

RESOLUTION NO. 27741

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUPPORTING  
EXTENDED PRODUCER RESPONSIBILITY

WHEREAS, approximately 151,000 tons of discarded materials and products are currently sent to disposal from our community each year at a cost of over \$100 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 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 ban on sharps; and

WHEREAS, state policies currently hold 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 products subject to the Universal Waste Rule and other 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 City and County annual reports show that, statewide, less than ten percent of the household hazardous waste and products subject to the Universal Waste Rule generated are 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, in 2010 Santa Rosa garbage ratepayers will contribute over \$500,000 to the Sonoma County Waste Management Agency to properly manage household hazardous wastes; and

WHEREAS, if Santa Rosa were able to collect all of the household toxics generated in Santa Rosa, such a service cost would be more than \$5 million every year; and

WHEREAS, the City Council of Santa Rosa supports statewide efforts to ensure producers share in the responsibility for products subject to the Universal Waste Rule and other products they create; and

WHEREAS, there are significant environmental, human health and economic impacts associated with improper management of products subject to the Universal Waste Rule, sharps, pharmaceuticals, and other products when waste becomes litter, including ocean litter; 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 incorporates the cost of disposal and recovery for discarded products into the purchase price and reduces the financial burden on local taxpayers and garbage ratepayers; 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 reduces the greenhouse gas emissions associated with the production and disposal of these problematic wastes; 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 building knowledge and capacity for transparent and fair EPR systems in California; and

WHEREAS, the City of Santa Rosa plans to expand EPR policies into the City's Environmentally Preferable Purchasing (EPP) Policy to reduce costs and protect the environment; and

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

WHEREAS, the National and California League of Cities adopted policy statements in support of a framework approach to EPR, the National and California Association of Counties and adopted policies and resolutions in support of a framework approach to EPR; Solid Waste Association of North America adopted a policy supporting EPR, and the Association of State and Territorial Solid Waste Management Officials adopted a Product Stewardship Framework Policy Document.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Santa Rosa that by adoption of this Resolution, the City of Santa Rosa urges the California Legislature to continue taking timely action to implement the Framework for an EPR System adopted by CalRecycle in 2008 to manage problematic products, and to urge the Department of Toxic Substances Control to implement the Green Chemistry initiative to manage Universal Waste and other toxic products; and

BE IT FURTHER RESOLVED that the City Council of Santa Rosa 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.

BE IT FURTHER RESOLVED that the City Manager or his/her designee 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 product and framework legislation and related regulations.

BE IT FURTHER RESOLVED that the Mayor of the City Council of Santa Rosa be authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support to educate and advocate for EPR policies and programs.

BE IT FURTHER RESOLVED that the City of Santa Rosa 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.

BE IT FURTHER RESOLVED that the City of Santa Rosa will continue to implement the EPP Policy and apply producer responsibility policies such as purchasing recycled content products, leasing products rather than purchasing them when feasible, and encouraging producers to offer less toxic alternatives and to take responsibility for collecting and recycling their products at the end of their useful life.

IN COUNCIL DULY PASSED this 28th day of September, 2010.

AYES: (7) Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, Vas Dupre and Olivares

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: Sandi Bliss, Deputy City Clerk APPROVED: Suan Gorin, Mayor

APPROVED AS TO FORM:

Caroline Fowler, City Attorney