



CITY COUNCIL STAFF REPORT

DATE: December 2, 2009

SUBJECT: APPROVE A RESOLUTION SUPPORTING EXTENDED PRODUCER RESPONSIBILITY

FROM: David H. Ready, City Manager

BY: Manager, Office of Sustainability

SUMMARY:

This action is to approve a resolution to support Extended Producer Responsibility (EPR) throughout California. EPR is directed at reducing the waste going to the landfill. Extended producer responsibility means that whoever produces, designs, sells or uses a product takes responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle.

The California Integrated Waste Management Board wants to promote more participation between retailers, manufacturers and local governments in dealing with waste issues. The goal of this program is to shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design. It would mean that producers of products and packaging must take back spent products and manage them through a closed loop system that reuses, recycles or uses products in energy production.

RECOMMENDATION:

Staff recommends that the Council adopt the Extended Producer Responsibility resolution as presented.

STAFF ANALYSIS:

Many cities in California are experiencing difficulty in dealing with the growing list of toxic products being banned from landfills; i.e., household hazardous waste, used electronics, sharps, batteries, and fluorescent lamps. These products are costly to recycle and local governments do not have a funding mechanism to deal with this product waste. Extended Producer Responsibility (EPR) would involve new legislation and new partnerships with manufacturers and retailers to both re-design products to reduce their toxicity and take back difficult-to-recycle products. In this way, EPR shifts

Item No. **2.H.**

responsibility for waste from government to private industry, obliging producers, importers and/or sellers to internalize waste management costs in their product prices

By approving the EPR Resolution the City of Palm Springs would join other California cities, Counties and Local Government Associations in supporting Extended Producer Responsibility (EPR) through support of legislative initiatives and the efforts of the California Product Stewardship Council (CPSC). EPR legislation would ultimately reduce the City's financial burden for ensuring proper disposal of Household Hazardous Waste, Universal waste and other problematic products and packaging such as 'Sharps' and pharmaceutical waste at the end of their useful life by shifting the financial burden from local government and rate payers to the producers of the products. Producer responsibility will also benefit our community by ultimately driving better, healthier product design by reducing both the toxicity of the waste stream, the volume of waste produced, and by ensuring convenient collection opportunities, and that the consumer/user pays for that service in the purchase price of the product.

Citizens of Palm Springs desire no-cost and convenient disposal options for common products that can no longer be landfilled, however providing broader services would require more funds to be used by local governments that are already experiencing financial challenges.

Statistics vary, but it is estimated that the statewide percentage of households using local government-sponsored Household Hazardous waste programs is no more than 10 percent. This means that approximately 90% of the residentially-generated household hazardous waste in California is unaccounted for. EPR offers a solution by engaging producers in the lifecycle management of the products they create. EPR does not stipulate how producers must take responsibility, but rather that they must. This accommodates producers who may choose to utilize and fund existing recycling facilities and programs, or to capitalize on existing distribution networks to create take-back programs that work as "reverse retail" or mail-back systems, or to work with other producers to develop third-party 'product stewardship' organizations.

Voluntary take-back programs are not fair and put the "good actors" in a position of having products that are more expensive in a competitive market place. Under an EPR system, all producers of a particular product will be required to be stewards of that product at the end of life, which "levels the playing field" as all producers will integrate the cost of product discard management into the purchase price of the product. Those that create the most cost-competitive recycling program will have the least expensive product. EPR allows the free-market system to work for recycling, not against it.

Finally, EPR will drive better product design. When producers are responsible for the EOL management of the products they create, there is a financial incentive to design products that have fewer toxic constituents, that are longer lasting, and that encourage recycling and reuse, as opposed to disposal. Businesses do not want to pay for expensive collection programs for hazardous waste any more than local governments

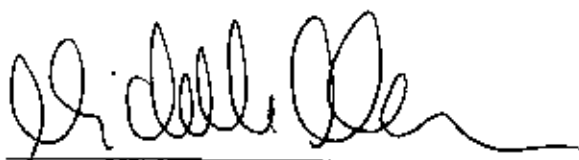
do, so if they have to take-it-back, there is an economic feedback system in place that makes them re-think the materials being used.

There is widespread support for Extended Producer Responsibility. The California Integrated Waste Management Board has adopted EPR legislation as a strategic goal. A framework concept is being put forth that allows multiple products to be regulated under one law, as opposed to the costly and time consuming product-by-product legislation of the past. The League of California Cities, the California State Association of Counties (CSAC), and the National Association of Counties have signed resolutions and/or policies that support EPR/Product Stewardship. The Regional Council of Rural Counties' Environmental Services Joint Powers Authority (ESJPA) has signed an EPR resolution on behalf of their member jurisdictions.

