



AGENDA BILL

Agenda Item No. 5(G)

Date: April 7, 2008
To: El Cerrito City Council
From: Alexis Petru, Waste Prevention Specialist
Heather Abrams, Integrated Waste Services Manager
Subject: Support Extended Producer Responsibility and Join Product Stewardship Council

ACTION REQUESTED

Adopt a resolution supporting Extended Producer Responsibility (EPR) and join the California Product Stewardship Council, a statewide organization of local governments that aims to shift financial responsibility for product waste from local governments and ratepayers to product manufacturers. The goal of EPR is to drive environmentally-sustainable product design and limit waste management costs.

BACKGROUND

In February 2006, the California Universal Waste Law took effect, making it illegal for households and small businesses to put certain commonly used products in the trash, including household batteries, fluorescent lights, mercury thermostats, and electronic devices such as microwaves, cordless and cell phones, printers, and radios. These products, known as universal waste, contain toxic ingredients such as mercury, lead, and cadmium that can contaminate water supplies if disposed in landfills that are not designed for hazardous waste. It is anticipated that the list of Universal Wastes will continue to grow as demonstrated by the ban of treated wood effective January 2007 and sharps (needles and lancets) in September 2008. There is also growing momentum around banning medications from landfills in the coming years.

The City of El Cerrito has been a leader in recycling and waste reduction for many years, boasting one of the first drop-off recycling centers in the nation and tremendous community involvement in its recycling programs. The City is also a member of West Contra Costa Waste Management Authority (also known as "Recyclemore"), which manages the Richmond Household Hazardous Waste (HHW) Facility that accepts hazardous wastes from El Cerrito residents at no charge. Even though a higher proportion of El Cerrito's residents use the Richmond HHW Facility as compared to each of the other West County cities, when the Universal Waste Law took effect, IWS staff began receiving feedback from residents who said it was inconvenient to take these items to Richmond.

To address this issue, Recyclemore and El Cerrito's IWS Division have found creative ways to fund convenient universal and hazardous waste disposal programs:

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- IWS began sponsoring triennial electronic waste recycling events in 2006, with funding made possible by a state law that collects a fee on all computer monitors and televisions sold in the state to fund electronics collection and recycling.
- In 2006, Recyclemore established a household hazardous waste pick-up service for senior and disabled residents who cannot access the Richmond HHW facility (residents who do not own cars are also allowed to use this service). This program does not include needles, pills, or other medical waste, due to the high disposal costs and strict regulations associated with these materials. A state grant paid for the start-up costs of this program; this program will be added to Recyclemore's budget for ongoing hazardous waste collection and operations.
- In 2007, Recyclemore set up battery collection containers at West County retail locations that sell batteries (Longs, Radio Shack, etc.), and City facilities, including the El Cerrito Recycling Center. A state grant paid for the start-up costs of this program; this program will be added to Recyclemore's budget for ongoing hazardous waste collection and operations.
- IWS coordinated a fluorescent bulb recycling event for El Cerrito residents in January 2008, in conjunction with a CFL giveaway event. Recyclemore offered to accept the lights collected at the Richmond HHW facility, so that IWS would not have to pay for recycling costs.
- IWS continuously promotes local options for proper disposal and recycling of toxic products through its website, direct-mailed postcards, City events and facilities, the garbage bill insert newsletter, and citywide brochure and newsletter.

These universal waste collection programs have been successful; however IWS continues to receive feedback from residents that find it inconvenient to recycle universal wastes. As the proposed landfill bans of sharps takes effect, the number of these calls will likely increase.

ANALYSIS

Local governments throughout the state are grappling with how to finance the management of an increasingly toxic waste stream. A growing number have joined the California Product Stewardship Council (CPSC) to support the concept of Extended Producer Responsibility (EPR). EPR is an environmental policy approach in which producers assume financial responsibility for their post-consumer products. The Rechargeable Battery Corporation (RBC) is one current example – it is a voluntary manufacturer organization that provides free rechargeable battery recycling at many retail outlets. In another example, two state laws went into effect in July 2007 that required retailers to accept items back from the public (one applies to cell phones retailers and the other to plastic shopping bags distributed by large grocery stores and retail chains).

The concept of EPR aims to encourage producers to make their products more environmentally responsible and to protect local governments and ratepayers from escalating disposal costs. Producers have the greatest control over product design and therefore have the greatest ability to reduce toxicity and waste. When producers are accountable for the cost of their products' disposal, they have an incentive to design reusable, recyclable, and/or less toxic products.

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EPR is an idea that is being adopted around the state, nation, and abroad. Successful EPR policies are already in place in many European countries and in British Columbia. The state of Washington enacted the first EPR law in the U.S. in 2006. This law, which applies to TVs and computers, requires product brand owners to design and finance collection/recycling plans, and the state has responsibility for program oversight and accountability.

