

RESOLUTION NO. 62,259–N.S.

ADOPT THE “PRECAUTIONARY PRINCIPLE” AND REFER TO STAFF THE DEVELOPMENT OF A PRECAUTIONARY PRINCIPLE ORDINANCE TO INFORM DECISIONS ON PUBLIC HEALTH, THE ENVIRONMENT, NATURAL RESOURCES, SUSTAINABILITY, AND QUALITY OF LIFE

WHEREAS, in the complex, dynamic environments in which humans live and work, knowledge often has limits and scientific certainty is difficult to attain, and what constitutes *sufficient* evidence of impending harm is difficult to define and is ultimately a political or policy question; and

WHEREAS, often the link between cause and effect cannot be demonstrated with scientific certainty until damage or injury is already done; and

WHEREAS, currently, policy makers and industry use uncertainty as a reason not to take precautionary preventive action for human health and the environment; and

WHEREAS, the release and use of toxic substances, the exploitation of resources, and physical alterations of the environment have had substantial unintended consequences affecting human health and the environment. Some of these consequences are high rates of learning disabilities, asthma, cancer, birth defects and species extinctions; along with global climate change, stratospheric ozone depletion and worldwide contamination with toxic substances, including radioactive materials; and

WHEREAS, every Berkeleyan has an equal right to a safe and healthy environment; and

WHEREAS, current environmental regulations too often control toxic substances as they are emitted rather than limiting or eliminating their use or production and preventing harm, even in the face of some scientific uncertainty; and

WHEREAS, laws that regulate the release of toxic chemicals frequently allow some risk to the public and the environment, and laws that regulate the release of toxic chemicals frequently place the burden of scientific proof on the public to conclusively prove harm before regulatory action is taken to reduce or eliminate toxic exposures; and

WHEREAS, approaching environmental, health and other social policy or decisions via the precautionary principle can result in the elimination or reduction of harmful substances and practices, and will ensure that policymakers err on the side of health and safety when determining what constitutes sufficient proof of future harm to people and the environment and when to take preventive action; and

WHEREAS, the City of Berkeley is charged with protecting the public health and welfare of its residents and workers, and the environment and is aware of its responsibility to the larger global community; and

WHEREAS, the City of Berkeley has adopted a number of successful environmental ordinances or policies applying a precautionary approach to specific city purchases and activities including: Integrated Pest Management; mandate for recyclable and degradable food packaging; prohibition of polystyrene foam food packaging; emphasis on fuel-efficient vehicles; and, bans on the use of arsenic, creosote and pentachlorophenol-treated wood, and new open fireplaces; and

WHEREAS, some activities of the City of Berkeley involve acquisition and use of commodities, services and activities that are known or suspected of causing harm to human health or the environment; and

WHEREAS, utilizing the Precautionary Principle to select products and services that minimize negative impacts to human health and the environment will use Berkeley's purchasing power to help create markets for alternative products and activities, thereby stimulating research, development, and production of safer alternatives, and encouraging industry to fully disclose product ingredients which informs the City and public about products' short and long term risks; and

WHEREAS, while human activities involve risk, governments and society must proceed more carefully than they have in the recent past; corporations, government entities, organizations, communities and scientists should adopt a precautionary approach to human endeavors in order to protect human health and the environment; and

WHEREAS, when there are reasonable grounds for concern, the Precautionary Principle requires careful analysis of available alternatives and favors the selection of the alternative product or action, including no action, presenting the least potential threat to human health, natural systems, and quality of life; and

WHEREAS, the Precautionary Principle requires transparency and public participation in the decision-making process; and

WHEREAS, the Precautionary Principle seeks to prevent harm before it happens and advises that when there is a threat of serious or irreversible harm to human health or the environment, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the City to postpone measures to prevent the degradation of the environment or protect the health of its residents and workers.

WHEREAS, the Council of the City of Berkeley supports establishing a Precautionary Principle as a Citywide policy.

NOW THEREFORE BE IT RESOLVED, that the City of Berkeley shall develop and adopt a Precautionary Principle Program whose goals include, but are not limited to:

- Minimizing health risks to City staff and residents
- Minimizing the City's contribution to global climate change
- Improving air quality
- Protecting the quality of ground and surface waters
- Minimizing the City's consumption of resources

BE IT FURTHER RESOLVED that within one year from approval of this resolution, staff shall present the following to the City Council for adoption:

- A draft Precautionary Principle Ordinance setting forth the City's general policy of precautionary decision-making consistent with this Resolution
- A draft Environmentally Preferable Purchasing Policy (EP3), consistent with the Precautionary Principle and protective of the environment and health, that shall begin with, but not be limited to, janitorial products used by the City
- A description, timetable and prioritization of additional program areas where the Precautionary Principle will be further integrated into City activities and decision-making processes

BE IT FURTHER RESOLVED that staff shall forward the documents described above to the appropriate commissions for review and comment including, but not limited to, the Community Environmental Advisory Commission and the Community Health Commission.

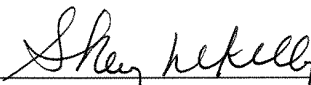
BE IT FURTHER RESOLVED that staff shall provide an annual report on progress in achieving directives set forth herein to City Council and to appropriate Commissions including, but not limited to, the Community Environmental Advisory Commission and the Community Health Commission.

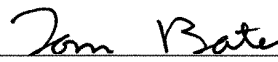
The foregoing Resolution was adopted by the Berkeley City Council on October 14, 2003 by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Shirek, Spring, Worthington, Wozniak and Mayor Bates.

Noes: Councilmember Olds.

Absent: None.

Attest: 
 Sherry M. Kelly, City Clerk


 Tom Bates, Mayor