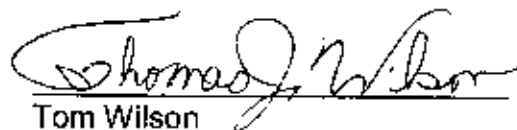
Individually, twenty-eight Counties, fifty cities and twenty-five local government associations have joined CPSC, including: the National League of Cities, Counties of Alameda, Butte, Los Angeles, Sacramento, San Francisco, San Joaquin and Santa Clara; the cities of Burbank, Cupertino, Chula Vista, Elk Grove, Los Gatos, Oakland, Sacramento, Santa Cruz, San Jose and Vacaville; and local government associations, including the Coachella Valley Association of Governments, Association of Bay Area Governments (ABAG), East Bay Municipal Utility District (EBMUD), Humboldt Waste Management Authority, Central Contra Costa Solid Waste Authority, Monterey Regional Waste Management District, the California Council of Directors of Environmental Health, and the California Storm Water Quality Association.

FISCAL IMPACT:

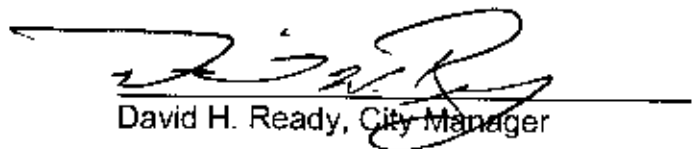
There will be no direct fiscal impact to the City resulting from the adoption of the Extended Producer Responsibility resolution. The City may receive some future fiscal benefit if EPR legislation is adopted on a statewide level.



Michele Mician, Manager,
Office of Sustainability



Tom Wilson
Assistant City Manager



David H. Ready, City Manager

Attachments: EPR Resolution, CVAG Resolution, CPSC Pledge of Support

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PALM SPRINGS SUPPORTING EXTENDED
PRODUCER RESPONSIBILITY**

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

- A. Approximately 52,000 tons of discarded materials and products are currently sent for disposal from our community on an annual basis at a cost of \$38.84 per ton.
- B. On February 8, 2006, California's Universal Waste Rule (CCR, Title 22, Division 4.5, Chapter 23) became effective.
- C. 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.
- D. 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 waste in September 2008.
- E. State policies currently make local governments responsible for achieving waste diversion goals and enforcing product disposal bans, both of which are unfunded mandates.
- F. Universal Waste management costs are currently paid by taxpayers and rate payers and are expected to increase substantially in the short term unless policy changes are made.
- G. Local governments do not have the resources to adequately address the rising volume of discarded products.
- H. Costs paid by local governments to manage products are in effect subsidies to the producers of hazardous products and products designed for disposal.
- I. If the City of Palm Springs were able to collect all of the batteries and fluorescent tubes generated in the City of Palm Springs, such a service would cost more than all of the other current household hazardous waste programs combined.

J. The Palm Springs City Council supports statewide efforts to hold producers responsible for Universal Waste products and other product waste management costs.

K. The Coachella Valley Association of Governments adopted a resolution in July 2008 supporting statewide efforts to hold producers responsible for Universal Waste products and other product waste management costs.

L. There are significant environmental and human health impacts associated with improper management of Universal Waste, medical sharps waste, and other products.

M. 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.

N. When 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.

O. 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.

P. The California Product Stewardship Council (CPSC) is an organization of California local governments working to speak with one voice in promoting transparent and fair EPR systems in California.

Q. The City of Palm Springs Path to a Sustainable Community calls for a Zero Waste Plan, and implementation of a closed loop system which emphasizes the need to incentivize manufacturers to reduce the toxics in their products and design them to be reusable and recyclable.

R. The City of Palm Springs wishes to incorporate EPR policies into the City's product procurement practices to reduce costs and protect the environment.

S. In January 2008, the California Integrated Waste Management Board adopted a Framework for an EPR System in California.

T. In July 2008, the National Association of Counties adopted a resolution in support of a framework approach to EPR.

U. On November 13, 2009, the National League of Cities adopted a resolution in support of EPR.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The City of Palm Springs urges the California Integrated Waste Management Board and its predecessor to continue taking timely action to implement the framework for an EPR System in California to manage Universal and other waste products.

Section 2. The City Council of Palm Springs urges the California Legislature to enact framework EPR legislation which will give producers the incentive to design products to make them less toxic and easier to reuse and recycle and get away from needing legislation to manage every problem product.

Section 3. The Sustainability Manager of the City of Palm Springs is authorized to send letters to the League of California Cities, the California State Association of Counties, and the California Integrated Waste Management Board, and the State legislature and to use other advocacy methods to urge support for EPR legislation and related regulations.

Section 4. The Mayor of Palm Springs is authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support to CPSC to educate and advocate for EPR policies and programs.

Section 5. The City of Palm Springs 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.

Section 6. The City of Palm Springs incorporate producer responsibility into City 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 at the end of their useful life.