In California, many cities and counties have passed resolutions supporting EPR, including Alameda County, Central Costa Costa Waste Management Authority, San Francisco, and Oakland. The California Integrated Waste Management Board also adopted an EPR Framework Policy in January 2008 which will support the development of statewide EPR programs. The California Retailers Association submitted a statement of support for this EPR Framework Policy, calling EPR an approach that is "sweeping the globe."

The California cities and counties that have passed EPR resolutions have also joined the California Product Stewardship Council (CPSC), a non-profit coalition of local governments working together to promote EPR. CPSC functions by building capacity and knowledge among local governments and relationships with stakeholders to promote EPR, especially for products covered by the universal waste ban. CPSC also develops local and statewide EPR policy and educational tools, such as model ordinances and legislation, newsletters, articles, policy briefings, and presentations.

Staff recommends that the City of El Cerrito endorse the concept of EPR and join the California Product Stewardship Council in accordance with the City Council's goal of Environmental Leadership. The attached resolution also authorizes the Integrated Waste/Environmental Services Division Manager to send letters of support to the state legislature regarding bills that incorporate EPR, as there is often not enough time to receive City Council approval on support letters before they are due to the state legislature for consideration. An example of such is attached.

FINANCIAL CONSIDERATIONS

Membership to the California Product Stewardship Council for a jurisdiction of El Cerrito's size is \$1,000 annually. If the resolution is approved, funding for the membership fee will be included in the new Environmental Services Division's Fiscal Year 2008-2009 budget.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. California Product Stewardship Council brochure
3. AB 1860 Support Letter

RESOLUTION 2008-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO TO SUPPORT
EXTENDED PRODUCER RESPONSIBILITY AND JOIN THE CALIFORNIA PRODUCT
STEWARDSHIP COUNCIL

WHEREAS, the City of El Cerrito has previously determined Environmental Leadership as one of its goals; and

WHEREAS, Extended Producer Responsibility (EPR) is an environmental policy approach in which producers assume financial responsibility for their post-consumer products; and

WHEREAS, EPR aims to encourage producers to make their products more environmentally responsible and to protect local governments and ratepayers from escalating disposal costs; and

WHEREAS, in February 2006, it became illegal for households and small businesses to landfill potentially toxic "universal waste," such as household batteries, fluorescent lights, mercury thermostats, and electronic devices, and

WHEREAS, there is a demonstrated need for additional convenient locations for proper disposal and recycling of universal and other hazardous wastes; and

WHEREAS, it is anticipated that a growing number of toxic products will be banned from landfill in the coming years; and

WHEREAS, proper disposal or recycling of universal and other hazardous wastes is a costly and complicated problem currently handled by local governments and ratepayers; and

WHEREAS, product producers have the power to reduce the toxicity and increase the durability of their products; and

WHEREAS, several EPR programs exist to accept items such as rechargeable batteries, cell phones and plastic shopping bags; and

WHEREAS, a growing number of California cities and counties have passed resolutions to support the concept of EPR; and

WHEREAS, The California Integrated Waste Management Board adopted an EPR Framework Policy in January 2008 which will support the development of statewide EPR programs; and

WHEREAS, the California Product Stewardship Council (CPSC) is a non-profit coalition of local governments and regional associations across California working together to promote EPR.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito supports the concept of Extended Producer Responsibility (EPR) and joins the California Product Stewardship Council.

Agenda Item No. 5(G)
Attachment 1

BE IT FURTHER RESOLVED that the Integrated Waste/Environmental Services Division Manager is authorized to send letters on behalf of the City of El Cerrito to the State legislature to support bills that incorporate EPR.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on April 7, 2008 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on X, 2008.

Cheryl Morse, City Clerk

APPROVED:

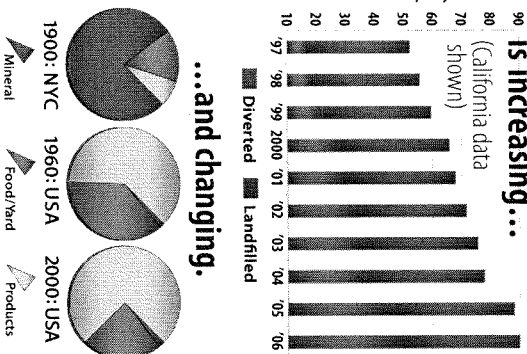
William C. Jones, III, Mayor

U.S. waste production

Growing...and changing!

