

301 St Paul Park Road St Paul Park, MN 55071 Tel: 651.459.9771

April 12, 2022

Dear Chairs Pratt and Noor, and members of the SF 4091 Conference Committee:

Thank you for the opportunity to comment on Senate File 4091, specifically the House version which would require apprenticeship-level training for all outside contractors working at oil refineries in Minnesota. Marathon Petroleum opposes this "Refinery Safety" provision and questions its necessity. Refineries must comply with a number of state and federal safety regulations, overseen and inspected by multiple agencies. This legislation would not make refineries safer for the employees or the surrounding communities, and has the potential to move safety backwards. Additionally, this provision sets a precedent of the legislature mandating who private businesses can hire and reduces the refineries' abilities to choose the safest, most technically-advanced contractor to meet the needs of the facilities, regardless of apprenticeship status.

Marathon Petroleum Corporation, through its subsidiaries, owns and operates the 104,000 barrel-percalendar-day refinery located in St. Paul Park, MN. St. Paul Park refinery's commitment to safety has been proven out in the data with zero recordable personal safety incidents in 2021. Additionally, the St. Paul Park Refinery has again been recognized by independent organizations including the Minnesota Safety Council Governor's Safety Award for the Award of Honor in Occupational Safety for 2021 performance and American Fuel and Petrochemical Manufacturers (AFPM) Distinguished Safety Award, the highest safety honor and one of four refineries in the country with this distinction.

The safety of our employees, contractors, business partners, customers and the community is, and always will be, at the core of everything we do. Every day, the people who work at our plant do so with the highest commitment to safety and a vigilant focus on care for the environment. We want the refinery to be safe, and we want our communities to be safe. The St. Paul Park refinery has 400 employees and at times employs hundreds of contractors, many of whom live and work in the community. It is of the utmost importance to Marathon that each of these individuals goes home safely to their family after every shift.

This strong commitment to safety extends to the process we use when we select companies to provide contracted services. We award our contracts based on a comprehensive evaluation process, selecting companies that have exemplary safety records; demonstrate a strong health and safety culture for their employees and concern for our communities; practice sound environmental stewardship; and create value through innovative technology and craft specialization. Contractors must also meet all federal and state regulations, and are trained for their specific roles. To support this disciplined selection process, our contractors' health and safety programs and related scores (total recordable incident rate, OSHA logs, etc.) are vetted by an independent auditor prior to awarding business. Our rigorous selection process has resulted in qualified union-represented and non-represented contractors safely and successfully performing work at the refinery.

Our proven record of safety renders this apprenticeship-level training labor mandate unnecessary. It not only limits the ability to hire the safest and specifically-trained contract companies, it also jeopardizes availability of workers to meet the demands of in-state refineries. The St. Paul Park refinery averages just



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under 150 contractors per day during normal time periods. During labor-intensive maintenance periods, such as turnarounds, that number has peaked at over 1,300 workers on site, depending on turnaround scope. It can be challenging to fill more specialized positions currently, and by shrinking the available labor pool through the limitations put forth in this provision, planned critical, mechanical integrity-driven maintenance may be delayed due to lack of available workforce and emergency maintenance may not be immediately available by a limited number of contract workers. This would not increase safety at refineries and would require many apprenticeship-trained workers to be brought in from out of state to meet demand.

Finally, there are certain highly skilled crafts that do not have apprenticeship-level training available, nor does apprenticeship-level training include industrial-specific training. In certain situations, the wide scope of this bill would require that refineries hire contractors with less specialized apprenticeship training over contractors that employ skilled craftsmen with decades of experience in a particular trade. This trade-off could result in the loss of hundreds of current jobs held by Minnesotans in and around our community. Additionally, trading skilled and experienced workers for those with potentially less training simply because they attended an apprenticeship program is an inherent safety risk.

We at Marathon Petroleum view the use of contractors at our facility as a true partnership, underscored by a strong commitment to safety from each party. We fully understand and appreciate the significant responsibility we have as an employer, a community member, and a provider of essential products that help ensure Minnesotans have the goods and services they need. We are committed to continuing to work with proponents of this bill to find ways to support partnership opportunities outside of the legislature that uphold the highest safety standards for our employees and contractors.

