

SECTION G: SAFETY EVALUATION

Safety Evaluation – means an evaluation of a facility’s safety culture, management systems and human factors program to determine strengths, weaknesses and gaps. The evaluation will include an action plan to address the findings of the evaluation.

A third-party safety evaluation may be required because of concerns about the safety at a stationary source pursuant G.1. A third-party safety evaluation allows for an independent review of the programs and system at a stationary source that impacts safety, provides more transparency, allows for more community input, and is an effective tool to improve process safety at a stationary source.

The Industrial Safety Ordinance allows the Hazardous Materials Programs to perform a safety culture assessment after an MCAR¹. The Industrial Safety Ordinance also allows for safety inspection, within 30 days after an MCAR occurs². The safety evaluation includes both of these elements. To assist the Hazardous Materials Programs to perform this evaluation, the Hazardous Materials Programs may elect to hire a third-party to perform the evaluation/assessment.

G.1 CRITERIA TO INITIATE A THIRD-PARTY SAFETY EVALUATION

A third-party safety evaluation may be initiated whenever there is a Major Chemical Accident or Release (MCAR) where there is a fatality, serious injuries, major onsite or offsite damage occurred or at least two MCARs where there is a shelter-in-place or evacuation in one year or four MCARs where there is a shelter-in-place or evacuation over a five year period.

G.2 PROCESS FOR PERFORMING A THIRD-PARTY SAFETY EVALUATION

The Hazardous Materials Programs staff will be responsible for hiring and overseeing the work of a third-party contractor. To assist the Hazardous Materials Programs staff, an oversight committee will be formed. The committee will assist the Hazardous Materials Programs staff in developing the scope of work, the request for proposal, selection of the contractor(s), review the final draft of the evaluation report and provide comments on the report.

G.2.1 OVERSIGHT COMMITTEE MEMBERS

The Oversight Committee members will be made up of the following:

- Up to three local community members
- Stationary Source representative
- Stationary Source employee representative
- City of Richmond staff if the stationary source is located in Richmond
- Hazardous Materials Staff (Chair)

If a vacancy occurs on the Oversight Committee a replacement will follow the same method.

G.2.1.1 COMMUNITY MEMBERS

The community members should include a Hazardous Materials Commission representative, an active member of the stationary source's Community Advisory Panel, or other members of the local community.

The Hazardous Materials Programs staff will be responsible for selecting the community members. The Hazardous Materials Programs staff will consult with the County Supervisor that represents the area where the stationary source is located, the City of Richmond if the MCAR occurs in Richmond, the stationary source, and the Hazardous Materials Commission.

G.2.1.2 COMPANY REPRESENTATIVE

Company representative will be selected by the stationary source.

G.2.1.3 EMPLOYEE REPRESENTATIVE

Employee representative, will be selected by the collective bargaining unit representatives for those that have a collective bargaining unit. If the stationary source does not have a Collective Bargaining Agreement, the representative will be an hourly member of the Health and Safety Committee.

G.2.1.4 HAZARDOUS MATERIALS PROGRAMS REPRESENTATIVE

The Chief Environmental Health and Hazardous Materials Officer or the Hazardous Materials Director will select the Hazardous Materials Programs staff representative.

G.2.1.2.5 CITY OF RICHMOND REPRESENTATIVE

A representative from the City of Richmond will be selected by the City Manager or their designee.

G.2.2 OVERSIGHT COMMITTEE RESPONSIBILITIES

The primary responsibility of the Oversight Committee is to assist the Hazardous Materials Programs' staff in assuring that the safety evaluation is open, transparent, and that the end product will make a difference in the process safety of the stationary source that is being evaluated. Specifically the oversight committee will assist the Hazardous Materials Programs in developing a scope of work, selecting the contractor or contractors, receive and comment on periodic updates from the contractor, and review and comment on the final draft of the safety evaluation report.

G.2.3 REQUEST FOR PROPOSAL

The request for proposal will include the scope of work and a timeline to complete each portion of the work.

G.2.3.1 SCOPE OF WORK

The scope of work may include a safety culture assessment, review of the management systems, and how human factors are applied at the stationary source. The scope of work will include public interaction, the draft and final report makeup, and overseeing the stationary source's development of an action plan to address the recommendations and findings from the report.

G.2.3.1.1 SAFETY CULTURE ASSESSMENT

Safety culture assessment is to determine the overall process safety culture at the stationary source and should follow the process as laid out pursuant Section F. It may require more than one contractor. This decision may be made after the proposals have been received and reviewed or after the interview of the contractors or two separate requests for proposals may be solicited initially based on the scope of work. The Hazardous Materials Programs' staff will work with the Oversight Committee in making this decision.

