RESOLUTION NO. 2008-08

RESOLUTION OF THE TAMALPAIS COMMUNITY SERVICES DISTRICT SUPPORTING EXTENDED PRODUCER RESPONSIBILITY

WHEREAS, approximately 2,000 tons of discarded materials and products are currently sent to disposal from our community on an annual basis at a cost of $65 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 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 medical sharps in September 2008; and

WHEREAS, state policies currently make local governments responsible for achieving waste division goals and enforcing product disposal bans, both of which are unfunded mandates; and

WHEREAS, Universal Waste management costs are currently paid by rate payers of the Tamalpais Community Services District (TCSD) and may increase substantially in the short term unless policy changes are made; and

WHEREAS, TCSD has no input on the design of the products, makes no profit from the products; and

WHEREAS, costs paid by TCSD residents to manage products are in effect subsidies to the producers of hazardous products and products designed for disposal; and

WHEREAS, costs paid in 2008 for managing household batteries were $1,596.70 for 2,281 pounds, (ECS) properly dispose of fluorescent tubes were $413.06 for over 200 tubes; and

WHEREAS, if TCSD were able to collect all of the batteries and fluorescent tubes generated, such a service could cost more than all of the other current household hazardous waste programs combined.

WHEREAS, the Board of Directors of TCSD supports statewide efforts to hold producers responsible 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, and other products; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers assume responsibility for management of their waste and 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 California Product Stewardship Council (CPSC) is an organization of California governments and companies working to speak with one voice in promoting transparent and fair EPR systems in California; and

WHEREAS, the TCSD wishes to incorporate EPR policies into the District's product procurement practices to reduce costs and protect the environment; and

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

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS TAMALPAIS COMMUNITY SERVICES DISTRICT the Board of TCSD urges the California Integrated Waste Management Board to continue taking timely action to implement the Framework for an EPR System in California to manage Universal and other wastes; and

BE IT FURTHER RESOLVED, that the Board of Directors of TCSD urges the California Legislature to enact framework EPR legislation that shifts Universal and other waste management costs from local government to the producers of the products, and which will give producers the incentive to redesign products to make them less toxic and easier to reuse and recycle; and

BE IT FURTHER RESOLVED, that the staff of TCSD be authorized to send letters to the California Special Districts Association, the California State Association of Counties, and the California Integrated Waste Management Board, and the State legislative and use other advocacy methods to urge support for EPA Framework legislation; and

BE IT FURTHER RESOLVED, that the President of the Board of Directors be authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support; and

BE IT FURTHER RESOLVED, that the TCSD 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; and

BE IT FURTHER RESOLVED, that the TCSD and its fellow agencies develop 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 AND ADOPTED by the Board of the Tamalpais Community Services District, State of California on the December 17, 2008 by the following vote:

AYES: 4

NAYS: 0

ABSENT: 1

Signed: _____ Date: 12/23/08
President of the Board

ATTEST: Jon Elam