Attached is a sample list of current federal safety regulations refineries must adhere, enforced by Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA). This list does not include regulations by other agencies, including state agencies. Because of this strict oversight and companies' commitment to safety, the refining industry has amongst the lowest rate of safety incidents when compared to other industries in the state. Adding a hiring mandate will not make refineries safer. We urge the committee to strike the "Refinery Safety" provision from the final omnibus bill. Thank you for the opportunity to submit comment.



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## Federal regulations that apply/may apply to Refineries

- OSHA 29 CFR 1910 especially 29 CFR 1910.119 (Process Safety)
- OSHA 29 CFR 1926 (Construction)
- EPA Risk Management Plan (RMP) 40 CFR Part 68 Section 112 of Clean Air Act
- MARSEC U.S. Coast Guard Maritime Security
- DOT Part 195 Pipeline and Hazardous Materials Safety Administration (PHMSA) pipeline regulations

## Occupational Safety and Health Administration (OSHA) 29 CFR 1910

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- o 1926.66 Criteria for design and construction of spray booths.
- $\circ$  ~ 1926 Subpart E Personal Protective and Life Saving Equipment
  - o 1926.95 Criteria for personal protective equipment.
  - 1926.96 Occupational foot protection.
  - 1926.97 Electrical protective equipment.
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  - o 1926.99 Reserved
  - o 1926.100 Head protection.
  - 1926.101 Hearing protection.



