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

IPAA Strategic Planning Conference on Land Access and Environmental Issues

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