

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

CONSIDERATION OF SUPPORT POSITION FOR EXTENDED PRODUCER RESPONSIBILITY (EPR) AND PRODUCT STEWARDSHIP.

Summary Statement:

Extended Producer Responsibility, or EPR, is the concept growing in popularity that the manufacturers of products containing toxic, hazardous or hard to recycle materials should be responsible for the products' handling at the end of their useful lives. Currently, the cost for handling these products falls on local government which provides options for safe and legal disposal through Household Hazardous Waste (HHW) programs or other alternative collection programs for specific products.

As more materials are declared hazardous and banned from landfills, the burden of their disposal becomes greater. The most recent examples of these types of products have been cathode ray tubes (CRTs), fluorescent tubes, mercury-containing devices, electronics, and home-generated medical sharps.

Currently, 26 California counties and 65 cities have adopted resolutions supporting EPR. The California Product Stewardship Council (CPSC), a non-profit corporation, is made up of government and businesses partners whose stated mission 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 that promote environmental sustainability."

Recommended Action:

Provide direction to staff.

Proposed by: Diana McKeen

Item Number _____

T. M. Approval: _____

Budgeted Item Yes No N/A

To that end, CPSC has supported development of partnership and “take-back” programs and worked with legislators to develop legislation aimed at shifting the burden and cost of difficult waste disposal from local government to manufacturers.

The former California Integrated Waste Management Board supported the EPR framework as one of its strategic goals. EPR is also supported by the Southern California Association of Governments, League of California Cities, National League of Cities, California State Association of Counties and National Association of Counties.

At its February 11, 2010, Board meeting, the Mojave Desert & Mountain Integrated Waste Joint Powers Authority (JPA), of which Apple Valley is a member, approved resolution 2010-03, authorizing support of EPR. If the Town Council desires to express support for the concept of shifting the cost of product disposal and recycling from local government to the product manufacturers, a resolution similar to the attached JPA resolution may be prepared by staff for its consideration.

RESOLUTION NO. 2010-03
RESOLUTION OF THE MOJAVE DESERT AND
MOUNTAIN RECYCLING AUTHORITY
SUPPORTING EXTENDED PRODUCER
RESPONSIBILITY

WHEREAS, approximately 175,000 tons of discarded materials and products are currently sent to disposal from our community on an annual basis at a cost of \$36 to \$50 per ton; and

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 and are expected to increase substantially in the short term unless policy changes are made; and

WHEREAS, local governments 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 JPA Board 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, sharps, and other 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 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;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF THE MOJAVE DESERT AND MOUNTAIN RECYCLING AUTHORITY that by adoption of this Resolution, the JPA urges the California Department of Resource Recovery and Recycling to continue taking timely action to implement the Framework for an EPR System in California to manage Universal and other waste products; and

BE IT FURTHER RESOLVED, that the JPA Board 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

BE IT FURTHER RESOLVED, that the JPA Administrator 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 related regulations; and

BE IT FURTHER RESOLVED, that the JPA Chair be authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support and participate by contributing \$3000 annually to CPSC to educate and advocate for EPR policies and programs; and

BE IT FURTHER RESOLVED, that the JPA 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 JPA encourage that its member agencies develop producer responsibility 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 and the end of their useful life.