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CITY OF SACRAMENTO

TOXIC SUBSTANCES COMMISSION

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BY THE CITY COUNCIL

MAR 3 1987

OFFICE OF THE
CITY CLERK

March 3, 1987

City Council
Sacramento, California

Honorable Members In Session:

Subject: RESOLUTION REGARDING DEFUNDING OF THE CALOSHA PROGRAM AND ITS IMPACT ON THE CITIZENS OF SACRAMENTO

SUMMARY

Governor George Deukmejian's proposed 1987-88 budget calls for a reduction of 362 personnel years in CalOSHA budget. The cuts in worker health and safety programs total around \$8 million dollars from a record state budget of \$39 billion. The Federal government also supports CalOSHA with about \$14 million annually.

The Toxic Substances Commission at their meetings of February 2 and February 17, 1987 discussed this issue and its impact on the citizens of Sacramento. The attached resolution recommends that the California Legislature provide adequate funding on the 1987-88 State Budget to operate an effective California worker health and safety program and that the Governor reconsider his actions in this matter.

BACKGROUND

The State of California has operated worker health and safety programs for almost 75 years, predating Federal laws adopted in 1970. The stringent protections developed by this state-run program have long benefited the health and welfare of the citizens of Sacramento.

The attached background report, written by Commissioner Michael Picker, contains a detailed discussion on the impacts associated with the defunding of CalOSHA.

California's worker health and safety program provides stricter and wider protection than the Federal OSHA program:

1. CalOSHA regulates over 160 toxic chemicals not covered by Federal standards.
2. California operates several unique worker health programs, including a major toxicological review, consultation and general education resource in the Hazard Evaluation System and Information Service (HESIS).
3. While less than adequate, California still has a more effective record of enforcement than Federal OSHA.

In addition this proposed budget cut will:

1. Likely hinder implementation of Proposition 65.
2. Eliminate "Hazard Alerts" on chemicals that new data may show to be a health concern.
3. Reduce the effectiveness of employee training programs on the use of toxic materials.
4. Possibly weaken the City's Hazardous Materials Disclosure Ordinance, Underground Storage of Hazardous Substances Ordinance and AB 2185 (community right to know and emergency preparedness).

FINANCIAL

There is no direct fiscal impact on the City as a result of this proposed ordinance.

VOTE OF COMMISSION

This matter was considered by the Toxic Substances Commission at its February 2 and February 17, 1987 meetings. The vote, at the February 17 meeting, approving the attached resolution and recommending City Council adoption of it was as follows:

Ayes:	8
Noes:	0
Absent/Not voting:	3

LAW AND LEGISLATION COMMITTEE REVIEW

The Law and Legislation Committee, on Thursday, February 19, 1987 unanimously supported the proposed resolution and recommended that it be presented to City Council for adoption.

RESOLUTION NO. 87-151

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

DEFUNDING OF CALOSHA

APPROVED
BY THE CITY COUNCIL

MAR 3 1987

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

OFFICE OF THE
CITY CLERK

WHEREAS, California is allowed, under Federal laws to operate a worker health and safety program (CalOSHA) because it has demonstrated the ability to operate a program at least as effective as the Federal OSHA program;

WHEREAS, states are permitted to establish more stringent worker health and safety programs than federal minimum requirements;

WHEREAS, California has operated worker health and safety programs for almost 75 years, long predating federal laws adopted in 1970;

WHEREAS, California's worker health and safety program provides stricter protection than the Federal OSHA program, especially in the area of toxic substances and enforcement activity;

WHEREAS, ineffective worker health and safety programs cause adverse economic consequences for workers and society, through increased workers compensation, private insurance, social security and welfare expenditures;

WHEREAS, worker health and safety programs benefit the public health through the early identification and control of toxic chemicals;

WHEREAS, the Sacramento Safety program has specifically benefited City employees through the use of information about toxic substances which employers are required to generate under State but not Federal law;

WHEREAS, Governor George Deukmejian's proposed 1987-1988 budget would reduce the CalOSHA program by 362 personnel years, at a savings to the State of only \$8 million dollars out of a \$39 billion total budget, and a loss of \$14 million in Federal funds;

WHEREAS, the Governor's proposal would allow California employers to comply with weaker Federal worker health and safety standards and would eliminate technical programs which are necessary for the implementation of public health and safety programs, including Proposition 65;

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

DEFUNDING OF CALOSHA

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

WHEREAS, California is allowed, under Federal laws to operate a worker health and safety program (CalOSHA) because it has demonstrated the ability to operate a program at least as effective as the Federal OSHA program;

