

RESOLUTION NO. 61,724-N.S.

ADOPTING POLICIES AND ACTIONS TO PROHIBIT PURCHASE OF ARSENIC, PENTACHLOROPHENOL AND CREOSOTE TREATED WOOD

WHEREAS, the Community Environmental Advisory Commission of the City of Berkeley is charged with evaluation of adverse impact of chemicals on health and the environment; and

WHEREAS, the City of Berkeley acknowledges the "Precautionary Principle" (Resolution No. 60,797 N.S on October 10, 2000) which pledges to "minimize risks to human health and the environment;" and,

WHEREAS, implementation of the Precautionary Principle in purchasing policies is achieved by striving to eliminate hazardous materials and hazardous waste in structures and equipment throughout the City of Berkeley; and,

WHEREAS, wood preservatives are registered pesticides which are harmful chemicals; and

WHEREAS, creosote and arsenic compounds are carcinogens; and,

WHEREAS, chemicals from treated wood can end up on the hands and in the mouths of children from playing in and around treated wood; and,

WHEREAS, treated wood poses potential health risks in manufacture and maintenance by exposing workers to arsenic and chemicals; and,

WHEREAS, the cost of disposal of treated wood as a hazardous waste is a financial burden to society and poses environmental problems because heavy metals may leach into groundwater from landfills; and,

WHEREAS, legislation banning the use of preservative-treated wood containing arsenic in playground equipment is currently pending in the United States House of Representatives and in the State of California; and,

WHEREAS, there are a variety of alternatives to treated wood readily available throughout California, including non-wood substances such as metal and recycled non-chlorinated plastic, sustainably harvested naturally pest- and rot-resistant woods, and alternative wood treatments such as Alkaline Copper Quaternary ("ACQ") and Copper Boron Azole ("CBA").

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council adopt a policy to prohibit the purchase of all Pentachlorophenol, arsenic and creosote treated wood by the City of Berkeley; and

BE IT FURTHER RESOLVED, that staff prepare a purchasing policy to implement this resolution and provide the policy to CEAC for review; and

BE IT FURTHER RESOLVED, that the City is directed to develop a list of environmentally preferable alternatives to treated wood for non-saltwater immersion uses within six months of the passage of this resolution; and

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BE IT FURTHER RESOLVED, that all City Departments and contractors performing work pursuant to City contracts be prohibited from using pentachlorophenol, arsenic, and creosote treated wood; and

BE IT FURTHER RESOLVED, that staff are to obtain an exemption from Council when no reasonable alternative to the banned treated woods is found; and

BE IT FURTHER RESOLVED, that all City Departments that maintain existing playground and park equipment made of arsenic treated wood where contact with human skin is likely to ensure proper sealing in accordance with California Health and Safety Code section 115775 until such time that all structures have been replaced with safe alternatives; and

BE IT FURTHER RESOLVED, that City Departments wishing to dispose of treated wood ensure that the wood is not re-used, burned nor used for wood chips or mulch, but is disposed of in an approved landfill; and

BE IT FURTHER RESOLVED, that the City of Berkeley write a letter urging the State of California to stop purchasing treated wood and replace all existing state park equipment (such as benches and picnic tables) constructed with arsenic treated wood with alternatives as soon as practicable, and ensure sealing of existing structures in accordance with California Health and Safety Code section 115775 until such time that all structures have been replaced with safe alternatives; and

BE IT FURTHER RESOLVED, that all treated wood purchased for use in waterfront facilities be certified as produced in conformance with the best management practices for treated wood used in aquatic environments.

The foregoing Resolution was adopted by the Berkeley City Council on July 23, 2002 by the following vote:

Ayes: Councilmembers Armstrong, Breland, Maio, Shirek, Spring, Worthington and Mayor Dean.

Noes: Councilmembers Hawley and Olds.

Absent: Councilmember Shirek.

Attest:


Sherry M. Kelly, City Clerk


Shirley Dean, Mayor