

MANDATING THAT BIOFUELS AND BIOMASS FUELS USED IN SAN FRANCISCO BE ACQUIRED SOLELY FROM LOCAL WASTE MATERIALS AND NOT FROM AGRICULTURE, FOREST PRODUCTS, OR ANIMAL PRODUCTS

An ordinance mandating that all biofuels produced, processed, sold, and/or used in San Francisco be derived exclusively from household and food service food wastes generated within the City and County of San Francisco, that all biomass fuels produced, processed, sold, and/or used in San Francisco be acquired solely through the processing of municipal wastes, and that no biofuels or biomass fuels produced, processed, sold, and/or used in San Francisco may be produced from agriculture products, forest products, or animal products.

Be it Ordained by the People of the City and County of San Francisco

Section 1. Findings:

- (a) While in theory, some biofuels and biomass fuels might be considered to be renewable and/or reductive of atmospheric carbon, in actual practical application, the production, processing, sale and use of such fuels has resulted in profound planet wide environmental damage, land use degradation, food insecurity, economic insecurity, and increases rather than decreases in atmospheric carbon emissions. Worldwide mandates that specific percentages of biofuels be burned as alternatives to fossil fuels have been a fundamental trigger of these crises.
- (b) While in theory, so called “second generation” biofuels and biomass fuels might be considered potentially renewable, and environmentally and socially benign, none have yet proven definitively to be so in practice, and it is predictable that their production, processing, sale and use will result in damaging consequences similar to those described in Section 1a.
- (c) Recent data shows that global climate change and other human induced environmental and land use damage is resulting in vast worldwide declines of food reserves and environmental integrity, posing serious dangers to food security, economic security, wildlife habitat, and biodiversity. Amid such conditions, use of any agricultural lands, wildlife habitat, or forest lands to produce biofuels or biomass fuels is not sustainable.
- (d) Recent data shows clearly that global carbon dioxide levels must be reduced to below 350 parts per million in the Earth’s atmosphere in order to avoid catastrophic impacts of global climate change on human civilization and the planetary biosphere. Current levels of carbon dioxide in the atmosphere are well above 350 parts per million. Therefore even if human civilization reduces its collective carbon dioxide emissions to zero, it will still be necessary to return vast amounts of agricultural byproducts, forestry byproducts, and other plant materials considered “wastes” back into agricultural and forest soils where their carbon will become securely sequestered, in order to bring atmospheric carbon dioxide levels below 350 parts per million. Amid such conditions no such plant materials or their derivatives should be burned as fuels.
- (e) Recently, animal agriculture industries and fishing industries have begun projects to process “waste” animal parts, “waste” fish parts, and “bycatch” into biofuels, inappropriately labeling such processing as “recycling”. Animal agriculture consumes roughly ten to twenty times more plant material, resources, water and energy than does plant based agriculture and produces even higher multiples of environmental damage

when compared to plant based agriculture. Fishing industries are currently causing vast unsustainable destruction of global fish and marine life populations, and of aquatic and riparian ecosystem integrity. It is therefore predictable that any increase in the profitability of the animal agriculture and fishing industries brought about by the sale of biofuels as a byproduct of such industries, will result in a similar increase in their scope and damaging impacts. Such increased impacts could prove to be even more destructive than those of plant based biofuels as described in Section 1a.

(f) Recent data shows that potentially massive increases in worldwide methane emissions from permafrost and sea bed warming triggered by global climate change, and from expanding animal agriculture, are now amplifying other climate change dynamics in a manner which is producing even more rapid and dangerous climate crises than have been previously predicted. Amid such conditions, the expansion of the profitability of animal agriculture by allowing its byproducts to be processed into biofuels is not sustainable.

Section 2. Definitions.

