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CITY OF OAKLAND



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May 2, 2013

HONORABLE RULES COMMITTEE
Oakland, California

SUBJECT: RESOLUTION (1) EXPRESSING SUPPORT OF CALIFORNIA ASSEMBLY BILL No. 711 ("AB711"), INTRODUCED BY ASSEMBLYMEMBER ANTHONY RENDON ON FEBRUARY 21, 2013, WHICH PROHIBITS THE USE OF LEAD PROJECTILE FIREARMS AMMUNITION WHEN HUNTING WILDLIFE, INCLUDING MAMMALS AND BIRDS, WHICH WILL REDUCE THE NEGATIVE HEALTH EFFECTS OF LEAD ON ENDANGERED SPECIES AND REDUCE THE POTENTIAL FOR LEAD TO BE INTRODUCED INTO THE HUMAN FOOD CHAIN AND (2) AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO INSTRUCT THE CITY'S LEGISLATIVE LOBBYIST TO SUPPORT PASSAGE OF CALIFORNIA ASSEMBLY BILL NO. 711

President Kernighan and Members of the Rules Committee:

RECOMMENDATION

The City Attorney and Council President Kernighan recommend that the Council adopt this proposed Resolution (1) expressing support of AB711, which prohibits the use of lead projectile firearms ammunition when hunting wildlife, which will reduce the negative health effects of lead on endangered species and reduce the potential for lead to be introduced into the human food chain and (2) authorizing the City Administrator, or her designee, to instruct the City's legislative lobbyist to support passage of California Assembly Bill No. 711.

OUTCOME

This proposed resolution is sponsored by City Attorney Barbara Parker, and City Council President Kernighan. This resolution will express Oakland's support of AB711, which is designed to eliminate a significant source of lead that is introduced into the environment, the food chain and waterways, thereby protecting California's species, natural resources and the health and welfare of all Californians. The resolution would also direct the City Administrator to instruct the City's Legislative Lobbyist to support AB711.

BACKGROUND/LEGISLATIVE HISTORY

On February 21, 2013, California Senator Anthony Rendon, representing the 63rd Assembly District, introduced Assembly Bill No. 711 ("AB711"), which would institute

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statewide ban on the use of lead firearm ammunition when hunting for wildlife in California. On March 22, 2013, a group of thirty scientists published a report which shows that the discharge of lead firearm ammunition in the environment poses a significant health risk to humans and wildlife; see the report at <http://asmdc.org/members/a63/pdf/eScholarship.pdf>

The United States Environmental Protection Agency defines lead as toxic to both humans and animals, and states that lead can affect almost every organ and system in the human body, including the heart, bones, intestines and kidneys, as well as the reproductive and nervous systems. It interferes with the development of the nervous system and is therefore particularly toxic to children, causing potentially permanent learning and behavior disorders. According to the text of AB711, efforts to limit wildlife exposure to lead ammunition have been successful since the United States Fish and Wildlife Service banned the use of lead shot for waterfowl hunting decades ago, and both hunting and waterfowl have thrived since. California passed a successful law preventing the use of lead ammunition in Condor habitat. However, because these restrictions only apply in certain areas, many species of wildlife remain threatened by the use of lead ammunition and more protections are needed.

ANALYSIS

Oakland has a strong interest in keeping the food chain environment and waterways in Oakland, California free from lead. Additionally, Oakland's support of AB711 is consistent with other ecology-friendly policies of the City of Oakland, such as waste reduction, sustainability, and green building standards. The text of AB711 states that a variety of non-lead ammunition is readily available, and that studies have shown that non-lead ammunition performs as well as, or better than, lead-based ammunition. Therefore, the passage of AB711 would be a win-win for humans and for the environment in Oakland and statewide.

