Resolution supporting efforts in the European Union to institute an effective new policy for regulating hazardous chemicals.

WHEREAS, Tens of thousands of chemicals are currently manufactured and sold in global commerce; and

WHEREAS, Ample scientific evidence has demonstrated that citizens of San Francisco, along with others in California and the U.S., are exposed to potentially dangerous chemicals through consumer products, the workplace, and our air, water, and food;¹ and

WHEREAS, Even basic screening data is not available to the public and government officials on the hazards to human health and the environment for over 90% of the highest volume chemicals;² and

WHEREAS, Existing programs for the regulation of toxic chemicals by the governments of the California and the United States (1) do not require adequate information on the safety of most chemicals to which people or the environment are exposed, (2) result in safety evaluations of relatively few chemicals each year and (3) are not expected to provide safety information for most chemicals in commerce in the foreseeable future; and

WHEREAS, Existing programs for regulation of toxic chemicals have focused most resources on regulating new chemicals, while all existing chemicals were effectively grandfathered in, being considered safe until proven dangerous; and

WHEREAS, The US EPA must prove a substance is harmful and that the benefits of regulation exceed the costs before it can take preventative action on hazardous chemicals, resulting in very limited use of TSCA's regulatory powers; and

WHEREAS, This lack of information renders the public and the government unable to assess, avoid or otherwise control exposures to the unevaluated chemicals which in fact present a risk to human health or the environment; and

WHEREAS, One result of this lack of information is the pre-mature death of over 60,000 U.S. workers each year as a result of exposures to hazardous chemicals in the workplace, and over 800,000 new cases of occupational disease each year, along with a national burden of 1.75 million people with work-related chronic obstructed pulmonary disease (COPD);³

WHEREAS, Without including the cost of work-related COPD, the annual cost of occupational disease in the U.S. is $25.5 billion, representing a substantial drain on the U.S. economy and on the lives of workers and their families;⁴

WHEREAS, The European Commission, recognizing the existence of these same problems in the European Union, has prepared draft legislation, known as the Registration, Evaluation, and Authorization of Chemicals (or "REACH") to reform the management of chemicals in commerce in the EU;⁵ and


WHEREAS, The REACH legislation intends to shift the burden of proof onto industry by requiring the development and communication of information on toxicity and exposures to harmful chemicals including the persistence, bioaccumulation, and carcinogenic, mutagenic, and reproductive toxicity of chemicals as a condition for their continued manufacture, import, or use in the EU; and

WHEREAS, The REACH legislation could create strong incentives for developing safer alternatives, be advantageous for innovation and eventually make the products produced by the EU chemicals industry and for the EU market the safest in the world; and

WHEREAS, Implementation of progressive REACH legislation in the EU -- soon to include 25 member states and over 550 million residents -- could create new market opportunities for European, U.S, and California businesses that offer safer products, and existing chemical regulations in Europe have caused California manufacturers to institute substitutes to some chemicals, clearly benefiting California's workplaces and communities.

WHEREAS, REACH could generate substantial new safety information about chemicals for use by the public and by government authorities in San Francisco, California, and the United States to assess, eliminate, or otherwise reduce human and environmental exposures to hazardous chemicals; and

WHEREAS, The European Commission's 2001 White Paper on a "Strategy for a Future Chemicals Policy" envisioned REACH as being informed by the Precautionary Principle, which has been adopted by the EU as a key tenet in its policy on protection of human health and the environment; and

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WHEREAS, The San Francisco Board of Supervisors has passed a City Ordinance incorporating into the San Francisco Environment Code the requirement that all officers, boards, commissions, and departments of the City and County must implement the Precautionary Principle in conducting the City and County's affairs; and

WHEREAS, The Precautionary Principle embodies a preference for preventing harm, reliance on broad public participation and right-to-know, encouragement of the identification of alternatives and explicit consideration of their full costs; and

WHEREAS, The San Francisco Board of Supervisors intends the Precautionary Principle as a tool to help promote environmentally healthy alternatives while weeding out the negative and often unintended consequences of new technologies; and

WHEREAS, Effective practical implementation of the Precautionary Principal by the City and County of San Francisco in managing the use of chemicals and their exposure to the population and the environment would be aided by the public availability of increased credible scientific information about the effects of exposure of chemicals on human health and the environment; and

WHEREAS, The Bush Administration has consistently objected to the REACH legislation, and has filed formal comments with the European Commission criticizing many aspects of the proposed reforms; and

WHEREAS, Press reports document that the Bush Administration developed its position on REACH in consultation with executives from Dow Chemical, Rohm & Haas and Lyondell Chemical, among other chemical companies and trade associations and, as far as

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9 Precautionary Principle Policy Statement, *Environment Code for the City and County of San Francisco*, Chapter One, Section 100(E).
the current record shows, without consulting with the State of California, the City and County
of San Francisco, their citizens or other State, local or representative bodies;\textsuperscript{11} and

\textbf{WHEREAS,} Over 10,000 Americans and more than 60 environmental, health, labor,
and trade groups representing millions of members recently signed "The Declaration of
Independence from Hazardous Chemicals," affirming their support for implementation of
effective provisions in the \textit{REACH} legislation by the European Union and for complementary
efforts in the United States;\textsuperscript{12} now, therefore, be it

\textbf{RESOLVED,} That the Mayor and Board of Supervisors of the City and County of San
Francisco respectfully call on the United States Congress to urge the European Commission,
Members of the European Parliament, and the Council of Ministers to enact progressive
chemicals policy reform that would effectively:

(1) Lead to the rapid development and substitution of safer alternatives to hazardous
chemicals; and

(2) Shift the burden of proof onto industry to develop information over the next decade
on the environmental behavior and health effects of chemicals in commerce; and

(3) Ensure broad and ready access to this information by the public and government
authorities in San Francisco, California and the U.S.; and

(4) Apply fairly to EU producers and to businesses that export to Europe in
conformance with international trade laws; now, therefore and, be it

\textbf{FURTHER RESOLVED,} That the Mayor and Board of Supervisors of the City and
County of San Francisco urge the business community in San Francisco, California, and the
U.S. to recognize the opportunities that the EU legislation can create for responsive

\textsuperscript{11} Herrick, Newman & Schroeder, "U.S. Opposes EU Effort to Test Chemicals for Health

\textsuperscript{12} "U.S. Declaration of Independence from Hazardous Chemicals," July 1, 2003, Washington,
D.C. (see http://www.worldwildlife.org/toxics/whatsnew/declaration.cfm).
companies, and to invest in the development of innovative products that are safer for human health and the environment to remain competitive in the global marketplace; and, be it

FURTHER RESOLVED, That the Mayor and Board of Supervisors of the City and County of San Francisco respectfully request the State of California and the United States to begin at once to actively invite broad participation by the public health, environmental, Government, industry, public and other interested communities in fashioning new State and Federal policies and laws that more effectively safeguard the health and environmental quality of the people of San Francisco, California, and the United States; and, be it

FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall send a copy of this resolution to the Governor of the State of California, members of the California State Legislature and California's representatives in the U.S. Senate and the U.S. House of Representatives, the President of the European Parliament, President of the Council of the European Union, and the President of the European Commission.
Resolution supporting efforts in the European Union to institute an effective new policy for regulating hazardous chemicals.

October 28, 2003  Board of Supervisors — AMENDED
    Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

October 28, 2003  Board of Supervisors — ADOPTED AS AMENDED
    Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
    Noes: 1 - Hall
I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on October 28, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.