

RESOLUTION NO. 60XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUPPORTING PRODUCER RESPONSIBILITY FOR UNIVERSAL WASTE

WHEREAS, the City of Morgan Hill supports statewide efforts to hold producers responsible for product waste, starting with toxic products defined as universal waste; requesting the Department of Environment Health recommend local extended producer responsibility policies as well as work with necessary agencies and jurisdictions to develop producer responsibility language for inclusion in County contracts; and

WHEREAS, on February 8, 2006 California's Universal Waste Rule (CCR, Title 22, Division 4.5, Chapter 23) took effect that makes it illegal to throw in the garbage items defined as "universal waste," which includes household batteries, fluorescent bulbs or tubes, thermostats, other items that contain mercury, as well as electronic devices including VCRs, microwaves, cellular phones, cordless phones, printers, and radios; and

WHEREAS, assuming a fifty percent recovery rate, collecting and disposing of these products now banned from the trash could cost Santa Clara County ratepayers an estimated additional \$3 million each year if the producers of these products and/or the retailers of these products do not take responsibility for their management; and

WHEREAS, when additional products are declared as hazardous by the State, the burden to manage these items will fall to local jurisdictions; and

WHEREAS, there are significant environmental and human health impacts associated with household products that contain toxic ingredients, including mercury, lead, cadmium and other toxic chemicals that when disposed of improperly can contaminate water supplies; and

WHEREAS, Extended Producer Responsibility is an environmental policy approach in which producers assume responsibility—financial and/or physical—for the management of post-consumer products, so that those who produce and use products bear the costs of recycling and proper disposal; and

WHEREAS, when brand owners are responsible for ensuring their products are recycled responsibly, and when health and environmental costs are included in the product price, there is a strong incentive to design and purchase goods that are more durable, easier to recycle, and less toxic; and

WHEREAS, it is timely to develop and support extended producer responsibility legislation to address the universal waste sector of the waste stream first in response to the state ban on universal waste from household disposal.

THEREFORE, BE IT RESOLVED that the City Council of the City of Morgan Hill does resolve, determine and order the following:

1. That the City of Morgan Hill urges its representatives in Sacramento to pursue statewide extended producer responsibility legislation targeted at universal waste that will give incentives for the redesign of products to make them less toxic, and shift the cost for recycling and proper disposal of products from the local government to the producer and distributor of the product.
2. That the City of Morgan Hill will continue to support extended producer responsibility initiatives and statewide legislation beyond universal waste to cover areas including other hazardous products, bulky packaging, and items like plastics and multi-material products that are difficult to recycle.
3. That the Mayor be authorized to send a letter to the League of California Cities and the California State Association of Counties to urge support for extended producer responsibility legislation.
4. That if the State does not pass effective legislation within the next 18 months, or if industry does not implement a comprehensive effective take-back system within the next 18 months, the City of Morgan Hill will consider adopting and implementing a model mandatory take-back ordinance requiring local retailers, who sell products that become Universal Waste, to have in place a system for the convenient acceptance and collection of used universal wastes for recycling or proper disposal..

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 20th day of September, 2006 by the following vote:

AYES: **COUNCIL MEMBERS:**
NOES: **COUNCIL MEMBERS:**
ABSTAIN: **COUNCIL MEMBERS:**
ABSENT: **COUNCIL MEMBERS:**

∞ **CERTIFICATION** ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. 60xx, adopted by the City Council at a Regular Meeting held on September 20, 2006.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk