



September 22, 2015

RE: EXXON MAY BE HIDING KEY EMPLOYEE AND WITHHOLDING DOCUMENTS FROM TORRANCE EXPLOSION INVESTIGATORS

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Dear Governor Brown, Attorney General Lynch, and California Attorney General Harris:

We are writing to you with confidential information we have received that ExxonMobil may be subverting a federal and state investigation into the explosion at its Torrance refinery in February 2015.

As you know, that explosion and the gasoline inventory crisis it created is being cited by the industry as the reason Californians paid as much as \$1.50 more per gallon for their gasoline than the average American since February. Previously the gap had never been greater than 80 cents. Consumer Watchdog has found the total extra paid by California drivers for gasoline since the explosion is \$5.8 billion.

Exxon is denying documents requested under subpoena by the U.S. Chemical Safety Board, information substantiated in a letter from Reps. Maxine Waters and Ted Lieu on September 11, 2015. Now Consumer Watchdog has received confidential information that the key Exxon employee who reportedly made decisions leading to the explosion is being hidden from investigators. Allegedly, ██████████, who was the Light Oil Processing Leader in charge of

the Fluid Catalytic Cracker on the day of the explosion, has been reassigned to an administrative position at the plant and told to stay away from the investigation and to keep quiet.

██████████ purportedly has extensive information about negligence that led to the massive blast. ██████████ should be required to come forth and answer key questions.

California holds corporate managers criminally accountable if they have knowledge of workplace safety dangers but fail to report them. California Penal Code Section 387 applies to Exxon's CEO Rex Tillerson as much as it does to ██████████, who should be granted whatever protections may be necessary to get to the truth.

Federal and state laws also prevent subversion of law enforcement investigations. Exxon managers may have violated these statutes.

In addition to reportedly reassigning and hiding ██████████, Exxon appears to be refusing to divulge risk assessments on equipment involved in the explosion, such as the Process Hazard Analyses for the Fluid Catalytic Cracker. Analyses also appear to be needed by investigators for interconnecting units that were the source of the hydrocarbon leak that led to the explosion.

We have learned from confidential sources that the February explosion that roiled California gasoline markets and a recent leak of modified hydrofluoric acid, seem to stem from a single source—reckless disregard for safety by the company. Moreover, this disregard appears to have gone on for years.

Cal OSHA found that the February blast was masked by a malfunctioning pressure gauge that the company knew was broken for nine years. Exxon also ignored the results of a safety review in 2007 that indicated concerns about leakage of flammable vapors in the air pollution equipment called the Electrostatic Precipitator. According to Cal OSHA, management knew of potential fire and explosion hazards as a result of the leakage and failed to correct the dangers.

██████████'s account, as well as the documents that Exxon is blocking, are essential to understanding exactly why and how the explosion occurred.

Just last week Exxon failed to properly notify the community and first responders about a leak of modified hydrofluoric acid used as a catalyst to boost octane in gasoline. The leak allegedly resulted from a line that transferred the acid from delivery trucks to the refinery. Sources described the line as clamped to temporarily repair a leak, but it was never permanently fixed during the months that units were offline and the line was readily accessible, according to industry sources.

Our understanding from sources is that the Torrance explosion was caused when personnel chose to override safety concerns and keep the Fluid Catalytic Cracker operating while simultaneously trying to fix a broken compressor. That allowed hydrocarbons to leak out and ignite, blowing up a 12-story high, state of the art piece of air pollution equipment.

Our sources say that it could have been worse. It was sheer luck that the explosion did not ignite hundreds of thousands of pounds of modified hydrofluoric acid stored nearby. Such a poisonous release of dense vapor clouds traveling low to the ground and up to 25 miles from the plant in a densely populated area could have led to poison entering people's bodies, causing extensive burns and damage to internal organs.

As long as ExxonMobil remains a black box, concealing evidence and the truth from the public, it cannot be trusted to reopen safely.

Exxon recently petitioned air regulators to allow the refiner to begin making gasoline to ease restricted supply, but with the caveat that the company would need to operate old air pollution equipment that emits many times the amount of pollution that destroyed equipment allowed. Exxon must be forthcoming if waivers are to be granted.

The Torrance refinery's safety record is abysmal. Since 2005, Exxon has paid more than \$15 million in fines for violations of state and federal air standards at the Torrance facility. Between 1979 and 1999 alone, the facility suffered or caused at least five accidents involving hydrocarbon fumes, including one death of a resident and injuries to workers. After a 1987 fire, the refinery released about 100 pounds of hydrofluoric acid in its most dangerous, unmodified form.

Exxon should not be above the law. We ask that you interview [REDACTED] and grant him the protections to speak honestly about the culpability of Exxon and its managers in these incidents, as well helping to secure the documents investigators need.

Sincerely,



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