

# Responsible freedom and spending, and the question of a local Industrial Safety Ordinance in the city of Benicia

DECEMBER 21, 2017 *By Carrie Rehak, Special to the Herald* <http://beniciaheraldonline.com/carrie-rehak-responsible-freedom-and-spending-and-the-question-of-a-local-industrial-safety-ordinance-in-the-city-of-benicia/>

I have been following the discussions about whether it would be of value for the city of Benicia to have a local Industrial Safety Ordinance (ISO). To my mind, two main arguments for and against having a local ordinance—freedom and spending — mirror one another, though from different perspectives.

Regarding freedom, questions arise, such as: do we need more regulation than what is already in place at the state level through Cal/OSHA and Cal/EPA? In brief, more regulation means less freedom, at least for some. As one who prizes freedom over nearly all other values, I can certainly empathize with this concern. I concur with John F. Kennedy, that the “best road to progress is freedom’s road.” But, what is freedom if not a means for choosing what is good for ourselves as well as for others?

If we believe that the industrial facilities, such as the refineries that surround us, are acting responsibly in choosing our good, the good of our children and grandchildren, as well as the good of nonhuman nature, then it makes sense that we would want no further regulation: that what is already in place at the state level is sufficient. However, following the May 5 flaring earlier this year, Valero filed a lawsuit against PG&E for their power failure. Why does Valero have no backup system in the case of power failure, whether an outage comes from PG&E or some other cause, such as a fire or earthquake? From what I understand, had Valero had a backup generator in place, they could have avoided the flaring, which I believe is their only current solution during an outage.

As we have since learned, long after the May 5 shelter in place, Valero’s flaring solution resulted in the subsequent emission of 80,000 pounds of toxic chemicals, such as sulfur dioxide, into the atmosphere. Even for those of us who did not end up in the hospital that day, such excessive emissions have chronic and long-term effects on our health and on the wellbeing of the natural environment. Not only would a local ordinance give us a place at the table, it would also give us direct and timely access to safety reports and real-time data from local air quality monitors. It would involve more local knowledge, and if changes were needed, it would be much more efficient and expedient compared to how long it would take the state to make adaptations. Though restricting a certain degree of freedom on the part of the practices of some industrial industries, a local regulation would not be redundant and would help to ensure our health and wellbeing.

Further, we were fortunate that on May 5 the outcome of the near-catastrophic outage was not much more severe. If local regulations mean more safety and better health for all who are breathing the air and relying on clean waters, I would think everyone would want them, our industries as well.

Which brings us to concerns over cost. Who would pay for a local ordinance? In Contra Costa County, the industrial facilities pay. In other words, the argument that tax dollars would pay for such an ordinance is false. Would such an expense result in price increases to the consumer? Perhaps. In Valero's lawsuit against PG&E, they claimed that the company lost a "substantial amount of profits." Hence, the outage led to an increase in the state's gasoline prices. We can therefore speculate that the consumer could end up paying some amount of money, likely paltry, to cover the cost of the ordinance. At the same time, the city could collect fines for safety violations.

Regardless, we must ask ourselves at what cost are we willing to jeopardize our health and well-being, or that of future generations, and all the living creatures on which our lives depend? We already know that there are many alternatives for safe and renewable energy. However, while enough people continue to benefit financially by exploiting this finite resource, it is our responsibility as citizens to ensure that such industry is handled as safely and responsibly as possible, for our own lives as well as the lives of others. To excerpt one of Wendell Berry's Sabbath poems (VI, 1982): "There are two healings: nature's,/And ours and nature's. Nature's/Will come in spite of us, after us,/Over the graves of its wasters, as it comes/To the forsaken fields. The healing/That is ours and nature's will come/If we are willing, if we are patient,/If we know the way, if we will do the work."

I believe we are willing and patient, perhaps too patient. We know the way, or a least a way. Let's do the work. For the safety, health, and healing that is ours and nature's, I implore Benicia's city officials and the people of Benicia to act now to put a local ISO in place.

***Carrie Rehak*** is a Benicia resident.