- (a) **BIOFUELS:** Liquid fuels acquired by processing plant, animal or microbial matter;
- (b) **BIOMASS FUELS:** Plant, animal or microbial matter either directly burned as fuel or processed into gasses which are then burned as fuel;
- (c) **SUSTAINABLE:** Having perpetual and net neutral to beneficial impacts on environmental quality;
- (d) **UNSUSTAINABLE:** Having net negative impacts on environmental quality;
- (e) **BYCATCH:** Aquatic life caught during fishing operations which is retained to be sold, and/or discarded, but which is not the target species of the fishing operations;
- (f) **RIPARIAN:** The interface between land, and a river or stream;
- (g) **NON-COMPOSTABLE:** Not easily processed into compost soil and/or likely to interfere with successful composting;
- (h) **COMMUNITY CHOICE AGGREGATION:** A system adopted into law in various states, and in California (AB-117, 2002), which allows cities and counties to aggregate the buying power of individual customers within a defined jurisdiction in order to secure alternative energy supply contracts.

Section 3. Requirements.

- (a) All biofuels produced, processed, sold, and/or used within San Francisco must be derived solely from non-compostable household food wastes, non-compostable food service food wastes, or food grease wastes retrieved from municipal sewers, all which are generated within the City and County of San Francisco.
- (b) All biomass fuels produced, processed, sold, and/or used within San Francisco must consist solely of methane already being generated from existing municipal waste processing facilities within the City and County of San Francisco; with the exception that methane being generated from existing municipal or county waste facilities outside of the City and County of San Francisco may be used within any San Francisco Community Choice Aggregation project.
- (c) With the exception of those sources allowed under Section 3a of this ordinance, no biofuels or biomass fuels produced, processed, sold, and/or used within San Francisco may be created or derived through plant agriculture, forestry, open space clearing or thinning, parkland clearing or thinning, yard wastes, fishery, aquaculture, animal

agriculture, animal butchering, animal slaughter, animal parts rendering, dead animal retrieval, taxidermy, veterinary medicine, or genetic engineering.

(d) All producers, processors, and/or sellers of biofuels or biomass fuels used within San Francisco must be locally based, and if incorporated must be incorporated within the City and County of San Francisco, or must be municipal agencies of the City and County of San Francisco; with the exception that any San Francisco Community Choice Aggregation project may purchase and use methane being generated in existing municipal or county waste facilities outside of the City and County of San Francisco.

(e) Neither the City and County of San Francisco, nor any agency of the City and County of San Francisco may set goals or mandatory minimums for the burning of specific percentages of biofuels or biomass fuels as an alternative to the burning of fossil fuels, and any such goals or mandatory minimums previously set by the City and County of San Francisco or its agencies are repealed as of the date of adoption of this ordinance.

Section 4. Conditions; Enforcement; Penalty.

(a) No permit or license shall be granted for any production, processing, sale, and/or use of biofuels or biomass fuels within San Francisco except as required and allowed within Section 3 of this ordinance.

(c) The City and County of San Francisco may commence an action to enjoin any production, processing, sale, and/or use of biofuels or biomass fuels in violation of this ordinance.

(d) Any person producing, processing, and/or selling biofuels or biomass fuels in violation of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor shall be punished by a fine of not more than five hundred dollars (\$500) or six (6) months in jail, or both. Each act of producing, processing, and/or selling biofuels or biomass fuels in violation of this ordinance shall constitute a separate and distinct offense.

Section 5. Mandatory review of the requirements of this ordinance.

(a) In the event that planetary atmospheric levels of carbon dioxide are confirmed to be below 350 parts per million, and other global warming gas emission levels are also proven to environmentally sustainable, the San Francisco Department of the Environment shall study the advisability of the continuation of the requirements of this ordinance and report its findings and recommendations to the Mayor and Board of Supervisors.

(b) Specifically, the Department of the Environment shall determine the following:

(1) The social, economic, physical and environmental impacts of potential changes to this ordinance.

(2) The continued necessity for each of the requirements of this ordinance.

Section 6. Severability.

If any provision or clause of this ordinance or its application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions, and clauses of this chapter are declared to be severable.