T. 9.b.

Memorandum Date: 11/5/09
Order Date: 11/10/09

TO: Board of County Commissioners

DEPARTMENT: County Administration

PRESENTED BY: Stewart Bolinger

AGENDA ITEM TITLE: RESOLUTION/In the Matter of Endorsing the Precautionary Principle as a Guide for County Policy Development

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I. MOTION

Move to approve the resolution endorsing the Precautionary Principle as a guide for County policy development.

1. Anticipatory Action: County departments will feature anticipatory action to prevent harm as an integral part of their duties as public servants.

2. Right to Know: County departments will communicate with special regard for the community's 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 significant information lies with us as proponents and advocates, not with the general public.

3. Alternatives Assessment: County departments will perform their duties cognizant of an obligation to examine a full range of alternatives and to select alternatives offering significant improvements to human health and the environment. A credible alternative for consideration includes foregoing a change.

4. Full Cost Accounting: County departments evaluating potential alternatives have a duty to consider all significant costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs. Short and long-term time horizons should factor into the evaluations, as well.

5. Participatory Decision Process: County departments' decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information. Citizens and resource users may have correct information not available internally, hence their participation and information count as elements of 'best available information'.

II. AGENDA ITEM SUMMARY

The Board requested preparation of a resolution endorsing the Precautionary Principle as a first step toward adoption of a comprehensive set of measures implementing sustained application of the Precautionary Principle in cooperation with community advocates and internal leadership as practiced by other governmental entities.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Board discussed application of the Precautionary Principle in a conference call with one of the nation's most prominent Principle practitioners employed by the City and County of San Francisco, California. As an outcome of that conference, the Board asked the Performance Auditor to confer with the San Francisco manager, analyze applicability of the Precautionary Principle, and report the results of that analysis to the full Board of County Commissioners. Following presentation of the analysis to the Board of County Commissioners, the Board requested that the Performance Auditor prepare a draft resolution of endorsement of the Precautionary Principles with enumerated implementation provisions.

B. Policy Issues

Analysis indicated that three elements sustain effective application of the Precautionary Principle: an active group of citizen supporters of the Precautionary Principle, a group of internal boosters, and government leadership in support of the Principle. The analysis showed that the citizen and internal elements had yet to development. Hence, rather than start with formal adoption of the Principle, the recommendation was to first endorse the Principle. As a core of internal and external advocates then develops and the recommended three advocacy groups coalesce, the current endorsement can reevaluated with a view to formal adoption of the Precautionary Principle with specific assignments or duties for critical players within the government.

C. Board Goals

Good Governance has become a hallmark of current county leadership. The Principle analysis, previously presented to the Board, emphasized that Good Governance, as applied by the county, already represented a significant achievement relevant to multiple communications and public input standards adopted by other governments in conjunction with their adoption of the

Precautionary Principle.

D. Financial and/or Resource Considerations

In recognition of the very limited resources available to support a new and broad comprehensive effort to formally adopt the Precautionary Principle, the Board requested a statement of endorsement rather than full adoption of the Principle. That is what this memo means to support or achieve.

E. Analysis

Absent due regard for the Precautionary Principle, governments tend to error by overweighting short term negative effects and underweighting long term proportionally more significant deleterious ones. Decision making also tends to error by addressing known risks rather than striving to identify and allow for foggier risks and factors with potentially broader and more serious long term effects.

Earlier analysis presented to the Board of Commissioners stated these major points: A tripartite set of supporters are vital to comprehensive and sustained support for and compliance with the Precautionary Principle. Purchasing and environmental assessment staff are key to effective implementation within the government. A few U.S. local governments have adopted the Principle. Good Governance supports, serves the same function, as significant communication and public involvement precautionary principles.

F. Alternatives/Options

Alternative One – Stay with the status quo and Good Governance: a standard in effect with a great preponderance of American local governments.

Alternative Two – Endorse the Precautionary Principle without formally implementing it and imposing formal work requirements using staff and management time otherwise in use at other tasks and duties. Promote the Principle with a view to eventual formal adoption.

Alternative Three – Adopt the Precautionary Principle with instructions to staff and management to take the steps necessary to formally include Precautionary considerations during product purchase analyses and other environmentally and medically significant activities.

IV. RECOMMENDATION

This order complies with a prior Board instruction to prepare an endorsement of the precautionary principle for Board of Commissioners review and possible adoption.

V. TIMING/IMPLEMENTATION

Endorsement appears to require no additional specific action or implementation time.

VI. FOLLOW-UP

Reaffirmation and promotion appears open to the Board at its discretion.

VII. ATTACHMENTS

The draft endorsement follows:

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
LANE COUNTY, OREGON

ORDER NO. 09-11-10	)	In the Matter of Endorsing the Precautionary
	)	Principle as a Guide for County Policy
	)	Development

WHEREAS, The Board of Commissioners recognizes precautionary measures should be taken when an activity raises threats of harm to the environment or human health even if some cause and effect relationships have not been fully established scientifically and; and

WHEREAS, The Board of Commissioners considers alternatives assessment a public process because the public bears the ecological and health consequences of environmental decisions; and

WHEREAS, The Board of Commissioners values alternatives assessment as encouragement to examine fundamental questions about potentially hazardous activities, less hazardous options, and minimization of damage; and

WHEREAS, The Board of Commissioners deems public participation and an open and transparent decision making process critical to finding and selecting alternatives; and

WHEREAS, The Board of Commissioners acknowledges that placing the burden of proof on proponents of an activity rather than on victims of the activity may benefit the entire community; and

WHEREAS, The Board of Commissioners finds that gaps in scientific data uncovered by the examination of alternatives will provide a guidepost for future research, but will not prevent protective action being taken by the City; and

WHEREAS, The Board of Commissioners considers comprehensive cost analyses vital to alternatives assessments.

NOW THEREFORE, BE IT RESOLVED by the Lane County Board of Commissioners that we endorse these Precautionary Principle tenants for incorporation into county decision making where they might materially affect decisions impacting community health and the natural environment.

1. Anticipatory Action: County departments will feature anticipatory action to prevent harm as an integral part of their duties as public servants.

2. Right to Know: County departments will communicate with special regard for the community's 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 significant information lies with us as proponents and advocates, not with the general public.

3. Alternatives Assessment: County departments will perform their duties cognizant of an obligation to examine a full range of alternatives and to select alternatives offering significant improvements to human health and the environment. A credible alternative for consideration includes foregoing a change.

4. Full Cost Accounting: County departments evaluating potential alternatives have a duty to consider all significant costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs. Short and long-term time horizons should factor into the evaluations, as well.

5. Participatory Decision Process: County departments' decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information. Citizens and resource users may have correct information not available internally, hence their participation and information count as elements of 'best available information'.

Dated this 10th day of November, 2009

Pete Sorenson, Chair
Lane County Board of Commissioners