

# **U.S. Chemical Safety and Hazard Investigation Board**

**Rafael Moure-Eraso, Ph.D.**  
Chairperson

**Mark Griffon**  
Board Member

**Beth J. Rosenberg, ScD, MPH**  
Board Member

February 26, 2014

Gregory J. Goff  
President and Chief Executive Officer  
Tesoro Corporation  
19100 Ridgewood Pkwy  
San Antonio, TX 78259

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 February 12, 2014, sulfuric acid release and resulting serious injuries at your refinery in Martinez, California.

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 worker's 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 January 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 February 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 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