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- o 1926.102 Eye and face protection.
- o 1926.103 Respiratory protection.
- o 1926.104 Safety belts, lifelines, and lanyards.
- 1926.105 Safety nets.
- 1926.106 Working over or near water.
- 1926.107 Definitions applicable to this subpart.
- 1926 Subpart F Fire Protection and Prevention
- 1926.150 Fire protection.
- o 1926.151 Fire prevention
- o 1926.152 Flammable liquids.
- 1926.153 Liquefied petroleum gas (LP-Gas).
- 1926.154 Temporary heating devices.
- o 1926.155 Definitions applicable to this subpart.
- 1926.156 Removed
- o **1926.157 Removed**
- o **1926.158 Removed**
- o 1926.159 Removed
- 1926 Subpart G Signs, Signals, and Barricades
  - o 1926.200 Accident prevention signs and tags.
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- o 1926 Subpart H Materials Handling, Storage, Use, and Disposal
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  - o 1926.251 Rigging equipment for material handling.
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- 1926 Subpart I Tools-Hand and Power
  - o 1926.300 General requirements.
  - o 1926.301 Hand tools.
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  - $\circ$  1926.306 Air receivers.
  - o 1926.307 Mechanical power-transmission apparatus.
- 1926 Subpart J Welding and Cutting
  - o 1926.350 Gas welding and cutting.
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- o 1926 Subpart K Electrical
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- o 1926.401 Reserved
- o 1926.402 Applicability.
- o 1926.403 General requirements.
- 1926.404 Wiring design and protection.
- 1926.405 Wiring methods, components, and equipment for general use.
- o 1926.406 Specific purpose equipment and installations.
- 1926.407 Hazardous (classified) locations.
- o 1926.408 Special systems.
- 1926.416 General requirements.
- 1926.417 Lockout and tagging of circuits.
- 1926.431 Maintenance of equipment.
- o 1926.432 Environmental deterioration of equipment.
- 1926.441 Batteries and battery charging.
- 1926.449 Definitions applicable to this subpart.
- 1926 Subpart L Scaffolds
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  - o 1926.451 General requirements.
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  - **1926.453** Aerial lifts.
  - 1926.454 Training requirements.
  - o 1926 Subpart L App A Scaffold Specifications
  - 1926 Subpart L App B Criteria for Determining the Feasibility of Providing Safe Access and Fall Protection for Scaffold Erectors and Dismantlers
  - 1926 Subpart L App C List of National Consensus Standards.
  - o 1926 Subpart L App D List of Training Topics for Scaffold Erectors and Dismantlers.
  - 1926 Subpart L App E Drawings and Illustrations.
- 1926 Subpart M Fall Protection
  - o 1926.500 Scope, application, and definitions applicable to this subpart.
  - 1926.501 Duty to have fall protection.
  - o 1926.502 Fall protection systems criteria and practices.
  - o 1926.503 Training requirements.
  - 1926 Subpart M App A Determining Roof Widths Non-mandatory Guidelines for Complying with 1926.501(b)(10)
  - 1926 Subpart M App B Guardrail Systems Non-Mandatory Guidelines for Complying with 1926.502(b)
  - 1926 Subpart M App C Personal Fall Arrest Systems Non-Mandatory Guidelines for Complying with 1926.502(d)
  - 1926 Subpart M App D Positioning Device Systems Non-Mandatory Guidelines for Complying with 1926.502(e)
  - 1926 Subpart M App E Sample Fall Protection Plan Non-Mandatory Guidelines for Complying with 1926.502(k)
- o 1926 Subpart N Helicopters, Hoists, Elevators, and Conveyors
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- o 1926.551 Helicopters.
- o 1926.552 Material hoists, personnel hoists, and elevators.
- o 1926.553 Base-mounted drum hoists.
- o 1926.554 Overhead hoists.
- o 1926.555 Conveyors.
- **1926.556** Aerial lifts.
- o 1926 Subpart O Motor Vehicles, Mechanized Equipment, and Marine Operations
  - o **1926.600** Equipment.
  - o 1926.601 Motor vehicles.
  - o 1926.602 Material handling equipment.
  - 1926.603 Pile driving equipment.
  - $\circ$   $\phantom{-}$  1926.604 Site clearing.
  - o 1926.605 Marine operations and equipment.
  - $\circ$  1926.606 Definitions applicable to this subpart.
- o 1926 Subpart P Excavations
  - o 1926.650 Scope, application, and definitions applicable to this subpart.
  - o 1926.651 Specific Excavation Requirements.
  - 1926.652 Requirements for protective systems.
  - 1926 Subpart P App A Soil Classification
  - 1926 Subpart P App B Sloping and Benching
  - 1926 Subpart P App C Timber Shoring for Trenches
  - o 1926 Subpart P App D Aluminum Hydraulic Shoring for Trenches
  - 1926 Subpart P App E Alternatives to Timber Shoring
  - 1926 Subpart P App F Selection of Protective Systems
- o 1926 Subpart Q Concrete and Masonry Construction
  - 1926.700 Scope, application, and definitions applicable to this subpart.
  - o 1926.701 General requirements
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  - 1926.703 Requirements for cast-in-place Concrete.
    - 1926.703 App General Requirements for Formwork
  - o 1926.704 Requirements for precast concrete.
  - o 1926.705 Requirements for lift-slab operations.
    - o 1926.705 App Lift Slab Operations
  - o 1926.706 Requirements for masonry construction.
  - o 1926 Subpart Q App A References to Subpart Q of Part 1926
- o 1926 Subpart R Steel Erection
  - o 1926.750 Scope.
  - **1926.751 Definitions**.
  - o 1926.752 Site layout, site-specific erection plan and construction sequence.
  - o 1926.753 Hoisting and rigging.
  - 1926.754 Structural steel assembly.
  - o 1926.755 Column anchorage.
  - o 1926.756 Beams and columns.

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- o 1926.757 Open web steel joists.
- o 1926.758 Systems-engineered metal buildings.
- o 1926.759 Falling object protection.
- 1926.760 Fall protection.
- o 1926.761 Training.
- 1926 Subpart R App A Guidelines for establishing the components of a site-specific erection plan: Non-Mandatory Guidelines for Complying with 1926.752(e).
- 1926 Subpart R App B Reserved
- 1926 Subpart R App C Illustrations of Bridging Terminus Points: Non-Mandatory Guidlines for Complying with 1926.757(a)(10) and 1926.757(c)(5).
- 1926 Subpart R App D Illustration of the Use of Control Lines to Demarcate Controlled Decking Zones (CDZs): Non-mandatory Guidelines for Complying with 1926.760(c)(3).
- 1926 Subpart R App E Training: Non-mandatory Guidelines for Complying with 1926.761.
- 1926 Subpart R App F Perimeter Columns: Non-Mandatory Guidelines for Complying with 1926.756(e) To Protect the Unprotected Side or Edge of a Walking/Working Surface.
- 1926 Subpart R App G 1926.502 (b)-(e) Fall Protection Systems Criteria and Practices.
- 1926 Subpart R App H Double Connections: Illustration of a Clipped End Connection and a Staggered Connection: Non-Mandatory Guidelines for Complying with 1926.756(c)(1).
- o 1926 Subpart S Underground Construction, Caissons, Cofferdams, and Compressed Air
  - o 1926.800 Underground Construction
  - o 1926.801 Caissons.
  - o 1926.802 Cofferdams.
  - o 1926.803 Compressed air.
  - 1926.804 Definitions applicable to this subpart.
  - 1926 Subpart S App A Decompression Tables
- o 1926 Subpart T Demolition
  - 1926.850 Preparatory operations.
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  - o 1926.852 Chutes.
  - o 1926.853 Removal of materials through floor openings.
  - o 1926.854 Removal of walls, masonry sections, and chimneys.
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  - o 1926.856 Removal of walls, floors, and material with equipment.
  - o 1926.857 Storage.

