

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Authorizing Support of \_\_\_\_\_ ) RESOLUTION NO. 09-11320  
Extended Producer Responsibility (EPR) )

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, on February 8, 2006 California's Universal Waste Rule (CCR, Title 22, Division 4.5, Chapter 23) became effective; and

WHEREAS, the Universal Waste Rule bans landfill disposal of certain products that are deemed hazardous, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, as well as electronic devices such as video cassette recorders, microwave ovens, cellular phones, cordless phones, printers, and radios; and

WHEREAS, it is anticipated that the list of Universal and other waste products determined to be hazardous and therefore banned from landfills will continue to grow as demonstrated by the ban of treated wood effective January 2007 and sharps in September 2008; and

WHEREAS, state policies currently make local governments responsible for achieving waste diversion goals and enforcing product disposal bans, both of which are unfunded mandates; and

WHEREAS, Universal Waste management costs are currently paid by taxpayers and rate payers and are expected to increase substantially in the short term unless policy changes are made; and

WHEREAS, local governments do not have the resources to adequately address the rising volume of discarded products; and

WHEREAS, costs paid by local governments to manage products are in effect subsidies to the producers of hazardous products and products designed for disposal; and

WHEREAS, the City Council of the City of Pittsburg supports statewide efforts to hold producers responsible for Universal Waste products and other product waste management costs; and

WHEREAS, there are significant environmental and human health impacts associated with improper management of Universal Waste, sharps, and other products; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers assume responsibility for management of waste products and which has been shown to be effective; and

WHEREAS, when products are reused or recycled responsibly, and when health and environmental costs are included in the product price, there is an incentive to design products that are more durable, easier to repair and recycle, and less toxic; and

WHEREAS, EPR framework legislation establishes transparent and fair principles and procedures for applying EPR to categories of products for which improved design and management infrastructure is in the public interest; and

WHEREAS, the California Product Stewardship Council (CPSC) is an organization of California local governments working to speak with one voice in promoting transparent and fair EPR systems in California; and

WHEREAS, the City of Pittsburg wishes to incorporate EPR policies into the City's and County's product procurement practices to reduce costs and protect the environment; and

WHEREAS, in January 2008 the California Integrated Waste Management Board adopted a Framework for an EPR System in California; and

WHEREAS, in July 2008 the National Association of Counties adopted a resolution in support of a framework approach to EPR; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pittsburg, California, as follows:

Section 1. Findings

- A. The City Council urges the California Integrated Waste Management Board to continue taking timely action to implement the Framework for an EPR System in California to manage Universal and other waste products.
- B. The City Council urges the California Legislature to enact framework EPR legislation which will give producers the incentive to design products to make them less toxic and easier to reuse and recycle.
- C. The City Manager is authorized to send letters to the League of California Cities, the California State Association of Counties, and the California Integrated Waste Management Board, and the State legislature and to use other advocacy methods to urge support for EPR Framework legislation and related regulations.
- D. The City Manager is authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support and participate by contributing \$1,000 to CPSC to educate and advocate for EPR policies and programs.
- E. The City Council encourages all manufacturers to share in the responsibility for eliminating waste through minimizing excess packaging, designing products for durability, reusability and the ability to be recycled; using recycled materials in the manufacture of new products; and providing financial support for collection, processing, recycling, or disposal of used materials.
- F. The City develop producer responsibility policies such as leasing products rather than purchasing them and requiring producers to offer less toxic

alternatives and to take responsibility for collecting and recycling their products and the end of their useful life

RESOLVED, APPROVED AND ADOPTED by the City Council of the City of Pittsburg, at a regular meeting on the 5th day of October 2009, by the following vote:

AYES: Casey, Johnson, Kee, Parent

NOES: None

ABSTAINED: None

ABSENT: Evola

  
Nancy L. Parent, Mayor

ATTEST:

  
Alice E. Evenson, City Clerk



P.O. Box 216381  
Sacramento, CA 95821  
916-480-9010  
www.CalPSC.org

### PLEDGE OF SUPPORT

The California Product Stewardship Council (CPSC) is a coalition of local government, their associations and organizations related to solid waste, recycling, resource conservation, environmental protection, water quality, and other cross-media issues (Associates). Together with non-government organizations (NGOs) individuals, and businesses (Partners) across California they form a network supporting product stewardship and extended producer responsibility (EPR). CPSC is a federally recognized 501(c)(3) non-profit public benefit California corporation that exists by means of your monetary and in-kind contributions in addition to private and public grant funding.

