

Congress of the United States
Washington, DC 20515

September 11, 2015

Rex W. Tillerson
Chairman and CEO
ExxonMobil
5959 Las Colinas Boulevard
Irving, Texas 75039-2298

Dear Mr. Tillerson:

We are writing in regards to the Feb. 18 explosion at ExxonMobil's refinery in Torrance, CA. As Members of Congress that represent the refinery's home and neighboring districts, we are deeply concerned by recent efforts by ExxonMobil to push back against the investigations by the California Division of Occupational Safety and Health (Cal/OSHA) and the U.S. Chemical Safety Board (CSB).

On Aug. 13, Cal/OSHA issued 19 citations against ExxonMobil for health and safety violations at the Torrance refinery, incurring \$566,600 in associated fines. All but one of the citations were classified as "serious," and six were further characterized as "willful because Cal/OSHA found that Exxon did not take action to eliminate known hazardous conditions at the refinery and intentionally failed to comply with state safety standards." Among other findings, Cal/OSHA specifically cited a 2007 safety review that "uncovered concerns about flammable vapor leakage in the precipitator" and concluded that "management knew of potential fire or explosion hazards from the leakage but did not correct the danger."

Despite the body of evidence of process safety management failures, ExxonMobil has appealed all 19 citations on the grounds that the "safety order was not violated." We are naturally left wondering what your company believes failed and caused the explosion.

We have also learned that ExxonMobil has declined to fulfill CSB's voluntary document requests and subsequent subpoenas as part of their investigation. CSB's requests included the risk assessments, or Process Hazard Analyses, for the fluid catalytic cracker and "interconnecting units"—the source of the hydrocarbon leak that caused the explosion.

In your lawyer's written response to CSB, your company rejected the validity of the requests as "overbroad, unduly burdensome, and not reasonably related to the CSB's investigation." Given the cause of the explosion, the failure of the Torrance refinery's process safety management, and CSB's belief that the subpoenaed information is highly relevant to its root cause investigation, we find ExxonMobil's position highly untenable.

While we appreciated your company's initial willingness to work with local and federal authorities immediately following the explosion, we view your recent actions as deeply concerning. These actions undermine public trust in ExxonMobil and the safety of your Torrance refinery. We trust that ExxonMobil shares in the common goal of using the lessons learned from the Feb. 18 explosion to improve public and refinery safety and ultimately ensure that these kinds of incidents do not repeat themselves. To that end, we urge ExxonMobil to accept responsibility for errors made, resume full-cooperation with regulatory authorities and help restore the community's trust.

Finally, we are also troubled by reports this week of a Sept. 6 leak of highly-toxic modified hydrofluoric (HF) acid at the refinery, which the Torrance Fire Department called a "significant incident" and Cal/OSHA is reportedly investigating. We are relieved to know that the leak was fixed without any apparent injuries. Nevertheless, the incident is a poignant reminder of the dangers that modified HF poses to the surrounding community. We request that your Torrance refinery join the nearly two-thirds of U.S. refineries that do not use HF and transition to a safer process, such as a solid or liquid ionic catalysts. If ExxonMobil refuses to do so, please set forth the reasons for the refusal.

Sincerely,

Ted W. Lieu

TED W. LIEU
Member of Congress

Maxine Waters

MAXINE WATERS
Member of Congress

