

## RESOLUTION NO. 38-11

### RESOLUTION ADOPTING THE PRECAUTIONARY PRINCIPLE AS POLICY AND UPHOLDING THE ENVIRONMENTAL JUSTICE LAWS OF THE STATE OF CALIFORNIA

---

Whereas, given the complexities of the dynamic environments in which humans live and work, scientific certainty is often difficult to attain; and

Whereas, what constitutes sufficient evidence of impending harm is difficult to define and is ultimately a political or policy question; and

Whereas, nonetheless it is the responsibility and obligation of Richmond elected officials and decision makers to protect the health of its residents and workers, and to anticipate harm before it occurs; and

Whereas, what constitutes adequate evidence of impending harm is difficult to define and link because cause and effect cannot be demonstrated until damage or injury has been done; and

Whereas, the precautionary principle declares that if an action or policy has a suspected risk of causing harm to the public or the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful, falls on the proponent of the action; and

Whereas, the opposite is currently true in practice as demonstrated by the current policy of decision makers and industry leaders who use uncertainty as a reason not to take precautionary action for public health and the environment; and

Whereas, environmental regulations often control known toxic substances rather than eliminate their use or production in the face of scientific uncertainty, resulting in laws that allow for a certain level of risk to both the public and the environment; and

Whereas, the residents of Richmond, as well as the global community, are deserving of a safe and healthy environment and the assurance that decision makers are doing all within their control to assure this outcome; and

Whereas, using the precautionary principle to consider the impact on public and environmental health could conceivably result in the reduction or elimination of the use of harmful substances and practices and provide a framework to determine what constitutes adequate proof of future harm to the public health and environment and when to take preventive action; and

Whereas, the precautionary principle requires careful analysis of available alternatives and strongly encourages the selection of the alternative product or action, including no action, that presents the least threat to human health, the natural environment and overall quality of life; and

Whereas, the precautionary principle requires democratic transparent and public engagement in the decision making process; and

Whereas, Richmond's (soon to be) updated General Plan includes a Health and Wellness Element that reflects the City's commitment to the well being of all residents; and

Whereas, often cited executive order number 12898, which is supported by the Environmental Protection Agency, addresses environmental justice in minority populations and low-income populations such as are found in Richmond, and acknowledges that *no person or group of people should shoulder a disproportionate share of the negative environmental impacts* resulting from the execution of this country's domestic and foreign policy programs – including local policy and programs;

NOW THEREFORE BE IT RESOLVED THAT I, Mayor McLaughlin on behalf of the Richmond City Council, declare that the City of Richmond adopts the precautionary principle as a policy to which it will adhere.

AND BE IT FURTHER RESOLVED THAT: The City of Richmond upholds and adheres to the environmental justice laws of the State of California.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on **May 17, 2011**, by the following vote:

AYES: Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.  
NOES: Councilmember Bates.  
ABSTENTIONS: None.  
ABSENT: None.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa        } : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 38-11**, finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on May 17, 2011.