

PROCESS SAFETY SUMMIT

IN
WASHINGTON, DC

October 15-16, 2019

ABOUT THE SUMMIT

The Process Safety Summit in Washington, DC fills an important gap for Industry. Though opportunities exist for trade groups and employers to interact with regulators, those opportunities do not feature process safety, and the process safety-related events that exist, are far from Washington, DC, making it hard for senior regulators to participate. The objectives of the Summit are:

- Educating on process safety regulatory and enforcement developments and trends -
- Elevating awareness and importance of process safety to employers and trade -
- Relationship-building between Industry and its process safety regulators -
- Knowledge-sharing and benchmarking among similarly situated employers -

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DAY 1 AGENDA – OCTOBER 15, 2019

FACILITATED DISCUSSIONS

1:30 PM - 2:00 PM	Registration Sidley Austin LLP, 1501 K Street, NW, Concourse Level, Washington, DC 20005
2:00 PM - 2:15 PM	Welcome Remarks <ul style="list-style-type: none">• Eric J. Conn, Conn Maciel Carey LLP – OSHA Practice Group Chair• Tim Webster, Sidley Austin LLP – Partner, Environmental Group
2:15 PM – 3:10 PM	RMP Rulemaking and Enforcement, and Hydrofluoric Acid Issues <ul style="list-style-type: none">• <i>Co-Facilitated by Tim Webster and Justin Savage of Sidley Austin LLP</i>• Focus on compliance strategies related to developments with the RMP regulation and enforcement priorities, including the RMP Amendments, as well as developments related to hydrofluoric acid use at facilities.
3:10 PM - 3:25 PM	Coffee and Networking Break
3:25 PM – 4:20 PM	OSHA’s ChemRef PSM National Emphasis Program <ul style="list-style-type: none">• <i>Co-Facilitated by Eric J. Conn, OSHA Practice Chair at Conn Maciel Carey LLP, and Kaleb Brankamp, In-House EHS Attorney at Marathon Petroleum</i>• OSHA merged the Refinery PSM NEP and Chemical Facilities PSM NEP into a new ChemRef PSM NEP, which launched in 2018. This session will review data and trends from the first full year of the NEP inspections, lessons learned from completed inspections, and how employers are preparing for and managing the NEP inspections.
4:20 PM - 4:35 PM	Coffee and Networking Break
4:35 PM – 5:30 PM	Expanding PSM Coverage, Compliance Audits, and Use of RAGAGEP <ul style="list-style-type: none">• <i>Co-Facilitated by Micah Smith, OSHA Partner at Conn Maciel Carey LLP, and Bill Clark, Phillips 66, Process Safety Manager</i>• Recent PSM-related OSHRC decisions, PSM and RMP rulemakings, and PSM interpretations have shifted the process safety landscape. This session will review how industry has responded to minimize risk and enhance process safety. Topics include defining process boundaries in the wake of OSHRC’s decision in the <i>Wynnewood</i> case, performing three-year PSM compliance audits in the wake of the RMP Amendments, and sharing experiences regarding how to utilize RAGAGEP.
5:30 PM - 7:15 PM	Welcome Cocktail Reception

