



ADMINISTRATION AND FINANCE



STAFF REPORT

To: SBWMA Board Members
From: Cliff Feldman, Recycling Programs Manager
Date: October 22, 2015 Board of Directors Meeting
Subject: Presentation on Extended Producer Responsibility Framework by the Executive Director of California Product Stewardship Council

Recommendation

This staff report is for discussion purposes only and no formal action is requested of the Board of Directors.

Analysis

The SBWMA Long Range Plan (LRP) approved by the Board of Directors on June 25, 2015 directs staff to prepare for the Board's consideration an Extended Producer Responsibility (EPR) policy resolution to facilitate the JPA's participation in policy discussions and preparation of letters supporting EPR related State legislation and local initiatives. Provided as **Attachment A** is a draft EPR policy resolution for the Board's consideration.

As discussed in the Long Range Plan, adopting an EPR policy resolution will enable the SBWMA to support State and federal efforts to build the environmental costs into the price of products and packaging and then require manufacturers to manage directly and/or participate in a management system for products at the end of their useful life. SBWMA already does this on a limited basis through its support of groups like the California Product Stewardship Council (CPSC) and Californians Against Waste (CAW) at the State level. SBWMA has been a long-time supporter of both CPSC and CAW and annually donates to these organizations.

Adopting an EPR policy resolution supporting product stewardship would provide a more formal way for SBWMA to participate in discussions related to legislation, issue letters of support or concern, and attend meetings and hearings, as appropriate. In addition, adopting a formal EPR policy in turn supports several LRP guiding principles including:

- Support product stewardship policies and initiatives
- Support local, State and national mandates, including meeting the State's 75% recycling goal by 2020
- Promote behavior change through public education

At the October 22, 2015 Board meeting, Ms. Heidi Sanborn, Executive Director of the CPSC will make a presentation on the importance and impact of EPR programs and policy. The mission of CPSC is to shift California's product waste management system from one focused on government-funded and rate payer-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.

Background

Extended Producer Responsibility (EPR) is a mandatory type of product stewardship that includes, at a minimum, the requirement that the producer's responsibility for their product extends to post-consumer management of that product and its packaging. There are two related features of EPR policy: 1) shifting financial and management responsibility, with government oversight, upstream to the producer and away from the public sector; and, 2) providing incentives to producers to incorporate environmental considerations into the design of their products and packaging.

The CPSC reports that 138 resolutions have been passed by California local jurisdictions and organizations supporting a more sustainable and toxic free environment through product stewardship; these jurisdictions represent over 67% of the State population or 26,160,171 Californians. **Attachment B** includes copies of EPR resolutions approved by the City/County of San Francisco, and the Counties of Alameda and Los Angeles. Product stewardship and advance disposal fee policies implemented at the State level have had a direct positive effect on SBWMA operations and resources. SBWMA and the Member Agencies receive revenues and avoid the cost of disposal for targeted materials covered by State law. For 2014, the revenues received include:

- Electronic Waste - \$70,515
- California Redemption Value Beverage Containers - \$3,724,000
- Latex paint (PaintCare program) - \$23,124

Another EPR law recently enacted in California will result in direct future funding to RethinkWaste to manage mattresses at Shoreway. Locally, an ordinance adopted by the San Mateo County Board of Supervisors with a 5-0 vote on April 18, 2015 addresses medicine (i.e., the Safe Medicine Disposal Program). This local ordinance requires pharmaceutical producers to design, fund and operate a convenient medicine take back program and also to fund public education awareness of this program.

Fiscal Impact

There is no fiscal impact associated with the Board adopting an EPR policy resolution as the JPA's future contributions to further EPR related policy are not anticipated to result in additional expense.

