

**DRAFT**

**Precautionary Principle: Draft 3-year report**

10-30-06

Introduction

In July 2003, the San Francisco Board of Supervisors adopted the Precautionary Principle Ordinance (Ordinance), which became Chapter 1 of the San Francisco Environment Code. The ordinance directed the Department of the Environment to report back to the Board on the progress of the ordinance 3 years after adoption.

**SEC. 102. THREE YEAR REVIEW.**

*No later than three years from the effective date of this ordinance, and after a public hearing, the Commission on the Environment shall submit a report to the Board of Supervisors on the effectiveness of the Precautionary Principle policy.*

The Precautionary Principle Ordinance states:

**SEC. 101. THE SAN FRANCISCO PRECAUTIONARY PRINCIPLE.** *Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the City to postpone cost effective measures to prevent the degradation of the environment or protect the health of its citizens.*

The Ordinance outlines 5 basic elements of the Precautionary Principle that should be used in decisions made by the City of San Francisco. They are:

1. *Anticipatory Action: There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.*
2. *Right to Know: The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans. The burden to supply this information lies with the proponent, not with the general public.*
3. *Alternatives Assessment: An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment including the alternative of doing nothing.*
4. *Full Cost Accounting: When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs even if such costs are not reflected in the initial price. Short- and long-term benefits and time thresholds should be considered when making decisions.*
5. *Participatory Decision Process: Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available science and other relevant information.*

The Ordinance was written to be “non self-implementing”. This means that its intent was to become the basis for future environmental legislation and a guidance document for City decision-making.

***SEC. 104. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.*** *The Board of Supervisors encourages all City employees and officials to take the precautionary principle into consideration and evaluate alternatives when taking actions that could impact health and the environment, especially where those actions could pose threats of serious harm or irreversible damage. This ordinance does not impose specific duties upon any City employee or official to take specific actions. In adopting and undertaking the enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare.*

This report is a summary of the activities undertaken by the City of San Francisco to implement the Ordinance as well as the broader impacts of passage to other jurisdictions in California and nationally. Using the information gathered at the Public Hearing on the Precautionary Principle, this report will also address challenges faced and next steps regarding implementation of the Ordinance.

#### **A. Precautionary Purchasing Ordinance**

In 2005 the San Francisco Board of Supervisors adopted the first implementation chapter of the Precautionary Principle dealing with the City’s procurement of commodities called the Precautionary Purchasing Ordinance (Purchasing Ordinance). Service contracts were not covered under this ordinance. The Department of the Environment was to report back to the Board once implementation had progressed with regard to the purchase of commodities to determine the feasibility of expanding the ordinance to service contracts.

Like the Precautionary Principle Ordinance, the Purchasing Ordinance was drafted with the help of a number of local health and environmental community groups. Many of the groups acted under the umbrella organization of the Bay Area Working Group on the Precautionary Principle. In addition, public input was sought through public meetings and incorporated into the design of the ordinance. The Office of Contract Administration was a key partner in the design and implementation along with the Department of the Environment and the office of Supervisor Sophie Maxwell.

Upon adoption of the Purchasing Ordinance the following actions have been put in place:

1. Existing City ordinances dealing with procurement were consolidated into the Purchasing Ordinance through regulation (05-01-PPO).

2. Public Participation Guidelines were developed and adopted after extensive public input (05-02-PPO).  
(<http://www.sfenvironment.com/aboutus/innovative/epp/sfe-05-01-ppo.pdf>)
3. City purchases of commodities were reviewed and prioritized to determine their potential impact on human health and the environment as well as the availability of environmentally preferable alternatives. After three public meetings and comment on documents, a set of ten Targeted Product Categories were selected and adopted by the Commission on the Environment. These product categories can be found at:  
[http://www.sfenvironment.com/aboutus/innovative/epp/PPO-TPC final summary COE v.pdf](http://www.sfenvironment.com/aboutus/innovative/epp/PPO-TPC_final_summary_COE_v.pdf)
4. Under the terms of the Purchasing Ordinance, environmental attributes were added to the following contracts:
  - a. Recycled/chlorine free janitorial paper products
  - b. Less toxic janitorial cleaners
  - c. Low mercury/high efficiency lighting
5. Upcoming efforts include examination of the City computer contract, and an analysis of the purchase of food by city departments.

## **B. Influence on Pesticide Registration/Labeling**

The United States Environmental Protection Agency (USEPA) is responsible for determining which pesticides are allowed for use and sale nationally. They determine not only what chemicals can be used but how they are used and where they can not be used. For example, some pesticides are only allowed to be used to kill insects on certain crops and are not allowed to be sold for home use to control the same insect.

San Francisco has made an effort to voice concerns over the decisions made by USEPA when those decisions could impact the health of SF residents or the San Francisco Bay. Traditionally, USEPA has looked at pesticides individually not in terms of available alternatives – an approach emphasized under the precautionary principle. San Francisco used this approach when submitting comments on a number of risk assessments and/or registration issues on 16 different pesticides used in the City. All comments urged more complete data requirements, more transparent public processes, and the use of alternatives analyses in making pesticide registration decisions.

As a result, USEPA conducted an alternatives analysis in considering the use of a highly toxic pesticide, metaldehyde, in snail bait. Using this approach, the EPA recognized that alternative products are available that are just as effective and clearly safer – especially for pets. Metaldehyde is one of the most common sources of dog poisoning reported. USEPA registration managers consulted with the City and

determined that metaldehyde should be greatly restricted and strict warning symbols placed on the labels to alert consumers about potential hazards.

### **C. San Francisco Foundation Grant Support**

The City has benefited greatly from the efforts of the health and environment community organizations. As described above, those organizations came together under the umbrella organization called the Bay Area Working Group on the Precautionary Principle (BAWG). The efforts of the BAWG were underwritten through a grant from the San Francisco Foundation who has shown great interest in the Precautionary Principle and supported efforts to extend the Principle beyond the borders of San Francisco.

As these community groups see the need to expand precautionary thinking to all city agencies and move its influence beyond city procurement, the San Francisco Foundation has again offered its support. A second grant was awarded to two San Francisco-based groups, the BAWG and Neighborhood Assemblies Network (NAN). These groups will partner to focus on modeling meaningful public participation and working with a variety of city agencies to apply the 5 elements of the Precautionary Principle Ordinance to their decision-making process. Work on the grant is set to commence in September 2006.

### **D. Outreach/Training during World Environment Day**

### **E. Served as model for other PP initiatives**

- Hawaii
- Mendocino County
- Marin County
- City of Berkeley
- Washington State

### **F. Award from National PP Conference**

### **G. Challenges and Next steps**