In a prepared statement released Feb. 21, Tesoro spokeswoman Melissa Flynn said the company was "surprised" that CSB intended to investigate the incident, which she said resulted in "minor chemical burns" to two employees.

Federal law gives the CSB power to investigate "any accidental release resulting in a fatality, serious injury or substantial property damages," according to the legislative code that appears on the agency's website.

Contact Robert Rogers at 510-262-2726.

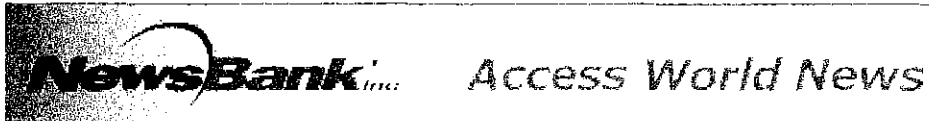
**Caption:** PHOTO: The Tesoro Golden Eagle Refinery near Martinez was the site of a sulfuric acid spill that injured workers in February and again on Monday. Two employees were treated at a hospital Monday morning, according to county officials. (Jose Carlos Fajardo/ STAFF)

**Section:** News

**Page:** 1B

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## Tesoro bashed for dropping worker-safety programs at Contra Costa refinery where acid spills occurred

Contra Costa Times (Walnut Creek, CA) - Wednesday, March 12, 2014

*Readability: >12 grade level (Lexile: 1520L)*

*Author: Robert Rogers Contra Costa Times*

MARTINEZ -- Political and labor leaders ripped Tesoro on Tuesday for backing out of two volunteer worker-safety programs in 2012 as scrutiny of the company grew in the wake of two acid spills in less than a month that sent workers from its Golden Eagle oil refinery to the hospital.

Tracy Scott, a representative of United Steelworkers Local 5, said Tuesday that Tesoro management opted out of the union-driven Triangle of Prevention safety program and the Voluntary Protection Program, a cooperative program among management, workers and Cal/OSHA, the state workplace safety agency, designed to prevent and control occupational hazards.

"We believe pulling out of (the programs) was a mistake," Scott said. "Other refineries we represent have these multilayered programs in place and embrace them, whereas Tesoro is decidedly against them."

Rep. George Miller, D-Martinez, also slammed Tesoro for ditching the Triangle of Prevention program in a news release Tuesday, noting that the program remains in place at other Tesoro refineries in California and Washington.

"Tesoro should reinstate its successful labor-management safety program ... that it has regrettably terminated," Miller said in the release.

As part of the program, the local refinery union appoints a representative who coordinates and participates in on-site training, organizes incident and near-miss investigation teams, takes part in the investigation process and communicates results of investigations and the status of recommendations to the refinery community. VPP includes regular on-site evaluations and is overseen by Cal/OSHA, which works with labor and management to "systematically identify and correct hazards," according to Cal/OSHA's website.

Tesoro, which previously came under fire for refusing to allow officials from the U.S. Chemical Safety Board on site to investigate the Feb. 12 accident before relenting last week, defended its safety record at Golden Eagle, saying 2013 was the safest on record at the refinery near Martinez, with the equivalent of three recordable injuries in approximately 3.5 million working hours. The refinery has about 700 full-time workers.

"Our Golden Eagle refinery has more than 10 represented health and safety workers, which is a robust group, and employee engagement remains an integral part of our safety and incident investigation process," spokeswoman Tina Barbee wrote in an email.

Barbee also said the refinery had dropped the Triangle of Prevention program because of "inherent shortcomings" and had replaced it with something more comprehensive.

Asked about the shortcomings of the program, Barbee wrote, "We believe our current system has better root cause analysis during incident investigation than the TOP program."

Barbee said safety indicators in Tesoro's performance review made it technically ineligible to participate in the Voluntary Participation Program.

But Scott said workers see the situation differently. He said an internal survey of workers at the refinery last year revealed "a significant disconnect between management and hourly (workers) in their beliefs about the refinery's safety."

