

1 [Mercury Thermometers]
2 AMENDING CHAPTER VIII, PART 2 OF THE SAN FRANCISCO MUNICIPAL CODE
3 (POLICE CODE) BY ADDING ARTICLE 42B, PROHIBITING THE MANUFACTURE,
4 IMPORTATION AND RETAIL SALE OF MERCURY THERMOMETERS, AND SPECIFYING
5 THAT A VIOLATION OF THE PROHIBITION IS A MISDEMEANOR.

6 Note: This entire section is new.

7 Be it ordained by the People of the City and County of San Francisco:

8 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
9 hereby finds and declares as follows:

10 A. Mercury is a persistent and toxic pollutant that bioaccumulates in the
11 environment and in the food chain.

12 B. Combustion of medical, municipal and other solid waste, which contains whole
13 or broken mercury thermometers, is a major source of atmospheric deposition of mercury
14 resulting in mercury contamination of air and water.

15 C. Mercury from mercury thermometers can also enter the environment, including
16 the San Francisco Bay, directly through vaporization and/or spillage when a thermometer
17 breaks during use, transportation or disposal.

18 D. The effect of mercury on the central nervous system includes tremors, impaired
19 vision and hearing, paralysis, shyness, insomnia, parathesia, emotional instability,
20 development deficits during fetal development, attention deficit, and developmental delays
21 during childhood.

22 E. Due to the bioaccumulation of mercury and other contaminants in fish, the
23 California Environmental Protection Agency has issued guidelines for the San Francisco Bay
24 stating that adults should eat no more than two meals per month of San Francisco Bay sport
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1 fish and that women who are pregnant or who may become pregnant should eat no more than
2 one meal of fish per month.

3 F. Several states and cities around the world have demonstrated that removal of
4 mercury-containing products, such as mercury thermometers, from the waste stream is an
5 effective way to reduce mercury contamination. The U.S. Environmental Protection Agency,
6 the American Hospital Association and the American Public Health Association are currently
7 implementing programs to eliminate mercury waste.

8 G. On June 21, 1999, the Board of Supervisors unanimously adopted Resolution
9 No. 602-99, which was approved by the Mayor on July 1, 1999, urging City agencies and
10 departments and all medical facilities within San Francisco to eliminate mercury in order to
11 protect and preserve human and environmental health. No mercury thermometers are
12 currently used or dispensed at San Francisco General Hospital, Laguna Honda Hospital or
13 other City health clinics.

14 H. There are accurate and safe alternatives to mercury thermometers that are
15 readily available and comparable in cost.

16 I. Successful "take back" programs for mercury thermometers have been
17 established to remove these products from use and to properly recycle or dispose of the
18 mercury. For example, the City of Palo Alto collected approximately 35 pounds of mercury in
19 its take-back program. The City's Solid Waste Management Program and Public Utilities
20 Commission are currently developing a take-back program for mercury thermometers.

1 Section 2. Chapter VIII, Part 2 of the San Francisco Municipal Code (Police Code) is
2 hereby amended by adding Article 42B thereto, to read as follows:

3 ARTICLE 42B

4 Mercury Thermometers

5 Sec. 4200B.1. Definitions.

6 (a) City means the City and County of San Francisco.

7 (b) Mercury thermometer means a mercury-containing product that is used to
8 measure human body temperature. A mercury-containing product is a product, device,
9 instrument or equipment into which elemental mercury or mercury compounds are
10 intentionally added during its formulation or manufacture and in which the continued presence
11 of mercury is desired to provide a specific characteristic or to permit a specific function.

12 SEC. 4200B.2. Retail Sale Prohibited. It shall be unlawful for any person who
13 owns, conducts, operates or manages a retail commercial establishment to sell or offer for
14 retail sale any mercury thermometer in the City.

15 SEC. 4200B.3. Manufacturing Prohibited. It shall be unlawful for any person to
16 manufacture a mercury thermometer in the City.

17 SEC. 4200B.4. Importation Prohibited. It shall be unlawful for any medical
18 facility, including a hospital, medical laboratory or health care provider and any medical facility
19 operated by the City, but excluding any medical facility that is a state or federal facility, to
20 import, purchase, or distribute a mercury thermometer in the City.

21 SEC. 4200B.5. Penalty. Any person who violates this Article shall be guilty of a
22 misdemeanor, punishable by a fine of not more than \$1000, or by imprisonment in the County
23 Jail for not more than 6 months, or by both such fine and imprisonment.

24 Section 3. Severability. If any part or provision of this ordinance, or the application
25 thereof to any person or circumstance, is held invalid, the remainder of this ordinance,

1 including the application of such part or provision to other persons or circumstances, shall not
2 be affected thereby and shall continue in full force and effect. To this end, the provisions of
3 this ordinance are severable.

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5 APPROVED AS TO FORM:
6 LOUISE H. RENNE, City Attorney

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8 By:


9 Rona H. Sandler
10 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 000359

Date Passed:

Ordinance amending Chapter VIII, Part 2 of the Police Code by adding Article 42B, prohibiting the manufacture, importation and retail sale of mercury thermometers and specifying that a violation of the prohibition is a misdemeanor.

May 8, 2000 Board of Supervisors — PASSED ON FIRST READING

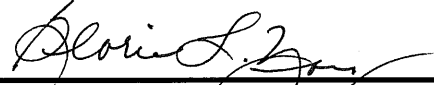
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 15, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 000359

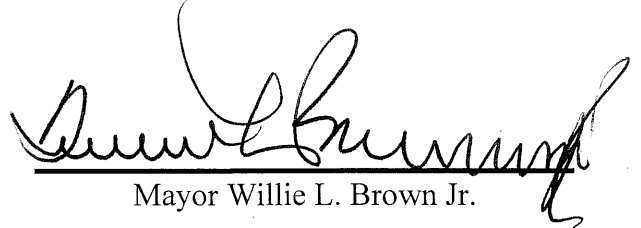
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on May 15, 2000 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 26 2000

Date Approved



Mayor Willie L. Brown Jr.