

**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

---

*Strengthening America's Middle Class*

Thursday, March 22, 2007  
Press Office, 202-226-0853

**Chairman Miller Statement At Committee Hearing On BP America  
Texas City Explosion**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for a committee hearing on “The BP-Texas City Disaster and Worker Safety.”*

\*\*\*

Today’s hearing is the first in a series of hearings to examine the safety of America’s workplaces and determine whether the agency assigned to oversee workplace safety – the Occupational Safety and Health Administration – is doing the job that Congress gave it when it created it over 35 years ago.

Over the next several months we will be taking a close look at OSHA’s failure to issue important standards to protect American workers, the Bush administration’s transformation of OSHA from a law enforcement organization into a so-called “voluntary compliance organization,” the agency’s inadequate efforts to protect immigrant workers, who suffer from a high rate of workplace injuries and fatalities, the nation’s failure to protect public employees, the chronic underreporting of workplace injuries and illnesses, and the agency’s ineffective penalty structure.

Of course, we will also continue to keep a close eye on the safety of this nation’s miners, including a hearing on that topic next week.

Today’s hearing focuses on the causes of the disaster that unfolded when an explosion ripped through BP’s Texas City refinery two years ago tomorrow, killing 15 workers and injuring 180.

The BP explosion was the biggest workplace disaster in 18 years, yet it received very little congressional scrutiny until today.

Even more upsetting is that two years after this catastrophe, we’re still seeing a disturbing pattern of major fires and explosions in U.S. refineries.

Responding to the 1984 Bhopal, India disaster, as well as several catastrophic refinery and chemical plant explosions in the United States, in 1990 Congress required OSHA and the Environmental Protection Agency to publish new regulations to prevent such accidents.

In 1992, OSHA issued its Process Safety Management Standard – requirements for refineries and chemical facilities to implement management systems and identify and control hazards to prevent disasters like the one in Texas City.

Today we will explore why, 15 years after OSHA issued these standards, we are still seeing disasters in the nation's refineries and chemical facilities that threaten workers' lives and the safety of surrounding communities.

What can be done to prevent such catastrophes in the future? Why are this nation's refiners neglecting well-recognized safety practices? Has the Occupational Safety and Health Administration been fulfilling its mission to ensure the safety of this nation's refineries and chemical plants?

Protecting the safety of refinery and chemical workers is reason enough to get this right. But the safety of our refineries and chemical facilities also has broader implications for the communities surrounding these plants.

According to the Environmental Protection Agency, there are 3,400 high-priority chemical facilities in this country where a worst-case release of toxic chemicals could sicken or kill more than 1,000 people, and 272 sites that could affect more than 50,000 people.

This hearing has added resonance considering all the attention that has been paid since 9/11 to the security of this nation's chemical plants. Despite the attention focused on the terrorist threat to our nation's plants, the fact is that the BP Texas City explosion and other fires and explosions since then show that preventable accidents can also kill, injure, and sicken people in large numbers.

And we all pay the costs – for example, in higher gas prices – of these explosions and the resulting disruption of our energy supplies.

These are not new issues for me. I remember well a fire at the Tosco Avon refinery in my district in 1999 that killed four men and seriously injured another. That followed an incident at the same refinery two years before that killed one worker.

And recently, there was a major fire at a Chevron refinery which has closed part of the plant and caused gas prices to rise in California.

Contra Costa County, where the refinery is located, has issued its own Industrial Safety Ordinance that requires an inspection ever three years and accident prevention programs.

In addition to annual inspections, one thing Contra Costa County does that OSHA doesn't do is collect information on "near misses" and small incidents that can be used to predict the possibility of a major event.

For example, the information on Contra Costa County's website shows that the Tesoro Golden Eagle refinery – formerly the Tosco refinery where four workers were killed in 1999 – has had ten incidents – fires, explosions, or chemical releases – in the past three years.

What we're going to be hearing today is, sadly, an old story – but a story that must change.

It is a story of a company that, despite a brilliant public relations effort, appears to have put profit before safety and that first sought to blame its workers for the systemic failures of its corporate safety system.

It is the story of the failure of the Occupational Safety and Health Administration to ensure that these facilities are safe for their workers.

But most of all, it is a story of loss, a story of children who have lost parents, parents who have lost sons and daughters, and men and women who have lost their husbands and wives.

The main reason that we have scheduled this hearing for this week is the release of the Chemical Safety Board's report on the BP Texas City disaster two days ago. I want to commend the Board for the excellent work it has done over the past several years and the contributions that this small agency has made to chemical plant safety.

The lessons learned from the Chemical Safety Board's investigations are contributing to saving the lives of workers and ensuring the safety of our communities.

While we have seen OSHA, the Mine Safety and Health Administration, and the EPA increasingly controlled by the industries that they're supposed to be regulating, the Chemical Safety Board has been refreshingly unafraid to criticize and make recommendations to OSHA and EPA.

It is unfortunate, especially in the case of OSHA, that many of these recommendations have gone unheeded.

<http://edlabor.house.gov/>