

ORDINANCE NO. _

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, EXTENDING THE PROHIBITION OF THE INSTALLATION OF STYRENE-BUTADIENE RUBBER (ALSO KNOWN AS SBR OR “CRUMB RUBBER”) ON PUBLICLY-OWNED ATHLETIC FIELDS WITHIN THE CITY OF EDMONDS UNTIL JULY 15, 2018.

WHEREAS, the city council adopted Ordinance 4013 on December 8, 2015; and

WHEREAS, Ordinance 4013 prohibited certain installations of SBR until July 11, 2017; and

WHEREAS, the city council adopted Ordinance 4065.1 on April 11, 2017, which extended the sunset date of the prohibitions set forth in Ordinance 4013 until February 28, 2018; and

WHEREAS, the Edmonds City Council intended for additional analysis to be done during the prohibition period to determine whether the duration of the prohibition should be extended; and

WHEREAS, on February 12, 2016, the U.S. Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry (ATSDR), and the Consumer Product Safety Commission (CPSC) launched a multi-agency Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds to study key environmental and human health questions; and

WHEREAS, on December 30, 2016, these agencies released a status report describing the progress of the research to date. The status report includes the final peer-reviewed Literature Review/Gaps Analysis report and describes the progress to date on other research activities that are part of the effort including:

- Characterization of the chemicals found in tire crumb.
- Characterization of the exposure scenarios for those who use turf fields containing tire crumb.

- Study to better understand how children use playgrounds containing tire crumb.
- Outreach to key stakeholders; and

WHEREAS, the status report does not include research findings. For the characterization of the chemicals research, tire crumb material has been collected from tire recycling plants and synthetic turf fields around the U.S. Tire crumb samples have been gathered from nine tire crumb recycling plants, 19 fields located on US Army installations and 21 community fields including both indoor and outdoor fields. Analysis of the tire crumb samples collected from fields and recycling facilities, and the exposure characterization component of the study will continue in 2017. Parts of the exposure study may be conducted during the hotter months of 2017. The CPSC playground study also will continue in 2017; and

WHEREAS, this federal research effort won't provide all the answers about whether synthetic turf fields are safe, it represents the first time that such a large study is being conducted across the U.S. The study will provide a better understanding of potential exposures that athletes and others may experience and will help answer some of the key questions that have been raised. Depending upon the findings, available resources and other considerations, additional research beyond the first year may be conducted; and

WHEREAS, the EPA has provided a question and answer sheet regarding tire crumb which is attached hereto as **Attachment A**; and

WHEREAS, on August 2, 2017, the Office of Management and Budget (OMB) approved the Information Collection Request for the continuation of the exposure characterization part of the study; and

WHEREAS, with the OMB approval, the EPA and CDC/ATSDR team were able to complete the field work associated with the exposure characterization in the Fall of 2017; and

WHEREAS, prior to the August 2017 OMB approval, the exposure characterization portion of the study as outlined in the Federal Research Action Plan was posted for public comment in February 2017; and

WHEREAS, an additional requirement of a 30-day Federal Register Notice, along with the Information Collection Request package was published on June 12, 2017; and

WHEREAS, the draft report will be sent to external peer-review in Spring 2018, with the expectation of releasing a final peer-reviewed report summarizing study results in mid-2018; and

WHEREAS, the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is also conducting a study on synthetic turf and potential human health impacts. An August 30, 2016 fact sheet related to that study is attached hereto as **Attachment B**; and

WHEREAS, OEHHA will release a draft report describing the preliminary data and results of the study in mid-2018; and

WHEREAS, given the ongoing nature of this significant research effort, the city council would like to extend the prohibition contained in Ordinance 4013 until July 15, 2018; and

WHEREAS, it is possible that the city council will want to extend the prohibition again depending on the status of these ongoing research efforts and the findings that they might generate; and

WHEREAS, since the adoption of Ordinance 4013, the City of Seattle, as a pilot project, has replaced the SBR material at its Bobby Morris Playfield with an infill made from cork; and

WHEREAS, Seattle's pilot project will test the durability, safety, playability, maintainability and environmental health of the cork turf infill material;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions.

The following definitions shall apply to Section 2 of this ordinance:

A. SBR. "SBR" is an athletic field material consisting of recycled tires consisting of styrene-butadiene rubber. It is commonly known as "crumb rubber." It is used as an infill material and/or as a base layer under the infill.

B. Publicly-owned athletic fields. A “publicly-owned athletic field” is an athletic field owned by a city, county, school district, port district, hospital district, other special purpose district or government entity.

Section 2. SBR Prohibition.

For as long as this ordinance remains in effect, it shall be unlawful to:

- A. Install SBR on publicly-owned athletic fields already existing within the City of Edmonds if those fields have not already been converted to an SBR composition;
- B. Install SBR on new public-owned athletic fields within the City of Edmonds;
- C. Install SBR on existing publicly-owned SBR athletic fields within the City of Edmonds as part of a substantial renovation of such existing SBR fields, PROVIDED THAT, for maintenance purposes, infill top dressing of existing SBR fields shall be allowed as needed to keep an appropriate amount of the fiber exposed and to maintain proper infill depth.

Section 3. Additional Analysis. During the above-described prohibition, city council intends to:

- A. Monitor the status of ongoing and new research into the health effects of SBR, including but not limited to the significant studies being performed by the federal government and the state of California;
- B. Conduct a public hearing in June of 2018 to determine whether this ordinance should be extended.

Section 4. Sunset. Unless the effective duration of this ordinance is extended by a subsequently adopted ordinance, the provisions of this ordinance shall be null, void, and of no force and effect on or after July 15, 2018.

Section 5. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance is subject to referendum and shall take effect thirty (30) days after final passage of this ordinance.

APPROVED:

MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:

CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
JEFF TARADAY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. _4013

of the City of Edmonds, Washington

On the ____ day of _____, 2018, the City Council of the City of Edmonds, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, EXTENDING THE PROHIBITION OF THE INSTALLATION OF STYRENE-BUTADIENE RUBBER (ALSO KNOWN AS SBR OR “CRUMB RUBBER”) ON PUBLICLY-OWNED ATHLETIC FIELDS WITHIN THE CITY OF EDMONDS UNTIL JULY 15, 2018.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2018.

CITY CLERK, SCOTT PASSEY