



Precautionary Policy Solutions

WHY THEY MATTER AND WHERE THEY ARE

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Precautionary Principle in Policy

- ▶ Instead of the traditional question “How much harm is allowable?” the precautionary principle asks, “How little harm is possible?”
- ▶ Four considerations should guide precautionary policy implementation:
 - ▶ action to prevent harm despite uncertainty,
 - ▶ shifting the burden of proof to proponents of a potentially harmful activity,
 - ▶ examination of a full range of alternatives to potentially harmful activities, including no action, and
 - ▶ democratic decision making to ensure inclusion of those affected.



International Precautionary Policies

- ▶ Cartagena Protocol on Biosafety of 2003 supports use of precautionary principle by countries importing genetically modified organisms
- ▶ Stockholm Convention on Persistent Organic Pollutants of 2001 uses the precautionary model for adding banned chemicals to its list
- ▶ The international trade harmonization schemes, such as the TPP and TAFTA are designed for economic liberalization and not for environmental protection or sustainable development



National Precautionary Policies – EU

- ▶ Each **EU member state** accepts precaution as a general principle of environmental policy
- ▶ The **Danish Environmental Protection Agency** held a national conference in 1998 to examine implementation of the principle
- ▶ The **British, Scottish, and Swedish** governments have been undergoing similar exercises
- ▶ **Hungary and Brazil** have adopted precaution as a guiding principle



National Precautionary Policies – US

- ▶ U.S. tend to avoid the words ‘Precautionary Principle’
- ▶ Overall preference for cleaning up messes than preventing them
- ▶ Political system is influenced by corporate interests that oppose the use of precaution
 - ▶ **FDA** requires all new drugs be tested before entering the market
 - ▶ U.S. **Commission on Ocean Policy** recommended the adoption of a precautionary approach to managing the ocean environment
 - ▶ **EPA** can stop marketing of a chemical and require testing if ‘...exposures are predicted to be significant...’
 - ▶ **EPA’s DfE Program**, although voluntary, uses hazard and alternatives assessment rather than risk assessment



What Implementation Looks Like

- ▶ The **Danish government** banned phthalates in toys designed for children under three without calculating risks quantitatively
- ▶ Instead, they based the decision on qualitative considerations:
 - ▶ exposure was occurring;
 - ▶ phthalates are toxic to laboratory animals;
 - ▶ children may be uniquely susceptible to toxic substances; and
 - ▶ alternatives were readily available.



State Precautionary Policies

- ▶ **New Jersey:** Adopted the School Integrated Pest Management Act that requires all schools to adopt an Integrated Pest Management policy plan, and notification system
- ▶ **New York:** Law requiring schools to purchase environmentally-sensitive cleaning and maintenance products that minimize adverse impacts on children's health and the environment
- ▶ **New York bill:** Would enact the "New York state public health protection act"; establishes a precautionary policy for the state; establishes criteria to guide implementation of the precautionary policy; creates a precautionary policy planning council



Local Precautionary Policies

- ▶ City of **San Francisco** first in the nation
- ▶ Five elements:
 - ▶ anticipatory action,
 - ▶ right to know,
 - ▶ alternatives assessment,
 - ▶ full cost accounting, and
 - ▶ participatory decision process
- ▶ **City of Seattle** Precautionary Policy (broad, diverse working group established precautionary principle as decision-making framework)



Forward-thinking Precautionary Policy

- ▶ Comprehensive chemicals policy
 - ▶ Enacted in several states: CA, ME, WA, VT
 - ▶ Creates a precautionary framework for disclosing and regulating chemicals in consumer products
 - ▶ Includes such precautionary favorites as right to know, alternatives assessments and hazard-based classification of chemicals
 - ▶ Pending in several other states, such as NY and OR



Forward-thinking Precautionary Policy

- ▶ Flame-retardant chemical bans
- ▶ Eliminates the use of ten FR chemicals in upholstered furniture, children's products
- ▶ Does not require proof of exposure, permissible levels of exposure, or other risk factors
- ▶ Allows for assessment of replacement chemicals prior to approval, further bans if chemicals found hazardous



Resources

- ▶ **San Francisco Precautionary Principle Resolution**
http://www.sfgov.org/site/uploadedfiles/sffood/policy_reports/Precautionary%20Principle%20r0129-03.pdf
- ▶ **New York Green Schools** <http://www.ogs.state.ny.us/bldgadmin/environmental/default.html> .
- ▶ **New Jersey IPM Policy** <http://www.nj.gov/dep/enforcement/pcp/pcp-ipm.htm>
- ▶ **USEPA Design for the Environment Program** <http://www.epa.gov/dfe/>
- ▶ **Wingspread Statement on the Precautionary Principle** <http://www.sehn.org/wing.html>
- ▶ **Louisville Charter for Safer Chemicals** <http://louisvillecharter.org/thecharter.shtml>
- ▶ **Public Health Protection Act** <http://open.nysenate.gov/legislation/bill/A281-2013>
- ▶ **The Stockholm Convention on Persistent Organic Pollutants**
<http://chm.pops.int/Home/tabid/2121/mctl/ViewDetails/EventModID/870/EventID/543/xmid/6921/Default.aspx>

Thank You!

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