

## **RESOLUTION NO. 08-016**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO SUPPORTING EXTENDED PRODUCER RESPONSIBILITY**

**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 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 upcoming ban of sharps waste into the municipal solid waste stream or any container used for recyclable materials, 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**, local governments have no input on the design of the products, make no profit from the products, and 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**, assuming a fifty percent recovery rate, collecting and disposing of products currently banned from the landfills could cost local jurisdictions in Santa Clara County an estimated additional \$3 million each year; 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 improper management of Universal Waste products; including mercury, lead, cadmium and other toxic chemicals that when disposed of improperly can contaminate water supplies; and

**WHEREAS**, Extended Producer Responsibility (EPR) is a policy approach in which producers assume responsibility for management of waste products and which has been shown to be effective; and

**WHEREAS**, when producers are responsible for ensuring their 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 City Council of Cupertino supports statewide efforts to hold producers responsible for Universal Waste products and other product waste management costs; and

**WHEREAS**, the City of Cupertino wishes to incorporate EPR policies into the City’s product procurement practices to reduce costs and protect the environment; and

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Cupertino urges our representatives in Sacramento to pursue statewide extended producer responsibility legislation that will give incentive for the redesign of products to make them less toxic and easier to recycle, and shift the cost for recycling and proper disposal of products from the local government to the producer and distributor of the product; and

**BE IT FURTHER RESOLVED**, that the Mayor of the City Council of the City of Cupertino be authorized to send letters to the League of California Cities, the California Integrated Waste Management Board, and the State legislature and to use other advocacy methods to urge support for EPR legislation; and

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Cupertino, State of California, this 4th day of February 2008, by the following vote:

Vote

Members of the City Council

AYES:	Sandoval, Mahoney, Wang, Wong
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:

APPROVED:

/s/Kimberly Smith

/s/Dolly Sandoval

\_\_\_\_\_  
City Clerk

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Mayor, City of Cupertino