

RESOLUTION NO. 11-15**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE,
CALIFORNIA, SUPPORTING EXTENDED PRODUCER RESPONSIBILITY**

WHEREAS, approximately 19,496 tons of discarded materials and products are currently sent to disposal from our community on an annual basis at a cost of \$38 per ton; and

WHEREAS, on February 8, 2006, California's Universal Waste Rule (California Code of Regulations [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 products known as "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, if the City of Duarte were able to collect all of the batteries and fluorescent tubes generated in Duarte, such a service would cost more than all of the other current household hazardous waste programs combined; and

WHEREAS, the City Council of the City of Duarte supports statewide efforts to have producers share in the responsibility 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, pharmaceuticals, and other products; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers assume financial 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 Duarte in the future wishes to incorporate EPR policies into the City's and County's product procurement practices to reduce costs and protect public health and the environment; and

WHEREAS, in January 2008, the California Integrated Waste Management Board, now known as CalRecycle, 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 in November 2009, the National League of Cities adopted EPR policy, and in June 2010, the U.S. Conference of Mayors adopted a resolution in support of EPR.

NOW, THEREFORE, the City Council of the City of Duarte does hereby resolve as follows:

Section 1. The City of Duarte urges CalRecycle to continue taking timely action to implement the Framework for an EPR System in California 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.

Section 2. The City Council of the City of Duarte urges the California Legislature to enact product specific and framework EPR legislation which will give producers the incentive to design products to make them less toxic and easier to reuse and recycle.

Section 3. The City Manager of the City of Duarte is authorized to send letters to the California State Association of Counties, CalRecycle, and the State legislature, and to use other advocacy methods to urge support for EPR Framework legislation and related regulations when deemed appropriate.

Section 4. The Mayor of the City of Duarte is authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support.

Section 5. The City of Duarte 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, providing financial support for collection, processing, recycling, or disposal of used materials, and communicating with haulers and local governments about end of life management.

Section 6. The City of Duarte and its member agencies will work toward developing 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 this 10th day of May, 2011.

/s/ Tzeitel Paras-Caracci
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 11-15 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 10th day of May, 2011, by the following vote:

AYES: Councilmembers: Fasana, Gaston, Reyes, Paras-Caracci

NOES: Councilmembers: None

ABSENT: Councilmembers: Finlay

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California