G.2.3.1.2 MANAGEMENT SYSTEMS

How well a stationary source manages process safety makes a difference on the prevention of accidents. Management systems evaluation will include the following:

- A review on how process safety is performed by every level of management at the stationary source,
- How the leadership is involved and engaged in process safety,
- Process safety communications through the different levels of the organizations
- The role of each employee in process safety, and
- The system, including tools used to achieve continuous improvement.

G.2.3.1.3 HUMAN FACTORS

Human factors as described in the ISO guidance document Section B play a critical role in the prevention of accidents. An overall assessment of how the stationary source addresses human factors in the writing of procedures, the layout of equipment and piping, the interface of the control systems and the operator, alarm management, communication tools, and other possible areas of human and equipment interface.

G.2.3.1.4 PUBLIC INTERACTION

The public plays a critical role in the overall transparency of the evaluation. The scope of work will state the specific areas of interaction with the Oversight Committee that includes the following:

- Updates to the Oversight Committee,
- At least one public meeting to present the draft of the final report,
- Addressing the public comments by the contractor in the final report,
- Presentation by the contractor of the proposed final report to the County's Board of Supervisors and if the stationary source is located in Richmond to the Richmond City Council for acceptance, and
- Publishing of the final report by the Department.

G.2.3.1.5 FINAL REPORT

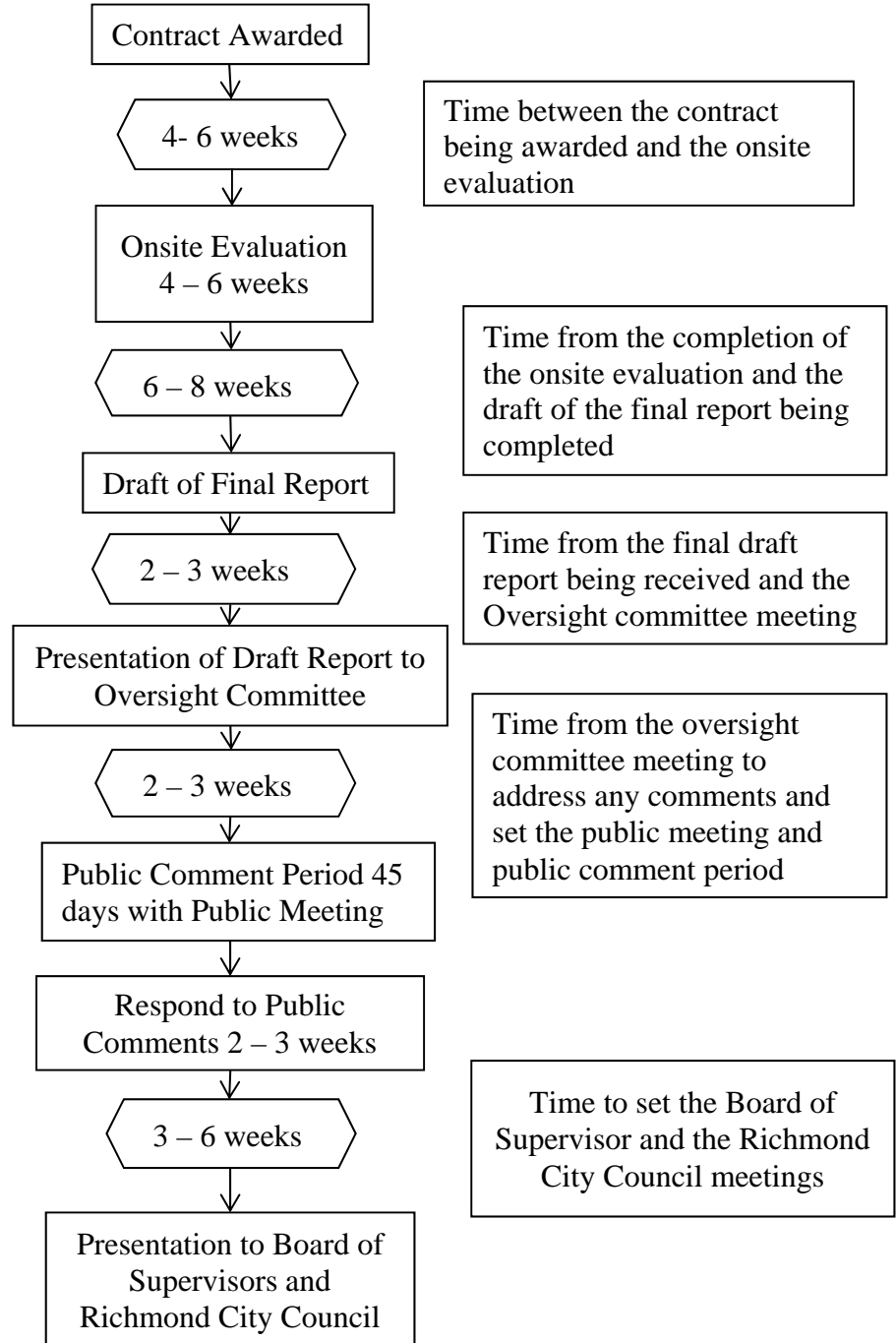
The final report will describe how the evaluation was performed, the findings of the evaluation, and recommendations to address any findings. The final report will also include the comments that were received from the public and the response by the contractor to address these comments.

