

RESOLUTION NO. 323-08

**RESOLUTION OF THE CITY OF SUNNYVALE SUPPORTING
EXTENDED PRODUCER RESPONSIBILITY**

WHEREAS, approximately 87,000 tons of discarded materials and products are currently sent to disposal from our community on an annual basis at a cost of \$54 per ton; and

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 of the City of Sunnyvale area and are expected to increase substantially in the short term unless policy changes are made; and

WHEREAS, local governments have no input on the design of the products, make no profit from the products, and 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, costs paid in Fiscal Year 2006/2007 for managing household batteries was equivalent to over \$1288 per ton and the costs paid by the operator of the Sunnyvale Materials Recovery and Transfer Station to properly dispose of fluorescent tubes was over \$2,846 per ton; and

WHEREAS, City of Sunnyvale spends more than \$350,000 annually on household hazardous waste disposal programs; and

WHEREAS, the City Council of the City of Sunnyvale 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 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 producers are responsible for ensuring their 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 Sunnyvale wishes to incorporate EPR policies into the City's and County's product procurement practices to reduce costs and protect the environment; and

WHEREAS, the California Integrated Waste Management Board has adopted Strategic Directives to begin developing statewide EPR programs.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE that the Council of the City of Sunnyvale urges the California Integrated Waste Management Board to continue taking timely action to implement the Strategic Directive #5 on Producer Responsibility to manage Universal and other wastes; and

BE IT FURTHER RESOLVED, that the Council of City of Sunnyvale urges the California Legislature to enact framework EPR legislation that shifts Universal and other waste management costs from local government to the producers of the product, and which will give producers the incentive to redesign products to make them less toxic and easier to reuse and recycle; and

BE IT FURTHER RESOLVED, that the Mayor of City of Sunnyvale be 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

BE IT FURTHER RESOLVED, that the Mayor of City of Sunnyvale be authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support and participate by contributing \$2000 to CPSC to educate and advocate for EPR policies and programs; and

BE IT FURTHER RESOLVED, that the City of Sunnyvale 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; and

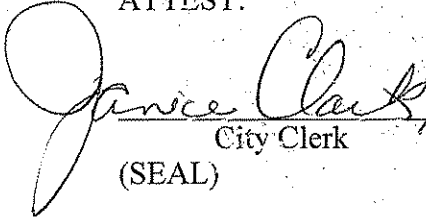
BE IT FURTHER RESOLVED, that the City of Sunnyvale and its member agencies develop producer responsibility policies such as leasing products rather than purchasing them and requiring producers to offer less toxic alternatives and to take responsibility for collecting and recycling their products and the end of their useful life.

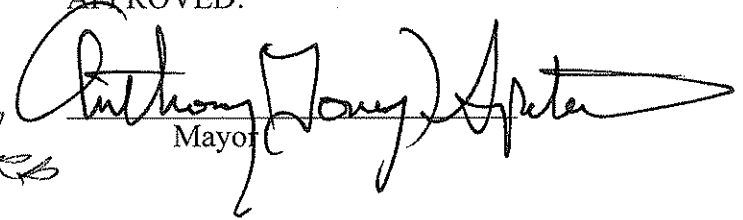
Adopted by the City Council at a regular meeting held on June 10, 2008, by the following vote:

AYES: SPITALERI, HAMILTON, HOWE, LEE, SWEGLES, MOYLAN, WHITTUM
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST:

APPROVED:


City Clerk
(SEAL)


Mayor

APPROVED AS TO FORM AND LEGALITY:


David E. Kahn, City Attorney