Q&A on the Industrial Safety Ordinance

Join Contra Costa Times staff writer Matthias Gafni and guests Denny Larson of the Reform Refineries Campaign and Randy Sawyer, the hazardous materials program director who enforces the county's industrial safety ordinance, in a live-chat from 3 to 4 p.m. Thursday (December 11, 2008) about industrial safety in Contra Costa County.

- 3:01 **CCTModerator**: We'll begin shortly. :)
- 3:03 Randy Sawyer:

Hello this is Randy Sawyer. I am available to participate in this conversation.

- 3:03 **CCTModerator**: Welcome, Mr. Sawyer.
- 3:04 **Matthias Gafni**: Hi Randy, thanks for participating. We are also hoping to have Denny Larson from Refinery Reform Campaign join us.
- 3:04 **CCTModerator**: Matthias Gafni will be here in a moment.
- 3:04 Randy Sawyer: Hi Matthias, is Alan Savage planning to join?
- 3:05 Matthias Gafni:

Alan Savage, the safety manager at Tesoro refinery in Martinez wanted to join us, but ironically they have an oil spill mock drill that he had to participate in today.

3:07 Matthias Gafni:

Randy since you presented your annual Industrial Safety Ordinance report to the board of supervisors Tuesday, how has the response been from the public and others?

3:08 **Randy Sawyer**: The response has been very favorable. The people that I haved talked to about the safety records and the reduction in accidents are pleased.

3:09 Matthias Gafni:

In the '90s, there was a spate of industrial accidents in Contra Costa County. Why was the county so prone to those accidents then?

3:11 [Comment From Gail Bateson]

Have any of the companies covered by the ISO applied its elements to other facilities they operate outside CCC?

3:12 Randy Sawyer:

The industrial facilities in the county were no different then any other locations in the US. Contra Costa County had a concentration of industrial sites. So the number of accidents per facility was consistent with the rest of the country, but since we had the concentration the accidents were very frequent. What has changed is the culture and the practices where at one time some things were acceptable are no longer acceptable.

- 3:13 **Matthias Gafni**: Hi Gail, in my talk w/ Tesoro, they said their Martinez plant was the leader in the company and helped spread safety plans throughout their other refineries. In addition, nationwide petroleum and chemical safety organizations said Contra Costa is often a bellwether in industrial safety because of this ordinance. Randy?
- 3:14 **Randy Sawyer**: Hi Gail. Companies do disccuss what is working well at their facilities. In some cases they have shared some of the practices that are working here with other locations in their company.
- 3:14 **Matthias Gafni**: Randy, what do you think the biggest factor was in the Industrial Safety Ordinance that led to the decline in accidents?
- 3:15 **Randy Sawyer**: Hi Matthias. Contra Costa County has participated with international organizations, such as the Center for Chemical Process Safety and given presentations at their Technical Steering Committee and at their Global Conference. Some of the presentations are on how we regulated Inherently Safer Systems and our Human Factors program.
- 3:17 **Randy Sawyer**: Matthias. The Industrial Safety Ordinance is a key factor, but there are many other factors that assisted in this reduction in accidents. The Cal/OSHA Process Safety Management requirements and our working closely with Cal/OSHA has also been a big factor.
- 3:18 **Denny Larson, GCM**: Hi Folks, Sorry I am late - had to download new version of Firefox Denny
- 3:19 **Randy Sawyer**: Hi Denny. It has been awhile since we last talked. Hope everything is going well with you.
- 3:19 **CCTModerator**: Here's a link to Mathias' story: http://www.contracostatimes.com/ci 11156508
- 3:19 **Denny Larson, GCM**: Yes Randy I wanted to make a point about the editorial and story on the ISO and The Good Neighbor Ordinance
- 3:20 Matthias Gafni:

Yes, please. go ahead.

- 3:20 **Denny Larson, GCM**: Really there would be no ISO without the Good Neighbor Ordinance and the community activism and trade union support led by Tom Adams and Greg Feere
- 3:21 **Randy Sawyer**: I agree Denny. If there was not the passage of the Good Neighbor Ordinance, industry may not have been willing to come to the table.
- 3:21 **Denny Larson, GCM**: Industry and the County for that matter were OK with the Federal RMP program, but we weren't as residents and union members were getting dumped on by refineries and the compounds weren't covered
- 3:22 Matthias Gafni: Why do you think refineries and chemical plants finally came to

