



## SB 966 (Gonzalez) Process Safety Management Standards

### SUMMARY

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Senate Bill (SB) 966 would codify the employee participation requirements for process safety management standards for refineries, chemical plants, and other manufacturing facilities, as established by the Occupational Safety and Health Standards Board's (OSHSB) 2017 regulations.

### EXISTING LAW

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Existing law requires OSHSB to adopt process safety management standards for refineries, chemical plants, and other manufacturing facilities. (LAB 7856).

Existing law requires these standards to include, among other things, provisions for employee participation, hazard analysis, written safety information and operating procedures, prestartup safety review, and procedures for "hot work" permits and inspecting and testing of process equipment. (LAB 7858-7868).

### BACKGROUND/PROBLEM

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California's process safety management standards for refineries have been in place since 1992, and cover approximately 1,500 facilities in the state. These standards, which are required to be at least as stringent as federal regulations, are intended to prevent accidental chemical releases.

On August 6, 2012, a massive fire erupted at the Chevron Richmond Refinery that endangered 19 workers' lives and

resulted in 15,000 Richmond residents seeking medical attention as the fire filled the sky with a toxic black plume.<sup>1</sup> The Chemical Safety Board investigation found that this incident had been preventable, if only company management had not been able to ignore repeated warnings from their employees and been required to follow the process safety systems recommended by those refinery workers.<sup>2</sup>

To prevent future disasters at refineries, OSHSB adopted updated process safety management standards after a robust stakeholder process that included representatives of refinery workers in 2017. These standards included, among other things, requirements for employee participation in process safety management activities, such as the ability for employees to select their own representatives, to refuse to perform tasks that could result in death or physical harm, and to recommend that an operation or process be partially or completely shut down based on a process safety hazard.

In 2019, the Western States Petroleum Association challenged these regulations in court. The resulting settlement included new proposed language for process safety management standards, and made numerous changes that weaken employee participation requirements and the right of collective bargaining agents to choose their own employee representatives.

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<sup>1</sup> <https://www.sfgate.com/bayarea/article/chevron-ignored-risk-in-11-workers-say-3946901.php>

<sup>2</sup> <https://www.csb.gov/chevron-richmond-refinery-fire/>

If these new proposed standards are approved by OSHSB, they will weaken key protections which were developed in coordination with Labor stakeholders based on a history of disasters that endangered workers and communities. Refinery workers are on the front lines of hazards and have direct expertise in process safety management – they deserve to have a seat at the table in discussions about safe operations of refineries.

## **SOLUTION**

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SB 966 codifies worker representation and participation requirements based on the employee participation language in the current process safety management standards, which have been in effect since 2017.

Codifying this existing regulatory language ensures that workers retain the right to choose their own representatives for process safety management activities, and that the landmark protections established in the 2017 regulations are protected from future regulatory rollback. These protections include stop work procedures, employee participation in process safety management activities, access to process safety management information collected by the employer, and the right to anonymously report hazards.

## **SUPPORT**

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United Steelworkers (Sponsor)

## **CONTACT**

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