WHEREAS, states are permitted to establish more stringent worker health and safety programs than federal minimum requirements;

WHEREAS, California has operated worker health and safety programs for almost 75 years, long predating federal laws adopted in 1970;

WHEREAS, California's worker health and safety program provides stricter protection than the Federal OSHA program, especially in the area of toxic substances and enforcement activity;

WHEREAS, ineffective worker health and safety programs cause adverse economic consequences for workers and society, through increased workers compensation, private insurance, social security and welfare expenditures;

WHEREAS, worker health and safety programs benefit the public health through the early identification and control of toxic chemicals;

WHEREAS, the Sacramento Safety program has specifically benefited City employees through the use of information about toxic substances which employers are required to generate under State but not Federal law;

WHEREAS, Governor George Deukmejian's proposed 1987-1988 budget would reduce the CalOSHA program by 362 personnel years, at a savings to the State of only \$8 million dollars out of a \$39 billion total budget, and a loss of \$14 million in Federal funds;

WHEREAS, the Governor's proposal would allow California employers to comply with weaker Federal worker health and safety standards and would eliminate technical programs which are necessary for the implementation of public health and safety programs, including Proposition 65;

THEREFORE, It is resolved that the City of Sacramento calls on the California Legislative to provide adequate funding in the 1987/1988 State budget to operate an effective California worker health and safety program; and

It is further resolved that the City of Sacramento urgently requests the Governor to reconsider his actions in this regard.

Mayor

ATTEST:

City Clerk

RESOLUTION No.

Adopted by The Sacramento City Council on date of

DEFUNDING OF CALOSHA

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

WHEREAS, California is allowed, under Federal laws to operate a worker health and safety program (CalOSHA) because it has demonstrated the ability to operate a program at least as effective as the Federal OSHA program;

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WHEREAS, California has operated worker health and safety programs for almost 75 years, long predating federal laws adopted in 1970;

WHEREAS, California's worker health and safety program provides stricter protection than the Federal OSHA program, especially in the area of toxic substances and enforcement activity;

WHEREAS, ineffective worker health and safety programs cause adverse economic consequences for workers and society, through increased workers compensation, private insurance, social security and welfare expenditures;

WHEREAS, worker health and safety programs benefit the public health through the early identification and control of toxic chemicals;

WHEREAS, the Sacramento Safety program has specifically benefited City employees through the use of information about toxic substances which employers are required to generate under State but not Federal law;

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It is further resolved that the City of Sacramento urgently requests the Governor to reconsider his actions in this regard.

Mayor

ATTEST:

City Clerk

**BACKGROUND REPORT REGARDING THE PROPOSED
DEFUNDING OF THE CALOSHA PROGRAM AND ITS
IMPACT ON THE CITIZENS OF SACRAMENTO**

**PREPARED BY: Mike Picker for
the Sacramento City Toxic Substances Commission**

INTRODUCTION

California is allowed, under Federal laws, to operate a worker health and safety program because it has demonstrated the ability and willingness to operate a program at least as effective as the Federal OSHA program. Such agencies, with "state plans" certified as providing acceptable staff, resources and activities, may adopt more stringent standards than provided under Federal regulations. These states are also exempted from certain Federal preemptions, including the area of worker right to know. If the goals of a state plan are not met, Federal OSHA can revoke the state's certification and operate a worker health and safety program in that state.

The State of California has operated worker health and safety programs for almost 75 years, predating Federal laws adopted in 1970. The stringent protections developed by this state-run program have long benefitted the health and welfare of the citizens of Sacramento.

Governor George Deukmejian's proposed 1987-88 budget calls for a reduction of 362 personnel years in the CalOSHA budget. The cuts in worker health and safety programs total around \$8 million dollars from a record state budget of \$39 billion. The Federal government also supports CalOSHA with about \$14 million annually.

CALIFORNIA ENFORCES STRICTER STANDARDS

California's worker health and safety program provides stricter and wider protection than the Federal OSHA program:

1. CalOSHA regulates over 160 toxic chemicals not covered by Federal standards. Sacramento, and California industry in general, is highly dynamic and innovative. Many exotic chemicals are used here that are not widely disseminated nationally. Maintaining a state program allows California the ability to set priorities to meet its own particular needs. Some 35 of 160 of these chemicals are pesticides, for example. According to Ron Rinaldi, the state's Director of the Department of Industrial Relations, all California standards become null and void if the Federal government takes over.
2. California operates several unique worker health programs, including a major toxicological review, consultation and general education resource in the Hazard Evaluation System and Information Service (HESIS). Also cut is the CalOSHA Special Studies Unit which conducts industry wide studies to determine the feasibility and effectiveness of control measures. The Right to Know Unit maintains a data base of Material Safety Data Sheets (MSDS's). The Federal Hazards Communications standard does not even require manufacturers to submit MSDS's for review for adequacy.