"The survey was to ascertain how people felt about certain things, including safety," Scott said. "Management gave a glowing report, while employees who deal directly with the work in the refinery had an opinion that was considerably deteriorated from the last survey in 2007."

Scott added that workers are concerned with the refinery's widespread use of "leak seal repairs," which bolster failing pipes with wraps consisting of Fiberglas and durable resins.

The rapid succession of two incidents involving acid burns has drawn harsh spotlight onto the refinery, which, according to Tesoro's website, is the second-largest in Northern California.

Two contract employees of Brinderson, a refinery contractor in Benicia, were treated at a hospital Monday morning after they were exposed to sulfuric acid, according to county health officials and Cal/OSHA spokesman Peter Melton. The workers, who were wearing protective clothing, were taken by ambulance to a hospital for injuries and released later that night.

Monday's spill occurred while the workers were trying to remove a damaged pipe, according to Contra Costa County Hazardous Materials Division Director Randy Sawyer.

An official who answered the phone at Brinderson said the company would have no comment.

Two refinery employees, who reportedly were not wearing protective clothing, were burned with sulfuric acid in the same alkylation unit on Feb. 12 in a mishap that resulted in the release of an estimated 84,000 pounds of sulfuric acid, according to the Chemical Safety Board, which accused Tesoro in a statement on Monday of publicly downplaying the scope of that release. After that incident, Cal/OSHA shut down the unit from Feb. 18 to Feb. 28 while it investigated.

"... based on what we have learned so far, there is a troubling trend of degraded safety conditions, and a loss of confidence by employees that the refinery's management will adequately maintain equipment and piping," Miller said in his statement.

Contra Costa County Supervisor John Gioia, of Richmond, also stepped up pressure on Tesoro.

"This raises a very serious red flag that there is a safety culture issue at the refinery," Gioia said.

In an email Monday night, Barbee disputed the Chemical Safety Board's claim that Tesoro had misrepresented the scope of the Feb. 12 spill, saying "the release was contained in a process sewer, which is part of the system's design."

But on Tuesday, Sawyer of the county's Hazardous Materials Division disputed any classification of the incidents as "minor."

"Any time you have workers burned I consider it serious," Sawyer said.

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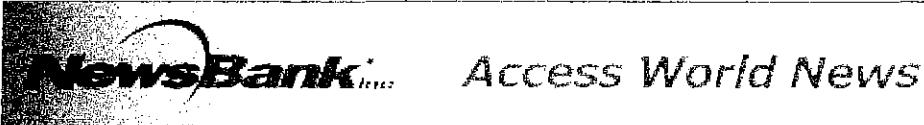
**Caption:** Photo: A guard stands in front of the main entrance of the Tesoro Golden Eagle Refinery in Pacheco, Calif., on Monday, March 10, 2014. For the second time in less than a month, workers have suffered injuries in an acid spill. The two employees were being treated at a local hospital Monday morning after they were exposed to sulfuric acid. Contra Costa County Hazardous Materials specialist Maria Duazo said. (Jose Carlos Fajardo/Bay Area News Group)

**Section:** *Breaking*

**Index Terms:** *My Town ; Western Contra Costa ; Contra Costa ; News ; Local*

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## Tesoro dispute resonates locally

Columbian, The (Vancouver, WA) - Monday, March 31, 2014

*Readability: 10-12 grade level (Lexile: 1190L)*

*Author: Eric Florip Columbian staff writer*

From the start, the proposed oil terminal at the Port of Vancouver generated heated debate over what such a facility would mean for the community.

But in recent weeks, the local conversation has also been shaped by an incident hundreds of miles from Vancouver.

Opponents of the terminal have pointed to a Tesoro Corp.-owned oil refinery in Martinez, Calif., that saw a chemical release burn two workers on Feb. 12. The severity of those burns has been disputed, and the U.S. Chemical Safety Board alleges Tesoro blocked the agency from fully investigating the incident, at one point barring inspectors from entering the facility.

Tesoro is one of the companies behind the proposed oil terminal in Vancouver.

During a recent swing through Vancouver, Tesoro officials adamantly denied hindering the CSB's investigation — despite a letter from the agency directly contradicting Tesoro's account of what happened. In it, the CSB's three members blasted Tesoro for downplaying the seriousness of the workers' injuries, and for preventing the CSB from performing its federally mandated duties.

Tesoro officials say that's not true.

"We deeply respect all of our regulators," Keith Casey, Tesoro's senior vice president of strategy and business development, told The Columbian last week. "We have fully cooperated with all of our regulators, and we never barred the CSB from that facility."

### Dueling accounts

The dueling claims present very different versions of the same incident at a time when Tesoro's credibility and safety record are being questioned in Vancouver and elsewhere.

"You either believe Tesoro or you believe this independent group," said Dan Serres, conservation director for advocacy group Columbia Riverkeeper. "And it's pretty clear that Tesoro is understating the impact to workers in this incident."

Tesoro Corp. and Savage Companies want to build an oil terminal capable of handling as much as 380,000 barrels of crude per day. Oil would arrive by rail from North Dakota, then leave by marine vessels on its way to U.S. refineries. The Vancouver terminal would be the largest such facility in the Northwest.

Port of Vancouver commissioners have already approved a lease with the Tesoro-Savage joint venture. But some other local leaders have been skeptical of the plan. A majority of Vancouver City Council members say they oppose the oil terminal.

In announcing his opposition earlier this month, Councilor Jack Burkman directly cited the California incident among his reasons. He noted the apparent disconnect between how Tesoro characterized the incident and how federal regulators described it.

"Actions often speak much louder than words," Burkman said at a March 17 council meeting. "These actions yell at me."

Many critics have also cited a 2010 explosion at a Tesoro refinery in Anacortes that killed seven people.

In the California incident, Tesoro described workers' burns as "minor." But the CSB letter said the workers suffered first- and second-degree burns after they were "sprayed" by sulfuric acid at the refinery. A CSB representative reportedly later said that 84,000 pounds of acid was released in the incident.

Tesoro doesn't dispute that number. But almost all of that acid went into a drain designed to catch it in the event of a chemical release, said Brian Sullivan, Tesoro vice president of corporate affairs.

The CSB letter also alleges that the workers were not provided with the proper protective equipment at the time — a claim Tesoro flatly denies.

"That's just not true," Sullivan said.

The CSB is an independent federal agency charged with investigating industrial chemical accidents. It does not issue citations or fines, but it does make recommendations.

Sullivan noted that Tesoro works with more regulators than just the CSB at its facilities. The Martinez refinery, for example, also falls under the jurisdiction of local and state regulators, including the California Division of Occupational Safety and Health, he said. Tesoro maintains it has fully cooperated with those agencies, including the CSB.

The CSB's letter makes it clear that the agency feels otherwise. Sullivan said the company is disappointed that the dispute has played out publicly in the media, rather than directly between the two parties. More than a month after it was sent, the CSB letter remains prominently posted on the agency's website.

Tesoro executives have said it's premature to judge the proposal until its review — now in the hands of the state Energy Facility Site Evaluation Council — fully plays out. But Burkman and others so far haven't been pleased with what they've heard.

"The more I have learned about the proposed oil terminal and the related shipment of oil by rail, the more concerned I have become," Burkman said earlier this month.

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**Caption:** Troy Wayrynen/The Columbian Oil tank cars move through a rail yard in Vancouver. An oil terminal proposed at the Port of Vancouver has generated controversy.

**Section:** Metro

**Page:** A1

**Index Terms:** COAL AND OIL ; VANCOUVER ; WEST VANCOUVER

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## Access World News

### Commentary - United Steelworkers say refinery strike is about safety

Long Beach Press-Telegram (CA) - March 8, 2015

**Author/Byline:** Jorge Cabrera and Barbara Rahke **Section:** Opinion **Page:** 17 **Readability:** >12 grade level (Lexile: 1450)

A strike against the U.S. oil refinery industry by nearly 7,000 members of the United Steelworkers is now entering its second month. Two facilities in California are affected — one in Carson, one in Martinez — both owned by the Tesoro refining company.

