

2005 MAR 30



CITY OF OAKLAND

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March 30, 2005

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HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council

Subject: Liability Issues – Proposed Changes to Integrated Pest Management Policy

As you consider the pending changes to the Integrated Pest Management (IPM) Policy set for hearing on April 5, 2005, I want to bring to your attention a few issues that we may not have previously discussed and may not be readily apparent. As background, in 1997 the Oakland City Council approved the implementation of a comprehensive Integrated Pest Management (IPM) Policy and passed Resolution No. 73968, prohibiting the use of pesticides on City property except as specifically exempted.

Presently, Councilmember Quan is requesting that the City Council approve an exemption to this policy and to allow the use of certain herbicides for fire prevention purposes. Councilmember Quan is right to bring forward the discussion of fire safety and urge the City Council to examine the tools in its arsenal for fighting fire, as it is imperative for the City to do all it can to prevent a repeat of the tragedy of the 1991 firestorm. However, relaxing the herbicide policy poses certain risks, which the City Council must weigh against the benefits.

There are three areas of concern associated with changing the IPM Policy to allow the introduction of herbicides into the environment which I want to point out to you.

Workers' Safety

Herbicides such as Roundup are potential carcinogens. There may be a safety risk in exposing firefighters, city workers or other individuals who will be tasked with applying these chemicals for fire prevention purposes. Moreover, there may be a latency period of many years between exposure and symptoms, and the City could be exposed to risks well into the future.

Cumulative Impacts/Herbicide Concentration

Currently, some homeowners use chemicals such as Roundup on private property to kill

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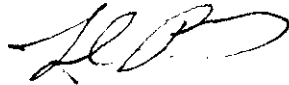
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weeds. If the City introduces Roundup or similar products, all of these chemicals may have a cumulative impact on the environment. As a part of the environmental review process, the City should closely examine such cumulative impacts and how they would impact the environment as well as public health.

“Visible” Source/“Deep Pockets”

A related area of concern to the cumulative impact is that although individuals may be using herbicides privately on their lawns or backyards that could pose a risk to public health and the environment, if the City begins to do so, it may be the only “visible” source of these chemicals. Moreover, as a municipal corporation, the City is considered to have “deep pockets” and therefore is more likely to be sued, even if private entities are in fact the parties substantially responsible for any harm that results from these herbicides.

Respectfully submitted,



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