Respectfully submitted,



Council President Patricia Kernighan
Councilmember District 2



Barbara J. Parker
Oakland City Attorney

Attorney Assigned:
Pelayo A. Llamas, Jr.

cc: Deanna Santana, City Administrator

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City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY CITY ATTORNEY PARKER AND CITY COUNCIL PRESIDENT KERNIGHAN

RESOLUTION OF THE OAKLAND CITY COUNCIL (1) EXPRESSING SUPPORT OF CALIFORNIA ASSEMBLY BILL No. 711 ("AB711"), INTRODUCED BY ASSEMBLYMEMBER ANTHONY RENDON ON FEBRUARY 21, 2013, WHICH PROHIBITS THE USE OF LEAD PROJECTILE FIREARMS AMMUNITION WHEN HUNTING WILDLIFE, INCLUDING MAMMALS AND BIRDS, WHICH WILL REDUCE THE NEGATIVE HEALTH EFFECTS OF LEAD ON ENDANGERED SPECIES AND REDUCE THE POTENTIAL FOR LEAD TO BE INTRODUCED INTO THE HUMAN FOOD CHAIN AND (2) AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO INSTRUCT THE CITY'S LEGISLATIVE LOBBYIST TO SUPPORT PASSAGE OF CALIFORNIA ASSEMBLY BILL NO. 711

WHEREAS, on February 21, 2013, California Senator Anthony Rendon, representing the 63rd Assembly District, introduced Assembly Bill No. 711 ("AB711"), which would institute a statewide ban on the use of lead firearm ammunition when hunting for wildlife in California; and

WHEREAS, As Californians, Oakland residents have a direct interest in maintaining endangered species, natural resources and human health in California; and

WHEREAS, the provisions of AB711, if passed, will reduce the introduction of lead into the environment, the food chain and waterways, thereby protecting California's species, natural resources and the health and welfare of all Californians; and

WHEREAS, the recitals of AB711 state that fifty years of research have shown that the presence of lead in the environment poses an ongoing threat to the health of the general public and the viability of the state's wildlife species, including federally listed threatened and endangered species; and

WHEREAS, on March 22, 2013, a group of thirty scientists published a report which shows that the discharge of lead firearm ammunition in the environment poses a significant health risk to humans and wildlife; see the **7** report at <http://asmcdc.org/members/a63/pdf/eScholarship.pdf>; and

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WHEREAS, the recitals of AB711 state that The United States Environmental Protection Agency defines lead as toxic to both humans and animals, and that lead can affect almost every organ and system in the human body, including the heart, bones, intestines and kidneys, as well as the reproductive and nervous systems. It interferes with the development of the nervous system and is therefore particularly toxic to children, causing potentially permanent learning and behavior disorders; and

WHEREAS, the recitals of AB711 state that lead is a potent neurotoxin, for which no safe exposure level exists for humans. The use of lead has been outlawed in and removed from paint, gasoline, children's toys, and many other items to protect human health and wildlife; and

WHEREAS, the recitals of AB711 state that routes of human and wildlife exposure to lead include contaminated air, water, soil, and food. Lead ammunition in felled wildlife is often consumed by other animals and passed along the food chain. Dairy and beef cattle have developed lead poisoning after feeding in areas where spent lead ammunition has accumulated. Spent lead ammunition can also be mingled into crops, vegetation, and waterways; and

WHEREAS, the recitals of AB711 state that efforts to limit wildlife exposure to lead ammunition have been successful since the United States Fish and Wildlife Service banned the use of lead shot for waterfowl hunting decades ago, and both hunting and waterfowl have thrived since; and California passed a successful law preventing the use of lead ammunition in condor habitat; however, because these restrictions only apply in certain areas or to the hunting of particular species, many species of wildlife remain threatened by the use of lead ammunition and more protections are needed; and

WHEREAS, the recitals of AB711 state that a variety of nontoxic ammunition is readily available and that studies have shown that nontoxic ammunition performs as well as, or better than, lead-based ammunition; and

WHEREAS, AB711, if passed, would revise state law provisions to require the use of non-lead ammunition for the taking of all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm; require the Fish and Wildlife Commission, by July 1, 2014, to certify, by regulation, non-lead ammunition for these purposes; and would provide that these provisions do not apply to government officials or their agents when carrying out a mandatory statutory duty required by law; now, therefore, be it

RESOLVED: That the City Council finds the foregoing recitals are true and correct; and be it

FURTHER RESOLVED: That the City Council hereby declares its support of Assembly Bill No. 211, whose passage and implementation likely will reduce environmental lead exposure, and protect humans and wildlife in Oakland and across the state; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, hereby is directed to instruct the City's legislative lobbyist to advocate for and support the passage of California Assembly Bill No. 711 (Rendon).

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, KALB, GALLO, KAPLAN, MCELHANEY GIBSON, REID, SCHAAF and
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California