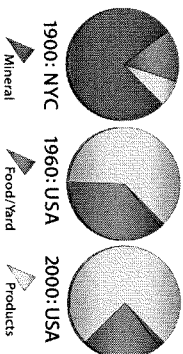
A century ago, when local governments assumed responsibility for solid waste, it consisted mostly of coal ash left over from heating and cooking. The rest was mainly food, with a small amount of simple manufactured products like paper and glass. Today, manufactured products and associated packaging make up 75% of what we throw out.

In California, while the amount of waste diverted from landfills has certainly grown recently, the amount of waste we still send to landfills has changed very little. Californians will send about the same amount of solid waste to landfills this year as we did in 1990: 40 million tons!



Waste production is increasing...

...and changing.



That's because diversion addresses these consumer products at the end of their lives. It does nothing to provide incentives to reduce the generation or consumption of wasteful products — and it's generation and consumption that have exploded in recent years.

The simple fact is that existing recycling efforts and disposal bans aren't reducing total waste generation. Despite our best efforts, we're losing the battle.

Effective waste management can't be an afterthought. It must be a key part of product design, manufacturing, packaging and retailing.

Help make Producer Responsibility the standard in California!

- 1 Pass Resolutions, Ordinances, Plans & Policies**
Use model EPR plans and policies on our website.
- 2 Advocate for Statewide Legislation**
Add producer responsibility to whatever advocacy efforts your jurisdiction is pursuing in Sacramento.
- 3 Join CPSC and Speak with a Unified Voice**
Participate in CPSC and help us speak with a unified voice here in California. There is power in numbers. Contact CPSC at the address below.



California Product Stewardship Council

P.O. Box 216381
Sacramento, CA 95821

www.caproductstewardship.org

Heidi Sanborn
Executive Director
Phone: 916-485-7753
Email: heid@caproductstewardship.org

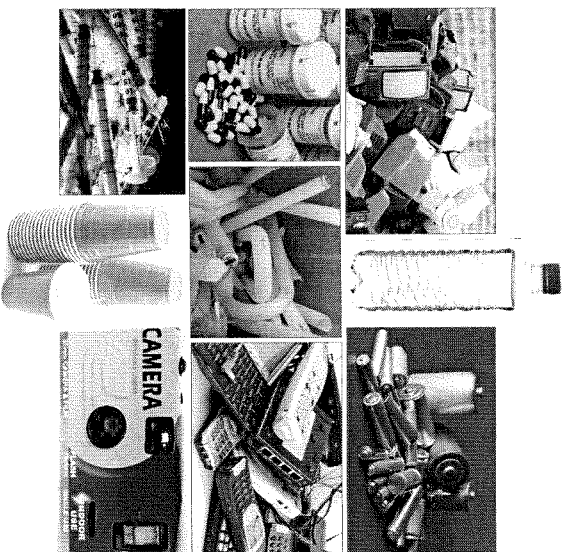
Developed with support from The Product Policy Institute



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California Product Stewardship Council

A Better Way

Product Stewardship



Most of the companies that make this stuff aren't paying a nickel to recycle it. In fact, they designed it for disposal — and you're picking up the tab!

We think it's time to change that.

\$100,000,000



The cost of collecting and properly recycling or disposing of hazardous products easily exceeds \$100 million a year in California.

There's a long list:

Batteries...syringes... aerosol cans...electronic equipment...fluorescent light tubes...computer monitors...thermometers...

These and hundreds of other products make our lives easier—until we don't need them anymore. Then, if they're not disposed of responsibly, the acids, mercury, other heavy metals and chemicals they contain become a danger to our health and the environment.

The U-Waste Ban:

A for effort, F on the final

California's Universal Waste Ban prohibits an array of residentially generated hazardous products from normal household trash disposal, effective early 2006. Treated lumber was banned in January 2007, and needles and other "sharps" will be banned in September 2008. Pharmaceuticals are expected to be added soon. Unfortunately, the state-mandated bans must be enforced by local governments.

And they don't have the money to do it.

It's the classic unfunded mandate—a government directive without the resources to enforce it. The intentions were good, but the responsibility is misplaced onto local governments.

Two systems. No connection.

When it comes to product waste, we operate under two completely separate, disconnected systems. One system designs, manufactures and sells products to us, then effectively rides off into the sunset.

Once the consumer is done with those products, the other system is engaged when local governments—and their taxpayers—become financially responsible for managing the disposal of these private goods, many of which are toxic and disposable by design.

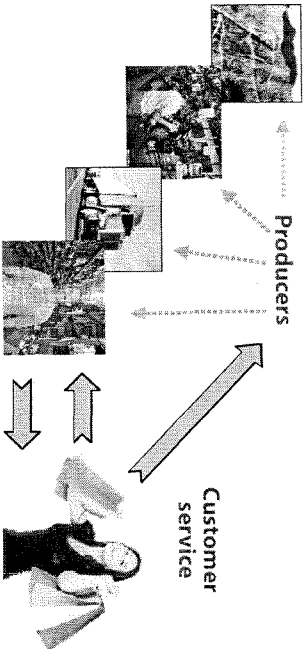
These two systems don't communicate with each other. Local governments don't have any input into how toxic or durable the products are, and manufacturers don't have to design creative and safe ways to dispose of them at the end of their useful life.

