



District 1 – Sub-district 1
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Testimony before the Senate Energy and Public Utilities Committee

Mr. Chairman, Ranking Member Smith, and members of the Committee thank you for the opportunity to testify on behalf of the United Steelworkers and the members I represent in Local 624, 912, and 346 which represent the Lima and Toledo Cenovus refineries and the Toledo PBF refinery.

My name is Eric Sweeney, and I am a Staff Representative for the United Steelworkers in District 1, and Sub District 1 which includes all 3 facilities that this bill would affect. I am the Staff Representative for all 3 of these refineries. I was an operator and Instrumentation Technician at the Lima INEOS petrochemical facility for 23 years prior to becoming a Staff Representative for the USW. I was also the Chairman of the Union and co-chaired our Process Safety Committee for many years. I also served two terms on the National Oil Bargaining policy committee which I believe gives me relevant insight to enhancements made to our industry safety processes over the last few years.

Safety must be the first priority at any refinery or petrochemical facility. Although this statement is true in any workplace, it is especially true in these types of facilities. Unfortunately, incidents severely injure and kill workers at a rate higher than many workplaces. Within my testimony before you today, safety in these facilities will be first in my motives. I have fought and will continue to fight for safety enhancements within this industry. Safety in this industry needs improvement. It always does. If we do not continue to evolve and learn for previous incidents, we are bound to repeat the same failures.

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

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Over the last 10 years alone, there have been 28 fatalities in the Oil Industry and 137 serious injuries. Those numbers account for 9% of all fatalities and 12% of all injuries within the USW. Considering the Oil Sector account for less than 5% of the USW's entire membership, the percentage of injuries/fatalities show a grim reality. Within the injury numbers, the majority fell into 3 major categories which are 25 explosions, 61 Toxic/Hazardous substance releases and 30 fires. These numbers lead us to the conclusion that the real strengthening of workplace safety enhancements needed in this industry is within the Process Safety Management programs.

The 3 facilities that would be covered by this bill combine to employ just shy of 900 members that are represented by the United Steelworkers. Within that number there are around 210 dedicated maintenance personnel with over 2,300 combined years of maintenance experience. Beyond that number, 47 of those employees have previous operating experience which provides them with a unique understanding of the process. Those combined numbers show a picture of an experienced maintenance staff. This experience, in my view, is essential to any safety discussion. Policies, procedures, laws and standards are all important. None of them supersede experience but all are enhanced by that experience. Situational recognition is a vital component of safety that only experience provides. The members I represent are the experts in that recognition. No safety bill should ever be pushed which could degrade this component. If it does, which we believe this bill does, it would in fact be an anti-safety bill. A bill without protections of that experience serves the interest of no one and can lead to more catastrophes, not less.

I would like to address the opposition we have to this bill. I want to be very clear. The Steelworkers opposition to this bill is in the ambiguity in the wording and not the intent. The most important factor to safety in our facilities lies in the experience of the workforce. I will never argue against the experience and workmanship of the building trades. I have had the fortune of trusting in their knowledge and experience for my entire career. I have worked with embedded Building Trade workers as long as I have been working in the industry. Truth be told, a few of them have more years of experience in my facility than I do. Although they do not possess the operational understanding our members have, I trust the Trades to perform excellent work and with the same focus on safety as we do within our own workforce. Outside of our

workforce, the trades possess the most experience and knowledge of our facilities and those qualities are why we support much of the intent of this bill.

Line 86 of the Bill, the definition of “construction”, is the area of the Bill that the USW takes issue with. The definition of construction states, “All service performed at a stationary - source, including maintenance, repair, assembly, disassembly, alteration, demolition, modernization, installation services, and capital improvements.” If all service performed under these areas must have the prerequisite requirements spelled out within this bill, our over 200 combined in plant maintenance personnel would be excluded. In fact, this is exactly what has already transpired in California which led to the loss of over 2,500 USW jobs. I know this has been presented as something that does not affect the USW workforce, but it has already been proven that it does. “All” service performed at a stationary source would include all service currently being performed by our proprietary maintenance force. Our maintenance force does not meet the criteria spelled out in the bill. Our maintenance force has a separate but rigorous training process. As I stated earlier, any bill that supplants over 2,300 years of maintenance experience within these facilities would not be in the best interest of safety. I also do not understand why the bill provides for a minimum Barrel per day level. The fact is that many explosions in these facilities happen because of a vapor cloud reaches an ignition point. It does not require a large amount of product to produce a vapor cloud that can cause a serious explosion. Therefore, the danger exists even in lower “Barrel per day” refineries. It makes no sense to exclude anyone where the dangers exist.

Bills similar to this have already passed in other states. For anyone to testify that they are surprised of the USW’s objection to the bill is ill informed of the history of these bills or is being dishonest. We have objected in every state it has been presented and we objected to this one in Ohio from the beginning. We have stated in other states as well as Ohio that if the bill can be amended to protect our maintenance force, we would support it. The Building Trades have refused to entertain the opportunity to work with us at any point on this bill or bills similar to it. Without an amendment to protect the experience our workers provide within the facilities, the Bill would, in fact, be a serious threat to the safety of all of the facilities covered and we can not put the workers and communities in more danger than inherently present already.

In summary, I do believe that if the Bill were to be passed with ironclad protections of the current maintenance force, it would enhance safety in the facilities. The countless years of experience provided by the building trades brings tremendous safety value to our workplaces. If we pass a bill to strengthen the experience level from the Building Trades but lose the experience level of the proprietary maintenance force, we will have failed to make these facilities safer and in fact, made them less safe. Union or non-union, the most experienced workforce is the safest workforce in these facilities. The combined experience of both the USW's maintenance force and the Building Trades is the best-case scenario which I believe the Bill needs to be amended or rejected if that cannot be done.

Before I conclude my testimony today, I would like to address an issue that has unfortunately been included in the discussions around this bill. The explosion at the BP refinery on September 20th, 2022 that took the lives of Max and Ben Morrissey should not be part of this discussion. From the 11 citations issued by OSHA to the initial findings from the Chemical Safety Board, there is no indication that workmanship had anything to do with this incident. When a member of the Building Trades approached the President of USW 1-346 for permission to use their names in memoriam for this bill, he was specifically told no. We did not even approach their surviving families about this because it did nothing to get to the root of the incident that took their loved ones. If the bill had been about Process Safety, where the root actually was, we would have approached the family to ask permission. The surviving family are the only ones who should make that determination which is something we respect. I would like to read in a statement from the family of Max and Ben at this point. "I, Kaddie Morrissey, along with our family, would appreciate it if you do not use Max or Ben Morrissey's name for any political gain. If you wish to use their names in the future, please contact the family for permission. Our family has been through enough in the past year and needs time to start healing. Thank you, Kaddie Morrissey." This incident is the worst thing I have ever been part of professionally and I will stand up for the brother's memory and that of their surviving families for as long as I am around. That sort of courtesy was not granted to them by using their names in justification of a bill that would have made no difference in the events of that day. The representative that approached us for permission owes me nothing,

but he certainly owes the family an apology for politicizing their tragedy without their permission.

In conclusion, I urge the Committee to listen to the Steelworkers who operate our refineries and work with the USW to amend or oppose this legislation. The United Steelworkers would also like to work with the Legislature on a bill to address refinery safety and prevent catastrophic events. The state should look to enhance Process Safety Management regulations through the avenues available to the State of Ohio.

Thank you for allowing me to testify on behalf of my members.