



Agenda Sheet for City Council Meeting of:
05/19/2014

Date Rec'd	5/8/2014
Clerk's File #	ORD C35099
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY COUNCIL
Contact	BEN 625-6269
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Agenda Item Type	First Reading Ordinance
Agenda Item Name	0320 PCB PRODUCT & PRODUCTS IN PACKAGING PROCUREMENT POLICY

Agenda Wording

An ordinance relating to the establishment of purchasing and procurement requirements that provides a preference, where technically feasible and cost effective, for products and products in packaging that do not contain polychlorinated biphenyls;

Summary (Background)

This ordinance creates a purchasing policy whereby the City shall provide a preference for products and products in packing that do not contain PCBs. The ordinance also provides in part that no city department may knowingly purchase such products containing PCBs above the practical quantification limit except when it is not cost-effective or technically feasible to do so.

Fiscal Impact	Budget Account
Select \$	#
Select \$	#
Select \$	#
Select \$	#

Approvals		Council Notifications	
Dept Head	MCDANIEL, ADAM	Study Session	
Division Director		Other	Finance
Finance	BUSTOS, KIM	Distribution List	
Legal	DALTON, PAT		
For the Mayor	SANDERS, THERESA		
Additional Approvals			
Purchasing			

FIRST READING OF THE ABOVE ORDINANCE WAS HELD

ON 5/19/2014
AND FURTHER ACTION WAS DEFERRED
Sen H. Foster
CITY CLERK

PASSED BY SPOKANE CITY COUNCIL ON

6/2/2014
Sen H. Foster
CITY CLERK



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

adopting a new section 7.06.172 to chapter 7.06 of the Spokane Municipal Code.

Summary (Background)

The ordinance does not require departments to test every product and allows the department to accept from businesses, manufacturers, organizations, and individuals results obtained from an accredited laboratory or testing facility documenting product or product packaging PCB levels. The department may request suppliers of products to provide testing data from an accredited laboratory or testing facility documenting the testing method and product or product packaging PCB levels. The City may also develop policies to implement the preference set forth above, which are consistent with and do not conflict with the provisions of the ordinance.

Fiscal Impact

Budget Account

Select \$

#

Select \$

#

Distribution List

ORDINANCE NO. C - 35099

AN ORDINANCE relating to the establishment of purchasing and procurement requirements that provides a preference, where technically feasible and cost effective, for products and products in packaging that do not contain polychlorinated biphenyls; adopting a new section 7.06.172 to chapter 7.06 of the Spokane Municipal Code.

WHEREAS, polychlorinated biphenyls, commonly known as PCBs, are a family of human-made organic chemicals that were used in many industrial and commercial products such as insulating fluids for electric transformers and capacitors, hydraulic fluids, plasticizers, paint additives, lubricants, inks, caulk, and carbonless copy paper; and

WHEREAS, PCBs were used because of their fire resistance, chemical stability, and electrical insulating properties. PCBs are also found in products as an unintentional by-product of manufacturing processes. PCBs are ubiquitous in the environment because of their stability, extensive previous use, by-production in manufacturing, inadvertent release, and the inability to control and eliminate them through current waste management practices; and

WHEREAS, PCBs are persistent, bioaccumulative, and toxic, and they cycle between the air, soil, and water. PCBs have been shown to cause cancer and affect the human immune, reproductive, nervous, and endocrine systems; and

WHEREAS, the United States toxic substances control act prohibited the commercial production of PCBs in 1979. However, the United States environmental protection agency rules implementing the ban provides exemptions for certain products containing PCBs at concentrations of fifty parts per million or less as a result of manufacturing processes and therefore the continued manufacture, processing, distribution, and use of products containing PCBs remains permitted; --Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new section 7.06.172 to chapter 7.06 of the Spokane Municipal Code to read as follows:

7.06.172 Preference for Products and Products in Packaging That Does Not Contain Polychlorinated Biphenyls.

- A. The City shall provide a preference for products and products in packaging that does not contain polychlorinated biphenyls. No department may knowingly purchase products or products in packaging containing polychlorinated biphenyls above the practical quantification limit except when it is not cost-effective or technically feasible to do so. "Practical quantification limit" means the lowest concentration that can be reliably measured within specified limits of precision,

accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions, or using EPA Method 1668. "Not cost effective" means compliance with this requirement would increase the purchase price of the product by at least twenty-five percent.

- B This subsection does not require a department to test every product procured. However, the department may accept from businesses, manufacturers, organizations, and individuals results obtained from an accredited laboratory or testing facility documenting product or product packaging polychlorinated biphenyl levels. The department may request suppliers of products to provide testing data from an accredited laboratory or testing facility documenting the testing method and product or product packaging polychlorinated biphenyl levels.
- C. The City may develop policies to implement the preference set forth above, which are consistent with and do not conflict with the provisions of this subsection.

PASSED by the City Council on June 2, 2014

[Signature]
Council President

Attest:
[Signature]
City Clerk

Approved as to form:
[Signature]
Assistant City Attorney

[Signature]
Mayor

Date
07.16.2014
Effective Date



(Returned after Mayoral Signature Deadline)
(Returned by Mayor 06.19.2014)