



**MEDIA RELEASE**  
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Contact: Erica Harrold, Communications Director  
(510) 238-3148

## City Attorney Cautions Council on Changes to Integrated Pest Management Policy

(Oakland, CA) – The City Attorney’s Office issued a letter outlining potential liability concerns for the City of Oakland if the Integrated Pest Management Policy is amended at this week’s Council meeting. The letter cautions against making policy changes.

“It is imperative we do all we can to prevent a repeat tragedy of the 1991 firestorm,” wrote Oakland City Attorney John Russo. “However, relaxing the herbicide policy poses certain risks.”

“Herbicides such as Roundup are potential carcinogens. There may be a safety risk in exposing city workers, firefighters and other individuals tasked with applying these chemicals for fire prevention purposes. The potential latency period between exposure and symptoms may leave the City exposed to risk well into the future,” wrote Russo.

“Homeowners use chemicals on private property to kill weeds. If the City introduces similar products the cumulative impact may well have an impact on the environment and public health,” continued Russo. “In turn, if the City is seen as the only ‘visible source’ of these chemicals we are more likely to be sued.”

“There needs to be balance,” added City Attorney John Russo. “We need to ensure we are addressing the fire hazard concerns and the culmination of toxics in our community.”

### BACKGROUND

The Integrated Pest Management Policy was first established in 1997 to prohibit the use of synthetic pesticides on City of Oakland property.

The City Council will address amending the Integrated Pest Management Policy on April 5<sup>th</sup> at 7pm in City Council Chambers in downtown Oakland.

The following is the letter sent to Council:

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 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,

JOHN A. RUSSO  
City Attorney

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