



## U. S. Chemical Safety and Hazard Investigation Board RECOMMENDATION STATUS CHANGE SUMMARY

<b>Report:</b>	Chevron Refinery Fire
<b>Recommendation Number:</b>	2012-03-I-CA-R15
<b>Date Issued:</b>	November 5, 2014
<b>Recipient:</b>	Environmental Protection Agency
<b>New Status:</b>	Closed – Acceptable Alternative Action
<b>Date of Status Change:</b>	July 27, 2022

### Recommendation Text:

*Jointly plan and conduct inspections with Cal/OSHA, California EPA and other state and local regulatory agencies with chemical accident prevention responsibilities to monitor the effective implementation of the damage mechanism hazard review and disclosure requirements under 2012-03-I-CA-R9 and R10 above.*

### Board Status Change Decision:

#### A. Rationale for Recommendation

On August 6, 2012, the Chevron Refinery in Richmond, California, experienced a catastrophic pipe failure in a crude unit, causing the release of flammable hydrocarbon process fluid which partially vaporized into a large cloud. Nineteen Chevron employees engulfed by the vapor cloud escaped, narrowly avoiding serious injury. The ignition and subsequent continued burning of the hydrocarbon process fluid resulted in a large plume of unknown particulates and vapor. Approximately 15,000 people from the surrounding area sought medical treatment in the weeks following the incident.

As a part of the investigation, the U.S. Chemical Safety and Hazard Investigation Board (CSB) found that better coordination between the Environmental Protection Agency (EPA) and California state and local regulatory agencies with chemical accident prevention responsibilities would ensure the effective implementation of the damage mechanism hazard review and disclosure requirements initiated by the CSB in recommendations 2012-03-I-CA-R9 (R9) and 2012-03-I-CA-R10 (R10). R9 and R10 were both acceptably closed by the Board on May 30, 2018, following the State of California's implementation of their new process safety management regulations. This status change summary pertains to CSB Recommendation No. 2012-03-I-CA-R15 (R15).

#### B. Response to the Recommendation

On July 12, 2013, the EPA - Region 9, responded to the CSB, as directed by the EPA Acting Administrator, that they agreed with the CSB that inter-agency collaboration is critical to the success of emergency prevention programs, and they would be implementing R15 after R9 and R10 are implemented and evaluated and deemed enforceable by the EPA.

California's new process safety management regulation for petroleum refineries went into effect on October 1, 2017. On January 20, 2022, the EPA informed the CSB that the damage mechanism hazard review (DMHR) requirements added to the new PSM regulatory provisions were on a phased in implementation schedule, with 50% of DMHRs required to be completed within 3 years of the regulation effective date. While the federal RMP regulations do not require DMHRs, EPA – Region 9 provided the CSB with documentation that establishes that they planned and coordinated with relevant state and local agencies to attend onsite RMP facility inspections including opening and closing meetings. The state and local agencies attend under their individual authorities and may choose to review DMHRs required under the CA state programs.

With regard to collaboration with California EPA (Cal/EPA), the California Unified Program, established in 1996, allows Cal/EPA to certify local agencies to address various existing hazardous materials and hazardous waste programs that fall under Cal/EPA oversight. The certified agencies, referred to as California Unified Program Agencies (CUPAs), are empowered to enforce the applicable Cal/EPA regulations as an extension of Cal/EPA resources. One of the previously mentioned hazardous materials and hazardous waste programs is the California Accidental Release Prevention (CalARP) Program. One of the elements of the California Unified Program is the Unified Inspection and Enforcement Program. This program, among other things, requires that CUPAs conduct inspections for all program elements according to the standards contained in the pertinent statute or regulation and take enforcement action, as appropriate.

As such, a local agency that is certified as a CUPA is acting as an agent of Cal/EPA. As EPA provided documentation that demonstrated that they planned and conducted inspections as required in the recommendation with various CUPAs, EPA meets the intent of recommendation requirement to plan and conduct inspections with Cal/EPA.

With regard to collaboration with Cal/OSHA, the EPA informed the CSB that they informally notify Cal/OSHA when they are going to conduct a refinery inspection. Cal/OSHA confirmed this fact. However, there have not been any joint inspections conducted for reasons outside of the EPA's control. As such, this part of the recommendation has not been satisfied.

### C. Board Analysis and Decision

Based upon the information above, the Board determined that the Environmental Protection Agency has jointly planned and conducted inspections with Cal/EPA (or their agents/CUPAs) and other applicable state and local regulatory agencies. The EPA has informally notified Cal/OSHA of inspections for the purposes of potentially planning and conducting joint inspections, though none have occurred. Therefore, the Board voted to change the status of CSB Recommendation No. 2012-03-I-CA-R15 to: "Closed – Acceptable Alternative Action."