**CPSC MISSION:** To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

**CPSC FUNCTIONS:**

1. Build relationships among local government and other stakeholders to increase capacity and knowledge in order to bring about producer financed and managed systems for life cycle and end of life management of their products.
2. Develop practical local and statewide EPR policy and educational tools such as model ordinances, legislation, newsletters, articles, policy briefings, PowerPoint presentations, etc.

The undersigned supports the mission and functions of the California Product Stewardship Council, has reviewed, understands and endorses the Framework Principles for Product Stewardship Policy, and will advocate in support of product stewardship and EPR.

Affiliation (check one):  Associate - Local Government (City, County, Local Government Association)  
 Partner - Individual, Business, NGO, Other Organization

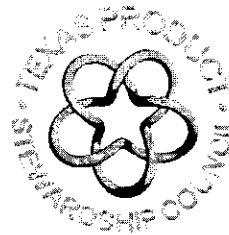
*[Handwritten Signature]* \_\_\_\_\_ *9/22/09* \_\_\_\_\_  
 Signature Date  
 Marc S. Grisham City Manager  
 Name (print) Title  
 City of Pittsburg  
 Organization/Jurisdiction (city, county, regional agency) Department/Agency  
 65 Civic Avenue, Pittsburg, CA 94565  
 Mailing Address (street address or P.O. Box, City, State, zip)  
 (925) 252-4850 \_\_\_\_\_  
 Telephone (with area code) Email

Check here if you are including or will provide a financial contribution to CPSC  
Please sign, include contribution, and mail to CPSC, P.O. Box 216381, Sacramento, CA 95821

**Mission:** To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.



**CPSC**  
California Product  
Stewardship Council



# Framework Principles for Product Stewardship Policy

The following principles are intended to guide development of product stewardship policies and legislation that governs multiple products. It is primarily aimed at state legislation but is also intended as a guide for local and federal policy.

## 1. Producer Responsibility

- 1.1 All producers selling a covered product into the State are responsible for designing, managing, and financing a stewardship program that addresses the lifecycle impacts of their products including end-of-life management.
- 1.2 Producers have flexibility to meet these responsibilities by offering their own plan or participating in a plan with others.
- 1.3 In addressing end-of-life management, all stewardship programs must finance the collection, transportation, and responsible reuse, recycling or disposition of covered products. Stewardship programs must:
  - Cover the costs of new, historic and orphan covered products.
  - Provide convenient collection for consumers throughout the State.
- 1.4 Costs for product waste management are shifted from taxpayers and ratepayers to producers and users.
- 1.5 Programs are operated by producers with minimum government involvement.

## 2. Shared Responsibilities

- 2.1 Retailers only sell covered products from producers who are in compliance with stewardship requirements.
- 2.2 State and local governments work with producers and retailers on educating the public about the stewardship programs.
- 2.3 Consumers are responsible for using return systems set up by producers or their agents.

### 3. Governance

- 3.1 Government sets goals and performance standards following consultation with stakeholders. All programs within a product category are accountable to the same goals and performance standards.
- 3.2 Government allows producers the flexibility to determine the most cost-effective means of achieving the goals and performance standards.
- 3.3 Government is responsible for ensuring a level playing field by enforcing requirements that all producers in a product category participate in a stewardship program as a condition for selling their product in the jurisdiction.
- 3.4 Product categories required to have stewardship programs are selected using the process and priorities set out in framework legislation.
- 3.5 Government is responsible for ensuring transparency and accountability of stewardship programs. Producers are accountable to both government and consumers for disclosing environmental outcomes.

### 4. Financing

- 4.1 Producers finance their stewardship programs as a general cost of doing business, through cost internalization or by recovering costs through arrangements with their distributors and retailers. End of life fees are not allowed.

