

MENDOCINO COUNTY POLICY #43	PRECAUTIONARY PRINCIPLE POLICY
ADOPTED: June 2006	ADOPTED BY: Minute Order

The Board of Supervisors finds and declares that:

- A. Every resident, present and future, of Mendocino County has an equal right to a healthy and safe environment. This requires that our air, water, earth, and food be of a sufficiently high standard that individuals and communities can live healthy, fulfilling, and dignified lives. The duty to enhance, protect and preserve Mendocino County's environment, community health, and quality of life rests on the shoulders of local government, residents, citizen groups, and businesses alike.
- B. Mendocino County and its communities have a history of making choices based on the least environmentally harmful alternatives, thereby challenging traditional assumptions about risk management. Numerous protective county ordinances and policies include: 1) Barring the aerial application of phenoxy-based herbicides; 2) Protecting water quality by requiring an environmental impact statement when an industrial development is proposed for siting where quality impacts are likely; 3) Reserving adequate stream flows for protection of fish, wildlife habitat, and other instream use; 4) Maintaining an outstanding and award winning rural household hazardous waste program; 5) Restricting the cultivation of genetically modified crops and livestock; and 6) Reducing pesticide applications on school properties.
- C. Historically, environmentally harmful activities have only been stopped after they have manifested extreme environmental degradation or major harm to people. The delay between first knowledge of harm and appropriate action to deal with it can be measured in human lives cut short and irreversible environmental damage.
- D. The Precautionary Principle and its tenets provide overarching guidance for the County and its individual departments to maintain and develop policies and regulations for a healthier Mendocino County. The Precautionary Principle will not only strengthen the foundation of existing laws, policies and procedures but also assist in the development of a healthy environment for current and future generations.
- E. A central element of the precautionary approach is the careful assessment of available alternatives using the best available science. An alternatives assessment examines a broad range of options in order to present the public with different effects of different options considering short-term versus long-term benefits and costs, and evaluating and comparing the effects of each option. This reveals options with fewer potential effects and/or greater potential benefits to health and the natural environment. This process allows fundamental questions to be asked: "Is the potentially harmful activity necessary?" "What less harmful options are available?" and "How little damage is possible?"

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- F. The alternatives assessment is also a public process because the public bears the ecological and health benefits and consequences of environmental decisions. A government's course of action is necessarily enriched by broadly based public participation when a full range of alternatives is considered based on input from diverse individuals and groups. The public should be able to suggest alternatives to be examined. For each alternative, the public should consider both immediate and long-term benefits and consequences, as well as possible impacts to the local economy. One of the goals of the Precautionary Principle is to include residents as equal partners in decisions affecting their health and environment.

- G. Mendocino County looks forward to the time when the County generates more power from local renewable resources, when building and planning incorporates greater use of green building techniques, when more of our waste is recycled, when our rivers and streams adequately sustain our fisheries, when groundwater is free from contaminants, and when our foods are cultivated using less intensive methods. The Precautionary Principle provides guidance to help us attain these goals as we enact laws and develop policies in such areas as transportation, construction, land use, water, energy, health, recreation, community relations, purchasing, agriculture, and education.

- H. Realizing these goals and achieving a society living respectfully within the bounds of nature will take a behavioral as well as technological revolution. A precautionary approach to decision-making will move Mendocino County beyond finding cures for environmental ills to preventing the ills before they can do harm.

The Mendocino County Precautionary Principle

The following shall constitute the Mendocino County Precautionary Principle Policy. All officers, boards, commissions, and departments of the County shall apply the Precautionary Principle in conducting County affairs. In adopting the Precautionary Principle policy, Mendocino County preserves the authority to protect the safety and welfare of its residents.

The Precautionary Principle requires a thorough exploration and a careful analysis of a wide range of alternatives. Based on the best available science, the Precautionary Principle 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 cost effective measures to prevent the degradation of the environment or protect the health of its residents. Any gaps in scientific data uncovered by the examination of alternatives will provide a guidepost for future research, but will not

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prevent protective action from being taken by the County. 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 essential elements of the Precautionary Principle 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 short and long-term costs and benefits to public as well as private sectors of the community, even if such costs are not reflected in the price. Some of these costs and benefits may include raw materials, manufacturing, transportation, use, cleanup, eventual disposal, labor, energy, health, safety, and job-creation.
5. **Participatory Decision-Making Process:** Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information. The County will make a reasonable effort to include the public in an appropriate manner when making decisions that may affect the environment, health, and quality of life.

Policy Implementation and Three-Year Review

The implementation of this policy will begin with a pilot project utilizing two (2) County Departments to be recommended by the CEO and selected by the BOS. Implementation guidelines for the precautionary principle will be developed during this initial phase that will then be disseminated to other county departments for use and implementation. During this phase the participating departments will report to the CEO on a quarterly basis as to their progress in developing and use of precautionary principle guidelines. No later than three years from the adoption of this policy the Executive Office shall submit a report to the Board of Supervisors on the implementation and results of the Precautionary Principle Policy. The Board will then consider adopting final implementation guidelines

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to be utilized by all county departments. Thereafter, the Executive Office will conduct and present an annual report of the County's application of these principles and compliance with all applicable laws and regulations. The evaluation will be presented on a date as determined by the Chief Executive Officer, no later than three years and no less than one year from the adoption of this policy.

Policy Limitation

The Board of Supervisors, in accordance with the policy implementation requirements set forth above, directs all officers, boards, commissions, and departments of the County to take a precautionary approach and evaluate alternatives when making decisions that could impact health and the environment, especially where those actions could pose threats of serious harm or irreversible damage. This policy does not impose on its officers and employees, an obligation for breach of which it is liable in monetary damages to any person who claims that such breach proximately caused injury nor may this policy provide any basis for any other judicial relief including, but not limited to a writ of mandamus or an injunction. In adopting this policy, the Board of Supervisors does not intend to authorize or require the disclosure to the public of any proprietary information protected under the laws of the State of California.