OSHA News Release: US Labor Department's OSHA proposes more than $3 million in fines to BP-Hus...  

**OSHA News Release: [03/08/2010]**

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**Release Number:** 10-0234-CHI

**US Labor Department's OSHA proposes more than $3 million in fines to BP-Husky refinery near Toledo, Ohio**

**OREGON, Ohio** — The U.S. Department of Labor's Occupational Safety and Health Administration has cited BP North American Inc. and BP-Husky Refining LLC’s refinery in Oregon, Ohio, with 42 alleged willful violations, including 39 on a per-instance basis, and 20 alleged serious violations for exposing workers to a variety of hazards including failure to provide adequate pressure relief for process units. Proposed penalties total $3,042,000.

"OSHA has found that BP often ignored or severely delayed fixing known hazards in its refineries," said Secretary of Labor Hilda L. Solis. "There is no excuse for taking chances with people's lives. BP must fix the hazards now."

OSHA began its inspection at the refinery located near Toledo, Ohio, in September 2009 as part of the agency's Refinery National Emphasis Program and as a follow-up to a 2006 inspection and a 2007 settlement agreement between OSHA and BP at this location. Although the 2009 inspection found that BP had complied with the settlement agreement, OSHA found numerous violations at the plant not previously covered by the agreement.

The inspection revealed that workers were exposed to serious injury and death in the event of a release of flammable and explosive materials in the refinery because of numerous conditions constituting violations of OSHA's process safety management standard. OSHA has issued willful citations for numerous failures to provide adequate pressure relief for process units, failures to provide safeguards to prevent the hazardous accumulation of fuel in process heaters, and exposing workers to injury and death from collapse of or damage, in the event of a fire, to nine buildings in the refinery. Additional willful citations allege various other violations of OSHA's standard addressing process safety management. These citations carry proposed penalties totaling $2,940,000.

The serious citations address a variety of other hazards, including violations of other requirements of the process safety management standard. These carry proposed penalties totaling $102,000.

Since 1991, this refinery has been inspected 12 times. Nationally, BP Products North American has been inspected by OSHA 44 times at various sites and is facing pending cases in which 439 willful citations and failure-to-abate notices were issued to its Texas City Refinery as a result of a 2005 inspection. Proposed penalties in those pending cases total $47 million, the largest penalties by far ever proposed by OSHA.

BP's Texas City Refinery experienced a devastating explosion and fire in 2005 that killed 15 workers and injured 170. A large portion of the penalties proposed for the Texas City Refinery result from OSHA's allegations that BP failed to fully live up to a settlement agreement entered into after the explosion. BP has contested the citations, notifications of failure-to-abate and the proposed penalties in those cases.

BP North American Inc. operates and jointly owns the refinery with Canadian-based Husky Energy Inc. The company has 15 business days from receipt of the citations to comply, request an information conference with the OSHA area director or contest the findings before the independent Occupational Safety and Health Review Commission.

Under the Occupational Safety and Health Act of 1970, OSHA's role is to promote safe and healthful working conditions for America's working men and women by setting and enforcing standards, and providing training, outreach and education. For more information, visit http://www.osha.gov.

**Editor's Note:** A sheet breaking down the citations and proposed penalties follows this news release.

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**Toledo Refinery Citations and Proposed Penalties**

Forty-two willful citations with proposed penalties totaling $2,940,000 are proposed as follows:

1. Thirty-eight (38) per-instance, willful citations with penalties totaling $2,660,000 allege as follows:
   a. Twenty-six instances allege deficient pressure relief, a violation of 29 CFR parts 1910.119(d)(3) and 1910.119((5), with total penalties of $1,820,000;
   b. Three instances allege the lack of flame-out protection on heaters and a furnace, a violation of 29 CFR 1910.119(d)(3), with total penalties of $210,000; and

2. Four willful citations with penalties totaling $280,000, allege as follows:
   a. Lack of pressure vessel information, a violation of 29 CFR 1910.119(d)(3), with a penalty of $70,000;
   b. Cross-connections between fire-emergency water supplies and process systems, a violation of 29 CFR parts 1910.119(d)(3) and 1910.119(e)(5), with a penalty of $70,000;
   c. Failure to conduct thickness measurements at designated test sites and as required at the flare header, a violation of 29 CFR 1910.119((4)(ii), with a penalty of $70,000; and
   d. Failure to conduct thickness measurements in accordance with RAGAGEP, a violation of 29 CFR 1910.119((4)(iii), with a penalty of $70,000.

Twenty serious citations with total penalties of $102,000 allege the following failures: to support pipes properly; to maintain heat transfer information for refractory-lined vessels; to assure the accuracy of P&IDs, the maintenance of pressure vessel nameplates, and proper documentation of pressure relief design information; to document implementation of the vessel grounding program; to assure that car-sealing practices were used for intervening valves; to password protect safety instrumented systems; to assure that PHAs addressed combustion safeguards, pressure relief, and human factors, and reflected updated layer of protection analysis and safety integrity levels; to establish and to implement a written program for refinery valve car-seal procedures; to consult employees on the frequency of refresher training; to implement procedures for operating limits changes and other matters; to investigate contamination of the fire-water system; to include contributing factors and recommendations in accident investigation reports; to audit a statistically significant number of pressure vessels, piping and instrument controls during compliance audits; to assure that LOTO procedures were implemented during burner maintenance; to assure that LOTO devices were applied during service and maintenance; and to assure that electric lighting equipment was appropriate for hazardous atmosphere classifications.

Three other-than-serious citations with $0.00 penalties allege deficiencies in the preparation of the PSM employee participation plan and incident/accident investigation.

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http://www.dol.gov/opa/media/press/osha/osha20100234.htm  
3/9/2010