3. While less than adequate, California still has a more effective record of enforcement than Federal OSHA. CalOSHA operates a Bureau of Investigations, which has worked on at least one dozen cases with Los Angeles District Attorney's office to obtain successful criminal prosecution. Even when this unit did not refer cases to the DA, it assisted. According to a source in the District Attorney's office, only one of 12 cases could have been prosecuted without CalOSHA participation. In comparison, the entire Federal OSHA has referred 27 cases to the Justice Department since 1970. Since the beginning of the Reagan administration, only 2 referrals have been made. None of these cases resulted in a criminal penalty.

In a glaring example of the poor quality of Federal enforcement, an Illinois local prosecutor obtained a murder conviction against the owners of a company that had been cited only months before by Federal OSHA for a lesser violation of failing to report workplace related illnesses. Had Federal enforcement officials followed up by visiting the factory, they would have prevented needless death. Furthermore, CalOSHA inspectors can "yellow tag" imminent hazards in the workplace. Under Federal OSHA, a time consuming delay occurs while a court order is sought.

THE CALOSHA PROGRAM OFFER BENEFITS TO PUBLIC HEALTH

Threats to the health of workers are a vital concern to Sacramentans, not only morally, but economically. The Commission on Economic Development cites 2,500 cancer deaths per year in California as a result of toxics - but most of these will occur as a result of workplace exposure to asbestos. As Sacramento industry innovates, more exotic toxins are entering into our workplaces. More serious injuries and illnesses will occur. Where businesses try to obtain a business advantage through cutting safety and health, workers will suffer more. Inadequate enforcement and standards favor unethical practices. Furthermore, less than 2% of all those suffering from occupational disease are compensated by the Workers Compensation system. Instead, these citizens receive support from private insurance, Social Security and Welfare.

Many community toxics threats are caused by an advanced problem inside the workplace that's getting out:

1. CalOSHA budget cuts will likely hinder implementation of Proposition 65. The Governor's newly named Prop 65 coordinator is Tom Warriner: despite his assurances at a hearing held by Senator Torres on January 15, it is not certain that the Federal preemption of state worker right to know laws (in non-state plan states) will not affect references to the Labor Code in Proposition 65.
2. Budget cuts in HESIS will cause the loss of the toxicologists most qualified to guide the development of the lists of substances covered by Prop 65. Several of the staff in this unit participated in the development of the state's carcinogen policy. Other units in state government, such as the Community Toxicology Evaluation Unit, do not have staff with the experience of scope to develop the corresponding reproductive toxins policy needed to make Prop 65 work.

- 3. Units such as HESIS, which will be completely cut under this budget, provide services that impact or are directly useful to communities, as well as workers. For example, HESIS issues Hazard Alerts when reviews of literature on chemicals shows new data that may warrant new concerns or actions on a chemical. In 1982, HESIS reviewed some 50 studies on the solvent TCE, concluding that both community and workplace standards are set too high for health protection.
- 4. HESIS responds to inquiries regarding chronic toxics exposures from employers, employees, local officials and community residents. HESIS received 8,000 such calls; last year the agency received an increase in calls of 40%. Most were from workers and employers, and 1/3 concerned exposures to pregnant women. Through this phone service, HESIS is able to provide advice, counsel workers whose minor exposure to a toxic chemical may lead them to unnecessary worry, and provides training in recognizing occupational and environmental disease to employers, employees, and such groups as the American Lung Association and the American Cancer Society. HESIS also aids other state programs, including standards development.

Chemicals don't stop at the plant gate. The first, and potentially most effective prevention program for community exposures to toxic chemicals comes from ensuring a safe workplace. A workplace where workers are unnecessarily and improperly exposed to toxic chemicals will likely eventually contaminate the community around the plant. A well organized, targeted inspection and enforcement program will do much to prevent that.