Attachments:

Attachment A – Draft SBWMA Extended Producer Responsibility Policy Resolution

Attachment B – Examples of Extended Producer Responsibility Policy Resolutions (San Francisco, Alameda County and Los Angeles County)



DRAFT

RESOLUTION NO. ____ - ____

**RESOLUTION OF THE SOUTH BAYSIDE WASTE
MANAGEMENT AUTHORITY BOARD OF DIRECTORS
SUPPORTING EXTENDED PRODUCER RESPONSIBILITY PROGRAMS AND POLICY**

WHEREAS, the Authority is a joint powers agency organized under the Joint Exercise of Powers Act by cities and other local government agencies in San Mateo County (the "Member Agencies"), each of which oversees the collection of solid waste, organic materials and recyclable materials within its jurisdiction; and

WHEREAS, the SBWMA's adopted mission is to cost effectively design, implement and manage innovative waste reduction and recycling programs and facility infrastructure that fulfills our fiduciary responsibilities to our Member Agencies while achieving community environmental and economic goals.

WHEREAS, on June 25, 2015, the South Bayside Waste Management Authority Board of Directors approved Resolution No. 2015-17 approving the final 2015 Long Range Plan, which includes establishing a policy to support Extended Producer Responsibility programs and policy; and

WHEREAS, Extended Producer Responsibility is a policy approach whereby product manufacturers are required to share the responsibility for managing their products in a cost effective and environmentally sound and sustainable manner, including continuously improving products through redesign for durability and repairability, reducing resource depletion and waste, and minimizing toxicity; and,

WHEREAS, Extended Producer Responsibility is an effective policy tool to ensure the creation of shared responsibility for manufacturers to mitigate or even eliminate the negative impacts of their products and the end of the products usefulness; and,

NOW, THEREFORE BE IT RESOLVED, that the South Bayside Waste Management Authority hereby supports developing and fostering Statewide and national Extended Producer Responsibility related efforts which will benefit ratepayers by ensuring a shared responsibility (between consumers, ratepayers, local governments and manufacturers) for managing discarded products.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the this ___ day of _____, **2015**, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton					Menlo Park				
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist.				

I HEREBY CERTIFY that the foregoing Resolution No. _____ was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on _____, **2015**.

ATTEST:

Cyndi Urman, Board Secretary

Bill Widmer, Chairperson of SBWMA

1 [Supporting Establishment of Statewide Extended Producer Responsibility System and
2 Framework]

3 **Resolution urging the California State Legislature to enact an extended producer**
4 **responsibility framework, requesting the City and County of San Francisco's lobbying**
5 **efforts include extended producer responsibility advocacy, authorizing the City to**
6 **become a member of the California Product Stewardship Council and recommitting the**
7 **City to the goals of the Environmentally Preferable Purchasing Ordinance.**

8
9 **WHEREAS**, Approximately 620,000 tons of discarded materials and products
10 are currently sent to disposal from San Francisco each year at a cost exceeding \$150 million
11 dollars; and

12 **WHEREAS**, On February 8, 2006 California's Universal Waste Rule (CCR, Title
13 22, Division 4.5, Chapter 23) became effective; and

14 **WHEREAS**, The Universal Waste Rule banned landfill disposal of certain
15 products that are deemed hazardous, including household batteries, fluorescent bulbs and
16 tubes, thermostats and other items that contain mercury, and electronic devices such as,
17 televisions, cell phones, microwave ovens, printers, and computers; and

18 **WHEREAS**, It is anticipated that the list of waste products determined to be
19 hazardous or problematic will continue to grow and will therefore be banned from landfills as
20 demonstrated by the 2007 ban of treated wood and the 2008 ban on sharps; and

21 **WHEREAS**, State policies currently hold local governments responsible for
22 achieving waste diversion goals and enforcing product disposal bans, both of which are
23 unfunded mandates; and

24
25

1 **WHEREAS**, The costs to manage Universal Waste and problematic products
2 are currently borne by taxpayers and rate payers and because of the bans these costs are
3 increasing substantially and will continue to do so unless policy changes are made; and

4 **WHEREAS**, Data from City and County annual reports show that, statewide,
5 less than ten percent of the household hazardous waste and Universal Waste generated is
6 being collected; and

