

# OPEN LETTER TO BENICIA CITY COUNCIL MEMBERS AND STAFF

## BACKGROUND

At its May 23, 2017 meeting, the Benicia City Council agreed on a 4-1 vote to “agendize in the future” a discussion on possible adoption of an Industrial Safety Ordinance (ISO). That was over 7 months ago now.

More than most, I am aware of the time it often takes for government to move forward on an issue. Normally, I am patient and supportive of my elected leaders and City officials. However, there are numerous good reasons for the City to take up this discussion at the earliest possible date.

## CONTEXT

The Council’s 4 to 1 support came soon after the near-catastrophic shutdown at Valero on May 5, and has been joined by a growing number of vocal citizens calling for discussion AND adoption of a local ISO. Our newspapers have been full of passionate and carefully reasoned letters. The San Francisco Chronicle joined with an editorial calling for Benicia to move forward with an ISO ([beniciaindependent.com/sf-chronicle-editorial-benicia-needs-an-industrial-safety-ordinance-iso/](http://beniciaindependent.com/sf-chronicle-editorial-benicia-needs-an-industrial-safety-ordinance-iso/)).

Valero has been the lone voice opposing an ISO, taking out a full-page ad in the local newspaper on November 14.

On November 14, Benicians for a Safe and Healthy Community and several other local groups convened a highly qualified panel of experts to present facts about an ISO shared by Contra Costa County and the City of Richmond. The panel also included representatives from California OSHA and California EPA who helped explain State protections currently in place, and how they overlap to a degree with local ISOs. The panel pointed out several ways in which a local ordinance can co-exist with and expand the protections offered by the State. A crowd of nearly 100, including dozens of Valero employees, showed appreciation for the panel’s expertise and even-handed analysis.

## REQUEST

**Council members, City Manager Tinfow and senior City staff:** I respectfully ask that each of you to log onto Constance Beutel’s YouTube channel to watch

- a 13-minute HIGHLIGHTS version of the panel discussion, [youtube.com/watch?v=n7-1FxlPpYc](https://www.youtube.com/watch?v=n7-1FxlPpYc)
- or the FULL 1 hour 20 minute version, [youtube.com/watch?v=jCvK\\_Bi1U4Q](https://www.youtube.com/watch?v=jCvK_Bi1U4Q),
- or simply go to [beniciaindependent.com/video-iso/](http://beniciaindependent.com/video-iso/) for both videos.

## URGENT TIMING

One of the most important advantages of a local ordinance is the ability to move more quickly than the State in response to new situations. Critics who want Benicia to rely on new State regulations passed last October may not realize that the new regulations will not be fully implemented for at least a year, according to our expert panelists. In the event of another significant emergency at Valero, we would be able to correct and amend our codes and oversight much more nimbly and effectively than the bureaucratic engines of the State.

We mustn’t wait. Benicia staff and City Council need to set a date now, to take up discussion of this important protection for public health and safety in a refinery town.