

RESOLUTION NO. 19-15

RESOLUTION TO ENSURE COMMUNITY AND WORKER HEALTH AND SAFETY THROUGH FULL IMPLEMENTATION OF THE INDUSTRIAL SAFETY ORDINANCE AND TO ENCOURAGE A SAFE AND ORDERLY SHUT DOWN IN THE EVENT OF STOP-WORK ACTION AT THE CHEVRON RICHMOND REFINERY DURING THE ONGOING REFINERY WORKERS STRIKE

WHEREAS, the City of Richmond has a vital interest in ensuring a safe and healthy environment for all people who live and work in Richmond; and

WHEREAS, the Chevron Richmond Refinery is a petroleum refining facility located in Richmond that is a 'stationary source' subject to the provisions of the Richmond Industrial Safety Ordinance (RISO); and

WHEREAS, the Chevron Richmond Refinery has been the source of chemical spills, fires, explosions, and emergency flaring incidents, including catastrophic failure incidents that caused serious and widespread community harm; and

WHEREAS, the U.S. Chemical Safety and Hazard Investigation Board (CSB) has documented the failure of Chevron to address its employees' safety recommendations and concerns as a causal factor leading to the August 6, 2012 catastrophic pipe rupture and fire at the Refinery that nearly killed 19 workers and sent approximately 15,000 people to seek emergency medical attention; and

WHEREAS, the CSB has documented a 'safety culture' problem at the Refinery that includes employee perceptions of declining support for worker rights to stop unsafe work and may have contributed to the August 2012 catastrophic pipe rupture and fire at the Refinery; and

WHEREAS, since February 1, 2015, United Steelworkers (USW), a labor union representing workers at the Chevron Richmond Refinery, and Chevron have been engaged in an on-going labor contract dispute and stop-work action; and

WHEREAS, USW members who are permanent employees who operate refineries have exercised their right to refuse work during the strike at several U.S. refineries, including the Tesoro Golden Eagle refinery near Martinez, CA;

WHEREAS, USW and Tesoro cooperated in a safe and orderly shutdown of refinery processing operations at the Golden Eagle refinery when the permanent workers who operate that refinery exercised their right to refuse work during the strike; and

WHEREAS, in its February 2014 report entitled "Improving Public and Worker Safety at Oil Refineries," Governor Brown's Interagency Working Group on Refinery Safety concluded that "*refineries are highly complex environments requiring specialized expertise and information to detect potential hazards,*" and noted that challenges identified at stake holder meetings include, among others, "contractor training may not always be adequate" to ensure refinery safety; and

WHEREAS, section 6.43.090(a)(4)(C) of the RISO provides that: "The stationary source shall ascertain that each employee involved in operating a process has received and understood the training required by this section. The stationary source shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training"; and

WHEREAS, section 6.43.090(a)(6)(C) of the RISO provides that: “Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to start-up of the process or affected part of the process”; and

WHEREAS, section 6.43.090(b)(1) of the RISO provides that: “Stationary sources shall develop a written human factors program” that “shall address” the “requirement to conduct a management of change prior to staffing changes or changes in permanent staffing levels/reorganization in operations or emergency response. This requirement shall also apply to stationary sources using contractors in permanent positions in operations and maintenance. Prior to conducting management of change, the Stationary Source shall ensure that the job function descriptions are current and accurate for the positions under consideration. Staffing changes that last longer than 90 days are considered permanent. Temporary changes associated with strike preparations shall also be subject to this requirement. Employees and their representatives shall be consulted in the management of change”; and

WHEREAS, section 6.43.020(e) of the RISO finds that: “The success of a safety program is dependent upon the cooperation of industrial chemical and oil refining facilities within the City of Richmond. The public must be assured that measures necessary to prevent incidents are being implemented, including changes or actions required by the County of Contra Costa or the stationary source that are necessary to comply with this Chapter”; and

WHEREAS, the City Council is concerned that a decision to operate the Chevron Richmond Refinery during the strike using workers who do not have previous experience or knowledge operating Chevron’s unique and complex process equipment may result in a chemical spill, fire, or explosion incident with potentially catastrophic consequences.

THEREFORE BE IT RESOLVED, that the City Council calls on the Chevron Richmond Refinery to comply with the Richmond Industrial Safety Ordinance and urges Chevron to cooperate in a safe and orderly shutdown of the Refinery in the event that its permanent employees who operate the Refinery exercise their right to refuse work during the strike.

BE IT FURTHER RESOLVED, that the City Council calls on Contra Costa County to take all necessary steps, in cooperation with the City of Richmond, to ensure that Chevron complies with the Richmond Industrial Safety Ordinance should a stop-work action take place at the refinery.

BE IT FURTHER RESOLVED, that the City Council directs the City of Richmond staff to take all necessary steps, in cooperation with Contra Costa County staff, to ensure that Chevron will comply with the Richmond Industrial Safety Ordinance during any stop-work action.

BE IT FURTHER RESOLVED, that the City Council directs the City of Richmond staff to ensure that Chevron, Contra Costa County, and the United Steelworkers are timely provided a true and complete copy of this Resolution.

I hereby certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on February 17, 2015, by the following vote:

AYES: Councilmember Beckles, Martinez, McLaughlin, Vice Mayor Myrick, and Mayor Butt.

NOES: Councilmember Bates.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

TOM BUTT
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. 19-15**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 17, 2015.