



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

July 19, 2018

California Air Resources Board
AB 617 Draft Blueprint

Dear Colleagues,

The BlueGreen Alliance is pleased to provide initial comments on the AB 617 Draft Blueprint, which provides a framework for mitigating emissions of toxic air contaminants and PM 2.5 in California's most polluted communities. We are continuing to gather input from our labor and community partners regarding the Blueprint. In general, however, we believe that AB 617 represents an important and long-overdue initiative, and we stand behind the principles of environmental justice on which it was established.

At the same time, there are a number of considerations that we believe would strengthen the Blueprint and the effectiveness of AB 617. These include the role that labor can play in helping to identify the pollution reduction technologies contemplated under AB 617, known as Best Available Retrofit Control Technologies (BARCT), as well as the role of a trained and skilled workforce role in ensuring the success of these technologies through proper installation, operation and maintenance.

We also believe that the analyses performed for various BARCTs should consider the potential implications on worker safety and health. While it is difficult to anticipate what those effects might be at this time, we are certainly aware of well-intentioned and appropriate pollution control measures that ended up introducing new workplace hazards, primarily because the work environment was not included in the evaluation of those measures.

Finally, the AB 617 Draft Blueprint would benefit by including a discussion of the hierarchy of hazard controls analysis and inherent safety measures that are required of petroleum refiners under the newly adopted Process Safety Management (PSM) and Accidental Release Program (Cal/ARP) regulations. Inherent safety is akin to pollution prevention, as compared to end-of-pipe strategies, which are often less effective and can ultimately be more costly.

For these and other reasons, we believe the Draft Blueprint and the AB 617 stakeholder process would benefit from the input of organized labor and of occupational safety and health and process safety experts.

We've summarized a number of our concerns below and would welcome the opportunity to discuss each of these with ARB.

1) The role of apprenticeship in ensuring a trained and skilled workforce.

- ARB's Draft Blueprint describes new requirements where industrial facilities will be required to install BARCTs to drive down emissions of air pollutants.
- There is no substantive discussion of how this work should be performed, which potentially opens the door for some facilities to seek out lower-bid contractors with poor safety and health records, both within and from outside California.
- The Draft Blueprint would benefit from language pertaining to the importance of a skilled and trained workforce—as established through the state's apprenticeship programs, for example—in the installation, operation and maintenance of BARCTs.
- California's process safety management (PSM) regulation for petroleum refineries (CCR General Industry Safety Order §5189.1) requires that *“when selecting a contractor, the refinery employer shall obtain and evaluate information regarding the contractor's safety performance, including programs used to prevent employee injuries and illnesses, and shall require that its contractors and any subcontractors use a skilled and trained workforce pursuant to Health and Safety Code Section 25536.7.”*

2) The role of organized labor in BARCT decision-making and implementation.

- Organized labor is not listed as a stakeholder in the AB 617 outreach plan, and yet several unions have expertise in various aspects of BARCTs.
- This includes knowledge about the selection of BARCTs as well as the technical skills necessary to provide for the appropriate installation, operation and maintenance of BARCTs, as noted above, and the training necessary to ensure that workers with those skills are in the pipeline to effectively perform BARCT-related work in coming years.
- The Draft Blueprint would benefit from language pertaining to the role of the labor in developing and evaluating BARCT options and in the role of technical training that underpins the long-term effectiveness of BARCTs.

3) Effects on employment.

- BARCTS that are required under AB 617 could be beneficial for California workers, increasing the demand for new skills, apprenticeship training, and expanded employment opportunities.
- On the other hand, some companies might argue that jobs could be jeopardized if certain BARCTs go forward. This could end up placing workers and unions at odds with some of the objectives of AB 617.
- The Draft Blueprint would benefit from language pertaining to the need to understand the range of potential effects of BARCTs on employment in the most highly affected sectors.

4) Worker safety and health hazards

- In general, the intensity, frequency and duration of workplace exposures to hazardous chemicals are higher compared to exposures that occur in the community, so the health risks—including among women of reproductive age—are generally greater.
- New regulations to reduce air pollution can sometimes worsen worker safety and health hazards. For example, when ARB phased-out the use of chlorinated solvents from aerosol degreasing products in the automotive repair shops (because they were a hazardous air contaminant), some solvent manufacturers responded by introducing hexane as an alternative degreasing agent. Hexane causes nerve damage among exposed workers. The solvent industry's decision resulted in several automotive repair workers becoming disabled or otherwise affected with hexane-induced peripheral neuropathy, a disabling nerve disease characterized by a progressive loss of sensory and motor function in the limbs.
- Similarly, introducing new kinds of scrubbers into emissions systems can introduce new workplace safety and health hazards for maintenance workers, including confined space entries, if those hazards are not addressed at the design or installation phase.
- The Draft Blueprint would benefit from additional language requiring ARB to include an assessment of the potential impacts on worker safety and health of BARCTs that a selected for implementation.

5) Inherent Safety Measures

- The state's new refinery process safety management (PSM) regulations (CCR General Industry Safety Order §5189.1) that went into force on October 1,

2017 require refiners to implement inherent safety measures to “the greatest extent feasible.” The regulations describe inherent safety as an “approach to safety that focuses on eliminating or reducing the hazards associated with a set of conditions.”

- Under the PSM regulations, an industrial process is inherently safer if “it eliminates or reduces the hazards associated with materials or operations used in the process, and this elimination or reduction is permanent and inseparable from the material or operation.” Inherently safer systems are more effective (as well as more resilient and enduring) compared to safety systems that “surround” industrial hazards with passive, active or procedural safeguards.
- In pollution-reduction technologies, source reduction strategies (e.g. pollution prevention) would be considered an inherent safety approach, as compared to end-of-pipe approaches.
- The Draft Blueprint would benefit from a discussion of the hierarchy of hazard controls and inherent safety measures that are now required under the state’s PSM regulations might apply in the context of BARCT.

We would be happy to discuss each of these items with ARB.

Sincerely,



Michael P. Wilson, Ph.D, MPH
National Director
Occupational and Environmental Health