A better way:

Producer Responsibility

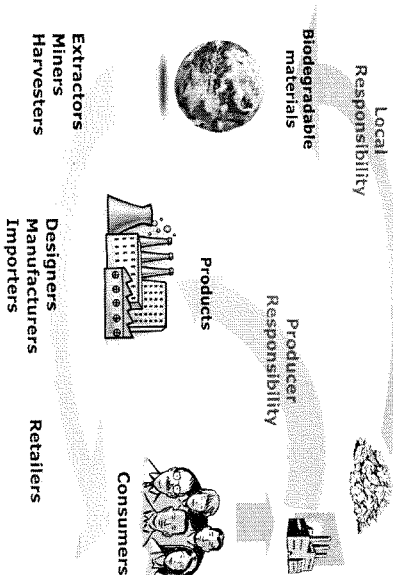
Extended Producer Responsibility (EPR), or Product Stewardship, means whoever designs, produces, sells or uses a product takes responsibility for minimizing its environmental impact through all stages of the product's life cycle. And the producer, having the greatest ability to minimize impacts, has the most responsibility.

Product recycling should be an extension of the marketing system, mirroring the production and distribution process in a kind of "reverse retail" process; and it should be managed through commercial arrangements—all as part of excellent customer service.



Implement Producer Responsibility

We suggest that manufactured-product discards be managed by producers or their agents. Local governments should focus limited resources on managing things that are grown—like yard trimmings and food scraps.



The Producer Responsibility idea is picking up support:

- Some manufacturers, retailers and local governments in the U.S. have started to implement policies and programs that have EPR components. Manufacturers are already doing this in other countries... the same manufacturers that aren't doing it here.
- Taxpayer groups support EPR because it relies on the market—not tax dollars—to solve the problem.
- And there is still a role for government:
 - Laws are needed to provide manufacturers the level playing field they want. These programs need standards, transparency and accountability to achieve the desired results.
 - Local governments can also play a key role by encouraging local businesses to develop take-back programs, sharing collection experience with producers and retailers, and educating consumers to use private infrastructure.

April 7, 2008

The Honorable Assemblymember Jared Huffman
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0016

SUBJECT: AB 1860 (Amended January 30, 2008) – Consumer Products Recalled - Support

Dear Assemblymember Huffman:

The City of El Cerrito supports Extended Producer Responsibility (EPR), an environmental policy approach in which producers assume financial responsibility for their post-consumer products to encourage producers to make their products more environmentally responsible and to protect local governments and ratepayers from escalating disposal costs.

The City strongly supports AB 1860 in its current form, last amended January 30, 2008. This law would require manufacturers who have sold products that have subsequently been recalled to provide for retrofit or safe return of such products to the manufacturer at no cost to the customer or retailer. If manufacturers are not held accountable for the disposal cost of recalled products, local governments and ratepayers will ultimately assume the significant costs associated with hazardous waste disposal, as has occurred with several recent recalls due to lead contamination.

The City of El Cerrito is a member of the California Product Stewardship Council and supports its Extended Producer Responsibility Framework Principal, which is consistent with the one developed by the California Integrated Waste Management Board, especially for products banned from disposal. If you have any questions about the City of El Cerrito's position on this bill, please contact Heather Abrams, Integrated Waste Services Manager at (510) 215-4351.

Sincerely,

Heather Abrams
Integrated Waste Services Manager

Enclosure: City of El Cerrito's Extended Producer Responsibility Resolution

cc: Heidi Sanborn, Executive Director, California Product Stewardship Council
Loni Hancock, Assemblymember
Don Perata, Senator
Tom Torlakson, Senator

RESOLUTION 2008-23

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STEWARDSHIP COUNCIL

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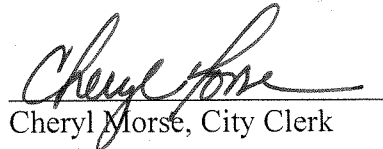
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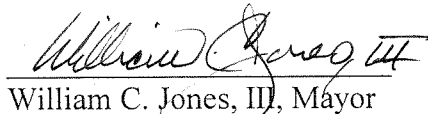
I CERTIFY that at a regular meeting on April 7, 2008 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: Councilmembers Abelson, Bridges, Moore, Potter and Mayor Jones
NOES: None
ABSENT: None
ABSTAIN: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April 14, 2008.


Cheryl Morse, City Clerk

APPROVED:


William C. Jones, III, Mayor