

API's Vision for American Energy Leadership: Recommendations for the U.S. Department of Labor

The oil and gas industry is poised to fully realize its potential under a new era of American energy dominance. A well-trained workforce, operating in safe conditions with clear and effective standards, is essential to achieving this energy potential.

The Department of Labor (DOL) and its Occupational Safety and Health Administration (OSHA) play a critical role in partnering with industry to continuously improve safety standards and workforce development. By fostering a regulatory environment that prioritizes safety and operational efficiency, DOL can help ensure that the oil and gas sector maintains its record of high safety standards for workers while delivering affordable and reliable energy to Americans.

API has submitted comments on several relevant regulations, which we encourage the transition team to review for additional insights and recommendations.

Included below are the following priorities:

- Process Safety Management of Highly Hazardous Chemicals Standard
- Walking & Working Surfaces Rulemaking
- Emergency Response Standard
- Heat Injury & Illness Prevention

Occupational Safety and Health Administration (OSHA)

Key Issues:

- **Process Safety Management (PSM) of Highly Hazardous Chemicals Standard**

Priorities for Downstream Operations

API Ask: Ensure future PSM rulemakings properly incorporate industry stakeholders and do not unjustly penalize a variety of alkylation technologies with proven safety records. Coordinate closely with the EPA to prevent duplicative or conflicting regulatory requirements with the Risk Management Program (RMP) and PSM.

Context: EPA's newly published RMP includes numerous provisions that encroach upon OSHA's regulatory domain, particularly in areas of worker safety and compliance auditing. Further, alkylation technology and Recognized and Generally Accepted Good Engineering Practices (RAGAGEP) analyses could disrupt well-established PSM programs. Without better coordination between EPA and OSHA, overlapping and/or contradictory requirements could lead to confusion and inefficiencies for regulated facilities and result in legal challenges.

Priorities for Upstream Operations

API Ask: Do not expand the PSM standard to upstream activities, specifically for drilling and completion activities.

Context: PSM regulations are not fully transferable from Downstream operations to Upstream operations and existing OSHA and DOI regulations already effectively prevent safety incidents.

- **Walking & Working Surfaces Rulemaking**

API Ask: Issue a Walking & Working Surfaces Advanced Notice for Proposed Rulemaking (ANPRM) that incorporates cross-industry input clarifying the 2016 rule requirements and extends the implementation date.

Context: In 2016, OSHA revised and updated its general industry standards on walking-working surfaces to prevent and reduce workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking-working surface hazards. The effective date of the fixed ladder revisions was set for 2036, twenty years after publication, due to the significant capital requirements of making such drastic changes to facility infrastructure. Supply chain hinderances and uncertainties have significantly slowed construction and compliance efforts. OSHA should gather feedback from impacted stakeholders and consider revising the final rule to address these developments.

- **Emergency Response Standard**

API Ask: Repeal the rule due to its overly burdensome requirements and instead focus on performance-based standards that allow employers to tailor their training to reasonably foreseeable conditions based on facility or locality vulnerability assessments.

Context: For decades, the oil and gas industry has relied on the existing response plans and mutual aid agreements promulgated under OSHA. In July 2024, OSHA issued a proposed rule for a new safety and health standard, titled *Emergency Response*, to replace the existing Fire Brigades Standard. The proposed rule included prescriptive requirements for a complete and unnecessary overhaul of successful existing emergency response programs without effectively reducing or mitigating risk.

- **Heat Injury & Illness Prevention**

API Ask: Do not proceed on the currently proposed Heat Injury and Illness Prevention Standard.

Context: The proposed rule utilizes a one-size-fits-all approach that does not allow for sufficient flexibility on individual monitoring and unreasonably requires reduced work/exposure hours for experienced workers, potentially leading to operational difficulties with no clear safety improvement.