DAY 2 AGENDA – OCTOBER 16, 2019

GOVERNMENT PANELS

8:00 AM - 8:30 AM	Registration - Hamilton Hotel, 1001 14th St NW, Washington, DC 20005
8:30 AM - 8:40 AM	Welcome Remarks <ul style="list-style-type: none"> • Eric J. Conn, Conn Maciel Carey LLP – OSHA Practice Group Chair • Tim Webster, Sidley Austin LLP – Partner, Environmental Group
8:40 AM - 9:55 AM	OSHA Panel – PSM Nat'l Emphasis Program, Rulemaking, Cases, Interpretations <ul style="list-style-type: none"> • Jeff Wanko, Director, OSHA Office of Chemical Process Safety & Enforcement • Lisa Long, Director, OSHA Office of Engineering Safety • Mike Marshall, PSM Coordinator, OSHA Directorate of Enforcement Programs • Pete Vassalo, Senior OSH/PSM Attorney, Office of the Solicitor of Labor • <i>Co-Moderators: Micah Smith, OSHA Partner at Conn Maciel Carey, and Bill Clark, Process Safety Manager at Phillips 66</i>
9:55 AM - 10:40 AM	OSH Review Commission Discussion – Developments at OSHRC and Recent Decisions <ul style="list-style-type: none"> • Jim Sullivan, Chairman, Occupational Safety & Health Review Commission • <i>Moderator: Vic Pyle, Senior Counsel for EHS Law, ExxonMobil Corporation</i>
10:40 AM - 11:00 AM	Networking Coffee Break
11:00 AM - 12:00 PM	EPA Panel – RMP Rulemaking and Enforcement, HF Issues <ul style="list-style-type: none"> • Steven Cook, Deputy Assistant Administrator, Land & Emergency Management • <i>Moderator: Tim Webster, Sidley Austin LLP, Partner, Environmental Group</i>
12:00 PM - 12:15 PM	Networking Coffee Break
12:15 PM - 2:40 PM	Lunch and Keynote Panel
1:15 PM - 2:40 PM	Keynote Panel: Conversation with Four Former Senior OSHA Officials - OSHA's priorities and philosophies across administrations, and evolution of PSM <ul style="list-style-type: none"> • John Henshaw, Assistant Secretary for George W. Bush (2001 - 2004) • Jordan Barab, Assistant & Dep. Assistant Sec'y for Barack Obama (2009 - 2017) • Jon Snare, Acting Assistant Sec'y & Acting Solicitor of Labor for George W. Bush • Rich Fairfax, Deputy Assistant Sec'y & Director of Enforcement (1998 - 2013) • <i>Moderator: Eric J. Conn, Chair of Conn Maciel Carey's national OSHA Practice</i>
2:40 PM - 3:00 PM	Networking Coffee Break
3:00 PM - 3:50 PM	CSB Panel – Investigations, Recommendations, and Reporting Rulemaking <ul style="list-style-type: none"> • Wills Hougland, Lead Investigator • Tamara Qureshi, Associate General Counsel • <i>Moderator: Beeta Lashkari, OSHA Associate at Conn Maciel Carey LLP</i>
3:50 PM - 4:00 PM	Closing Remarks

PANELISTS AND SPEAKERS

OSHA PANEL



Jeff Wanko is the **Director of the Office of Chemical Process Safety and Enforcement Initiatives in OSHA's Directorate of Enforcement**. Jeff also represents OSHA on the NFPA 30 technical committee for flammable/combustible liquids. He joined OSHA in 2011, after six years investigating chemical incidents at the **Chemical Safety Board**. He is a licensed PE & CSP. He has spent 25+ years focused on process safety in general industry, pharmaceuticals, foods, chemicals, and refining.



Lisa Long is **Director of the Office of Engineering Safety in OSHA's Directorate of Standards and Guidance** where she manages rulemaking for chemical and other engineering-related issues. She previously was a **Safety Engineer in OSHA's Directorate of Enforcement** focused on process safety. Lisa also spent seven years as an investigator at the **U.S. Chemical Safety Board** and 10 years in process engineering and production management at FMC and Rhodia.



Mike Marshall is the **PSM Coordinator in OSHA's Directorate of Enforcement Programs**. Mike coordinates process safety enforcement and investigation activities. He has worked at OSHA for 25 years, during which he has investigated major catastrophes in the chemical, petrochemical, and refining industries. Prior to working at OSHA, Mike worked for five years in private industry in oil and gas well servicing, and as a civil engineer.



