

Committees

Vice Chair Criminal Justice,
Higher Education, Primary and
Secondary Education, Economic
and Workforce Development



State Representative Joshua E. Williams
Ohio House of Representatives

Chairman Ghanbari, Vice Chair Plummer, Ranking Member Thomas, and members of the House Homeland Security Committee, thank you for the opportunity to offer proponent testimony on House Bill 205.

This bill looks to establish minimum safety standards for construction work at oil refineries throughout the State of Ohio, with two of the three refineries being located within my House District. These safety standards would provide minimum qualifications for workers performing the construction work at these facilities. The ultimate goal is to not only ensure the safety of the workers and the surrounding community, but to also prevent the tragedy that occurred in my district from happening again.

On September 20, 2022, our community was rocked by an explosion and subsequent fire at the BP-Husky refinery in Oregon, Ohio. Tragically two brothers, Ben and Max Morrissey, were severely burned and later succumbed to their injuries and passed away. My condolences go out to both brothers and their families and loved ones.

I want to be clear. It is too early to tell if this tragedy was preventable. Investigations are still underway. But preliminary results have found that the operator of the refinery failed to protect our community and their workers. This was memorialized in the OSHA report dated March 13, 2023, where the operator of that refinery was cited for nearly a dozen “serious” violations including failing to properly train their workers. Those violations have been contested by BP. In addition, we are awaiting the Chemical Safety Board report in relation to this incident.

Since that time, Cenovus Energy completed their purchase of BP’s portion of the refinery and took over operating procedures at the plant and renamed it the Cenovus Toledo Refinery. Reports indicate that the refinery went back online earlier this year when its smaller capacity crude oil unit restarted. The larger capacity unit was slotted to restart in May but additional delays have prevented its restart.

I want to take a moment and concentrate on what this bill does and what it does not do.

- Facilities Covered: HB 205 is drafted narrowly to only cover 3 petroleum refineries.
 - Lima Refinery (Cenovus)
 - Toledo Refining Co. (PBF Energy – testified in support of this bill)
 - Cenovus Toledo Refinery

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- **Qualification Standards:** To ensure that contractors/subcontractors have sufficient capabilities, they must comply with the following workforce standards:
 - The training requirement encompasses a required JOURNEYPERSON A classification.
 - They must be either a registered apprentice or skilled journeyman who has graduated from ANY state or DOL approved apprenticeship program.
 - The experience alternative for individuals that are not currently enrolled and/or have not graduated from an approved state or DOL approved apprenticeship training program is a JOURNEYPERSON B classification.
 - For both paths to compliance there is a phase in implementation process that would allow a cushion for contracts/subcontractors to become compliant.
 - IN ADDITION, all workers, regardless of which of the above credentials they meet, must also have completed a 30-hour course in safety and health hazard recognition and prevent approved by OHSA.

Many individuals will argue that this is a forced unionization bill. This is completely false. The word UNION does not even appear in this bill. Rather, this bill simply requires that a contractor's/subcontractor's workforce include either apprentices registered in or journeymen who have graduated from ANY state of DOL approved apprenticeship training program. There is absolutely no requirement that the workforce come from a Union or more specifically the Building Trades apprenticeship training programs.

- There are no prevailing wage or benefit requirements, equity/inclusions mandates or project labor agreement provisions.

I want to take a moment and address any concerns as it relates to the number of training facilities or the number of individuals that would meet the qualifications requirements.

- Ohio:

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- 163 Non-Union registered apprenticeship training programs
- 109 Building Trades apprenticeship training programs.
- Michigan:
 - 257 Non-Union registered apprenticeship training programs
 - 50 Building Trades apprenticeship training programs
- Indiana:
 - 570 Non-Union registered training programs
 - 53 Building Trades apprenticeship training programs

With the number of Non-Union registered training programs grossly outnumbering the Building Trades registered apprenticeship training programs, the idea that this bill is “forced unionization” is without merit.

In addition, this bill specifically carves out an exception for contractors/subcontractors that requests qualified individuals form a “hiring hall or referral system that dispatches individuals who are class A or B skilled journeyman or apprentices, and because of workforce shortages, the contractor or subcontractor is unable to obtain sufficient qualified individuals within forty-eight hours after the request”. This language provides an avenue for contractor/subcontractors to assure that their workforce needs are met in a timely fashion.

This legislation may not have prevented the tragedy that happened in my district and maybe no legislation will. But we have an obligation to try to prevent these type of incidents from occurring. The Oil and Gas industry will be around for the long term. My district is blessed to have both of these refineries and the thousands of jobs that they create. With that blessing comes responsibility and I have the responsibility to speak up for my district while I am in office. This bill helps to provide safety and security in my community and will go a long way towards rebuilding trust in Northwest Ohio.

I appreciate your consideration and welcome any questions.