



MEETING DATE: 6/16/08

ITEM NO: 5

### COUNCIL AGENDA REPORT

DATE: JUNE 6, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: ADOPT RESOLUTION SUPPORTING "EXTENDED PRODUCER RESPONSIBILITY" A STATE-WIDE EFFORT AIMED AT SHIFTING RESPONSIBILITY FOR PRODUCER WASTE FROM GOVERNMENT TO INDUSTRY.

#### RECOMMENDATION:

Adopt resolution supporting "Extended Producer Responsibility" a state-wide effort aimed at shifting responsibility for producer waste from government to industry.

#### BACKGROUND:

Extended producer responsibility (EPR) is a strategy designed to promote the integration of environmental costs associated with products throughout their life cycles into the market price of the products. This means that firms that manufacture, import and/or sell products and packaging are required to be financially or physically responsible for such products after their useful life. Simply put, EPR shifts responsibility for waste from government to private industry.

The California Product Stewardship Council and the County of Santa Clara have requested that the Town adopt the attached resolution. Seven other Santa Clara County cities have adopted the resolutions supporting Extended Producer Responsibility.

#### DISCUSSION:

On February 8, 2006, California state law took effect, making it illegal to dispose items defined as "universal waste," including household batteries, fluorescent bulbs or tubes, thermostats, other items containing mercury, as well as electronic devices including VCRs, microwaves, cellular phones, cordless phones, printers, and radios. It is anticipated that the list of universal and other

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Community Services Director

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Reviewed by: RS Assistant Town Manager OK Town Attorney  
\_\_\_\_\_ Clerk Administrator \_\_\_\_\_ Finance \_\_\_\_\_ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: ADOPT RESOLUTION SUPPORTING "EXTENDED PRODUCER RESPONSIBILITY"

JUNE 16, 2008

wastes products that have been banned from landfills will continue to grow as demonstrated by the upcoming ban of sharp waste (medical needles) in September 2008.

Significant environmental and human health impacts are associated with improper management of universal waste products, including mercury, lead calcium, and other toxic chemicals that when disposed of improperly can contaminate water supplies. 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.

Adopting the proposed Extended Producer Responsibility (EPR) resolution calls on state government to pass producer responsibility legislation that gives incentives for redesign of products, making them less toxic, urges the Town Council to send letters of support for EPR legislation, and encourages support for EPR legislation beyond universal wastes.

The League of California Cities has also adopted the following policy recommendation from the League's Environmental Quality Committee:

"The League supports legislation implementing producer responsibility. This includes, but is not limited to, mandating or providing incentives, including funding for comprehensive producer responsibility programs for hazardous and universal wastes and products and packaging for which disposal or recycling is problematic for local governments."

ENVIRONMENTAL ASSESSMENT:

The recommended action is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

There is no immediate fiscal impact to the Town resulting in adoption of the Extended Producer Responsibility resolution. Cost savings may be realized in the future by avoiding costs of collection and disposal of universal and other potential hazardous wastes.

Attachments:

1. Draft resolution supporting Extended Producer Responsibility

Distribution:

1. Kelly Carroll, Urban Runoff Program Manager, West Valley Clean Water Program
2. Heidi Sanborn, Executive Director, California Stewardship Council
3. Rob Darcy, County of Santa Clara Hazardous Waste Recycling and Disposal Program

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
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 50% 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 Town Council of Los Gatos supports statewide efforts to hold producers responsible for Universal Waste products and other product waste management costs; and

**WHEREAS**, the Town of Los Gatos wishes to incorporate EPR policies into the Town's product procurement practices to reduce costs and protect the environment; and

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Los Gatos 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 Town Council of the Town of Los Gatos 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 Town Council of the Town of Los Gatos 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.

**PASSED AND ADOPTED** by the Town Council of the Town of Los Gatos, State of California, on the 16<sup>th</sup> day of June, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Barbara Spector, Mayor

ATTEST:

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Jackie Rose, Clerk Administrator