

1 [Supporting European Union Efforts to Regulate Hazardous Chemicals]

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

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

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

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

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

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

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<sup>1</sup> James, Hertz-Picciotto, et al., *Environmental Health Perspectives*, 110(7):617-624; Davis,  
24 May, et al., 2002, *Marine Pollution Bulletin*, 40(10):1117-1129, Brown, McCain, et al., 1998,  
*Marine Pollution Bulletin*, 37(1-2):67-85, 2002.

25 <sup>2</sup> U.S. Environmental Protection Agency, "Chemical Hazard Data Availability Study,"  
Washington, DC: April 1998.

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

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

7           WHEREAS, One result of this lack of information is the pre-mature death of over  
8 60,000 U.S. workers each year as a result of exposures to hazardous chemicals in the  
9 workplace, and over 800,000 new cases of occupational disease each year, along with a  
10 national burden of 1.75 million people with work-related chronic obstructed pulmonary  
11 disease (COPD);<sup>3</sup>

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

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

21 <sup>3</sup> Leigh, Markowitz, Fahs, Shin. Occupational injury and illness in the United States:  
22 Estimation of costs, morbidity and mortality. Arch. Intern Med 157:1557-1567 (1997).  
23 Balmes, Becklake, Blanc, Henneberger, Kreiss, Mapp, Milton, Torn, Viegi. American  
24 Thoracic Society Statement: Occupational contribution to the burden of airway disease. Am J  
25 Respir Crit Care Med 167:787-97 (2003).

<sup>4</sup> Leigh, Markowitz, Fahs, Shin. Occupational injury and illness in the United States:  
Estimation of costs, morbidity and mortality. Arch. Intern Med 157:1557-1567 (1997).

<sup>5</sup> European Commission, Internet Consultation Draft: Proposal for a Regulation of the  
European Parliament and of the Council Concerning the Registration, Evaluation,  
Authorization and Restrictions of Chemicals, Brussels: May 7, 2003.

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

6           WHEREAS, The REACH legislation could create strong incentives for developing safer  
7 alternatives, be advantageous for innovation and eventually make the products produced by  
8 the EU chemicals industry and for the EU market the safest in the world;<sup>6</sup> and

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

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

18           WHEREAS, The European Commission's 2001 White Paper on a "Strategy for a  
19 Future Chemicals Policy" envisioned REACH as being informed by the Precautionary  
20 Principle, which has been adopted by the EU as a key tenet in its policy on protection of  
21 human health and the environment;<sup>7</sup> and

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23 <sup>6</sup> European Commission, *Assessment of the Business Impact of New Regulations in the  
Chemicals Sector, Final Report - June 2002*, pages xv-xvi, 106, 122.

24 <sup>7</sup> European Commission, *White Paper: Strategy for a Future Chemicals Policy*, COM(2001)  
25 88 final, Brussels: February 27, 2001; Harremoës, Gee, et al. (eds.), *Late Lessons from Early  
Warnings: The Precautionary Principle 1896-2000*, European Environmental Agency:  
Copenhagen, 2001.

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

5           WHEREAS, The Precautionary Principle embodies a preference for preventing harm,  
6 reliance on broad public participation and right-to-know, encouragement of the identification  
7 of alternatives and explicit consideration of their full costs;<sup>8</sup> and

8           WHEREAS, The San Francisco Board of Supervisors intends the Precautionary  
9 Principle as a tool to help promote environmentally healthy alternatives while weeding out the  
10 negative and often unintended consequences of new technologies;<sup>9</sup> and

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

16           WHEREAS, The Bush Administration has consistently objected to the REACH  
17 legislation, and has filed formal comments with the European Commission criticizing many  
18 aspects of the proposed reforms;<sup>10</sup> and

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

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22 <sup>8</sup> Precautionary Principle Policy Statement, *Environment Code for the City and County of San*  
23 *Francisco*, Chapter One, Section 101.

24 <sup>9</sup> Precautionary Principle Policy Statement, *Environment Code for the City and County of San*  
*Francisco*, Chapter One, Section 100(E).

25 <sup>10</sup> "United States Nonpaper on EU Chemicals Policy," Washington, D.C., (undated), circa  
March 2002; "Comments of the United States on the European Commission's Draft  
Chemicals Regulation," July 2003, Washington, D.C.

1 the current record shows, without consulting with the State of California, the City and County  
2 of San Francisco, their citizens or other State, local or representative bodies;<sup>11</sup> and

3 WHEREAS, Over 10,000 Americans and more than 60 environmental, health, labor,  
4 and trade groups representing millions of members recently signed "The Declaration of  
5 Independence from Hazardous Chemicals," affirming their support for implementation of  
6 effective provisions in the REACH legislation by the European Union and for complementary  
7 efforts in the United States;<sup>12</sup> now, therefore, be it

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

- 12 (1) Lead to the rapid development and substitution of safer alternatives to hazardous  
13 chemicals; and
- 14 (2) Shift the burden of proof onto industry to develop information over the next decade  
15 on the environmental behavior and health effects of chemicals in commerce; and
- 16 (3) Ensure broad and ready access to this information by the public and government  
17 authorities in San Francisco, California and the U.S.; and
- 18 (4) Apply fairly to EU producers and to businesses that export to Europe in  
19 conformance with international trade laws; ~~now, therefore~~ and, be it

20 FURTHER RESOLVED, That the Mayor and Board of Supervisors of the City and  
21 County of San Francisco urge the business community in San Francisco, California, and the  
22 U.S. to recognize the opportunities that the EU legislation can create for responsive  
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24 <sup>11</sup> Herrick, Newman & Schroeder, "U.S. Opposes EU Effort to Test Chemicals for Health  
Hazards", *The Wall Street Journal*, September 9, 2003.

25 <sup>12</sup> "U.S. Declaration of Independence from Hazardous Chemicals," July 1, 2003, Washington,  
D.C. (see <http://www.worldwildlife.org/toxics/whatsnew/declaration.cfm>).

1 companies, and to invest in the development of innovative products that are safer for human  
2 health and the environment to remain competitive in the global marketplace; and, be it

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

9 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall send a copy  
10 of this resolution to the Governor of the State of California, members of the California State  
11 Legislature and California's representatives in the U.S. Senate and the U.S. House of  
12 Representatives, the President of the European Parliament, President of the Council of the  
13 European Union, and the President of the European Commission.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Resolution

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**File Number:** 031711

**Date Passed:**

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

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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

File No. 031711

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 Young / rly*

Gloria L. Young  
Clerk of the Board

NOV 07 2003

Date Approved

*Willie L. Brown Jr.*

Mayor Willie L. Brown Jr.