



Agenda Memo

CITY HALL - ONE FRANK H. OGAWA PLAZA, 2ND FLOOR - OAKLAND - CALIFORNIA - 94612

FROM:

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TO: Oakland City Councilmembers and Members of the Public

SUBJECT: RESOLUTION IN SUPPORT OF CALIFORNIA SENATE BILL 903 (SKINNER), THAT WOULD PROHIBIT THE DISTRIBUTION, SALE OR OFFERING FOR SALE OF PRODUCTS CONTAINING INTENTIONALLY ADDED PERFLUOROALKYL AND POLYFLUOROALKYL (ALSO KNOWN AS TOXIC FOREVER CHEMICALS)

DATE: March 7th, 2024

Colleagues on the City Council and Members of the Public,

The City of Oakland has consistently been on the forefront of combating climate change and advocating for environmental justice in our city and beyond. I have put forth this resolution to continue that tradition and to work towards an environment where our residents do not have to worry about toxic forever chemicals contaminating our water, food, soil and more. Exposure to these chemicals is associated with higher rates of kidney and testicular cancer, high cholesterol, and harmful impacts to the liver, kidneys and immune, nervous and reproductive systems.

In a report from the National Resources Defense Council, “PFAS has been found in water systems serving up to 25.4 million Californians...” and is “more prevalent in disadvantaged communities.”¹ Additionally a study commissioned by the CDC detected 98% of participants had Per and Polyfluoroalkyl substances (PFAS) in their breast milk, umbilical chord blood, or bloodstreams.² This legislation is long overdue at the state level, and I am proud that our State Senate Representative Nancy Skinner has taken up this important issue. SB 903 will help us to reduce the exposure we have to PFAS in our daily lives and help improve the health of many, especially in disadvantaged communities who see a disproportionately high exposure rate.

Additionally, the production of these chemicals produce potent greenhouse gases. In fact, “America’s largest PFAS manufacturing plants is also the second largest polluter of the destructive greenhouse gas HCFC-22, which is about 5,000 times more potent than carbon

¹ <https://www.nrdc.org/bio/anna-reade/new-analysis-shows-widespread-pfas-contamination-tap-water-ca>

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2072821/>

dioxide.”³ SB 903 will reduce our demand for harmful products will help to lower the supply created upstream for these products, thus reducing the harmful emissions released from the production of them. For the health benefits it will have in addition to the positive impact it will have on addressing climate change, I hope you all can join me in passing this resolution supporting SB 903 (Skinner).

- Beginning January 1, 2030, SB 903 would prohibit a person from distributing, selling or offering for sale a product that contains intentionally added PFAS, unless the Department of Toxic Substances Control has made a determination that the use of PFAS in the product is a currently unavoidable use, the prohibition is preempted by federal law, or the product is used.
- The bill would specify the criteria and procedures for determining whether the use of PFAS in a product is a currently unavoidable use, for renewing that determination, and for revoking that determination.
- The bill would require the department to maintain on its internet website a list of each determination of currently unavoidable use, when each determination expires, and the products and uses that are exempt from the prohibition.
- The bill would impose a civil penalty for a violation of the prohibition, as specified. The bill would establish the PFAS Penalty Account and require all civil penalties received to be deposited into that account and, upon appropriation by the Legislature, to be used for the administration and enforcement of these provisions, as specified.
- By January 1, 2027, the bill would require the department to adopt regulations to carry out the provisions of the bill.
- The bill would require the regulations to establish and provide for the assessment of an application fee.
- The bill would create the PFAS Oversight Fund and require all application fees to be deposited into the fund.
 - The bill would require moneys in the account, upon appropriation by the Legislature, to be used to cover the department’s reasonable costs of administering this act.

Thank you!

Respectfully submitted,



Councilmember Kalb

³ <https://www.theguardian.com/environment/2021/sep/16/forever-chemicals-pfas-production-greenhouse-gases-analysis-finds>