Section 7. This Resolution shall take effect immediately upon adoption.

[SIGNATURE PAGE FOLLOWS]

_____, PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2009.

David H. Ready
City Manager

ATTEST:

James Thompson
City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on October 21, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California



California Product Stewardship Council

PO Box 216381, Sacramento CA 95821

PLEDGE OF SUPPORT

The California Product Stewardship Council (CPSC) is a coalition of local government, their associations and organizations related to solid waste, recycling, resource conservation, environmental protection, water quality, and other cross-media issues (Associates). Together with non-government organizations (NGOs) individuals, and businesses (Partners) across California they form a network supporting product stewardship and extended producer responsibility (EPR). CPSC is a federally recognized 501(c)(3) non-profit public benefit California corporation that exists by means of your monetary and in-kind contributions in addition to private and public grant funding.

CPSC MISSION: To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

CPSC FUNCTIONS

1. Build relationships among local government and other stakeholders to increase capacity and knowledge in order to bring about producer financed and managed systems for life cycle and end of life management of their products.
2. Develop practical local and statewide EPR policy and educational tools such as model ordinances, legislation, newsletters, articles, policy briefings, PowerPoint presentations, etc.

The undersigned supports the mission and functions of the California Product Stewardship Council and will advocate in support of product stewardship and EPR.

Affiliation (check one): Associate - Local Government (City, County, Association)
 Partner - Individual, Business, NGO, Organization

Michele Mician 11-17-2009
Signature Date

Michele Mician Manager, City of Palm Springs, Office of Sustainability
Name (print) Title

City of Palm Springs Office of Sustainability
Organization/Jurisdiction (city, county, regional agency) Department/Agency

3200 East Tahquitz Canyon Way Palm Springs, CA 92263
Mailing Address (street address or POB, city, zip)

760-323-8214 michele.mician@palmspringsca.gov
Telephone (with area code) Email

Check here if you are including or would like to provide a financial contribution to CPSC
Please sign, include contribution, and mail to CPSC, P.O. Box 216381, Sacramento, CA 95821

RESOLUTION NO. 08-006
RESOLUTION OF THE COACHELLA VALLEY
ASSOCIATION OF GOVERNMENTS
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 ban of treated wood effective January 2007 and sharps 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, Universal Waste management costs are currently paid by taxpayers and rate payers in the Coachella Valley and are expected to increase substantially in the short term unless policy changes are made; 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, the Coachella Valley Association of Governments 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 products; 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 California Product Stewardship Council (CPSC) is an organization of California local governments working to speak with one voice in promoting transparent and fair EPR systems in California; and

WHEREAS, the Coachella Valley Association of Governments wishes to incorporate EPR policies into the agency's product procurement practices to reduce costs and protect the environment; and

WHEREAS, the California Integrated Waste Management Board has adopted Strategic Directives to begin developing statewide EPR programs; and

NOW, THEREFORE BE IT RESOLVED BY that the Coachella Valley Association of Governments urges the California Integrated Waste Management Board to continue taking timely action to implement the Strategic Directive #5 on Producer Responsibility to manage Universal and other wastes; and

BE IT FURTHER RESOLVED, that the Coachella Valley Association of Governments 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 product, 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 Chair or Executive Director of the Coachella Valley Association of Governments be authorized to send letters to the League of California Cities, the California State Association of Counties, and the California Integrated Waste Management Board, and the State legislature and to use other advocacy methods to urge support for EPR framework legislation; and

BE IT FURTHER RESOLVED, that the Chair of the Coachella Valley Association of Governments be authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support and participate with CPSC to educate and advocate for EPR policies and programs; and

BE IT FURTHER RESOLVED, that the Coachella Valley Association of Governments 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 Coachella Valley Association of Governments and its member agencies develop producer responsibility policies such as leasing

and to take responsibility for collecting and recycling their products and the end of their useful life.

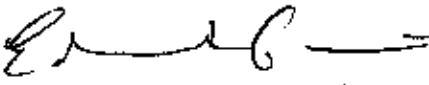
PASSED AND ADOPTED by the Board of the Coachella Valley Association of Governments, State of California on July 28, 2008 by the following vote:

AYES: 12

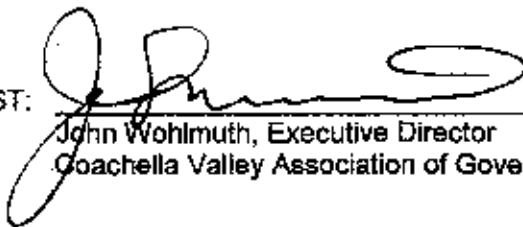
NOES: 0

ABSENT: 0

ABSTAIN: 0

Signed: 
Eduardo Garcia, Chair

Date: 7/28/08

ATTEST: 
John Wohlmuth, Executive Director
Coachella Valley Association of Governments