

Guardianship in Santa Cruz – Summary of Where We Are Now

By Jeri Bodemar, Lynda Francis, Joy Hinz, Ellen Murtha,
Mathilde Rand, and Randa Solick

We went to all five County Supervisors' aides, having sent them the draft of our proposed Ordinance for Guardianship, to get their advice. Although the meetings were separate, they unanimously told us that we would be better off offering an amendment to the existing County Code, rather than asking for an ordinance – which could be easily undone by future Boards of Supervisors.

We rewrote our proposal. First we told them the beneficial effects of adopting the Precautionary Principle (PP) in San Francisco, according to Carolyn Raffensperger:

- it helped small local businesses gain more local contracts
- it saved the city a lot of money
- it got other orgs involved and asking for application of the Precautionary Principle
- the local business community actually strengthened the PP ordinance
- it helped the city fulfill their environmental goals
- and, transparency was an unexpected result.

Then we wrote a letter we will submit to the Board:

We are advocating some additions to County Code Section 16.92 that would assist in the development of a healthy environment for current and future generations.

They would provide **a more encompassing framework and additional definition** for the County's policies and efforts and enhance the work of the Commission on the Environment toward ensuring long-term environmental sustainability. The changes will broaden your concern to future generations, help support your already-proposed idea for a Climate Action Coordinator for this year, and ask that next year you establish another position, perhaps called Climate Officer or Guardian of Future Generations, in the County Administrator's Office (CAO). As the CAO is the place that funds and oversees budgets for all the county departments, our proposed Guardianship duty of vetting all proposed environmental and social projects through the Guardian lens would be accomplished.

As one of the non-profit groups referred to at the end of the paper, we have some suggestions that we think will make it easier for the Board of Supervisors to implement the goals stated in this plan and in Section 16.92 of the County Code.

Knowing that the Commission on the Environment (COTE) has recently recommended an Environmental Coordinator position, we have reworked some ideas from the ordinance we proposed to staff, in response to their feedback. We've made our

proposals more specific, to accord with the Dec. 2013 report on climate Action Strategy Implementation submitted by County Administrative Office Susan Mauriello to the Board of Supervisors. Staff told us that she, and they were looking for grant opportunities and funding for a staff person to coordinate climate related sustainability activities, and will continue looking for funding for staff to develop the coordinating climate-related activities.

Now we know that the COTE has recommended a position of Climate Coordinator, to be funded half by the Water Department and half by the Planning Department. We've developed some ideas for this, and will also ask, next year, for another position to be created in the CAO's office to oversee and monitor desired changes in ALL of the county departments. Both positions would be tasked as Guardians of Future Generations - protecting and preserving our natural environment and all of its components and communities. We think delineating such responsibilities will complement the purpose of the Commission on the Environment, enhance and further its current goals, and, importantly, help the Board with the charges required by the Commission.

Finally, we have appended information on places that are already using the Precautionary Principle to help their local governments' commitments to the environment and the people they serve.

In the County Climate Action Strategy Draft, submitted in January of 2013, we have identified several paragraphs which accord with our proposal.

In considering Greenhouse Gas Emissions, the Executive Summary opens with concerns about implementation, vulnerability assessments, and strategies for adapting to and mitigating the coming impacts. The second portion focuses on vulnerability assessment and strategies for adapting to the types of impacts that are likely to occur in Santa Cruz County. Thirdly, it recommends incorporating input from "the local community and non- governmental agencies that are working to mitigate and respond to climate change."

The monitoring plan includes "identifying the group with responsibility for implementation, periodic reporting, and a recommendation for updating the GHC emissions inventories every five years." After listing Eight Climate Action Goals, it expects "that this CAS will be modified periodically as scientific research progresses, new information becomes available and new ideas and priorities are brought forward as more people become involved in responding to climate change in Santa Cruz County. Later, the southeast corner of the county is identified as extremely vulnerable: "The areas of overlap indicated those locations with heightened risk of being impacted by these climate changes as a result of exposure and social vulnerability."

And for the only time in the report, on p. 79, it states: “Adaptations to long-term problems involve long-term investments and also bring considerations of inter-generational equity and other social and economic factors into play that significantly affect the calculations of costs and benefits.”

Lastly, we wrote the actual language changes we want to see in Santa Cruz County Board of Supervisors, Nov 21, 2000, ADOPTED ORDINANCE NO. 4604 enacting Chapter 16.92.

We urge you to add to 16.92.030 Principles and Policies, the Precautionary

Principle: When an activity raises threats of harm to human health, or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. The County of Santa Cruz will utilize the Precautionary Principle to create and maintain a healthy, viable environment for current and future generations, and become a model of sustainability. The Precautionary Principle is intended as a tool and philosophy to promote environmentally healthy choices while removing the sometimes negative and often unintended consequences of new technologies.