Pete Vassalo is a **Senior Attorney in the Department of Labor's Office of the Solicitor, Division of Occupational Safety and Health**. Pete focuses on enforcement matters, serving as lead attorney for OSHA's Egregious Enforcement Program and enforcement of the PSM Standard. He has negotiated numerous complex corporate-wide settlements on behalf of OSHA. Pete also serves as an instructor in PSM and Combustible Dust at the OSHA Training Institute.

OSH REVIEW COMMISSION DISCUSSION



Jim Sullivan, Jr. is the **Chairman of the Occupational Safety and Health Review Commission**. Jim was first sworn in as a Commissioner on August 28, 2017. Prior to his appointment by President Trump to OSHRC, he was a partner in several national law firms, where his practice focused on employment law and workplace safety & health matters. He previously served as VP of Labor and Employment Law and Deputy GC for Comcast, and he is a former Management Co-Chair of the ABA Committee on Occupational Safety & Health Law.

EPA PANEL



Steven Cook joined the **EPA** in 2018 as **Deputy Assistant Administrator for the Office of Land and Emergency Management**. Steven is also the **Chair of EPA's Superfund Task Force**. Previously, Steven was in-house counsel at LyondellBasell, a multi-national chemical and refining company, where he oversaw HSE and security legal issues globally. He has also taught courses at the **University of Houston Law Center** covering the Clean Air Act, enforcement, and the intersection of environmental and bankruptcy law.

KEYNOTE PANEL – FORMER SENIOR OSHA OFFICIALS



John Henshaw was Assistant Secretary of Labor for OSHA from 2001-2004, appointed by Pres. George W. Bush. He is a health and safety professional with 40+ years' experience in industrial hygiene, safety, and environmental health. Today he is President of John Henshaw & Associates, consulting on industrial hygiene, risk assessments, and occupational safety & health management systems. Previously, he was the Sr. VP & Managing Principal for Cardno ChemRisk. John's prior experience includes serving as Director of EHS for Astaris LLC and similar positions at Solutia, Inc. and Monsanto.



Jordan Barab was the Acting Assistant Secretary of Labor for OSHA in 2009 and then Deputy Assistant Secretary from 2009 - 2017, appointed by Pres. Barack Obama. Jordan also served as Special Assistant to the Assistant Secretary for OSHA during the Clinton Administration. He has twice served (including presently) as the Senior Labor Policy Advisor for the US House of Representatives' Committee on Education and Labor. From 2002 - 2007, he was the Recommendations Manager at the CSB. Before that, he was a Health & Safety Specialist for the AFL-CIO and the AFSCME.

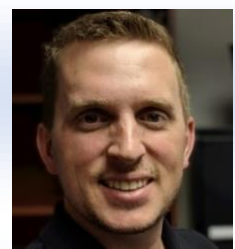


Jonathan Snare served several roles at the Dept. of Labor during the George W. Bush Admin., including Deputy Solicitor of Labor, Acting Solicitor of Labor, and Deputy Assistant Secretary of Labor for OSHA and Acting Assistant Secretary for OSHA. Today, Jon Leads the OSHA Practice at Morgan Lewis, where he advises employers on workplace safety and health issues involving enforcement, compliance, workplace investigations, and emergency response matters, including disputes before OSHA, the CSB, MSHA, and state OSH plans.



Rich Fairfax joined OSHA in 1977, working as a CSHO. In 1994, he moved to OSHA's National Office as Sr. IH for the Office of Health Enforcement. He later became Deputy Director, and then Director of Enforcement in 1998. In 2010, Rich became the career Deputy Assistant Secretary, overseeing all field, enforcement, and training operations, and continued in that role until he retired from OSHA in 2013. Prior to OSHA, Rich was a journeyman pipe fitter and welder at Texas oil refineries. He is currently a safety and health consultant with ORCHSE.

CSB PANEL



Wills Hougland is a **Lead Investigator for the U.S. Chemical Safety and Hazard Investigation Board**, serving in that role since 2014. During this time, Wills has investigated numerous significant chemical incidents for the CSB, including those that have occurred at PSM facilities, such as refineries, natural gas facilities, and oil storage terminals. He provides specialized support for CSB investigation in mechanical engineering and testing.