### 5. Environmental Protection

- 5.1 Framework legislation should address environmental product design, including source reduction, recyclability and reducing toxicity of covered products.
- 5.2 Framework legislation requires that stewardship programs ensure that all products covered by the stewardship program are managed in an environmentally sound manner.
- 5.3 Stewardship programs must be consistent with other State sustainability legislation, including those that address greenhouse gas reduction and the waste management hierarchy.
- 5.4 Stewardship programs include reporting on the final disposition, (i.e., reuse, recycling, disposal) of products handled by the stewardship program, including any products or materials exported for processing.

Northwest Product Stewardship Council [www.productstewardship.net](http://www.productstewardship.net) Adopted May 19, 2008  
California Product Stewardship Council [www.calpsc.org](http://www.calpsc.org) Adopted June 4, 2008  
Vermont Product Stewardship Council [www.vtpsc.org](http://www.vtpsc.org) Adopted November 6, 2008  
British Columbia Product Stewardship Council [www.bcproductstewardship.org](http://www.bcproductstewardship.org) Adopted Dec. 9, 2008  
Texas Product Stewardship Council [www.txpsc.org](http://www.txpsc.org) Adopted January 30, 2009  
NYS Assoc. for Solid Waste Management [www.newyorkwaste.org](http://www.newyorkwaste.org) Adopted March 11, 2009



Developed with support from **Product Policy Institute**  
[www.productpolicy.org](http://www.productpolicy.org)



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR  
65 Civic Avenue  
Pittsburg, CA 94565**

**DATE:** 10/09/2009  
**TO:** Mayor and Council Members  
**FROM:** Marc S. Grisham, City Manager  
**SUBJECT:** Adoption of a City Council Resolution Authorizing Support for Extended Producer Responsibility (EPR) Policy

**MEETING DATE:** 10/19/2009

**EXECUTIVE SUMMARY**

The City of Pittsburg is joining other cities and counties in supporting Extended Producer Responsibility (EPR) through support of legislative initiatives, and the efforts of the California Product Stewardship Council (CPSC), a non-profit corporation supported by local governments who have pledged to support shifting California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs, and drive improvements in product design that promote environmental sustainability. Recent Statewide Extended Producer Responsibility (EPR) legislation will ultimately reduce the City's financial burden for ensuring proper disposal of Universal Waste, Household Hazardous Waste, and other problematic products and packaging such as fluorescent tubes, batteries, and 'Sharps' at the end of their useful life by shifting the financial burden from local government and rate payers to the producers of the products. In addition, EPR will benefit our community by ultimately driving better, healthier product design that reduces the toxicity and volume of the waste stream, and by ensuring convenient collection opportunities.

**FISCAL IMPACT**

There is no direct fiscal impact to the City's FY 2009/10 General Fund. However, the City stands to gain fiscal relief in the future if EPR policy is passed on a statewide level. Staff recommends a nominal annual funding of \$1,000 to support the California Product Stewardship Council (CSPC) to be allocated from the FY 2009/10 Solid Waste Fund.

**RECOMMENDATION**

Staff recommends City Council adoption of the attached resolution authorizing support for Extended Produce Responsibility, and Pledge of Support to the California Product Stewardship Council and its Framework Principles for Product Stewardship Policy.

## **BACKGROUND**

The United States Environmental Protection Agency (EPA) estimates that approximately 75 percent of today's waste stream comes from manufactured products – from common household items such as televisions, cell phones, personal computers, fluorescent lights and batteries to household hazardous waste products like paint and pesticides. Electronics contain lead, cadmium, and other toxic heavy metals that pose a threat to public health and the environment when improperly disposed. Other products also contain toxic constituents, such as the mercury contained in fluorescent lights, or are packaged with problematic materials and excessive packaging. Still other products, such as hypodermic needles and other "Sharps" can injure the public and sanitation workers when improperly disposed.

