Precautionary Policy Solutions

WHY THEY MATTER AND WHERE THEY ARE

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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](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](http://www.ogs.state.ny.us/bldgadmin/environmental/default.html)

- **New Jersey IPM Policy**

- **USEPA Design for the Environment Program**
  [http://www.epa.gov/dfe/](http://www.epa.gov/dfe/)

- **Wingspread Statement on the Precautionary Principle**
  [http://www.sehn.org/wing.html](http://www.sehn.org/wing.html)

- **Louisville Charter for Safer Chemicals**

- **Public Health Protection Act**

- **The Stockholm Convention on Persistent Organic Pollutants**
Thank You!

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