- 1926.858 Removal of steel construction.
- o 1926.859 Mechanical demolition.
- 1926.860 Selective demolition by explosives.
- 1926 Subpart U Blasting and the Use of Explosives
- 1926.900 General provisions.
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- 1926.902 Surface transportation of explosives.
- o 1926.903 Underground transportation of explosives.
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- 1926.905 Loading of explosives or blasting agents.
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- 1926.914 Definitions applicable to this subpart.
- 1926 Subpart V Electric Power Transmission and Distribution
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- $\circ$  ~ 1926.952 Job briefing.
- $\circ$  1926.953 Enclosed spaces.
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- o 1926.955 Portable ladders and platforms.
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- o 1926.957 Live-line tools.
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- 1926.959 Mechanical equipment.
- o 1926.960 Working on or near exposed energized parts.
- o 1926.961 Deenergizing lines and equipment for employee protection.
- 1926.962 Grounding for the protection of employees.
- o 1926.963 Testing and test facilities.
- 1926.964 Overhead lines and live-line barehand work.
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- o 1926.966 Substations.
- o 1926.967 Special conditions.
- o 1926.968 Definitions.
- o 1926 Subpart V App A Appendix A to Subpart V of Part 1926 Reserved
- o 1926 Subpart V App B Appendix B to Subpart V of Part 1926-Working on Exposed Energized Parts
- 1926 Subpart V App C Appendix C to Subpart V of Part 1926-Protection From Hazardous Differences in Electric Potential
- 1926 Subpart V App D Appendix D to Subpart V of Part 1926 Methods of Inspecting and Testing Wood Poles
- 1926 Subpart V App E Appendix E to Subpart V of Part 1926 Protection From Flames and Electric Arcs
- 1926 Subpart V App F Appendix F to Subpart V of Part 1926 Work-Positioning Equipment Inspection Guidelines
- o 1926 Subpart V App G Appendix G to Subpart V of Part 1926 Reference Documents
- o 1926 Subpart W Rollover Protective Structures; Overhead Protection
  - o 1926.1000 Scope.



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- 1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, crawler tractors, compactors, and rubber-tired skid steer equipment.
- 1926.1002 Protective frames (roll-over protective structures, known as ROPS) for wheel-type agricultural and industrial tractors used in construction.
- 1926.1003 Overhead protection for operators of agricultural and industrial tractors used in construction.
- 1926 Subpart X Stairways and Ladders
  - o 1926.1050 Scope, application, and definitions applicable to this subpart.
  - 1926.1051 General requirements.
  - o 1926.1052 Stairways.
  - o 1926.1053 Ladders.
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  - o 1926.1055 Reserved
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  - 1926 Subpart X App A Ladders
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- o 1926.1101 App D Medical Questionnaires; Mandatory
- 1926.1101 App E Classification of Chest X-Rays Mandatory
- 1926.1101 App F Work practices and engineering controls for Class I Asbestos Operations non-mandatory
- o 1926.1101 App G Reserved
- o 1926.1101 App H Substance Technical Information for Asbestos Non-Mandatory
- o 1926.1101 App I Medical Surveillance Guidelines for Asbestos, Non-Mandatory
- o 1926.1101 App J Smoking cessation program information for asbestos, non-mandatory
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- o 1926.1104 alpha-Naphthylamine.
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- o 1926.1108 bis-Chloromethyl ether.
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