

**Testimony of
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Mr. Chairman and members of the committee, thank you for the opportunity to appear before you this morning. My name is Kim Nibarger. I am a member of the United Steelworkers (USW), and I am also a Health and Safety Specialist for our Union's Health, Safety and Environment Department. The USW has approximately 850,000 members in the United States and Canada. Notwithstanding our name, we represent workers in virtually every segment of the workforce – steel of course, but also, paper, mining, aluminum and other nonferrous metals, chemicals, plastics, tires and rubber, glass, health care, and petrochemicals, which is the subject of today's hearing.

Our members work in very dangerous environments where worker safety is key. The Process Safety Management (PSM) standard was developed to help insure safe and healthful workplaces processing toxic, reactive, flammable gasses and liquids or other highly hazardous chemicals. Implementation of PSM began in 1992 and all requirements of the program were to be in place by May 26, 1997.

There were a number of devastating accidents in the petrochemical industry that precipitated this legislation. Unfortunately, these accidents continue to take place.

The explosion at the BP facility in Texas City resulted in 15 fatalities and more than 170 injuries. This was but one of a handful of incidents that take the lives of workers in the petrochemical industry every month. The reason these go unnoticed is that they usually happen one or two fatalities at a time, or the affected workers are contract employees who do not get connected with the proprietary employers. Unfortunately it takes a major event like the one we saw in Texas City for these incidents to get any real notice. In fact, prior to the BP explosion, there was one worker fatality every 16 months for 30 years at the Texas City facility.

The number of releases of highly hazardous chemicals, in particular hydrocarbons, that do not find an ignition source is estimated to be 98%. Again, you do not hear about these releases unless there is an explosion or fire associated with the release. Any number of these releases -- had they found an ignition source -- could have resulted in consequences as tragic as Texas City.

The refinery I worked for in Anacortes, Washington, released approximately 27,000 pounds of propane and propylene as light hydrocarbons in April 2006. They did not find an ignition source, and the release was contained. Had the ensuing vapor cloud ignited, the damage would have been extensive. The underlying cause was a pipe corrosion issue, brought on by a seemingly

small change in the process which was not significant enough to trigger a Management of Change review, or MOC.

The day before Thanksgiving in 1998 at this same facility, we experienced a situation with slightly different circumstances. Again, a Management of Change was not performed, and the decision was made to handle this abnormal event using normal procedures. The result was six fatalities. I was one member of a team tasked with the retrieval of the bodies of my six co-workers.

The fire at the Valero refinery in Sunray, Texas on February 16th of this year was also a release of light hydrocarbons, propane, but this release found an ignition source almost immediately that resulted in a serious fire, but did minimal damage compared to the potential damage from a vapor cloud forming and then igniting.

There could have easily been as many fatalities in any of these instances as there were in Texas City, but the circumstances were slightly different.

Since the beginning of 2007, Valero has had a total of eight incidents -- ranging from loss of utilities that resulted in production cutbacks and flaring -- to four incidents that caused fires.

This is a pattern repeated all too often. In the US, from January 1st through February 16th of this year, there have been 43 incidents of pipeline leaks, chemical releases, plant upsets and fires. This list is not inclusive, but I seek to focus on refinery and chemical plants, as well as distribution facilities.

In some instances, facilities or neighborhoods were evacuated without incident, sadly in others, there were lives lost.

The United Steelworkers represents approximately half of the workers in the petrochemical industry in this country. We have an intimate concern with the well-being of the workers we represent as well as the industry.

One of Union's major goals is to work with the petrochemical industry to make it safer for our members and the communities in which these facilities exist. In the case of BP, we are currently in negotiations with the company to institute a ten point program to address several items brought forward through the Baker panel report.

Specifically we are working to establish a pilot program at Texas City of the Union's "Triangle of Prevention" program for joint accident/near miss investigation. We are working on collectively developing safety and job training programs as well as procedure writing and a review process for all of BP's U.S. represented sites. The issue of adequate staffing and reasonable work hours is also being addressed.

This is a first step in our Union's goal of realizing this type of involvement at all the facilities we represent. Who knows better about the day-to-day activities and the best way to deal with them than the workers who perform these job duties on a daily basis?

For me, safety in the petrochemical industry is personal. My USW responsibilities involve me in prevention and investigation of industrial fatalities on a daily basis. The focus of everything we do is to eliminate deaths in the workplace. When I no longer have to investigate workplace fatalities, I will be the happiest person alive.

Thank you again for the chance to testify this morning.