G.2.3.1.6 ACTION PLAN

The contractor will work with the stationary source in developing an action plan that will address the findings of the report that will consider the recommendations from the contractor. The action plan will include the actions that will be taken and the schedule to complete these actions.

G.2.3.2 TIMELINE

The proposal will include a timeline to complete the safety evaluation. Below are the expected steps to complete the project with times for each step.



G.2.4 THIRD-PARTY CONTRACTOR SELECTION CRITERIA

This subsection will discuss the criteria that will be used to send proposals for and selecting the third-party contractor or contractors. When the proposals have been submitted for consideration, the third-party contractor selection will be done by the Hazardous Materials Programs staff working with the Oversight Committee. The Oversight Committee will have the opportunity to review all submitted proposals and request interviews with the top three or four contractors based on their proposals. The Oversight Committee will state their preferred contractor to the Hazardous Materials Programs staff for their final selection.

There are a limited number of contractors who have the expertise to perform and that can competently perform this type of evaluation. The Hazardous Material Staff in developing the list of contractors to send the request for proposal, will research the credentials of each contractor before sending the request for proposal.

Following is the criteria that will be used to assist in selecting the third-party contractor:

G.2.4.1 CONTRACTOR EXPERIENCE

The selection process will consider the experience that the contractor and subcontractor have in process safety and performing safety culture assessments, including the team members performing the evaluation and their experience.

G.2.4.2 PREVIOUS WORK PERFORMED

The selection process will include the contractor's work in leading and participating in Process Hazard Analysis, Safeguard Protection Analysis, Incident Investigation, Compliance Audits, Damage Mechanism Reviews, Hierarchy of Control Analysis, Process Safety Culture Analysis, or any other process safety analysis or reviews.

The selection process will include the consideration of process safety work the contractor has performed that is similar to the work in the proposal.

G.2.4.3 SAFETY CULTURE ANALYSIS EXPERIENCE

Any work the contractor has done in safety culture assessments. If the contractor has not had any experience in this field, how they will make sure this work is done appropriately, including if they will have a subcontractor. If they decide to hire a subcontractor, who that subcontractor will be and their experience in performing process safety culture assessments.

G.2.4.4 EXAMPLES OF PREVIOUS WORK AND THE ABILITY TO PERFORM THE WORK

The proposals that are received should include examples of previous work performed by the contractor and their subcontractor. A summary of the pertinent work performed similar to this proposal. This may include reports, papers, books, and anything else that will give the Oversight Committee and the Hazardous Materials staff the ability to evaluate the experience and assess competency of the contractor. The contractor will submit a protocol on how they would perform the evaluation.

G.2.4.5 EMPLOYER, EMPLOYEE, AND EMPLOYEE REPRESENTATIVE ROLES

The proposal will include the contractor's expectation of the employer, employees, and the employee representative in assisting in the evaluation.

The protocols will have a section that acknowledge employee's rights to have someone present during third-party or the Hazardous Materials interviews, focus groups or other Safety Evaluation activities involving employees. The protocol will allow for the presence of the stationary source escort that will not interfere with the process.

G.2.4.6 Standard That Will be Used to Perform the Evaluation

The proposal will include the standards that the contractor will use in the evaluation. This may include using American Petroleum Institute recommended practices, OSHA requirements, Center for Chemical Process Safety literature or American Chemistry Council guidance. Standards should be appropriate for the stationary source being evaluated.

