

1 **Resolution No. 004-04-COE**

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3 ["Mercury Health Advisory"]

4 **URGING THE MAYOR AND THE BOARD OF SUPERVISORS OF THE CITY**
5 **AND COUNTY OF SAN FRANCISCO TO SUPPORT US SENATE BILL 1939,**

6 **THE MERCURY HEALTH ADVISORY ACT OF 2003 (LEAHY), ~~TO SUPPORT~~**

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7 ~~**THE CALIFORNIA STATE ATTORNEY GENERAL BILL LOCKYER IN THE**~~

8 ~~**LAWSUIT FILED AGAINST CALIFORNIA GROCERS AND RESTAURANTS**~~

9 ~~**(1/2003) AND THE RECENTLY FILED LAWSUIT AGAINST PRODUCERS OF**~~

10 ~~**CANNED TUNA FOR FAILURE TO ADEQUATELY WARN CONSUMERS**~~

11 ~~**ABOUT THE HEALTH RISKS OF MERCURY IN CANNED TUNA, AND TO**~~

12 ~~**ADOPT AN ORDINANCE REQUIRING THAT ALL BUSINESSES IN THE CITY**~~

13 ~~**AND COUNTY OF SAN FRANCISCO THAT SELL FRESH, FROZEN OR**~~

14 ~~**CANNED FISH AND SEAFOOD WHERE THE POTENTIAL FOR MERCURY**~~

15 ~~**EXPOSURE MAY EXIST TO CONSPICUOUSLY POST AN ADVISORY**~~

16 ~~**DETAILING THE EFFECTS OF EXPOSURE TO MERCURY.**~~

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18 Whereas: mercury is a persistent, bio-accumulative and toxic heavy metal
19 that poses a significant risk to human health, wildlife, and the environment; and,

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21 Whereas: mercury and methyl mercury and their compounds are
22 identified on the California Environmental Protection Agency June 11, 2004 list of
23 chemicals known to the state to cause cancer or reproductive toxicity; and,

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Resolution No. 004-04-COE
Mercury Health Advisory

1 Whereas: there is increasing evidence linking the increased risk of
2 coronary heart disease to mercury exposure, presented in 2 peer reviews; and,

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4 Whereas: both the US Federal Food And Drug Administration (FDA) and
5 the US Environmental Protection Agency (EPA) concluded that pregnant and
6 nursing women and young children should eat only limited amounts of canned
7 albacore "white" tuna because of potential hazards from mercury in the fish.
8 They further suggest this population avoid shark, swordfish, king mackerel and
9 tilefish because of high mercury levels; and,

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11 Whereas: according to the FDA, between 30 and 50 percent of women
12 of childbearing age are not aware of the methyl-mercury exposure risks from
13 ingestion of mercury contaminated fish. According to the US Census 2000, just
14 more than 25% of the city's population is women between the ages of 15 and 44
15 or what is known as childbearing age; and,

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17 Whereas: data from the National Health And Nutrition Examination
18 Survey Centers and the EPA indicate that 7.8 percent of women of childbearing
19 age have blood mercury levels in their bodies above what is considered safe for
20 the developing fetus, translating into over 300,000 babies born each year in the
21 United States at risk of mercury poisoning. New EPA data (Mahaffey, 2004) has
22 found that fetal blood levels are typically significantly higher (as much as 1.7
23 times) than their mother's blood levels, indicating that the correct number of
24 babies at risk is about 630,000; and,

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1 Whereas: many San Franciscans are dependent upon healthy and
2 diverse ocean ecosystems for livelihood, recreation, nutrition, medicines, raw
3 materials, quality of life, and valuable natural processes; and,

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5 Whereas: in particular, San Francisco has a number of minority
6 communities some of which are non-English speaking that are dependent upon
7 both fish as a dietary staple; and,

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9 Whereas: San Francisco has adopted the Precautionary Principle as the
10 foundation for its Environment Code, mandating anticipatory action to prevent
11 harm; and,

12 Whereas: San Francisco has been a national trendsetter in efforts to
13 educate and protect its residents and visitors of the potentially serious health
14 hazards of mercury exposure enacting the Mercury Thermometer Ban in 2001,
15 developing appropriate warning signage of mercury contamination in the San
16 Francisco Bay in 2003, and by leading a citywide voluntary compliance campaign
17 to install dental mercury amalgam separators in all San Francisco dentist offices
18 in 2004; and,

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20 Whereas: if enacted, US Senate Bill 1939, The Mercury Health Advisory
21 Act of 2003 (Leahy), will require adequate notice and education on the effects
22 and exposure to mercury through the development of health advisories and
23 requiring that such appropriate advisories be posted or made readily available at
24 all business that sell fresh, frozen or canned fish and seafood where the potential
25 for mercury exposure may exists; and,

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1 Be it therefore resolved: the San Francisco Commission on the
2 | Environment does hereby urge the ~~mayer~~ Mayor and the ~~board~~ Board
3 | ~~supervisors~~ Supervisors to support US Senate Bill 1939, The Mercury Health
4 | Advisory Act of 2003 (Leahy); now, therefore, be it

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6 I hereby certify that this resolution was adopted by the Commission on the
7 | Environment at its special meeting on _____ (date) _____
8 | _____ July 14, 2004.

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10 | *Emily Rogers, Commission Secretary*

11 | Vote: Approved

12 | Ayes: Crowder, Desser, Mok, Pelosi, and Rodriquez Noes: None

13 | Absent: Wald