7 **WHEREAS**, Local governments do not have the resources to adequately
8 address the rising volume of discarded products; and

9 **WHEREAS**, Costs paid by local governments to manage products are, in effect,
10 subsidies to the producers of hazardous products and products designed for disposal; and

11 **WHEREAS**, Assuming a fifty percent recovery rate, collecting and disposing of
12 universal waste items now banned from the trash costs San Francisco and estimated \$5
13 million each year; and

14 **WHEREAS**, In 2006 the San Francisco Board of Supervisors adopted resolution
15 060194 on file with the Clerk of the Board of Supervisors in File No. 0094-06, which is hereby
16 declared to be a part of this resolution as if set forth fully herein, supporting statewide efforts
17 to ensure producers share in the responsibility for Universal Waste and other products they
18 create; and

19 **WHEREAS**, There are significant environmental and human health impacts
20 associated with improper management of Universal Waste, sharps, pharmaceuticals, and
21 other products and economic impacts when waste becomes litter, including ocean litter; and

22 **WHEREAS**, Extended Producer Responsibility (EPR) is a policy approach in
23 which producers have cradle-to-cradle responsibility for the products they create and sell and
24 are responsible for designing and managing effective end-of-life systems for those products;
25 and

Supervisor Mirkarimi
BOARD OF SUPERVISORS

Page 2
4/15/2010

842 c:\documents and settings\alovich\application data\15\temp\27611.doc

1 **WHEREAS**, EPR incorporates the cost of disposal and recovery for discarded
2 products into the purchase price and reduces the financial burden on local taxpayers and
3 garbage ratepayers; and

4 **WHEREAS**, EPR encourages reuse and recycling and also encourages
5 producers to consider the health and environmental costs associated with the products they
6 create and to include those costs in the product price, thereby creating an incentive to design
7 products that are more durable, easier to repair and recycle, and are less toxic; and

8 **WHEREAS**, EPR framework legislation is a holistic approach that establishes
9 transparent and fair principles and procedures for applying EPR to categories of products and
10 ensures a level playing field for all producers of those products; and

11 **WHEREAS**, The California Product Stewardship Council (CPSC) is a non-profit
12 organization of California local governments working to speak with one voice building
13 knowledge and capacity for transparent and fair EPR systems in California; and

14 **WHEREAS**, San Francisco incorporates EPR policies into the procurement
15 practices to reduce costs and protect the environment, as part of the Environmentally
16 Preferable Purchasing Ordinance; and

17 **WHEREAS**, In January 2008 the California Integrated Waste Management
18 Board (now CalRecycle) adopted a Framework for an EPR System in California; and

19 **WHEREAS**, The National and California League of Cities adopted policy
20 statements in support of a framework approach to EPR, the National and California
21 Association of Counties have adopted policies and resolutions in support of a framework
22 approach to EPR; the Solid Waste Association of North America adopted a policy supporting
23 EPR, and the Association of State and Territorial Solid Waste Management Officials adopted
24 a Product Stewardship Framework Policy Document; now, therefore, be it

25

1 **RESOLVED**, by the Board of Supervisors of the City and County of San
2 Francisco hereby urges the California Legislature to continue taking timely action to
3 implement the Framework for an EPR System adopted by CalRecycle in 2008 to manage
4 problematic products; and be it

5 **FURTHER RESOLVED**, that the Board of Supervisors of the City and County of
6 San Francisco additionally urges the California Legislature to enact framework EPR legislation
7 which will give producers the incentive to design products to make them less toxic and easier
8 to reuse and recycle; and, be it

9 **FURTHER RESOLVED**, That the Board of Supervisors of the City and County
10 of San Francisco encourages the Department of Toxic Substances Control to implement the
11 Green Chemistry initiative to manage Universal Waste and other toxic products; and, be it

