

RESOLUTION NO. 37-13

RESOLUTION TO IMPLEMENT RECOMMENDATIONS OF THE US CHEMICAL SAFETY BOARD ABOUT REFINERY SAFETY

WHEREAS, protecting the health and safety of everyone who lives and works in Richmond is of utmost importance; and

WHEREAS, on May 17, 2011, the Richmond City Council adopted resolution 38-11 adopting the precautionary principle as a policy; and

WHEREAS, on August 6, 2012 there was a major fire at the Chevron refinery in Richmond that nearly killed 19 workers and sent 15,000 residents to local hospitals; and

WHEREAS, CalOSHA investigated and determined that the August 6, 2012 fire resulted from negligence on the part of Chevron and imposed the maximum fine; and

WHEREAS, the US Chemical Safety Board (CSB) is investigating the August 6, 2012 fire, which was caused by a pipe failing due to sulfidation corrosion that could have been avoided with more thorough preventive maintenance and better process hazard analyses; and

WHEREAS, the CSB further noted that there had been several other incidents, in addition to the August 6, 2012 fire, of similar incidents at Chevron refineries over the past 40 years, pointing to the need for a much more robust and well-funded regulatory framework; and

WHEREAS, the CSB on April 19, 2013 adopted its interim investigation report of the August fire at the Chevron Richmond refinery, which contained recommendations to Chevron and various regulatory agencies, including to the Richmond City Council;

WHEREAS, it is the City's interest that the City and County work together to utilize of the County's expertise and qualified staff in the area of industrial safety; and

WHEREAS, the City and County are both pursuing amendments to their respective Industrial Safety Ordinances to address the recommendations made by the Chemical safety Board in its report; and

NOW, THEREFORE, BE IT RESOLVED, that the Richmond City Council hereby directs the City Manager and City Attorney to take steps to implement all of the recommendations of the CSB, as listed below:

2012-03-I-CA-R3

Revise the Industrial Safety Ordinance (ISO) to require that Process Hazard Analyses include documentation of the recognized methodologies, rationale and conclusions used to claim that safeguards intended to control hazards will be effective. This process shall use established qualitative, quantitative, and/or semi-quantitative methods such as Layers of Protection Analysis (LOPA).

2012-03-I-CA-R4

Revise the Industrial Safety Ordinance (ISO) to require the documented use of inherently safer systems analysis and the hierarchy of controls to the greatest extent feasible in establishing safeguards for identified process hazards. The goal shall be to drive the risk of major accidents to As Low As Reasonably Practicable (ALARP). Include requirements for inherently safer systems analysis to be automatically triggered for all Management of Change and Process Hazard Analysis reviews, prior to the construction of new processes, process unit rebuilds, significant process repairs, and in the development of corrective actions from incident investigation recommendations.

2012-03-I-CA-R5

Ensure the effective implementation of the damage mechanism hazard review program (See CSB's recommendations to Chevron 2012-03-I-CA-R1 and 2012-03-I-CA-R2), so that all necessary mechanical integrity work at the Chevron Richmond Refinery is identified and recommendations are completed in a timely way.

2012-03-I-CA-R17

Participate in the joint regulatory program described in recommendation 2012-03-I-CA-R11: establish a multi-agency process safety regulatory program for all California oil refineries to improve the public accountability, transparency, and performance of chemical accident prevention and mechanical integrity programs. This participation shall include contributing relevant data to the repository of investigation and inspection data created by the California Department of Industrial Relations and jointly coordinating activities.

BE IT FURTHER RESOLVED, that the Richmond City Council directs staff to send letters to all other parties to whom the CSB has made recommendations, informing them of Richmond's commitment to implement the CSB recommendations and urging all of them to implement the recommendations as expeditiously as possible; and

BE IT FURTHER RESOLVED, that the Richmond City Council determines that a failure of Chevron or any of the regulatory agencies to implement the CSB regulations will be seen as a sign of bad faith; and

BE IT FURTHER RESOLVED, that the Richmond City Council directs staff to hold a transparent process that allows for community input in developing the language for the revised ISO; and

BE IT FURTHER RESOLVED, that the City staff work with the County in a public process to develop amendments to the City and County Industrial Safety Ordinance; and

BE IT FURTHER RESOLVED, that the Richmond City Council directs staff to bring back a draft of the revised ISO and other documents involved in implementing these recommendations to the City Council within 120 days.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on May 7, 2013, by the following vote:

AYES: Councilmembers Bates, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 37-13, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 7, 2013.