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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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CHAIRMAN

June 20, 2007

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Mr. Richard Fairfax
Director
Directorate of Enforcement Programs
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Mr. Fairfax:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Wednesday, May 16, 2007, at the hearing entitled "2006 Prudhoe Bay Shutdown: Will Recent Regulatory Changes and BP Management Reforms Prevent Future Failures?" We appreciate the time and effort you gave as a witness before the Subcommittee.

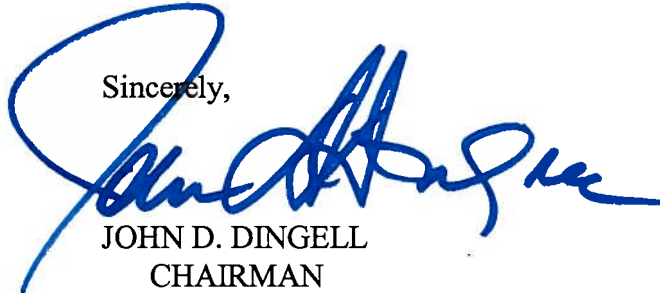
Under the Rules of the Committee on Energy and Commerce, the hearing record remains open to permit Members to submit additional questions to the witnesses. Attached are questions directed to you from certain Members of the Committee. In preparing your answers to these questions, please address your response to the Member who has submitted the question(s) and include the text of the Member's question along with your response.

To facilitate the printing of the hearing record, your responses to these questions should be received no later than the close of business **Friday, July 6, 2007**. Your written responses should be delivered to **316 Ford House Office Building** and faxed to **202-225-5288** to the attention of Kyle Chapman, Legislative Clerk. An electronic version of your response should also be sent by e-mail to Mr. Kyle Chapman at kyle.chapman@mail.house.gov in a single Word formatted document.

Mr. Richard Fairfax
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Kyle Chapman at (202) 226-2424.

Sincerely,



JOHN D. DINGELL
CHAIRMAN

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Bart Stupak

1. The Chair of the Chemical Safety Board testified that if BP had complied with regulations and standards, the Texas City refinery accident could have been prevented. Do you agree?
2. Over the five years prior to the Texas City Refinery explosion in March 2005, has there been sufficient enforcement of the Process Safety Management Standard in the refinery sector?
3. Are deaths an adequate leading indicator of a failed process safety management system? Are there alternatives?
4. Your testimony indicates that the Texas City Refinery did not come up with red flags that would have warned the Occupational Safety and Health Administration's (OSHA's) Enhanced Enforcement Program. Why did red flags not go up at OSHA when there were three deaths and multiple explosions in 2004?
5. Please list the recommendations made by the Chemical Safety Board to OSHA arising out of the Texas City Refinery accident. Please list the implementation status of each recommendation.
6. Has OSHA modified its regulations to require blowdown drums to be burned off through a flare instead of venting to the atmosphere?
7. Several reports have indicated concern about the use of contractor workers in the petrochemical industry. An OSHA commissioned study found increasing use of contractor workers could pose increased hazards in petrochemical plants due to differential levels of training and lack of communication between permanent and contractor workers. Contractor injuries and illnesses are not recorded on the facility's OSHA 300 logs of injuries and illnesses. What steps is OSHA taking to hold the site owner responsible and accountable for the injuries and illnesses experienced by subcontractor employees? Why does OSHA not require a common OSHA 300 log at these facilities?
8. After several large explosions at chemical plants, the Chemical Safety Board recommended that OSHA expand the process safety management standard to address reactive chemicals. Has that been implemented? If not, why not?
9. Your testimony indicated that OSHA has made 56 criminal referrals to the Justice Department since 2001. Please provide a list of these 56 referrals, with the name of the party referred, the facility, the location, and a brief summary of the alleged criminal violation.
10. How many recommendations has OSHA received from the Chemical Safety Board? Please provide a list and their status with respect to OSHA's implementation.

The Honorable Bart Stupak (continued)

For those recommendations that have not been implemented by OSHA, please explain why they have not been implemented.