12 **FURTHER RESOLVED**, That the Board of Supervisors requests the Mayor to
13 send letters to the League of California Cities, the California State Association of Counties,
14 the Department of Toxic Substance Control, and the State Legislature and to use other
15 advocacy methods to urge support for EPR product and framework legislation and related
16 regulations and otherwise direct the City's Sacramento Lobbying efforts to advocate for EPR
17 product and framework legislation; and, be it

18 **FURTHER RESOLVED**, That the Director of the Department of the Environment
19 is hereby authorized to sign the California Product Stewardship Council (CPSC) Pledge of
20 Support on file with the Clerk of the Board of Supervisors in File No. , which is hereby
21 declared to be a part of this resolution as if set forth fully herein, and contribute such monies
22 that may be available for such purpose to CPSC to educate and advocate for EPR policies
23 and programs; and, be it

24 **FURTHER RESOLVED**, That the Board of Supervisors of the City and County
25 of San Francisco encourages all manufacturers to share in the responsibility for eliminating

Supervisor Mirkarimi
BOARD OF SUPERVISORS

Page 4
4/15/2010

844 c:\documents and settings\alovich\application data\5\temp\27611.doc

1 waste through minimizing excess packaging, designing products for durability, reusability and
2 the ability to be recycled; using recycled materials in the manufacture of new products; and
3 providing financial support for collection, processing, recycling, or disposal of used materials;
4 and, be it

5 **FURTHER RESOLVED**, That the Board of Supervisors of the City and County
6 of San Francisco recommits to, and reminds all City Departments of, the goals encompassed
7 in the Environmentally Preferable Purchasing Ordinance: Reduce occupational health hazards
8 for City staff as well as reduce exposure of City residents and visitors to potential toxics;
9 reduce San Francisco's contribution to global climate change by purchasing products that
10 lead to a reduction in greenhouse gas emissions; improve the air quality by purchasing
11 equipment that minimizes emissions of air pollutants; protect the quality of ground and surface
12 waters by eliminating the use of chemicals known to contaminate through toxicity,
13 bioaccumulation or persistence; preserve resources locally and globally through purchasing
14 practices that maximize water and energy efficiency; utilize post consumer recycled content
15 and readily recyclable or compostable materials; favor renewable energy sources and long-
16 term use through product durability, reparability, and reuse; and consider the life cycle
17 economics of a product's manufacture, transportation, use and disposal.

18
19
20
21
22
23
24
25



P.O. Box 216381
 Sacramento, CA 95821
 916-480-9010

www.CalPSC.org

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, has reviewed, understands and endorses the Framework Principles for Product Stewardship Policy, and will advocate in support of product stewardship and EPR.

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

 Signature Date

 Name (print) Title

 Organization/Jurisdiction (city, county, regional agency) Department/Agency

 Mailing Address (street address or P.O. Box, City, State, zip)

 Telephone (with area code) Email

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

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.

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE **COUNTY OF ALAMEDA**, STATE OF CALIFORNIA

SUPPORT FOR EXTENDED PRODUCER RESPONSIBILITY PROGRAMS

WHEREAS, the Extended Producer Responsibility (EPR) movement in the United States seeks to place a shared responsibility for end-of-life product management on producers and entities involved in the product chain, instead of the general public; and

WHEREAS, manufacturers who design products and packaging have the greatest control over product design and marketing and have the ability and responsibility to reduce negative environmental impacts of a product; and

WHEREAS, EPR encourages product design changes by holding producers responsible for the costs of managing their products through end of life; and

WHEREAS, Alameda County became the first local government in the United States to apply EPR principles and enact an ordinance mandating pharmaceutical companies create and pay for a program for the collection and disposal of their unwanted prescription drugs; and

WHEREAS, producers of products have the unique ability to minimize adverse impacts and work with others in the product chain such as retailers, consumers, refurbishers and recyclers for end of life product management; and

WHEREAS, EPR promotes the integration of environmental costs associated with goods into their purchase price by incorporating the full lifecycle costs into the cost of doing business;

NOW, THEREFORE, BE IT RESOLVED:

The County of Alameda supports producers taking responsibility for reducing or eliminating negative impacts to the economy, environment and public health and safety related to their products through the development of EPR programs.

