

[Supporting European Union Efforts to Regulate Hazardous Chemicals]

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

¹ James, Hertz-Picciotto, et al., *Environmental Health Perspectives*, 110(7):617-624; Davis, 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.

² 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);³

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;⁴

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;⁵ and

21 ³ 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).

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

⁵ European Commission, Internet Consultation Draft: Proposal for a Regulation of the
25 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;⁶ 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;⁷ and

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

25 ⁷ European Commission, *White Paper: Strategy for a Future Chemicals Policy*, COM(2001)
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;⁸ 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;⁹ 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;¹⁰ 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

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

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

¹⁰ "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;¹¹ 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;¹² now, therefore, be it resolved that the Mayor and Board of
8 Supervisors of the City and County of San Francisco respectfully call on the European
9 Commission, Members of the European Parliament, and the Council of Ministers to enact
10 progressive chemicals policy reform that would effectively:

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

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

25 ¹² “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.

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