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:
• 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.
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 exists 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.

* * * * *
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
We think it's time to change that.
and you're playing up the tabi.
In that, they're ignored. It's for disposable
That's not paying a nickel to recycle. It's
Most of the companies that make this

California Product Stewardship Council

A Better Way
California Product Stewardship Council

Help make Producer Responsibility the standard in California.

Growing...and changing.

U.S. waste production

www.californiaproductstewardship.org
San Mateo, CA 94401
Phone: 650-485-7733
Executive Director
Heidi Semborn
Email: heidi@californiaproductstewardship.org

Developed with support from the Product Policy Institute

Eco-Friendly Products are on the Rise!

3

Join UC and speak with a united voice
Connect UC at the address below.

2

Advocate for Stewardship Legislation
We're modeling plans and policies on our website.

1

Pass Resolution, Ordinances, Plans & Policies
The standard in California.

Adapting
Adapting
Million tons per year of waste.

Waste production is increasing.

...and changing.
A For Effort, on the final

Implement Producer Responsibility

A better way:

There is a long list of eligible products and equipment that must be recycled. These include:
- all electronic waste (e-waste);
- fluorescent equipment;
- televisions;
- refrigerators;
- air conditioners;
- washing machines;
- clothes dryers;
- vacuum cleaners;
- ceiling fans;
- electrical motors;
- heat pumps;
- central air conditioners;
- coolers;
- dehumidifiers;
- garbage disposers;
- gas grills;
- air purifiers;
- water purifiers;
- space heaters;
- water heaters;
- microwave ovens;
- toasters;
- coffee makers;
- small kitchen appliances;
- power tools;
- lawn mowers;
- snow blowers;
- pressure washers;
- paint sprayers;
- pool pumps;
- aquarium pumps;
- garden hoses;
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- garden hose couplings;
April 7, 2008

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


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

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 exists 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.

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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 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