- 1. The end of the California worker right to know program means that many employees using toxics in industries not covered by the Federal Hazards Communication Standard (it currently applies only to manufacturing) will be less likely to be properly trained to handle those materials. This increases dramatically the potential of Bhopal type releases and improper disposal of hazardous materials. Worker right to know is the only legislatively mandated program for toxics education, and potentially an extremely effective tool.
- 2. Federal preemption of state standards will most likely have an impact on California legislation designed to limit community exposure. Because the best toxicological information available is that derived from occupational exposures, some the key lists of toxics required in the state are developed in the Labor Code. One of these is the "Director's List of Hazardous Substances," contained in the Hazardous Substances Information and Training Act of 1980 (Worker Right to Know). This list is specifically referenced in the City's Hazardous Materials Disclosure Ordinance. State laws, such as AB 1362 (underground tank storage) and AB 2185 (community right to know and emergency preparedness), both of which are implemented by the City of Sacramento will be weakened by this preemption.

CONCLUSION

The City of Sacramento should take immediate action to communicate its support for the CalOSHA program to the Governor and Legislative.

RECOMMENDATION

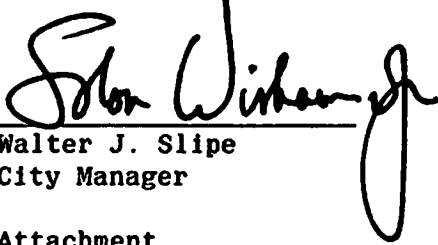
The Toxic Substances Commission recommends that the City Council adopt the attached resolution.

Respectfully submitted,



Robert B. McCray, Chair
Toxic Substances Commission

Recommendation Approved:



for Walter J. Slipe
City Manager

Attachment

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CITY CLERKS OFFICE
CITY OF SACRAMENTO

FEB 25 4 15 PM '87

APPROVED
BY THE CITY COUNCIL

MAR 3 1987

OFFICE OF THE
CITY CLERK

Anne Rudin
Mayor of Sacramento
915 "I" Street
Sacramento, CA 95814

Dear Mayor Rudin:

In the past, the Sacramento community has been willing to fund major public improvements in order to maintain and enhance our quality of life and ensure a sound economic future for Sacramento. We passed a 150 million dollar bond issue to develop a waste water treatment system and cleaned up our local rivers and streams. In 1972 Sacramentans passed a 12.9 million dollar bond issue to fund acquisition and improvements to our county park system, including the now priceless American River Parkway.

In 1950 our population was 277,000. Today 900,000 people live in Sacramento County. Clearly, we have been experiencing explosive growth for almost 40 years and that growth will continue. Not only are our children choosing to remain in this community when they marry and form their own families, but Sacramento is increasingly attractive to individuals from throughout the nation.

We have a healthy economy and an expanding job market. Our climate is unusually good, our recreational opportunities are varied, and our housing market is robust and affordable.

Today Sacramento's way of life is threatened by our inability to provide the necessary transportation facilities and transit operations to serve our growing community. In the 50s, 60s and 70s we had the tax money to build needed roads and highways and to begin an efficient public transit system. Inflation and decreased state and federal funding have eroded our ability to provide for new facilities to the point that we can hardly afford to maintain existing roads, let alone expand them. Unless we begin immediately the task of building new roads, adding to our transit system and making existing facilities more efficient, the Sacramento area from Roseville to Galt and from Folsom to West Sacramento faces gridlock and its by-products of air pollution, economic stagnation, and deteriorating neighborhoods. Everyone agrees that something must be done. The problems won't go away and the price will surely escalate if we delay.

For that reason, and to plan and build for our future, we call upon the County Board of Supervisors and the City Councils of Sacramento, Folsom, Isleton and Galt, Regional Transit, businesspeople, organized labor, environmentalists and the community-at-large to join together in an effort to put into action a plan to provide the transportation facilities so desperately needed for our community's future.

We recommend a community-wide approach. Streets and roads, transit improvements and additional funds for the special transportation needs of the elderly and our handicapped and disabled should all be addressed. A fair and reasonable way to pay for these new facilities should be developed. Those developers who stimulate growth should also be required to pay their share by means of proposed extension of developer fees. With such assurances that all segments of the community will be paying their share, we feel confident that the public will look favorable on a coordinated transportation plan financed at the local level by an increase in the sales tax.

We recommend that a Transportation Authority be created, which, if approved by the voters, will be responsible for coordinating and intelligently dealing with our area's transportation needs and have the power to increase the sales tax up to one cent.

Therefore, we call upon the Board of Supervisors and the City Councils to formally request the State Legislature to adopt legislation authorizing a Transportation Authority for Sacramento County and further, that they place the issue on the ballot for a vote of the people so that we can begin the necessary programs as soon as possible.

