



# **Bay Area Clean Water Agencies**

*A Joint Powers Public Agency*

*P.O. Box 24055, MS 702*

*Oakland, California 94623*

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September 10, 2007

## **Sent Via E-Mail**

Chair Margo Reid-Brown and Board Members  
California Integrated Waste Management Board  
1001 I Street  
P.O. Box 4025  
Sacramento, CA 95812

**SUBJECT:** Letter of Support for Staff Recommendations on September Agenda Item #12

Dear Madam Chair and Board Members:

The Bay Area Clean Water Agencies, representing 53 wastewater agencies in the San Francisco Bay Area, is a member of the California Product Stewardship Council (CPSC) that strongly supports the CIWMB staff recommendation that the Board adopt Option 1:

1. Adopt the EPR framework outlined in Attachment 1;
2. Develop a legislation proposal for an overall EPR framework;
3. Continue implementing voluntary product stewardship initiatives; and,
4. Convene an advisory committee to determine and prioritize products for new product stewardship initiatives.

Attached, is a CPSC document that outlines the recommended principles for framework legislation.

CPSC supports the definition of EPR in Attachment 1 as “the extension of the responsibility of producers, and all entities in the product chain, to reduce the cradle-to-cradle impacts of a product and its packaging.” CPSC supports shared responsibility but we believe that responsibility lies mostly with the producers who design and market products and profit from the sale of those products.

CPSC also believes it is critically important as a process to first get agreement on the goals and guiding principles of product stewardship before selecting specific products. Getting agreement on the appropriate roles of government, industry and other stakeholders, and establishing a fair and transparent process that can be applied to a range of products, are the critical first steps. To begin product selection prior to the establishment of the “rules of the game” will likely continue the “piecemeal” approach that has already failed to work in California.

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As is recommended in Option 1, CPSC prefers a performance-based, results-oriented approach, rather than prescriptive measures. Regulations and programs should be transparent and accountable while giving the private sector the freedom to apply its creativity and expertise to solve end-of-life management issues. The private sector has the knowledge of the products and the tools to ensure successful program design. We believe that engaging the private sector is the only way progress will be made in reducing waste and achieving sustainability goals. We look forward to working with the private sector to develop effective means of internalizing costs of private infrastructure to manage products at end of life, including helping educate consumers to use that infrastructure.

CPSC stands ready and willing to participate in the advisory committee to prioritize products for future new product stewardship initiatives.

We are grateful to the Board and the Board staff for taking such a leadership role on this important issue which local agencies, including wastewater treatment plants, have been bearing the burden of. California has been a leader in creating new regulations to minimize environmental impacts and this is an important next step – it's time.

Sincerely,



Michele Pla  
Executive Director  
BACWA

cc: BACWA Executive Board



## Framework Principles for Product Stewardship Policy

The following principles are intended to guide development of product stewardship policies and legislation. In particular, they would be incorporated into framework legislation that would govern multiple products.

1. **Producer Responsibility**
  - All producers selling a covered product into the State are required to finance and participate in a Stewardship Plan (Plan). Plans will address the lifecycle impacts of products including their end-of-life management.
  - Producers can choose between offering their own Plan and participating in a Plan with others.
  - In addressing end-of-life management, all Plans will finance the collection, transportation and recycling of covered products.
  - Plans must cover the costs of new, historic and orphan covered products.
  - Plans must provide convenient collection for consumers throughout the State.
  - Responsibility for waste management is shifted from general taxpayers to producers and users. Responsibility is not shifted to other levels of government without consent.
2. **Shared Responsibilities**
  - Consumers are responsible for using the return systems set up by producers or their agents.
  - Retailers will only sell covered products from producers who are in compliance with stewardship requirements.
  - State and local governments will work with producers and retailers on educating the public about the stewardship programs.
3. **Governance**
  - State government sets goals and performance standards in consultation with all stakeholders.
  - Programs focus on results and provide producers with flexibility to determine the most cost-effective means of achieving the desired outcomes with minimum government involvement.
  - State government is responsible for ensuring a level playing field by enforcing requirements that all producers in a product category participate in a Plan as a condition for selling their product in the State.
  - Producers are accountable to both government and consumers for environmental outcomes.

4. System Coverage
  - Product categories required to have Plans will be selected using the process and priorities set out in the framework legislation.
5. Financing
  - Producers will determine how to finance their Plans.
  - The financing system used by a Plan will be operated in a transparent and equitable manner for all producers belonging to the Plan.
  - Financing systems will be sustainable, utilizing “front-end” mechanisms such as cost internalization and not “end-of-life” methods such as collection drop-off fees.
6. Environmental Protection
  - Framework legislation should address environmental product design, including source reduction, recyclability and reducing toxicity of covered products.
  - Framework legislation requires that Plans ensure that all products covered by the Plan are managed in an environmentally sound manner. Plans must be consistent with other State sustainability legislation, including those that address greenhouse gas reduction and the waste management hierarchy.
  - Plans include reporting on the final disposition, (i.e., reuse, recycling, disposal) of products handled by the Plan, including any products or materials exported for processing.

NOTE: These working principles are being developed in cooperation  
with the Northwest Product Stewardship Council

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<sup>1</sup> Producers for the purposes of this document are defined as brand owners, manufacturers or first importers.