We ask you to also add a section M called: Protection of future generations or

Protective Action: By using the Precautionary Principle, the burden of proof will be shifted from the public to the proponent of a technology. Any “proof” submitted by said proponent must be free of any conflict of interest such as investments in, or connection to, said proponent. 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 measures to prevent the degradation of the environment or protect the health of its citizens. Any gaps in scientific data will not prevent protective action being taken by the County. As new scientific data become available, the County will review its decisions and make adjustments when warranted.

The Precautionary Principle assures that a thorough analysis of a wide range of options will be explored in order to present the public with different effects of different options considering short-term versus long-term effects or costs, and evaluating and comparing the adverse or potentially adverse effects of each option, noting options with fewer potential hazards.

This could be included as Section N: The "Precautionary Principle" approach shall mean a course of action and decision-making by the County guided by the following tenets:

- o **Anticipatory Action: Anticipatory action prevents harm. Government, business, community groups, and the public share this responsibility.**

- **Right to Know:** The community has a right to know complete and accurate scientific information on potential 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.
- **Assessment of Options:** Examine a full range of choices and select the alternative with the least potential impact on health and the environment including the alternative of doing nothing.
- **Full Cost Accounting:** When evaluating potential alternatives, there is a duty to consider all the costs even if such costs are not reflected in the initial price. Short- and long-term time thresholds will be considered when making decisions, including evaluation of significant costs expected during the lifetime of a product, (e.g. raw materials, manufacturing and production, transportation, use, clean-up, acquisition, extended warranties, operation, supplies, maintenance, disposal costs, long and short-term environmental and health impacts); and that expected lifetime compared to other alternatives.
- **Participatory Decision Process:** Decisions applying the Precautionary Principle should be transparent, participatory by including community input, and informed by the best available scientific and demographic information.

We feel that our proposal will help implement 16.92.040 (C) “As part of the annual County budget process, each department shall identify the specific existing and potential programs and projects within its departmental purview which have been recommended or approved for implementation under this chapter and which require funding in order to commence or continue in the next fiscal year. The County Administrative Officer shall include recommendations on such expenditures in the annual budget report and recommendations to the Board of Supervisors. [Ordinance 4604 § 1, 2000].” **This section would also be an appropriate place to require that a cost/benefit analysis of each proposal submitted to the COTE or the Coordinator be done, and that measurable outcomes made part of the implementation. The cost/benefit analysis should be required in advance, before any harm is done – with full-cost accounting. Further, the burden of proof (of harmlessness) should be changed to be the responsibility of the producers/promoters of the proposed action. Another requirement should specify each department choosing a policy with the least potential impact. Lastly, it should require respecting the carrying capacity of our area, and any policy’s effects on and sustainability for future generations.**

We also recommend the addition that the “County Administrator Office shall include such expenditures from each department to identify specific programs which need

funding in the next year, and shall monitor the county decisions and actions to assure they comply with the principles and policies stated herein.”

For example, such an Officer/Guardian can require a study or more information about a submitted proposal. Say that a proposal includes supplying blue plastic rain collecting barrels for each home. The Guardian is the appropriate one to ask the needed questions: Are the plastics safe? Do chemicals leach out into the water? What is the length of their life? How will they be disposed – in the landfill, perhaps – at the end?

The Precautionary Principle can be used as a guide to integrate policies and actions by the Board, the Commission, and the Guardian. Please see our addendum for some places that have already adopted this PP. (Jeri, Mathilde, Lynn)

To summarize, the main ideas included in the Precautionary Principle are:

- 1) The right of the community to complete and accurate information about potential impacts on human health and on our environment, and to be assured that their elected officials are acting in their best interests.
- 2) 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.
- 3) A careful assessment of available alternatives using the best available science would become of tool of government to be used in various departments. An **alternatives assessment** would examine a range of options considering short-term versus long-term benefits and costs, to evaluate and compare the effects of each option. This evaluation would allow a fundamental question to be asked: “How can any harm best be mitigated?” Government, business, and community groups, as well as the general public, share this responsibility and we are suggesting that it be done **beforehand**, rather than after harm has occurred. The County should make a reasonable effort to include the public in an appropriate manner when making decisions that may affect our environment, health, and quality of life.

We hope you will agree with this reasoning and give careful consideration to our request.

Signed, the Earth Democracy Committee of the Santa Cruz Branch of Women’s International League for Peace and Freedom: Ellen Murtha, Lynda Francis, Mathilde Rand, Jeri Bodemar, Joy Hinz, Randa Solick.

Contact: Randa Solick at rsolick@gmail.com