Tamara Qureshi is the **Associate General Counsel for the U.S. Chemical Safety and Hazard Investigation Board**. Tamara joined the CSB in 2014 as an Attorney-Advisor for the Office of Investigations. During her time at the CSB, she has served as Investigator-in-Charge for multiple significant chemical incident investigations, and has extensive expertise in process safety, having investigated various PSM-covered facilities.

MODERATORS AND FACILITATORS



Eric J. Conn is a founding partner and Chair of the **national OSHA Practice** at **Conn Maciel Carey**, where he focuses his practice on all aspects of occupational safety and health law, with a special emphasis on process safety management. Eric practiced for more than a decade alongside the first General Counsel of the OSH Review Commission. He represents employers in inspections, investigations and enforcement actions involving OSHA, state OSH programs, the CSB, and EPA. He also handles all aspects of OSHA litigation, from appeals of citations to criminal prosecutions.



Beeta Lashkari is a former **Attorney-Investigator at the CSB**, where she analyzed EPA and OSHA regulations for incident investigations, advised about CSB statutory authority, and negotiated safety recommendations with companies, regulators and associations. Today, Beeta is an Associate in the **OSHA Practice** at **Conn Maciel Carey**, representing employers in inspections, investigations, and enforcement actions by OSHA, EPA, CSB, and state agencies.



Justin Savage is a partner in **Sidley Austin's environmental group** and counsel of record to the RMP Coalition in litigation about the RMP Amendments. Justin represents companies and associations in high-stakes EHS litigation and strategic counseling, including enforcement, internal investigations, and rulemaking challenges, particularly in connection with the Clean Air Act Title I, RMP & Title II. Justin served for a decade in the **Environmental Enforcement Section at DOJ** where he led teams in multi-billion-dollar cases.



Micah Smith is a partner at **Conn Maciel Carey LLP** in its national **OSHA Practice**. Micah's practice focuses on occupational safety and health law with an emphasis on process safety management. He represents clients in the full range of OSHA matters, with particular experience in petroleum refining and chemical manufacturing. He advises clients during OSHA inspections, investigations, and enforcement actions involving industrial, construction and manufacturing accidents, such as explosions and chemical releases. Micah manages all aspects of OSHA litigation.



Tim Webster is a partner in **Sidley Austin's environmental group**. Tim has practiced environmental law his entire career, including seven years at the **Department of Justice**, Environmental Enforcement Section. Tim focuses on civil and criminal environmental enforcement defense, internal investigations, rulemaking challenges, and regulatory advocacy. He has handled a wide variety of matters under the Clean Air Act, including the RMP provisions, and other environmental statutes. Tim was the 44th President and General Counsel of the DC Bar.



Bill Clark is a **Process Safety Manager** at **Phillips 66** in Houston, Texas. Bill has 30+ years of experience in the field of process safety, holding prior at Phillips 66 including Operations Trainer and others.



Vic Pyle, III is the **Senior Counsel for Environmental and Safety Law** at **ExxonMobil Corporation** in Houston, TX. Vic has 25+ years' experience practicing EHS law, including 10+ years with Exxon, and another 10+ years across the public, private, and nonprofit sectors primarily in the areas of wetlands and coastal zone management.



Kaleb Brankamp is an **In-House Attorney for Environmental, Safety and Security** at **Marathon Petroleum Company LP** in Findlay, Ohio. Previously, Kaleb was in-house counsel for environmental and safety legal issues for Konecranes, and in private practice focused on environmental law.

Throughout the Summit, we are using an interactive polling tool to get participants more involved. To access the polling tool, either: (i) go to PollEv.com/pssummit on a web browser; (ii) **Text PSSUMMIT to 22333** once to join; or (iii) **scan this QR barcode with your smartphone camera.**