- the table to work on ISO? Especially since they wound up winning in court against the Good Neighbor Ordinance...
- 3:23 **Denny Larson, GCM**: Because they had to obey the Good Neighbor Ordinance and they kept blowing up
- 3:23 **Randy Sawyer**: That is one of the differences between the California Accidental Release Prevention Program and the Federal Risk Management Program is the list of covered chemicals and the threshold for these chemicals. Also the Industrial Safety Ordinance covers all of the process units within the refinery and not just a select number.
- 3:24 **Matthias Gafni**: Denny, maybe you can give us a sense of what it was like to live in the communities surrounding Contra Costa's when they "kept blowing up".
- 3:24 **Denny Larson, GCM**: While Industry was having some luck in the courts, they were losing the court of public opinion
- 3:25 **Denny Larson, GCM**: It was like hell frankly people went to bed with their clothes on and their bags packed and animal carriers next to teh bed
- 3:26 **Matthias Gafni**: Was there one accident that spurred the community to action?
- 3:26 **Denny Larson, GCM**: But after the CATACARB disaster at Unocal, we started to fight back by taking our own air samples and organizing bucket brigades and going to Supes mtgs and raisning hell
- 3:26 **Denny Larson, GCM**: Yes the Unocal spills in 1994 and 1995
- 3:27 Matthias Gafni:

How happened after those spills? How did community react?

- 3:27 **Denny Larson, GCM**: in 1994 unocal intentionally leaked tons of toxics thru a leaky tower and the County nor the Air District stopped them
- 3:27 Randy Sawyer:

The Catacarb release and also the General Chemical Richmond release were two accidents that the community could no longer tolerate.

- 3:29 **Matthias Gafni**: How did the Bucket Brigade start? And what is the Bucket Brigade?
- 3:29 **Denny Larson, GCM**: Unocal even sent letters of congratulations to employees becasue the ran the unit so long and got a bonus
- 3:30 **Randy Sawyer**: One of the reactions from the public after the releases at General Chemical and Unocal were the lawsuits that were filed. General Chemical settled for \$180 million and Unocal for \$80 million.
- 3:30 **Denny Larson, GCM**: Bucket Brigades are community air monitors that can tests for 86 toxic gases and are easy and credible see www.gcmonitor.org
- 3:31 **Matthias Gafni**: This is for both of you...Because of the Industrial Safety Ordinance are communities safer? Are workers safer?
- 3:32 **Denny Larson, GCM**: they started after the Unocal spill by Ed Masry and Erin

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- 3:32 **Denny Larson, GCM**: yes absolutely
- 3:33 Randy Sawyer:

Yes they are. There a less accidents and as such less impact to the community and to the workers. There has been no deaths attributed to a process safety accident at one of the facilities since February 1999

- 3:33 **Denny Larson, GCM**: It is a shame that Federal law is so weak and the companies don't follow the same practices elsewhere. I have talked to the managers outside the Bay Area and they act like they know nothing about it
- 3:33 Denny Larson, GCM: Knock on wood
- 3:34 Matthias Gafni:

What are other counties or states industrial safety regulations like...do they approach the Contra Costa model? Or is it still night and day?

- 3:34 **Denny Larson, GCM**: Night and day
- 3:35 **Matthias Gafni**: What are some examples of differences?
- 3:35 Randy Sawyer:

I believe that the Chemical Safety and Hazard Investigation Board is making process safety an issue that is be discussed in industry. Especially after the Texas City BP incident where fifteen people died.

- 3:35 **Denny Larson, GCM**: Industry works hard to "contain" local victories like ISO and Prop 65, spending millions on lobbying and not safety
- 3:36 **Randy Sawyer**: New Jersey has adopted a requirement that industry consider Inherent Safer Technology. I am not sure what success that they are having.
- 3:36 **Denny Larson, GCM**: The Chemial safety Board is awesome, but has not enforcement authority you need both
- 3:36 **Denny Larson, GCM**: New Jersey is also at the forefront of pushing safety, but they don't have the enforcement powers and use them like CCC
- 3:37 **Randy Sawyer**: Many of the recommendations from the Chemical Safety Board are for increased oversight by federal agencies such as OSHA and the EPA.
- 3:38 Matthias Gafni:

Is there a big culprit out there, as far as state or maybe county in country? A jurisdiction that has seen an inordinate amount of accidents?

- 3:38 **Denny Larson, GCM**: Take the Tosco Death Tower example four workers killed. The Supes had to basically shut that place down and order a "safety culture audit" to get the management to change utimately TOSCO CEO showed his true colors and sold the business
- 3:39 **Denny Larson, GCM**: Accidental releases and accidents are epidemic in the post Katrina Guld Coast region its horrible still

