California waste workers seek $300 million in restitution over alleged toxic exposure and discrimination

From Injustice to empowerment: the struggle for redress and equal treatment in the waste sector

Friday, July 14, 2023



Jose Garibay

A group of waste collection and landfill workers based in California's renowned Napa Valley is pursuing substantial compensation in the hundreds of millions following their alleged exposure to harmful chemicals during cleanup activities after the destructive Glass wildfire of 2020. Furthermore, a previous local mayor states that his concerns, directed at high-ranking political figures including Governor Gavin Newsom and Representative Nancy Pelosi, were disregarded for several years.

The group of workers involved in this case have leveled accusations of retaliation and racial discrimination against their employers, all of this in response to their whistle-blowing activities on the perceived risks associated with the Clover Flat Landfill. They claim that the landfill, with political connections to figures such as Pelosi and Newsom - both of whom have significant vineyard holdings in the region - has a high potential to pollute the air and water in the country's premier wine-growing region.

In a complaint filed with California's Division of Occupational Safety and Health, the workers have called for $300 million in restitution from Clover Flat Landfill and Upper Valley Disposal Services. This group's representation argues that they were thrust into a dangerous situation following the Glass wildfire, without appropriate training or adequate preparation.

"We didn't have experience at all with these situations," stated Jose Garibay Jr., one of the complainants and a former supervisor at the landfill. "We didn't have protocol for what happens in a fire, what happens in an emergency. We had no training whatsoever. But they did send us right after the fire to clean up the mess before officials showed up."

However, this situation is complex, with Occupational Safety and Health Administration officials stating that complaint proceedings are confidential, though documents can be revealed after a case's conclusion.

The workers allege that they were exposed to escaping methane gas and leachate water from the landfill. Garibay, leading a team of 15 men on 11-to-12-hour shifts, said they lacked training in handling hazardous material cleanup and had minimal protective equipment - nothing more than N95 masks.

According to Garibay, the workers were unqualified and unprepared to operate in the hazardous conditions directly following a wildfire. He alleges that the company exploited this lack of experience to clean up the damage before authorities arrived.

Garibay's employment trajectory began as a truck driver, rising quickly to the rank of operations supervisor. His tenure came to an abrupt end, however, when he voiced concerns about potential health risks and other safety issues at the landfill. In response to these allegations, the landfill's former owners responded in October 2020, declaring that the fire did not impact the facility, though the surrounding area was severely affected.

However, the complainants vehemently dispute this, referencing an inspection report from the San Francisco Bay Regional Water Quality Control Board that concluded "the site was severely impacted by the Glass Fire."

Waste Connections Inc., the company's current owner, acquired the landfill following the events detailed in the complaint. Despite changes in ownership, several former members of management still hold positions, as per the complainants. This includes Christy Pestoni, whose family established the collection business in the 1950s and owns a nearby winery. When approached for comment, Waste Connections did not respond immediately.

Geoff Ellsworth, the former mayor of St. Helena, where Pelosi owns a vineyard, has been vocal about the potential environmental hazards posed by the landfill. His warnings that the landfill could contaminate the water and agricultural land in the valley below and create health issues for people breathing in air after wildfires have been issued for years.

However, despite reaching out to numerous California government agencies and officials over the past three years, his warnings have largely been ignored. "They blew me off," Ellsworth said. "Nobody would talk about it."

Adding to the controversy, two complainants, garbage truck drivers Gary Hernandez and Ricky Hernandez (unrelated), claim they were compelled to work during an evacuation order while the fire was still ablaze. Both also allege they were pressured to

work while testing positive for COVID-19 during the pandemic's height.

Adding further weight to these claims, Gary Hernandez said, "I'm working with COVID, over there servicing Nancy Pelosi's house, and she's out there getting her hair done." Ricky Hernandez had the task of servicing the French Laundry restaurant, a location infamous for Newsom's violation of his own COVID lockdown orders.

The complainants, together with Ellsworth, are calling for an investigation into the landfill's previous management. They also advocate for extensive testing for potential toxic materials in the areas downhill from the landfill, believing that laws have been breached.

Highlighting the environmental concerns, Brian Lilla, a documentarian who directed a four-part investigation into the landfill titled "Garbage & Greed: Trashed In Napa Valley," said, "If you look at the drainage coming out of the landfill, it directly cuts through a mile of vineyards."

In December, the Napa Valley Register reported that the landfill received a fine of $619,000 in connection with a leak in 2019 that contaminated a nearby creek.

"If the Napa Valley wine and hospitality industries knew how bad the problems were they'd look into it because the contamination, fires and toxic smoke can't be good for the grapes, wine or the people who visit," added Gary Hernandez.

The allegations lodged against these California landfill operations highlight the often overlooked issues surrounding waste management and the potential hazards faced by workers in these industries. It also calls into question the environmental stewardship of those in positions of power and influence in areas susceptible to pollution and environmental degradation. As these allegations are investigated, many will watch closely to see how these industry giants respond and what steps will be taken to ensure the safety and rights of their workers, as well as the protection of California's treasured Napa Valley.