

Precautionary Principle Ordinance  
Marin County 2010

Section 100 FINDINGS

The Marin County Board of Supervisors do find and declare that:

- A. Every person within Marin County has an equal right to a safe and healthy environment. Within the commons, areas that we all share, the air, water, soil, parks, paths, buildings and food must be of the highest quality so that all can enjoy a healthy, fulfilling and dignified life.
- B. In the past persons within our community have been exposed to environmentally harmful activities and chemicals, often without notice or their permission. Only in retrospect and after protracted activity by the concerned have these harmful activities been stopped. This is because we have accepted in the past “Risk Assessment” as the operating principle that allows these activities.
- C. Marin County has a history of forward thinking through such ordinances and activities that created the Integrated Pest Management Commission, initiating Marin’s own Organic Standards, managing a Green Business and Green Building Program, initiating a purchasing preference program for recycled paper products, working through a Waste Management JPA to achieve zero waste by 2025, working in a joint effort with Marin’s cities, towns and unincorporated areas with the Stormwater Pollution Prevention Program to improve the health of local creeks and fisheries and the initiation of Marin Clean Energy. We are now acting to further the work started in 2004 with the passage of the Precautionary Principle Resolution by enacting a Precautionary Principle Ordinance..
- D. New scientific discoveries are indicating that exposures to a contaminated environment, even at hormonal levels, can cause multi-generational compromised health outcomes. For this reason the “Risk Assessment” paradigm must be altered. The Precautionary Principle Ordinance is such a tool to act as the overarching principle to help promote environmentally healthy alternatives through an assessment of the best available information.
- E. Alternatives assessment that the Precautionary Principle Ordinance initiates is a public and thus a more democratic process. Within the public process the

immediate and long-term consequences as well as possible impacts to the local economy must be considered and examined.

- F. Transforming our society to realize these goals and achieving a society living respectfully within the bounds of nature will take a behavioral as well as technological revolution. The precautionary approach to decision-making will help Marin County speed this process of change by moving beyond remediation for environmental harm to prevention.

## Section 101 THE MARIN COUNTY PRECAUTIONARY PRINCIPLE

The following shall constitute the County of Marin's Precautionary Principle Ordinance. All officers, boards, commissions, and departments of the County shall implement the Precautionary Principle Ordinance in conducting the County's affairs:

The Precautionary Principle Ordinance requires a thorough exploration and a careful analysis of a wide range of alternatives. Based on the best available science, the Precautionary Principle Ordinance requires the selection of the alternative that presents the least potential threat to human health and the County's natural systems. Public participation and an open and transparent decision making process are critical to finding and selecting alternatives.

Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the County to postpone reasonable measures to prevent the degradation of the environment or protect the health of its citizens. Any gaps in scientific data uncovered by the examination of alternatives will provide a guidepost for future research, but will not prevent the County from taking protective action. As new scientific data become available, the County will review its decisions and make adjustments when warranted.

Where there are reasonable grounds for concern, the precautionary approach to decision-making is meant to help reduce harm by triggering a process to select the least potential threat. The key elements of the Precautionary Principle Ordinance's approach to decision-making include:

1. **Anticipatory Action:** There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.

2. **Right to Know:** The community has a 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 this information lies with the proponent, not with the general public.
3. **Alternatives Assessment:** An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of doing nothing.
4. **Full Cost Accounting:** When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs-- even if such costs are not reflected in the initial price. Short-and long-term benefits and time thresholds should be considered when making decisions.
5. **Participatory Decision Process:** Decisions applying the Precautionary Principle Ordinance must be transparent, participatory, and informed by the best available science and other relevant information.

#### Section 102 TWO YEAR REVIEW.

Upon passage a Precautionary Principle Task Force composed of county and public participants shall be appointed by the Board of Supervisors and, no later than two years from the effective date of this ordinance, shall submit a report to the Board of Supervisors on how best to implement the Precautionary Principle Ordinance in county departments.

#### Section 103 SEVERABILITY

If any singular part of this ordinance is found to be invalid it will not affect any other portion of this ordinance.

#### Section 104 VOTE

This ordinance is passed and adopted at a regular meeting of the Board of Supervisors of the County of Marin on this date.