

Report on the Development of a Precautionary Principle Procedure in Mendocino County

Executive Summary

October 2008

The Precautionary Principle is a guiding framework for decision-making that anticipates how our actions will affect the environment and health of future generations. When it is apparent that an activity is a potential threat to the environment or human health, full scientific certainty is not necessary to initiate precautionary action. The essential elements of the Precautionary Principle approach to decision-making include:

1. Anticipatory Action
2. Right to Know
3. Alternatives Assessment
4. Full Cost Accounting
5. Participatory Decision-Making Process

The following actions have been taken over the past four years to further precautionary decision making in Mendocino County.

- In the spring of 2005, a group of individuals from throughout Mendocino County, called the Mendocino Partnership for the Precautionary Principle, came together to discuss the application of the Precautionary Principle to county decision-making.
- In June 2005, the Mendocino County Public Health Advisory Committee unanimously decided to carry the study of the Precautionary Principle to the BOS.
- In September 2005, the BOS voted to study the Precautionary Principle for possible adoption and appointed an Ad Hoc Committee which met monthly for nine months.
- Between September 2005 and January 2006, 3 public forums were held in Ukiah, Ft. Bragg and Willits on how the Precautionary Principle can be applied to county decision-making, enlisting experts in this field from Oregon and San Francisco.
- In June 2006, the BOS adopted the Mendocino County Precautionary Principle Policy and in 10/06 selected the Water Agency and Environmental Health Division of Public Health to begin using the Precautionary Principle in making decisions.
- By February 2007, the Precautionary Principle Workgroup (consisting of members of the Mendocino Partnership for the Precautionary Principle and County staff) had developed the Precautionary Principle Procedures for use in the selected pilot departments; in August 2007 Guidelines for Public Participation were completed.
- By April 2008, the Water Agency was withdrawn as a pilot project due to work load issues, and Environmental Health had conducted its pilot project by holding a public workshop on the least harmful alternatives to control mosquito larvae in Mendocino County.
- Since July 2008, the Precautionary Principle Workgroup has met monthly to focus on discussion and writing of the final report to the BOS.

The following is a summary of the results of the Environmental Health Pilot Program:

- Although time consuming, the pilot allowed staff to develop more confidence in the knowledge of mosquito abatement options and to inform the public about these issues.
- To announce the public input session of the pilot project, a legal notification of a “public hearing” was posted in the classified section of the Ukiah Daily Journal which went mostly

unnoticed by the public. As a result, public participation was limited. It was recognized that a “public hearing” was not necessary and that a public workshop, which could be advertised in many ways, would be the best mode for public input.

- The pilot process was considered a reasonable way to test out the Procedure and the following changes were proposed:
 - A variety of ways to gather valuable public input could be utilized when a full public workshop is deemed not necessary which has been incorporated into the Public Participation Guidelines.
 - The procedure form could be more objective and precise, allowing alternatives to a public workshop. It has been changed to only require a public workshop if risk to human health or the environment is high, and to allow discretion by the department head.
 - Publicity for the workshop could be enhanced by collaborating with the Health and Human Services Agency (HHS) Public Information Officer (PIO).

Many existing public health programs emphasize the precautionary element of “anticipatory action” to prevent harm, also known as prevention. Some programs also conduct outreach to the public about health issues, complying with the public’s “right to know”. A few examples of precaution in action are the Every 15 Minutes Program to discourage youth drunk driving, the Needle Exchange Program to prevent spread of HIV and other blood-borne diseases, and the Communicable Disease program’s response to meningitis and MRSA. Most programs have procedures in place for deciding amongst alternatives, but the alternative with the least risk to the environment has not necessarily been a consideration in decision making. Programs do not often engage in “full cost accounting”, as tight budgets promote a focus on the immediate outcome and financial cost, discouraging consideration of long-term costs and benefits to health and the environment. Finally, the public is rarely involved in making major decisions about public health programs often due to the need for swift action, lack of perceived interest on the part of the public, or the minor nature of the decision to be made. However, if staff were versed in the Precautionary Principle they may be able to consciously involve the public in order to make more informed, democratic program decisions to better meet the health needs of the public.

The following recommendations have been made by the Workgroup on future development and use of the Precautionary Principle in Mendocino County:

1. Focus first on using the Precautionary Principle uniformly across the HHS.
2. Establish clear criteria for when to use different levels of public input such as public expression time at the BOS meetings, websites, emails, and public workshops.
3. Develop a process to consolidate public input from many sources in order to keep up with public concerns that may require use of the Precautionary Principle Procedure.
4. Adapt procedures to address limited resources to fully implement the Precautionary Principle
5. The Precautionary Principle Workgroup will continue within Community Health Services of the HHS with consultation from the CEO’s office and will develop strategies for educating and involving staff.
6. Add to the County’s Mission Statement that it strives to promote health and ecological sustainability by living within available resources. This would help to institutionalize a precautionary mind-set within county government.

After a period of refinement and implementation of the Policy in the HHS by the Workgroup, the Board may wish to consider adopting the Precautionary Principle Procedures for other County departments.