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CONSENT CALENDAR

March 11, 2014

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington
 Subject: City Manager, Zero Waste Commission, and Community Environmental Advisory Commission Referral: Gas Pump Warning Labels

RECOMMENDATION

Refer to the City Manager, Zero Waste Commission, and Community Environmental Advisory Commission to create an ordinance that requires climate-conscious warning labels be posted on gas pumps.

BACKGROUND

The purpose of a global warming warning label on the gas pump may be comparable to the purpose of the surgeon general's warning on a pack of cigarettes. Consumers of both gas and cigarettes are reminded every time they use the product that there are long-term consequences.

The goal of the labels, and this warning label campaign, is to keep the issue of global warming salient and on the minds of gasoline consumers. Thus, a gas pump warning label may encourage the use of other methods of transportation that will reduce carbon emissions.

The Environmental Protection Agency agrees with the general consensus that carbon dioxide emissions are a leading cause of global warming. The California Air Resources Board has found that automobiles are the number one source of carbon emissions. Additionally, the EPA has estimated that 31% of all carbon dioxide emissions may be attributed to transportation.

Many people know about the environmental costs of driving their cars, but may not be consciously thinking about them as they rush about their busy lives. However, we hope to increase public awareness of these carbon emission costs to the environment and what they can do to help on a day-to-day basis.

FISCAL IMPACTS:

Unknown.

CONTACT PERSON

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Attachments:

1. Draft: "Title 11: Environmental Health" Berkeley Municipal Code

Berkeley Municipal Code

Title 11

ENVIRONMENTAL HEALTH

New section DRAFT

11.64 REQUIREMENT OF WARNING LABELS FOR PRODUCTS THAT RELEASE GREENHOUSE GASES TO THE ATMOSPHERE

11.64.010 Findings and Purpose

The council finds and declares as follows:

- A. The Intergovernmental Panel on Climate Change, the U.S. Environmental Protection Agency, the State of California, the Bay Area Air Quality Management District and the City of Berkeley all find that greenhouse gases (primarily CO₂ and methane), when discharged into the environment, are causing global warming and climate change that pose a danger to human life.
- B. Gasoline used by internal combustion engines is the largest source of CO₂ in California, and in Berkeley
- C. There are numerous ways that citizens can reduce their gas use as described in the Berkeley Climate Action Plan.
- E. Warning labels have been shown to provide valuable consumer information for many products including cigarettes. The public deserves to know that gasoline combustion is a leading cause of global warming and is a global danger to the environment and that any reduction in the release of said materials within the City of Berkeley will reduce the global danger and will result in a benefit to the overall health and safety of the public inside and outside the City of Berkeley.
- F. The City of Berkeley encourages the research and development of environmentally safe alternative technologies and products to replace the use of fossil fuels.
- G. The City of Berkeley supports federal and state warning labels on the connection between gasoline combustion and global warming; however, until such warning labels have been adopted by the appropriate agencies, responsible action on the part of the City of Berkeley is

necessary to reduce greenhouse gases in order to promote the long-term health, safety and welfare of the general public, and the environment.

H. To protect the environment, and the health, safety and welfare of its citizens, the City of Berkeley herein, by this chapter intends to require warning labels on the sale of gasoline as part of its goal to reduce greenhouse gases to 80% below 1990 levels by 2050.

11.64.020 Definitions

A. Gasoline and diesel fuel are hydrocarbons used in internal combustion engine vehicles. Gasoline includes various octane levels rated from "regular" to "premium

B. "Greenhouse gas" includes carbon dioxide--CO₂ and methane--CH₄ as well as hydrofluorocarbons and nitrous oxides. All of these are heat trapping gases that contribute to global warming.

C. "Person," "anyone" means any natural person, firm, corporation, partnership or other organization or group however organized.

D. "Establishment" means any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, common law trust, society or individual engaged in any profession, trade, occupation and any and every kind of calling carried on for profit or otherwise within the City, including any governmental entity or charitable organization.

E. "Retail establishment" means any establishment primarily engaged in the business of selling any goods, wares or merchandise for any purpose other than resale in the regular course of business.

F. "Supplier" means anyone selling, or otherwise supplying rigid or flexible foam containing or utilizing an ozone-depleting compound.

11.64.030 Gasoline Pump Warning Labels

A. All establishments selling gasoline shall provide consumer information to all persons purchasing gasoline in Berkeley by placing labels on gas pumps advising consumers that "the State of California has determined that global warming caused by greenhouse gases poses a serious threat to the economic well-being, public health, natural resources, and the environment of California" (AB32--California's Global Warming Solutions Act of 2006).

B. The design of the labels shall be approved by the Office of Energy and Sustainable Development and approved by the City Attorney. The labels may also provide consumers with a link to the Berkeley Climate Action Plan so they may learn more about ways to reduce fuel use. The labels may also provide additional consumer information as determined by the Sustainability office

C. Labels shall be provided by the Office of Energy and Sustainable Development staff to the gas stations. It shall be the responsibility of the gas station owners to obtain and affix the consumer information labels. Failure to comply with this ordinance shall result in a fine of no less than \$100 per violation per pump. The cost of the labels shall be covered by any fines received, and/or by the business license fee paid by establishments selling gasoline.

11.64.040 City Manager's powers.

The City Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, inspecting any establishment's premises to verify compliance.

11.64.050 Liability and enforcement.

A. Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. Any violation of subsection 11.64.030 is hereby declared to be a nuisance.

C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

D. The remedies and penalties provided in this section are cumulative and not exclusive

