



# U.S. Chemical Safety and Hazard Investigation Board

## OFFICE OF GENERAL COUNSEL

### Memorandum

To: Board Members

From: Steven Messer  
General Counsel

STEVEN  
MESSER

Digitally signed by  
STEVEN MESSER  
Date: 2026.07.13  
12:17:04 -04'00'

Cc: Charles Barbee  
Adam Henson  
Leadership Team

Subject: Board Action Report – Notation Item 2026-54 | Recommendation to the Washington State Department of Labor & Industries – Division of Occupational Safety & Health (2010-08-I-WA-R9) from the Tesoro Anacortes Refinery Fatal Explosion and Fire investigation (2010-08-I-WA)

Date: July 13, 2026

On July 10, 2026, the Board approved Notation Item 2026-54, thereby designating Recommendation 2010-08-I-WA-R9 to the Washington State Department of Labor & Industries – Division of Occupational Safety & Health from the Tesoro Anacortes Refinery Fatal Explosion and Fire investigation (2010-08-I-WA) with the status of Open – Acceptable Response or Alternate Response.

### Voting Summary – Notation Item 2026-54

**Disposition: APPROVED**

**Disposition date: July 10, 2026**

|            | Approve | Disapprove | Calendar | Not<br>Participating | Date      |
|------------|---------|------------|----------|----------------------|-----------|
| S. Johnson | X       |            |          |                      | 7/9/2026  |
| S. Owens   | X       |            |          |                      | 7/10/2026 |



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

### RECOMMENDATION STATUS CHANGE

### SUMMARY

|                               |                                                                                                 |
|-------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Report:</b>                | Tesoro Anacortes Refinery Fatal Explosion and Fire                                              |
| <b>Recommendation Number:</b> | 2010-08-I-WA-R9                                                                                 |
| <b>Date Issued:</b>           | May 01, 2014                                                                                    |
| <b>Recipient:</b>             | Washington State Department of Labor & Industries –<br>Division of Occupational Safety & Health |
| <b>New Status:</b>            | Open – Acceptable Response or Alternate Response                                                |
| <b>Date of Status Change:</b> | July 10, 2026                                                                                   |

#### Recommendation Text:

*Effectively participate in the Tesoro Anacortes Refinery process safety culture survey oversight committee as recommended under recommendation 2010-08-I-WA-R15. Incorporate the expertise of process safety culture experts in the development and interpretation of the safety culture surveys. Ensure the effective participation of the workforce and their representatives in the development of the surveys and the implementation of corrective actions.*

#### Board Status Change Decision:

##### A. Rationale for Recommendation

On April 2, 2010, a catastrophic heat exchanger rupture occurred at the Tesoro Anacortes refinery which fatally injured seven workers. The U.S. Chemical Safety and Hazard Investigation Board (CSB) investigated the incident and found that management at the refinery failed to effectively evaluate the potential for high temperature hydrogen attack (HTHA), the damage mechanism which caused the heat exchanger rupture.

The CSB concluded that the State of Washington's (WA) process safety management (PSM) regulation, *Safety Standards for Process Safety Management of Highly Hazardous Chemicals*, was insufficient to prevent this incident and to promote a culture of continuous improvement in the refining industry. The CSB also found that the WA Department of Labor and Industries (L&I) – Division of Occupational Safety and Health (DOSH), which oversees workplace safety in the state, lacked sufficient technically experienced and qualified inspectors to verify compliance with existing PSM requirements. As a result of these findings, the CSB issued three recommendations to WA L&I – DOSH. This status change summary addresses CSB Recommendation No. 2010-08-I-WA-R9.

##### B. Response to the Recommendation

Washington's newly adopted process safety management (PSM) regulations for petroleum refineries under WAC 296-67 was adopted on December 27, 2023, and became effective on

December 27, 2024.<sup>1</sup> [WAC 296-67-375](#) is one of the new regulations that requires refinery employers to “develop, implement and maintain an effective process safety culture assessment (PSCA) program.”

The recommendation requirement is for WA L&I – DOSH to participate in Tesoro’s [now Marathon’s] safety culture oversight committee. However, the regulation establishes WA L&I – DOSH as the regulator that will oversee compliance of PSCA programs for all of the applicable facilities (not just for Marathon) to which the regulation applies. WA L&I has not provided documentation detailing their oversight of a process safety culture assessments as well as some examples of what has been provided by the employers to satisfy the regulatory requirements. When such information is provided, this recommendation can be evaluated for closure.

### C. Board Analysis and Decision

Based upon the information above, the Board voted to change CSB Recommendation No. 2010-8-I-WA-R9 to: “Open – Acceptable Response or Alternate Response.”

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<sup>1</sup> See Washington’s Safety Standards for Process Safety Management of Highly Hazardous Chemicals at <https://app.leg.wa.gov/wac/default.aspx?cite=296-67>.