THE FOREGOING was **PASSED** and **ADOPTED** by the following vote of the Alameda County Board of Supervisors this 25th day of November, 2014, to wit:

AYES: Supervisors Chan, Haggerty, Miley, Valle & President Carson

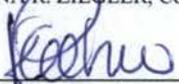
NOES: None

ABSENT: None



KEITH CARSON, PRESIDENT, BOARD OF SUPERVISORS

Approved as to Form:
DONNA R. ZIEGLER, County Counsel

By: 

Kathleen Pacheco, Senior Deputy County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES**

SUPPORTING EXTENDED PRODUCER RESPONSIBILITY

WHEREAS, residents and businesses Countywide generate approximately 24 million tons of waste materials and products on an annual basis; and

WHEREAS, State law (AB 939, 1989 statutes) requires each jurisdiction in Los Angeles County to divert fifty percent of all waste generated from disposal, and to ensure the proper management of all waste materials whether they are diverted or disposed; and

WHEREAS, in February 2006, California expanded the list of products that are deemed hazardous and therefore banned from landfill disposal, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, as well as electronic devices such as computers, video cassette recorders, microwave ovens, cellular phones, cordless phones, printers, and radios; and

WHEREAS, due to the significant environmental and human health impacts associated with their improper management, the list of products determined to be hazardous and therefore banned from landfills is expected to grow, as demonstrated by the ban of treated wood in January 2007 and medical syringes in September 2008; and

WHEREAS, state policies currently make local governments responsible for achieving waste diversion goals, implementing programs to comply with product disposal bans, and addressing a host of products that have a disproportionate impact on the environment and quality of life of our residents, creating significant unfunded mandates; and

WHEREAS, Los Angeles County alone spends nearly \$10 million each year implementing the Countywide Household Hazardous and Electronic Waste Management Program to provide one avenue for residents to properly manage products and materials that are banned from landfill disposal; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which manufacturers assume a shared responsibility for management of their products, including redesigning products to be more durable, easier to repair and recycle, and less toxic; and

WHEREAS, the County of Los Angeles has pursued and supported legislation and other statewide efforts to implement EPR policies, and has consistently supported the advancement of sustainability via policies such as the Energy and Environmental Policy adopted by the Board in 2007; and,

WHEREAS, the California Product Stewardship Council is a nonprofit organization of local governments and interested stakeholders working together to advance EPR policies in California, including legislation to establish a framework for prioritizing the most disproportionately challenging products and implementing the most effective EPR mechanisms to address those products; and

NOW, THEREFORE, BE IT RESOLVED THAT THE Board of Supervisors of the County of Los Angeles reaffirms its commitment to promoting EPR policies and directs our Sacramento legislative advocates to actively pursue legislation and Statewide policies that shift end-of-life management costs from local government to the manufacturers and incentivize the redesign of products to reduce their health and environmental impacts; and

BE IT FURTHER RESOLVED, that the Directors of Public Works and Internal Services or their designees are authorized and encouraged to jointly participate as a member of the California Product Stewardship Council; and

BE IT FURTHER RESOLVED, that the Energy and Environmental Policy Team is directed to evaluate and develop recommendations for producer responsibility policies that County departments can implement, such as leasing products rather than purchasing them, requiring producers to offer less toxic alternatives and to take responsibility for collecting and recycling their products at the end of their useful life.

The forgoing resolution was on the 5th day of NOVEMBER, 2008, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.



SACHI A. HAMAI, Executive Officer-Clerk
of the Board of Supervisors of the County of
Los Angeles

By: Sachi A. Hamai
Deputy

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
COUNTY COUNSEL

By: Raymond G. Fortner, Jr.
Principal Deputy County Counsel