G.2.4.7 EVALUATION FOR CONFLICT OF INTEREST

Any work in the previous three years that the contractor has performed for the company where the evaluation is occurring will be a criterion that is evaluated. The proposal will request the type of previous work performed for the company in the previous three years. The specific area that will be considered in the selection process is if the contractor has done any work pertaining to safety and more specifically process safety.

G.2.5 PUBLIC INTERACTION

A public process will provide for transparency of the evaluation and the ability for the public to learn and comment on the work. Outside of working with the Oversight Committee, the contractor will present their work at a public meeting, and presentations to the County's Board of Supervisors and the Richmond City Council if the stationary source is located in Richmond.

G.2.5.1 PUBLIC COMMENT PERIOD – PUBLIC MEETING

A public meeting will be held during the 45-day public comment period. The purpose of the meeting is to present the final draft of the report including the work that was performed, the findings and the recommendations, and the plan moving forward; respond to questions; and receive comments from members of the public. A response to each written comment or question that is received during the public comment period along with the comments and questions will be included in the final report.

G.2.5.2 PRESENTATION TO THE BOARD OF SUPERVISORS - RICHMOND CITY COUNCIL

The County's Board of Supervisors and if the stationary source is located in Richmond, the Richmond City Council will be interested in the outcome of the evaluation and will want to understand the findings. When the final report is complete, including the public comments, the contractor will present the report to the County's Board of Supervisor and if appropriate, the Richmond City Council. The presentation should include the process that the contractor used in performing the evaluation, what the contractor found and the recommendations. The presentations should also include what is being done to move the plan forward. The Board and the City Council will decide to accept or not accept the report.

G.2.6 ACTION PLAN

An action plan needs to be developed by the stationary source and reviewed by the contractor to determine if the action plan addresses the findings. The action plan must include a schedule for completion of the actions including milestones to demonstrate progress on the action plan. If the stationary source decides not to implement a specific recommendation but has an action that will address the finding, the contractor shall review to determine if the stationary source's action does address the finding. If the action does not address the finding, then the contractor will work with the stationary source on an appropriate action to take to address the finding.

Contra Costa Hazardous Materials Programs staff will review the final plan and give any comments that they may have to the contractor and the stationary source. The contractor will work with the Hazardous Materials Programs staff to see if any changes should be made in the action plan based on the comments. If there are changes that are appropriate, the Contra Costa Hazardous Materials Programs staff will set up a meeting with the stationary source and contractor to resolve any outstanding issues.

The final action plan will be amended to the final report.

G.3 FOLLOW-UP Action Plan Status

One of the means to determine if the actions being taken to address the recommendations are having the desired outcomes is to perform a follow-up evaluation. It will take time to implement the action plan and then time to see the effect from the actions being taken. A follow-up evaluation, if deemed necessary by the Hazardous Materials Programs staff, should be scheduled at least a year after the action plan is finalized. An alternative means to determine if the actions being taken are having the desired results can be assessed by the Hazardous Materials Programs staff.

G.3.1 TIMING

The follow-up evaluation should occur no sooner than 12 months after action plan is finalized.

G.3.2 SCOPE OF WORK

The scope of work for the follow-up evaluation will be developed by the Hazardous Materials Programs staff with input from the Oversight Committee and will include the following:

G.3.2.1 ACTION PLAN IMPLEMENTATION

Determine if the action plan is implemented as scheduled including meeting the milestones that were developed.

G.3.2.2 RESULTS EVALUATION

Evaluate the results of the actions being taken to determine if the actions are having the desired results in addressing the findings and concerns that were identified during the initial evaluation.

G.3.2.3 FOLLOW-UP ASSESSMENT REPORT

Write a report on their findings that will include the status of the action plan implementation and if the actions that are being taken are having the desired results. Recommendations may be developed to address shortfalls in the implementation of the action plan. Some actions may take more time to determine if the actions are effective.

G.3.3 PRESENTATION TO OVERSIGHT COMMITTEE

The draft follow-up evaluation report will be presented to the Oversight Committee for their comments.

G.3.4 PUBLIC INTERACTION

The public interactions will follow the same process as stated in Section G.2.5.

¹ Section 450-8.016(h) The department may perform its own safety culture assessment after a major chemical accident or release or the occurrence of any incident that could reasonably have led to a major chemical accident or release, or based on department audit results of the stationary source.

² Section 450-8.018(f) The department may, within thirty days of a major chemical accident or release, initiate a safety inspection to review and audit the stationary source's compliance with the provisions of Section 450- 8.016.