

RESOLUTION NO. NS

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ SUPPORTING EXTENDED PRODUCER RESPONSIBILITY AND URGING THE STATE LEGISLATURE TO ENACT LEGISLATION SUPPORTING THESE PRINCIPLES

WHEREAS, on February 8, 2006, a state law 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 will cost Santa Cruz County local governments an estimated additional \$1.5 million each year; and

WHEREAS, when additional products are declared as hazardous by the State, the burden to manage these items falls 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, manufactured goods and packaging constitute about seventy-five percent of the materials managed by, or for, the City of Santa Cruz and sent to the landfill, costing City residents and businesses about \$7.5 million a year for collection, diversion and disposal; and

WHEREAS, by covering the costs of collection and disposal, local governments are subsidizing the production of waste because manufacturers know that whatever they produce the local government will foot the bill for recycling or disposal; 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

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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.

NOW, THEREFORE BE IT RESOLVED, that the City Council urges our 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.

BE IT FURTHER RESOLVED, that the City of Santa Cruz develop producer responsibility policies such as leasing products rather than purchasing them, and requiring the manufacturers of products sold to City departments to offer less toxic alternatives and to take responsibility for collecting and recycling their products at the end of their useful life.

BE IT FURTHER RESOLVED, that the City of Santa Cruz 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.

PASSED AND ADOPTED this 28th day of November 2006, by the following vote:

AYES: [unanimous]

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: [Cynthia Matthews]
Mayor

ATTEST: _____
City Clerk

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CITY COUNCIL AGENDA REPORT

DATE: November 8, 2006

AGENDA OF: November 28, 2006

DEPARTMENT: Public Works

SUBJECT: Extended Producer Responsibility Resolution

RECOMMENDATION: That the City Council adopt a resolution supporting Extended Producer Responsibility and urging the state legislature to enact legislation supporting these principles.

BACKGROUND: In February 2006, the Department of Toxic Substance Control (DTSC) enacted regulations banning the disposal of common household items such as batteries, fluorescent lamps, and electronic wastes. Although the ban will decrease the amounts of hazardous wastes that enter California landfills, no accompanying funding mechanism was put in place to help municipal governments pay for the increased handling costs of these items. Funding problems which resulted from a similar ban on landfill disposal of computer and television cathode ray tubes were recently addressed through Senate Bill 20.

These bans do not address the basic problem that manufacturers are not held accountable for the ultimate disposal costs when using hazardous or excessive material while assembling their products. Since disposal costs are passed on to local governments, and ultimately to consumers and ratepayers, through increased handling costs, these manufacturers have no incentive for improving their products by using less hazardous materials or decreasing their packaging.

DISCUSSION: The City and County of San Francisco recently passed a resolution calling for statewide action on this issue. Additional interest has been expressed by the Bay Area Zero Waste Communities and Californians Against Waste. "Extended Producer Responsibility (EPR)" is a policy tool that calls on manufacturers to extend their responsibilities in worker health and safety, consumer safety, and production costs, and to include full life cycle costs for their products and associated packaging. Essential to EPR is the mandate that producers "take back" their end-of-life products and create closed loop systems that prevent pollution and inefficient use of resources.

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By promoting a “cradle to grave” responsibility, EPR forces a design strategy that accounts for upstream environmental impacts, such as mining and extraction of materials, and downstream impacts including the consumer use of the product and finally the recycling or disposal of the item after its useful life. The ultimate goal of EPR is to encourage cleaner, safer materials and production processes as well as the elimination of waste at every stage of the product’s life.

This item was discussed at the Countywide Integrated Waste Management Task Force and a subcommittee met to create this model resolution for all members of the task force to use in their jurisdictions. This resolution will establish local support for EPR, call for review and revisions as appropriate to current public purchasing policies, encourage voluntary take back efforts, and most importantly, advocate state EPR legislation. EPR is an effective policy in the European Union and we are starting to see a positive effect in computer manufacturing; several companies are taking back out-dated units and are starting to use less toxic materials in their manufacture. The Countywide Integrated Waste Management Task Force feels that a strong unified message from local governments is an effective method to encourage the state to take action on EPR.

Staff recommends that Council adopt the resolution on Extended Producer Responsibility and urge the state legislature to enact legislation supporting these principles.

FISCAL IMPACT: There is no fiscal impact at this time.

Report prepared by Bob Nelson, Superintendent of Solid Waste.

Submitted by:

Approved by:

Mark R. Dettle
Director of Public Works

Richard C. Wilson
City Manager

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Attachments:
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