What's this conflict about?

Safety, say the steelworkers. Oil companies are not hiring enough people and overscheduling their existing staff, resulting in fatigue that can lead to serious problems.

Not so fast, says the oil industry. Don Romasko, the CEO of Motiva — a joint venture of Shell Oil and Saudi Refining — sent a memo to employees in February claiming that the union's primary concern is not safety or fatigue, but replacement of "routine maintenance contractors with USW-represented employees."

Safety and staffing, however, are two sides of the same coin. Working in the oil and gas industry, according to federal safety statistics, is one of the most dangerous jobs in the country, with more than 800 deaths between 2003 and 2010. That's seven times more dangerous than other U.S. industries.

Our organizations — the Southern California Coalition for Occupational Safety and Health (COSH) and National COSH — advocate for effective measures to prevent injuries, illnesses and fatalities in workplaces in California and across the country. To maintain a safe workplace, best practices require an experienced, permanent staff with detailed knowledge of safety protocols to keep complex equipment running properly. A rotating cast of temporary workers can't provide the same measure of security.

An oil refinery is not an oil change shop. A typical U.S. refinery processes a million gallons of flammable and explosive liquids every day, moving through a maze of piping and equipment at high pressure and high temperatures. It's a potentially dangerous environment with catastrophic consequences if failures occur.

It's a lesson that was learned the hard way at an Exxon refinery in Beaumont, Texas, in 2013. A fatal fire broke out at the facility after an inexperienced contracting firm, new to the job, used a torch to open stuck bolts on a piece of equipment still filled with hydrocarbons. Two workers were killed and 10 others injured.

It's not just workers who are risk when these tragedies occur. Entire communities can suffer, since refineries and chemical plants are often located in densely populated urban areas. A release of oil or toxic chemicals can render an entire neighborhood uninhabitable for days, with lasting health effects from chemical exposure.

The oil refinery strike is taking place as steelworkers negotiate a master agreement covering the entire industry. They're pushing hard on safety issues because potentially dangerous situations are not rare events. Once every eight days, a serious fire, explosion or toxic release takes place at a U.S. refinery.

"A big part of this strike is that none of us wants to be the next person to lose his life for no good reason," says USW member Butch Cleve, currently on the picket line at a Tesoro refinery in Anacortes, Wash. Five years ago,



Cleve was walking inside the plant, not outside of it, consoling co-workers after seven people died in an explosion there in April 2010. The incident was caused by the failure of a 40-year old piece of equipment called a heat exchanger, which had not been replaced despite repeated warnings.

In 2005, 15 workers died following an explosion at one of the Texas City refineries where workers are now on strike. (The plant was owned by BP at the time, but has since been purchased by Marathon.) An investigation by the U.S. Chemical Safety Board found that three key operators had been working 12-hour shifts, seven days in a row, for weeks at a time.

Excessive work hours can be extremely hazardous. That's why the U.S. government sets limits on hours worked for truck drivers, rail engineers and airline pilots. But there are no mandatory limits on work hours for refinery workers. The American Petroleum Institute has recommended voluntary restrictions, but even these weak rules are not always followed. The steelworkers report that many refineries routinely assign workers 12-hour shifts, seven days in row, for nearly a month at a time.

Without enforceable regulations, collective bargaining is the only way to set reasonable limits on work schedules. People who handle hazardous chemicals for a living know that one mistake can be tragic. Steelworkers are walking picket lines outside their workplaces so that when they go back inside, the right people will be on the job — with the right training and enough rest — to do their work as safely as possible.

Jorge Cabrera is coordinator and project leader of the Southern California Coalition for Occupational Safety and Health (SoCalCosh). Barbara Rahke is board chair of the National Council for National COSH and executive director of the Philadelphia Project on Occupational Safety and Health (PhilaPOSH).

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***Index terms:*** AP Taxonomy; Article ***Record:*** 1012365 ***Copyright:*** Copyright (c) 2015 Press-Telegram

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