- 3:39 **Denny Larson, GCM**: EPA under Bush has gutten enforcement and it will take years to recoup
- 3:40 **Randy Sawyer**: I am not sure if there is any one culprit. There has been some very serious incidents on the Gulf Coast, but there have been accidents throughout the Country.
- 3:40 **Denny Larson, GCM**: The states of Texas and Louisiana are shamefull
- 3:40 **Matthias Gafni**: What's next for the Industrial Safety Ordinance? Are there future amendments in the works? Should there be? If so, what needs to be added?
- 3:41 **Denny Larson, GCM**: Indiana is no picnic either BP is a big culprit. The push to use Tar Sands crude from Canada is a looming disaster
- 3:41 **Denny Larson, GCM**: I still think there is a lot more to do to actually montor what crosses the fenceline from the plants
- 3:42 **Denny Larson, GCM**: Only Conoco Philips has real live web available data and the community has a protable device
- 3:42 **Denny Larson, GCM**: At the other refineries we have no idea minute to minute what they spew
- 3:43 **Randy Sawyer**: What we are working on now is developing guidance to perform Safety Culture Assessments. Industry will have one year to complete these assessments and will need to perform every three years after the initial assessment. I believe that is the direction that process safety needs to go. Also metrics are needed to look at how the facility is continuing to address process safety issues. This is being done by the Center for Chemical Process Safety, which we are participating in this process.
- 3:43 **Denny Larson, GCM**: I would agree safety culture assessments like what we did for Tosco are needed
- 3:44 **Denny Larson, GCM**: I would hope CCC would get the word to Obama and the new EPA and Congress to fix the Fed RMP program and be very pro active
- 3:44 **Matthias Gafni**: Could the county take on pollution as one of the tenets in the Industrial Safety Ordinance? Or does that strictly fall under air district only?
- 3:45 **Denny Larson, GCM**: No the county has the authority and they can also even sue the District to get more action
- 3:45 **Randy Sawyer**: Air pollution is definetly under the Air District. CCC does regulate hazardous waste generators, underground and above ground storage tanks.
- 3:46 **Denny Larson, GCM**: Monitoring requirements for Conoco are under the land use permit
- 3:46 **Denny Larson, GCM**: The County can and does require Air Monitoring in that case why not all?
- 3:47 **Denny Larson, GCM**: We have to continue to think outside the box as we did with ISO
- 3:47 **Randy Sawyer**: The Rodeo refinery air monitoring was done under the County as part of a land use permit as part of the clean fuels project that was done by Unocal at that time.

- 3:48 **Denny Larson, GCM**: and all the other permits can be opened and added to any time
- 3:49 **Denny Larson, GCM**: The county can demand the Air District do so as well under their air permits
- 3:49 **Denny Larson, GCM**: The Air District has gotten worse and the County could put the heat on them on behalf of residents
- 3:49 **Matthias Gafni**: Has any other county or community fought for a Good Neighbor or Industrial Safety ordinance like Contra Costa and lost? Examples?
- 3:50 **Randy Sawyer**: There has been some lessons learned from the fenceline monitors at the ConocoPhillips refinery that may be able to be used by the other refineries.
- 3:50 **Denny Larson, GCM**: Yes, GCM has spread the word about the ISO as a model, but Industry has come in and defeated it so far but we will fight on
- 3:51 **Randy Sawyer**: I am not aware of any other communities looking at implementing an Industrial Safety Ordinance and lost. I know that some inquiries have been made, such as in Benicia for the Valero refinery.
- 3:52 Matthias Gafni: Does Solano have anything close to Contra Costa's ordinance?
- 3:52 Randy Sawyer: No they do not.
- 3:52 **Denny Larson, GCM**: No industry defeated it there
- 3:52 **Denny Larson, GCM**: The unions folded on the issue when Exxon sold to Valero
- 3:53 **Matthias Gafni**: In the Bay Area, is there another county that is in great need of a similar ordinance?
- 3:53 Denny Larson, GCM: Solano for sure
- 3:53 Randy Sawyer:
 - I would like to see the implementation of the requirements of the Industrial Safety Ordinance be expanded through the state and the US.
- 3:54 **Matthias Gafni**: Mark DeSaulnier talked about bringing it to the state? Is that a pipe dream? Or will that happen some day?
- 3:54 **Denny Larson, GCM**: Amen will you work with us and Sen Boxer on this
- 3:54 **Denny Larson, GCM**: It can happen
- 3:54 **Randy Sawyer**: The Silicon Valley has the Toxic Gas Ordinance. This is quite different then the Industrial Safety Ordinance. The focus is on the semiconductor industry.
- 3:55 **Denny Larson, GCM**: yes that's a great one!
- 3:55 **Randy Sawyer**: Denny I would be happy to work with Senator Boxer on this.
- 3:55 **Denny Larson, GCM**: Great
- 3:56 **Randy Sawyer**: I understand that Senator DeSaulnier had some interest in taking the Industrial Safety Ordinace requirement statewide.
- 3:56 **Denny Larson, GCM**: By the way Randy, my family is now CCC residents and GCM is headquartered here

- 3:57 Randy Sawyer: Welcome to Contra Costa County. I do enjoy living here.
- 3:57 Matthias Gafni:

Well, once the Industrial Safety Ordinance is implemented statewide and nationwide, we can look back at this chat as the jumping off point. I want to thank both of you for joining us and unless there's any more questions from participants, we'll sign off.

- 3:57 **Randy Sawyer**: Thanks Matthias.
- 3:58 **Denny Larson, GCM**: thanks
- 3:58 Matthias Gafni:

As a reminder, these chats are archived online.