

Chevron fire investigators: Overhaul needed to prevent future incidents



Federal, state and local officials address Assemblywoman Nancy Skinner (D-Berkeley) and democratic senators Loni Hancock and Mark DeSaulnier on Aug. 6 Richmond Chevron refinery fire in a hearing on April 5 at Richmond City Hall focused on preventing future incidents. (Photo by: Sean Greene)

By [Sean Greene](#) Posted April 8, 2013 9:02 am

Despite all the eyes on the Richmond Chevron refinery before last August's fire, the plant's corroded crude pipe still went unnoticed, federal and state officials said Friday.

Federal and state investigators have determined [Chevron disregarded its own safety policies and knowingly failed to replace the corroded pipe](#) that ultimately burst, leading to the leaking gas igniting. The blaze sent a column of toxic smoke into the air, endangering plant workers and causing thousands of local residents to seek medical attention for respiratory problems.

High-level officials from the U.S. Chemical Safety Board, the California Occupational Safety and Health Program (Cal/OSHA) and the Bay Area Air Quality Management District said the state's regulatory oversight system needs a major overhaul to prevent similar fires.

Investigators delivered the statements Friday at Richmond City Hall to state legislators including Senator Loni Hancock (D-Berkeley), Senator Mark DeSaulnier (D-Concord) and Assemblywoman Nancy Skinner (D-Berkeley), who held the hearing to find out which aspects of state law need change. "The goal is to see how we can write policy on every level of government to prevent future incidents like this from occurring," Hancock said.

[Skinner and Hancock have each introduced bills in Sacramento](#) in direct response to the Chemical Safety Board and Cal/OSHA's findings. Skinner's bill, AB 1165, revises rules surrounding the appeals process for Cal/OSHA citations, and Hancock's SB 691 heavily increases fines for air polluters.

Don Holstrom, director of the Chemical Safety Board's western regional office, said on Friday the United States' reactive system does little to prevent refinery accidents. In general, he said, companies have a "default right" to operate and can be subject to penalties when accidents occur or when their activities draw negative attention from regulators.

"In the case of the Chevron refinery fire, the reactive system of regulation simply did not work to prevent what was ultimately a preventable accident," Holstrom said.

Holstrom said Europe uses what's called a "safety case regime," in which high-hazard facilities (like refineries) are required to demonstrate they can operate safely at the lowest practical risk as a precondition for operation. This system relies on technically competent regulators.

Cal/OSHA chief Ellen Widess said Chevron knew in 2002 that the pipe was severely corroded, and it had several opportunities since then to replace it. The company also failed to keep its employees and contractors out of danger, she said.

“It’s important to understand the problems we found existed prior to the incident, during the incident and following the incident,” Widess said. “There really were lapses in compliance, not only with Chevron’s own policies and procedures, as well as lapses in compliance with Cal/OSHA’s standards.”

In January, [Cal/OSHA slapped Chevron with 25 citations and \\$963,000 in fines](#)—the largest ever issued by the department, and the maximum allowed under current rules. Chevron has appealed the violations.

On Friday, Cal/OSHA gave Chevron permission to reopen its No. 4 crude distillation unit, the origin point of the fire. Inspectors have been working full-time to review all parts of the refinery and interviewing workers on their knowledge of safety procedures, Widess said.

Widess said Cal/OSHA is short-staffed and needs more timely information from refineries so it can more quickly identify potential hazards. “With the resources we currently have – and even with additional resources – Cal/OSHA cannot be at every refinery at every imminent risk moment,” Widess said. “It is vitally important for workers at refineries to be fully informed of hazards and to have the opportunity and clear authority to shut down operations when they see fit.”

Representatives from Chevron, which had no visible presence at Friday’s hearing, said the company is implementing new safety and inspection protocols in response to the fire.

“We are committed to the highest levels of safety and reliability at the refinery and we continue to work toward returning the refinery to full production sometime in the second quarter,” Chevron spokeswoman Melissa Ritchie said in a statement released Friday. “We are also finalizing a detailed internal investigation into the incident and will communicate the findings before we restart the crude unit.”

Local officials also gave presentations. County Supervisor John Gioia announced a plan for a detailed audit of the refinery and its safety standards. Such a process has not been completed since 2003, he said. Richmond City Manager Bill Lindsay said the city is taking steps to place a full-time fire inspector at the refinery, funded by Chevron.

Scores of residents of Richmond and neighboring cities filled the council chambers to near capacity. Many offered strong words for the state legislators and for the panel of investigators, demanding increased focus on community health.

“Stop slapping Chevron on the wrist and make them accountable for what they’re doing,” a San Pablo resident who gave her name as Rose told them. “We deserve better. Chevron makes a lot of money off of us and they don’t do anything to protect us. They should have state of the art safety for the community.”