Bill Meehan
Bill Meehan, Building and Construction Trades Council

Jane Hagedorn
Jane Hagedorn, Lung Association of Sacramento

Denise Mazzucca
Denise Mazzucca, Sacramento Metropolitan Chamber of Commerce

Steve Sanders
Steve Sanders, Sacramento Transportation Coalition

- cc: Councilman David Shore
- Councilman Douglas Pope
- Councilman Joe Serna
- Councilman Terry Kastanis
- City Clerk Lorraine Magana**
- Councilman Charles Bradley
- Councilman Thomas Chinn
- Councilman Bill Smallman
- Councilwoman Lynn Robie

APPROVED
BY THE CITY COUNCIL

26

MAR 3 1987

OFFICE OF THE
CITY CLERK

CITY OF SACRAMENTO

CITY COUNCIL

RESOLUTION NO. 87-152

SUPPORTING LEGISLATION AUTHORIZING

A TRANSPORTATION AUTHORITY FOR SACRAMENTO COUNTY

WHEREAS, in the past, the Sacramento community has been willing to fund major public improvements in order to maintain and enhance our quality of life and ensure a sound economic future for Sacramento; and

WHEREAS, this willingness to fund major public improvements for our community has been demonstrated in several instances by the passage of multi-million dollar bond issues by the voters of Sacramento; and

WHEREAS, these bond issues have included financing of: the design and construction Sacramento Regional Wastewater Management System which consolidated and regionalized wastewater treatment and disposal and improved the quality of the water in our local rivers and streams; and, the acquisition of and improvements to the County park system including the now invaluable American River Parkway; and

WHEREAS, the Sacramento area continues to be an attractive and growing area due to its stable and healthy economy, expanding job market, good climate, affordable housing,

educational institutions and medical facilities, varied recreational opportunities and cultural activities; and

WHEREAS, this attractive way of life is now threatened by our inability to provide the necessary transportation facilities and transit operations to accommodate our growing community; and

WHEREAS, inflationary pressures, local taxing limitations and decreased state and federal funding have eroded our ability to provide for proper maintenance of existing transportation facilities and virtually prohibited planning and construction of new facilities; and

WHEREAS, unless we begin immediately the task of building new roads, adding to our transit system and making existing facilities more efficient, the Sacramento area faces extensive traffic congestion and its by-products: longer commute times, increased pollution, economic stagnation and deteriorating neighborhoods; and

WHEREAS, the city has previously authorized transportation planning and traffic engineering studies that have documented the inadequacy of the existing transportation system and have identified needed public improvements; and

WHEREAS, we can no longer delay the development of mechanisms to address these community problems - since the cost and congestion will escalate with each passing day; and

WHEREAS, a community-wide approach to these issues addressing streets and roads, transit system improvements and special facilities for the elderly, handicapped and disabled seems most appropriate; and

WHEREAS, a fair and equitable method to finance these maintenance and construction expenses should be developed, and

WHEREAS, developers who stimulate growth shall be required to contribute their fair share to the financing of required facilities by means of proposed extension of developer fees; and

WHEREAS, with such assurances that all segments of the Sacramento community will be paying their share, the community will look favorably to a coordinated transportation plan financed at the local level by an increase in the sales tax;

WHEREAS, the City Council of the City of Sacramento has on previous occasions reviewed the concept of a Sacramento County Transportation Authority, and introduced proposed legislation respecting the creation of such an authority and empowering it to levy a local sales tax and to administer the allocation of those funds upon voter approval;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY OF SACRAMENTO, a political subdivision in the State of California, that:

- The Council supports and endorses the community-sponsored effort seeking legislation that will authorize the creation of a Sacramento County Transportation Authority, which upon approval of the voters, will have the power to increase the sales tax by up to one cent and to administer the allocation of those funds;
- The Council urges Assemblyman Lloyd Connelly to introduce and support legislation authorizing a Transportation Authority for the County of Sacramento.

ON A MOTION by _____, seconded by _____,
the foregoing resolution was passed and adopted by the CITY
COUNCIL of the CITY OF SACRAMENTO, State of California,
this _____ day of _____, 1987.

March 11, 1987

Assemblyman Lloyd Connelly
State Capitol, Room 2176
Sacramento, CA 95814

Dear Lloyd:

Enclosed is a certified copy of Resolution 87-152 passed by the Sacramento City Council on March 3, 1987. This resolution supports legislation authorizing a Transportation Authority for Sacramento County.

Sincerely,



Lorraine Magana
City Clerk

LMM/lw/26

attachment

cc: Mike Seward, Sacramento Chamber of Commerce