

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 5-15

By the Governor

WHEREAS, West Virginia is blessed with abundant oil and natural gas reserves, and is one of the nation's leading producers, transporters and suppliers of these reliable, domestic energy resources; and

WHEREAS, there are thousands of workers in West Virginia employed in the exploration, drilling, production, processing, and transportation sectors of the oil and natural gas industry; and

WHEREAS, there are considerable safety hazards associated with working in these sectors of the oil and natural gas industry, including but not limited to explosions, toxic and weather-related exposures, electrocutions, flash-fires, crushing injuries and falls, being struck or pinned by equipment, and transportation-related accidents; and

WHEREAS, increased natural gas production has resulted in a substantial increase in pipeline mileage and construction; and

WHEREAS, drilling and production activities related to horizontal well and hydraulic fracturing have caused a substantial increase in associated trucks and convoys carrying potentially hazardous materials on rural roads and highways, as well as an increase in associated accidents; and

WHEREAS, as hydraulic fracturing and horizontal drilling practices have become more prevalent in West Virginia as a result of the development of the Marcellus Shale, Utica Shale, and other geologic formations, the number and severity of personal injuries to workers in the oil and natural gas industry has increased; and

WHEREAS, in view of this increasing number and severity of personal injuries, it is appropriate to review and assess the effectiveness of the federal and state laws and regulations associated with workplace safety in the oil and natural gas industry in West Virginia, including but not limited to the laws and regulations promulgated by the Occupational Safety and Health Administration, the United States Environmental Protection Agency, the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration, and the West Virginia Office of Oil and Gas; and

WHEREAS, it is also appropriate to review and assess the effectiveness of oil and natural gas industry best practices in West Virginia, so that these best practices may be revised and updated to better safeguard the health and safety of industry workers.

NOW, THEREFORE, I, EARL RAY TOMBLIN, by virtue of the authority vested in me as Governor of the State of West Virginia, do hereby **ORDER** that:

1. The Commission on Oil and Natural Gas Industry Safety (the “Commission”) is hereby constituted.

2. The Commission shall consist of the individuals identified in this Executive Order, who shall serve at the will and pleasure of the Governor. The members of the Commission may only designate individuals to serve in their place with the express written consent of the Governor.

3. Members of the Commission shall be individuals who have education, experience, and particular knowledge regarding oil and natural gas industry safety, as follows:

(a) The Governor or his designee, who shall serve as Chair of the Commission;

(b) Two (2) non-voting members of the State Senate, of opposite political parties, designated by the Senate President;

(c) Two (2) non-voting members of the House of Delegates, of opposite political parties, designated by the Speaker of the House of Delegates;

(d) The Secretary, West Virginia Department of Environmental Protection;

(e) The Secretary, West Virginia Department of Commerce;

(f) The Secretary, West Virginia Department of Transportation;

(g) The Secretary, West Virginia Department of Military Affairs and Public Safety;

(h) Ten (10) members who shall serve at the will and pleasure of the Governor and shall be appointed by the Governor, as follows:

- (1) One (1) representative of the Public Service Commission of West Virginia;
- (2) One (1) representative with experience in federal Occupational Safety & Health Administration regulations;
- (3) Two (2) representatives with experience in oil and natural gas drilling and production;
- (4) Two (2) representatives with experience in oil or natural gas pipelines;
- (5) One (1) representative of an independent oil and natural gas producer;
- (6) Two (2) representatives of labor;
- (7) One (1) representative of the trucking industry; and

(g) Such additional members as the Governor, at his discretion, may from time to time appoint.

4. The Commission shall review and assess the current state of oil and natural gas industry safety in West Virginia, including but not limited to:

(a) The West Virginia and federal laws that regulate oil and natural gas industry safety in connection with exploration, drilling, production, processing, and transportation activities, including pipelines, pipeline construction, and pipeline facilities;

(b) Oil and natural gas industry best practices relating to safety; and

(c) Oil and natural gas industry safety and hazard training procedures and requirements.

5. The Commission shall also review and assess:

(a) State and federal activities associated with oil and natural gas industry safety;

(b) Relevant lessons learned with respect to safety in other hazardous industries;

(c) Pertinent data associated with oil and natural gas industry safety hazards and risks; and

(d) The costs and benefits associated with oversight and enforcement.

6. In addition, the Commission shall review and assess whether current State and federal safety laws and regulations address the most prevalent oil and natural gas industry hazards.

7. Following its review and assessment activities, the Commission shall offer recommendations for improving workplace safety in the oil and natural gas industry in West Virginia. The recommendations should address at a minimum:

(a) Whether current requirements and programs are sufficient;

(b) Whether oil and natural gas industry associations have in place or should adopt formalized best practices for self-policing and regulating;

(c) Whether accident reporting and communications requirements for local, state, and federal agencies are adequate;

(d) Whether a formal, uniform system of safety training and requirements should be implemented and, if so, by what entity; and

(e) Whether additional State oversight is necessary and, if so, in what manner.

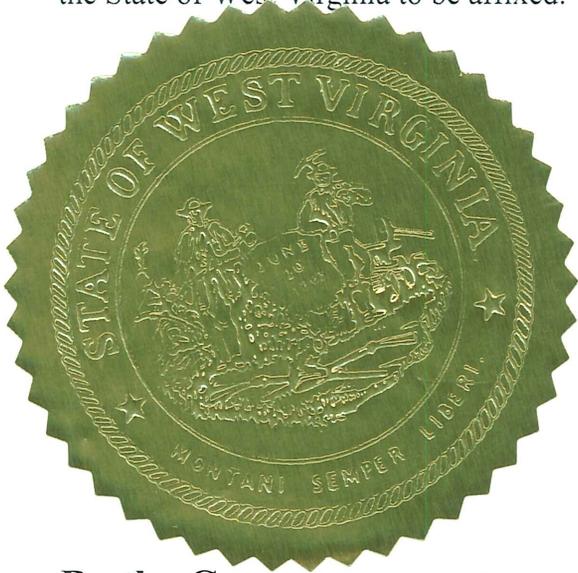
8. The Commission shall have all other general powers and shall perform other acts as reasonably necessary and proper to carry out the aforementioned charge.

9. The Commission shall hold regular meetings and shall conduct and regulate its meetings and other activities in accordance with Robert's Rules of Order and the procedures it adopts at its initial meeting.

10. The Commission may establish subcommittees as it deems necessary and convenient to carry out the requirements of this Executive Order.

11. The Commission shall prepare and issue a final report by November 16, 2015, advising of its findings and recommendations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol, in the City of Charleston, State of West Virginia, this eighth day of July, in the year of our Lord, Two Thousand Fifteen, and in the One Hundred Fifty-Third year of the State.

Earl Ray Tomblin
GOVERNOR

Walter E. Eversman
SECRETARY OF STATE