

**RESOLUTION OF THE CITY OF EUREKA
SUPPORTING
EXTENDED PRODUCER RESPONSIBILITY
CITY OF EUREKA
RESOLUTION NO. 2009-59**

WHEREAS, Humboldt Waste Management Authority (HWMA) collected approximately 314,000 pounds of Universal and Household Hazardous Waste (HHW) in Fiscal Year 2008-09 at an approximate cost of \$460,000; 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 banned landfill disposal of certain products that are deemed hazardous, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, and electronic devices such as, televisions, cell phones, microwave ovens, printers, and computers; and

WHEREAS, it is anticipated that the list of waste products determined to be hazardous or problematic will continue to grow and will therefore be banned from landfills as demonstrated by the 2007 ban of treated wood and the 2008 Sharps ban; 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, the costs to manage Universal Waste and problematic products are currently borne by taxpayers and rate payers and, because of the bans these costs are increasing substantially and will continue to do so unless policy changes are made; and

WHEREAS, data from HWMA annual reports show that less than ten percent of the household hazardous waste and Universal waste generated is being collected; 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 Eureka supports statewide efforts to hold producers responsible for the Universal Waste products and other product waste they create; and

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

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers have cradle-to-cradle responsibility for the products they create and sell and are responsible for designing and managing effective end-of-life systems for those products; and

WHEREAS, EPR encourages reuse and recycling and also encourages producers to consider the health and environmental costs associated with the products they create and to include those costs in the product price, thereby creating an incentive to design products that are more durable, easier to repair and recycle, and are less toxic; and

WHEREAS, EPR framework legislation is a holistic approach that establishes transparent and fair principles and procedures for applying EPR to categories of products and ensures a level playing field for all producers of those products; and

WHEREAS, the California Product Stewardship Council (CPSC) is a non-profit organization of California local governments working to speak with one voice in advocating for transparent and fair EPR systems in California; and

WHEREAS, the City of Eureka wishes to incorporate EPR policies into the City's 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

WHEREAS, in June 2008 the California League of Cities adopted a policy statement in support of a framework approach to EPR;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF EUREKA that by adoption of this Resolution the City of Eureka urges the California Legislature to continue taking timely action to implement the Framework for an EPR System adopted by the California Integrated Waste Management Board in 2008 to manage problematic products, and to urge the Department of Toxic Substances Control to implement the Green Chemistry initiative to manage Universal and other toxic products; and

BE IT FURTHER RESOLVED, that the City Council of Eureka 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; and

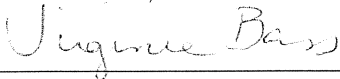
BE IT FURTHER RESOLVED, that the City Manager be authorized to send letters to the League of California Cities, the California State Association of Counties, the Department of Toxic Substance Control, and the State legislature and to use other advocacy methods to urge support for EPR Framework legislation and related regulations; and

BE IT FURTHER RESOLVED, that the City of Eureka 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 Eureka 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.

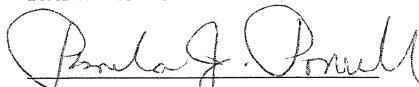
Passed, Approved, and Adopted by the City Council of the City of Eureka, County of Humboldt, State of California on the 1st of December, 2009, by the following vote:

AYES:	COUNCILMEMBERS	GLASS, ATKINS, LEONARD, JAGER, JONES
NOES:	COUNCILMEMBERS	NONE
ABSENT:	COUNCILMEMBERS	NONE



VIRGINIA BASS
MAYOR OF THE CITY OF EUREKA

ATTEST:



PAMELA J. POWELL
CITY CLERK

APPROVED AS TO ADMINISTRATION:



DAVID TYSON
CITY MANAGER

APPROVED AS TO FORM:



SHERYL SCHAFFNER
CITY ATTORNEY