

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 25, 2010

VIA FACSIMILIE

The Honorable Hilda Solis
Secretary
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Salazar and Secretary Solis:

During our respective tenures as Chairman of the Natural Resources Committee, we have long advocated more rigorous oversight of the Minerals Management Service (MMS) (now renamed the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOE)). This interest has only increased as a consequence of the Deepwater Horizon incident.

Building on the series of hearings the Committee on Natural Resources has held this spring, the Committee on Education and Labor held a hearing on June 23, 2010, entitled "*Worker Health and Safety from the Oil Rig to the Shoreline*" that examined the frame work for worker health and safety oversight following the explosion and fire on the Deepwater Horizon in the Gulf of Mexico which killed 11 workers and injured 17. At this hearing, witnesses indicated that that there had been only limited interaction between the Occupational Safety and Health Administration (OSHA) and MMS/BOE in reviewing a proposed "Safety and Environmental Management Systems" regulation, which covers worker safety on the Outer Continental Shelf (OCS). This rule is absolutely critical because it sets forth a systems approach to managing explosive and flammable materials throughout every function and decision involved in offshore oil and gas drilling and production processes.

We are writing to urge the Department of the Interior to actively engage OSHA to seek that agency's expertise and experience on process safety management prior to issuing any final "Safety and Environmental Management Systems" regulation. In parallel, we urge OSHA to review the proposed MMS regulation in light of its own experience in enforcing a similar safety management regulation, and

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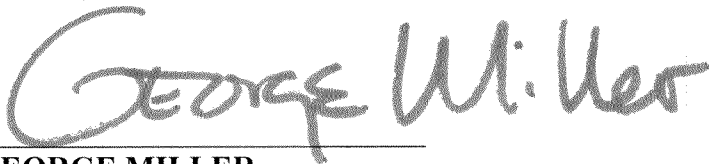
to incorporate lessons learned from major oil rig disasters such as the Piper Alpha rig explosion off the coast of the United Kingdom. OSHA's process safety management rule, which it finalized in 1992, served as the basis for an \$87 million proposed fine against BP at its Texas City refinery. The MMS proposed regulation and OSHA's rule share a common feature: both are focused on management systems to ensure hydrocarbons stay inside pipes in complex industrial processes such as oil rigs and refineries.

While the purpose of the proposed MMS rule is laudable—to improve environmental and worker health and safety on the Outer Continental Shelf—we have some concerns that the rule is not comprehensive enough. It is based on the American Petroleum Institute's Recommended Practice 75 (API RP 75), yet only includes 4 of the 12 provisions of that RP. However, following the Deepwater Horizon disaster, it is unclear whether the API's approach is sufficiently robust for developing the Interior Department's proposed rule, and it is imperative to assess whether the API Recommended Practice is sufficient. Furthermore, the proposed rule appears to exclude a number of the mandatory elements contained in OSHA's process safety management regulations, such as assessing hazards during startup and shutdown, incident investigations, training for process safety management, and assessing the consequences of deviation from operating procedures. Notably, the proposed rule excludes any formal role for employee participation, whereas OSHA has express requirements for participation in process hazard analysis and access to information. While the proposed rule does not foreclose operators from adopting a more comprehensive approach on a voluntary basis, we want to be sure that there are no gaps in the regulatory safety net.

We urge both of your agencies to complete this review and assessment as quickly as possible so as not to delay issuance of this regulation, which is already overdue. We also respectfully request that both agencies brief us once the BOE-OSHA review has been completed.

Moving forward, the health and safety of OCS workers depends on maximizing interagency cooperation and expertise. Thank you for your immediate attention to this critical matter.

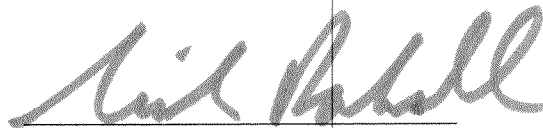
Sincerely,



GEORGE MILLER

Chairman

Committee on Education and Labor



NICK J. RAHALL, II

Chairman

Committee on Natural Resources