



Laborers'
International
Union of
North America

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April 7, 20211

President Shamann Walton and
San Francisco Board of Supervisors
Attn: Sup. Gordon Mar
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

RE: Resolution Supporting SB 37—Contaminated Sites: The Hazardous Waste Site Clean Up and Safety Act Cortese.

Dear President Shamann Walton and San Francisco Board of Supervisors:

On behalf of the California State Council of Laborers, I write in strong SUPPORT of the San Francisco Board of Supervisors Resolution supporting Senate Bill 37.

Senate Bill 37 would expressly provide that a project that is included on a consolidated list created, distributed, and posted online by the Secretary for Environmental Protection shall also not be exempt from CEQA.

Construction workers are exposed to a variety of health hazards every day. Without proper knowledge and protective gear these men and women have the potential for becoming sick, ill, and disabled for life.

Soil and groundwater can become contaminated as a result of past or current activities on the project site or on adjacent areas. Many industrial activities use, store, or generate contaminated materials that can be spilled, dumped, or buried nearby. Other activities common in mixed-use neighborhoods—such as gas stations and auto repair shops—can also result in contamination due to improper management of raw product and/or waste materials, or inadvertent spills.

Subsurface soil and groundwater contamination may remain undetected for many years, without posing a threat to nearby workers, residents, passersby, or other receptors. Excavation, earthmoving, dewatering, and other construction activities can, however, expose the contaminants, provide a pathway of exposure and, if such contaminants are not properly managed, introduce potential risk to construction workers and others nearby.

Senate Bill 37 addresses an increasingly common problem where localities exempt highly contaminated sites entirely from CEQA review. The result is that construction workers and future residents may be exposed to highly toxic chemicals without their knowledge and without proper safeguards.

Unfortunately, most serious hazards on a construction site are the silent killers, the ones we cannot see. Senate Bill 37 will close a loophole in state law and help to ensure that construction workers are not unwittingly exposed to toxic chemicals in soil and groundwater, and that safeguards are put in place to ensure that workers and future residents are made aware of historic soil contamination from leaking underground tanks and other sources so that proper measures can be imposed to clean-up the contamination safely.

For these reasons, the Laborers are in strong support of this important legislation and respectfully request the San Francisco Board of Supervisors approve the Resolution in support of Senate Bill 37.

Sincerely,



Joseph Cruz
Executive Director

cc: Richard Drury, Lozeau Drury LLP
Oscar De La Torre—LiUNA Vice President and NCDCL Business Manager
Jon P. Preciado—SCDCL Business Manager
Rocco Davis—LiUNA Vice President and PSW Regional Manager



San Francisco Group, SF Bay Chapter

Serving San Francisco County

March 23, 2021

President Shamann Walton
Members of the Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: Please support SB-37 - Contaminated sites: the Hazardous Waste Site Cleanup and Safety Act

Honorable Members of the Board of Supervisors:

The Sierra Club strongly urges you to pass a resolution supporting SB-37¹, a bill recently introduced by Senator Dave Cortese that would prevent cities from granting CEQA exemptions to projects proposed to be constructed on contaminated sites, known as Cortese List sites.

The Cortese List was created in 1985 pursuant to a law introduced by Senator Dominic Cortese, Senator Dave Cortese's father. The Cortese List requires the state to compile a list of properties known to be contaminated with hazardous materials. "The list, or a site's presence on the list, has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA)."² Projects proposed to be constructed on these sites may not be exempted from CEQA review. This ensures that the public is informed of contamination and can ensure through CEQA review that contamination is properly remediated prior to project construction.

The law which created the Cortese List was prompted by several incidents in which construction workers were exposed to toxic soil contamination. CEQA review helps to ensure that such exposure can be prevented. It also ensures that future residents of projects on Cortese list sites will not be exposed to vapors from contaminated soil.

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB37

² <https://calepa.ca.gov/sitecleanup/corteselist/background/>

In 2020 Senator Cortese learned from a *San Francisco Chronicle* article that the City of San Francisco has granted numerous CEQA exemptions over many years for projects to be constructed on Cortese List sites; this practice is in direct violation of existing law.³

SB-37 ensures that San Francisco, and any other cities, must cease this illegal practice going forward. SB-37 would further clarify that if a project is proposed to be constructed on a contaminated Cortese List site, neither a categorical exemption nor a "common sense" exemption may be used to avoid CEQA review.

Those opposed to SB-37 may claim that it would create undue delays for projects. On the contrary, it may actually speed up project review and approval. Most contamination can be addressed through standard mitigation measures, which would allow a CEQA mitigated negative declaration. In the case of San Francisco, a mitigated negative declaration only requires a 20-day public comment period. In this context, SB-37 would provide clear rules that would ultimately expedite project approval.

We strongly urge the Board of Supervisors to pass a resolution in support of SB-37 in the interest of safeguarding public health and protecting the environment.

Sincerely,

Becky Evans

Becky Evans

Member, SF Group Executive Committee
Member, SF Bay Chapter Executive Committee

³ <https://www.sfchronicle.com/bayarea/article/Exclusive-How-SF-sidestepped-state-law-on-15322356.php>



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Special Assistant to the
General President

January 4, 2021

The Honorable Dave Cortese
Senator
State Capitol, Room 2082
Sacramento, CA 95814

**RE: SB 37—Contaminated Sites:
The Dominic Cortese "Cortese List" Act of 2021—
SPONSOR/SUPPORT**

Dear Senator Cortese,

On behalf of the California State Council of Laborers, I write to express our support as proud **SPONSOR** of your bill, **SB 37**.

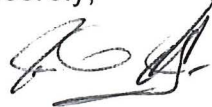
This bill seeks to update the Hazardous Waste and Substances Site List, or "Cortese List" that was created by then Assembly Member Dominic Cortese in 1985.

The Cortese List is a planning document that is updated annually and informs the public about the location of hazardous materials release sites. In 1991, a subsequent law was passed that prohibits a project from being exempt under CEQA if it is located on a Cortese List site. Additionally, Section 21084 of the Public Resources Code also states that exemptions cannot be granted for Cortese List site projects. Despite this, entities have granted "common sense" exemptions and bypassed environmental review requirements for Cortese List sites and claim that these types of exemptions are not subject to the aforementioned section of the Public Resources Code.

Conducting work on projects that are on Cortese List sites without hazardous substance mitigation is dangerous. It poses health risks not only to those who work on these projects in the construction industry—including our members—but also to the nearby community. This bill will clarify the Public Resources Code to state that all types of exemptions, including "common sense" exemptions, cannot be granted to projects that are on Cortese List sites.

This legislation will increase safety for all those who work in the construction industry directly or indirectly as well as the safety of the future occupants of these developments. We applaud your leadership on this important issue seeking to protect California workers and are pleased to serve as Sponsor of this bill. Should you have any questions or concerns, please contact Katie Donahue-Duran or myself at (916) 447-7018.

Sincerely,



Jose Mejia

CC: Sunshine Borelli, Chief of Staff, Office of Senator Dave Cortese
Richard Drury, Lozeau Drury LLP
Oscar De La Torre—LiUNA Vice President and NCDCL Business Manager
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Rocco Davis—LiUNA Vice President and PSW Regional Manager