

One Company's Perspective on OSHA's Rulemaking on Silica

**IPAA Strategic Planning Conference on Land
Access and Environmental Issues**

February 2016

**M S Hudson
Marathon Oil Company
Manager – Health, Safety, and Audit**

Company Policy

- **Identify applicable laws and regulations;**
 - **Develop and implement controls for conformity; and,**
 - **Ensure those with compliance related responsibilities are trained and aware of compliance requirements.**
-
- ▶ Challenges – numerous regulatory initiatives, technical skills necessary to assess potential impacts and time/resources to develop/implement controls necessary for compliance;
 - ▶ Trade associations (such as IPAA, AXPC, and API) play a “key” role in our ability to meet these challenges

Example - OSHA's Silica Rulemaking

- Proposed rule issued 2+ years ago;
- Proposed Rule – 232 pages in Fed Register
- Rulemaking Docket
 - 6 primary documents,
 - 2,453 supporting documents,
 - 1,786 comment letters
- Trade association response concisely summarized impact of rule including potential cost impacts and compliance issues



Company Response

June 2012 – NOISH/OSHA Hazard Alert “*Worker Exposure to Silica during Hydraulic Fracturing*”



- Exposure monitoring to assess risk to personnel
- Developed “Standard for Control of Silica Exposure During Onshore Hydraulic Fracturing”
 - Verification that hydraulic fracturing contractors have written silica control programs;
 - Use of a “Respirable Silica Control Program Checklist” at worksites;
 - Sand handling areas physically demarcated, warnings signs posted, and wear appropriate respiratory protection.

September 2013 – OSHA Rulemaking “*Occupational Exposure to Crystalline Silica*”

- Participation with IPAA, AXPC, and API
 - Better understanding of rule, potential impacts, costs, and possible compliance challenges
 - Promoted contact with other E&P Operators
- Identification and utilization industry sponsored resources
 - National STEPS – Respirable Silica Focus Group

Following rulemaking on silica

Regulator - Topic	Issue(s)	Trade Association Action(s)
OSHA/NIOSH – Tank gauging	Health concerns associated with tank gauging.	April 2015 – AXPC formed industry work group to share “best practices”
OSHA – Process safety management EPA – Risk management plans	Expansion of PSM and RMP regulations to E&P facilities.	4/2014 - AXPC/IPAA/API submitted response 10/2014 - AXPC/IPAA submitted response
OSHA – Chemical Management and Permissible Exposure Limits	Changes to well-established PELs – for example H2S	10/2015 – API submitted comments
OSHA – Tracking Workplace Injuries	Public availability of employers’ OSHA data	10/2014 – AXPC/API submitted comments
OSHA - Obligation to Maintain Accurate Recordkeeping Records	6 month vs 5 year limitation for recordkeeping violations	9/2015 – API submitted comment period closed
OSHA - Recommended Practices for Employers for Preventing and Addressing Retaliation	Elimination of performance incentives tied to injury rates	1/2016 – AXPC/IPAA submitted comments
OSHA – Safety and Health Program Management Guidelines	Discourages performance incentives tied to injury rates and post incident drug testing	2/2016 – Comments due – IPAA/AXPC to submit
PHMSA - Safety of Onshore Hazardous Liquids	Potential impact to gathering lines – regulated or non-regulated	1/2016 – IPAA submitted comments