In response to legitimate environmental concerns about the landfilling of such products, California has enacted landfill bans. In 2006, "Universal Waste" (fluorescent lights, household batteries, electronics, mercury switches, etc.) were banned from landfilling. In 2008, "Sharps" were banned from landfilling. Because of growing concerns about the presence of prescription and non-prescription drug residues in our waterways, it is anticipated that pharmaceutical waste will likely be banned from landfill disposal in the near future. However well-intended the disposal bans are, the responsibility for enforcing these bans has been placed on cash-strapped local governments, which lack the funding, capacity or resources to properly manage the growing list of products banned from landfills. This is an unfunded mandate and the result is a "ban without a plan."

Under today's waste management system, the responsibility for managing the end-of-life (EOL) of these product wastes falls on local governments. Many products today are actually designed for disposal, rather than reuse or recycling. It is both the toxicity of the waste stream and the volume of waste that is of concern to local governments. Ratepayers and taxpayers are financing costly collection infrastructure and programs which, in effect, amount to a subsidy for the product manufacturers.

## **SUBCOMMITTEE FINDINGS**

Not applicable.

## **STAFF ANALYSIS**

Statistics vary, but it is estimated that the statewide percentage of households using local government-sponsored HHW programs is no more than 10 percent. This means that approximately 90% of the residentially-generated household hazardous waste in California is going elsewhere. Clearly, today's waste management system for product discards is not working. EPR offers a solution by engaging producers in the lifecycle management of the products they create. EPR does not stipulate how producers must take responsibility, but rather that they must. This accommodates producers who may choose to utilize and fund existing recycling facilities and programs, or to capitalize on existing distribution networks to create take-back programs that work as "reverse retail" or mail-back systems, or to work with other producers to develop third-party 'product stewardship' organizations.

EPR offers a solution by engaging producers in the lifecycle management of their products. EPR recognizes that all stakeholders share some responsibility, but the producer has the greatest responsibility because only producers can change the design of products. EPR does not stipulate how producers must take responsibility, but rather that they must. This gives producers the flexibility to design programs that work for their product and business model. Producers may choose to utilize and fund existing recycling facilities and programs, or to capitalize on existing distribution networks to create take-back programs that work as “reverse retail” or mail-back systems, or to work with other producers to develop third-party ‘product stewardship’ organizations.

Many of the world’s largest and most successful businesses already operate in EPR systems elsewhere: Canada, British Columbia, Europe, Japan, Korea, and the Netherlands to name a few. These are the same companies that EPR legislation will create a level playing field for producers. Voluntary take-back programs are not fair and put the “good actors” in a position of having products that are more expensive in a competitive market place. Under an EPR system, producers of selected products are required to be stewards of that product at the end of life, which “levels the playing field” as all producers will integrate the cost of product discard management into the purchase price of the product. Those that create the most cost-competitive recycling program will have the least expensive product. EPR allows the free-market system to work for recycling, not against it.

Finally, EPR will drive better product design. When producers are responsible for the EOL management of the products they create, there is a financial incentive to design products that have fewer toxic constituents, that are longer lasting, and that encourage recycling and reuse, as opposed to disposal. Businesses do not want to pay for expensive collection programs for hazardous waste any more than local governments do, so if they have to take-it-back, there is an economic feedback system in place that makes them re-think the materials being used.

There is widespread support for Extended Producer Responsibility. The California Integrated Waste Management Board has adopted EPR “framework” legislation as a strategic goal. The framework concept would allow multiple products to be regulated under one law, as opposed to the costly and time consuming product-by-product legislation of the past. The League of California Cities, the California State Association of Counties (CSAC), and the National Association of Counties have signed resolutions that support EPR/Product Stewardship. The Regional Council of Rural Counties’ Environmental Services Joint Powers Authority (ESJPA) has signed an EPR resolution on behalf of their member jurisdictions.

Individually, nineteen counties, forty-seven cities and twenty-four local government associations have joined the California Product Stewardship Council. Following action tonight by the City Council per the attached resolution, the City would be participant at the Local Government level.

ATTACHMENTS: Resolution  
California Product Stewardship Council Pledge of Support  
Framework Principles for Product Stewardship Policy

Report Approved By: Marc S. Grisham, City Manager

Report Reviewed By: Matt Rodriguez, Deputy City Manager – External Operations

Report Prepared By: Laura L. Wright, Sr. Administrative Analyst