

Buffalo PBT Purchasing Resolution

By: Mr. Thompson

Re: Request for PBT-free Purchasing

WHEREAS: A group of pollutants known as Persistent Bioaccumulative Toxic chemicals (PBTs) are toxic, persist in the environment and build up in the food chain, and can pose risks to public health and the environment through their carcinogenic and endocrine disrupting effects, immune system impairment, neurotoxicity, birth defects, and reproductive dysfunction; and

WHEREAS: The Great Lakes are home to 33 million people, 47 percent of whom draw their drinking water from the Lakes. The Great Lakes are also vital to many North American fish and wildlife species. PBTs in the Great lakes are associated with widespread, long-term adverse effects on wildlife, and, through their bioaccumulation, are of concern for human health.

WHEREAS: The Great Lakes Binational Toxics Strategy, signed in 1997 by the United States, provides a framework for actions to reduce or eliminate PBTs in the Great Lakes.

WHEREAS: The New York State Department of Health has issued almost 100 fish consumption advisories for waterbodies across New York State due to PBT pollution, including advisories for the Buffalo River and Harbor, Hoyt Lake, the Niagara River, and Lake Erie.

WHEREAS: Phasing out the use, production and release of PBTs is important to protecting environmental and public health because once these chemicals are produced, it is difficult and costly to manage, destroy or degrade them; and

WHEREAS: The American Public Health Association, the United Nations Environment Program, the Chicago Medical Society and the International Joint Commission of the U.S. and Canadian governments have agreed upon the benefits of reducing certain PBT pollution in the environment; and

WHEREAS: According to INFORM, more than 90% of PBTs are leaving factories in products, not in waste, and are found in a wide range of consumer and industrial products including paints, pesticides, solvents, inks, dyes, solder, etc.

WHEREAS: Purchasers of these products are often unwittingly choosing products that contain PBTs, even though in many cases safer alternatives are available.

WHEREAS: EPA's national PBT policy issued in November 1998 urged states, localities and the federal government to reduce PBTs in waste by 50% by the year 2005.

WHEREAS: The cities of Boston, Seattle, San Francisco, and Oakland, as well as the states of Washington, Oregon and New Hampshire, have all established laws, policies, and/or initiatives to eliminate and reduce certain PBTs such as dioxin; and

WHEREAS: The Erie County Department of Environment and Planning is working to reduce the use of PBT chemicals through environmentally preferable purchasing, and has reduced the annual release of 2,000 pounds of para-dichlorobenzene into the environment in Erie County.

WHEREAS: With leadership from the Common Council, the City of Buffalo has established a strong policy framework to guide the City's actions and investments toward environmental stewardship and sustainability, including the creation of the Environmental Management Commission, the establishment of the Buffalo Pest Management Board to reduce toxic pesticide use, the initial creation of the City's recycling program, the creation of a 100 foot setback to protect the

Buffalo River, and dozens of other Council initiatives that have resulted in a cleaner and safer environment for Buffalo's citizens.

WHEREAS: Potential adverse environmental and health effects from PBTs may be reduced through purchasing decisions that reduce or eliminate products that result in the creation or release of PBTs; and less toxic options exist for many products,

NOW, THEREFORE, BE IT RESOLVED:

That the City of Buffalo considers persistent pollution prevention a high priority for action to reduce risk to public and environmental health, and intends by this resolution to encourage the reduction of pollution from PBTs; and

BE IT FURTHER RESOLVED:

That the City of Buffalo encourages elimination of PBTs through its procurement practices wherever possible and urges the Purchasing Department and other appropriate Departments of the City of Buffalo to consider the presence of PBTs in making purchasing decisions by:

- a) Developing and applying criteria that differentiate products containing PBTs and those that result in release of PBTs during production or disposal from those that do not; and
- b) Developing an implementation plan with reduction targets for considering these criteria along with other environmental, social, and economic factors when purchasing products in city departments, offices and agencies in order to reduce pollution from PBTs. Within one year of passage of this Resolution, the City will report on their progress and will achieve an Implementation Plan for the purchase of products on behalf of City departments, offices, and agencies by six months thereafter. The Implementation Plan shall include identification and analysis of City uses of PBT-generating products, and purchasing shall be prioritized based on PBT-reduction opportunity, technical and economic feasibility, and protection of human health and the environment.
- b) Items to be considered in the development of the implementation plan will be determined by identifying and analyzing City uses of products containing chemicals identified on the EPA PBT priority list or products that result in the generation of such PBTs during their manufacture. Implementation plan actions will be prioritized based on reduction opportunity potential, technical feasibility, economic feasibility, and protection of human health and the environment. The use of an alternative product should be considered economically feasible if its cost, including cost of application, is within 110% of the full costs of the product of concern. In assessing economic feasibility, long-term public health and environmental implications should be considered, as well as the opportunity to stimulate development of alternatives. By encouraging the development of new products, the City's purchasing policies may encourage market transformation and drive costs down below the 110% threshold.

BE IT FURTHER RESOLVED THAT:

The director of the Division of Purchase and the City of Buffalo's Environmental Management Commission file a written response to this resolution with the City Clerk's Office within 30 days.

*** Note: This resolution was unanimously passed by the Buffalo Common Council on 12/28/2004.**