

Meeting Minutes MRC Oversight Committee – Independent Investigation

 **Date:** 8/10/2023

 **Start:** 1:00 PM

 **End:** 1:27 PM

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<https://cchealth.org/hazmat/mrc/>

I. CALL TO ORDER

Called to order by Nicole Heath at 1:02 PM

Attendance

Community Members: Cheryll Grover, Benjamin Therriault (absent), Pedro Babiak, Tony Semenza, Deirdre Castillo, Kent Hull, Thomas Lang (absent)

City of Martinez: Steven Devine (for Lauren Sugayan)

City of Benicia: Josh Chadwick

Contra Costa Hazmat: Nicole Heath, Michael Dossey, Sam Calvert (absent), Adam Springer (absent), David Lecount (absent)

MRC: Ken Axe

MRC USW Rep: Nick Plurkowski

II. OPEN ISSUES

a. Status update on Independent Incident Investigation

Scott Berger & Associates was hired to conduct the independent root cause analysis investigation and has been working with MRC on a non-disclosure agreement (NDA). Today an agreement was reached, and the NDA has been fully executed. The requested MRC documents will start being produced tomorrow and will be sent to Scott Berger & Associates. Arrangements will be made to visit the site as well. In short, the independent root cause analysis investigation will begin soon.

b. Status update on all open issues from the previous meeting

On July 27, 2023, there was an Industrial Safety Ordinance (ISO) / Community Warning System (CWS) Ad Hoc Committee meeting. During this meeting, CCHMP was directed to conduct an independent Safety Culture Assessment (SCA) at MRC. This is further discussed under New Business.

A draft report from TRC was prepared and provided to the Oversight Committee for comment. Several comments were raised by the Oversight Committee and provided back to TRC. A revised report was received from TRC and the Oversight Committee will be reviewing the updated document over the next week. Once this review process is finished, the next steps will be to start the 45-day public notice process and have a public meeting. The public meeting will take place on September 25, 2023, and will be held in Martinez. This meeting date, time, and location will be well communicated as well as the time period that the entire public notice period will take place.

III. NEW BUSINESS

a. Review Request for Proposal (RFP) for Independent Safety Culture Assessment (SCA)

At the direction of the ISO/CWS Ad Hoc Committee, a draft RFP was shared with the Oversight Committee last week to conduct an independent SCA at MRC. This would be the third independent evaluation of MRC managed by the Oversight Committee associated with the spent catalyst release that took place in November 2022. The process for managing the SCA evaluation will be very similar to that conducted to date for other evaluations. Once the Oversight Committee approves the draft RFP, CCHMP will send it to select contractors and they will have three weeks to provide their proposal back to the Oversight Committee. Once the proposals are received, the Oversight Committee will select companies to interview and then the one to hire. The Oversight Committee was asked if there were any comments on the RFP. None were provided. The Oversight Committee was asked to vote on issuing the RFP as-is.

Committee Member	Voting to Issue RFP as-is Result
Cheryll Grover	Yes
Pedro Babiak	Yes
Ben Therriault	absent
Kent Hull	Yes
Deirdre Castillo	Yes
Tony Semenza	Yes
Thomas Lang	absent
Ken Axe (MRC)	Yes
Nick Plurkowski (MRC. Emp. Rep.)	Yes
Josh Chadwick (City of Benicia)	Yes
Steven Devine (City of Martinez)	Yes
Nicole Heath (CC Health)	Yes

The Oversight Committee approved sending the RFP out to contractors that can perform this work. CCHMP will proceed with issuing the RFP.

IV. PUBLIC COMMENT

Members of the public were given 2 minutes each to comment. During this period, 2 comments were received from the general public and 2 comments were received from Oversight Committee members. One public comment was related to whether the SCA review, once finished, will be shared with the public and whether there will be a public meeting associated with the process. The second public comment was whether the NDA would be available to the public or just the final independent root cause analysis report. One Oversight Committee member's comment was related to what changed that allowed the NDA to be completed for the independent root cause analysis. The second Oversight Committee member's comment was related to adding an independent SCA, what was the main driver for the independent SCA, and whether MRC employees are allowed confidentiality.

Responses to comments:

Nicole Heath shared that once the independent SCA is completed a report will be developed and the report will be shared with the public during the 45-day public comment period. There will also be a public meeting to discuss the report's contents.

Nicole Heath identified that only the final independent root cause analysis report will be shared with the public. The NDA for this contact will not be disclosed.

County counsel representative Rebecca Hooley identified that one of the main concerns that was eventually addressed was working out the details of how the report would be shared.

Nicole Heath identified that one of the main drivers for proceeding with an independent SCA was because of the continued string of incidents from MRC. There are different methodologies for conducting SCAs. The one that will be used in this case is a written survey. The consultant will be looking at the data collected by MRC and assess whether there are any gaps. If gaps are found, the consultant may request additional work be done. Written survey SCAs are typically done allowing respondents to comment anonymously. There is a lot of confidentiality built into SCAs. There typically is some tracking of employee designations whether they are from operations, maintenance, engineering, or management although names are not included. Our department has guidance on conducting SCAs and that is available on our website at:

<https://cchealth.org/hazmat/iso/guidance.php>

V. ROUND TABLE

No additional items were raised.

VI. ADJOURNMENT

The meeting adjourned at 1:27 PM.

For the full discussion, please see the recording of this meeting at <https://cchealth.org/hazmat/mrc/>