

Agenda Report

February 22, 2010

TO: Honorable Mayor and City Council
THROUGH: Municipal Services Committee (February 9, 2010)
FROM: Department of Public Works
SUBJECT: RESOLUTION IN SUPPORT OF EXTENDED PRODUCER RESPONSIBILITY FOR UNIVERSAL WASTE

RECOMMENDATION:

It is recommended that the City Council adopt the Extended Producer Responsibility (EPR) Resolution (Attachment A).

ADVISORY COMMISSION RECOMMENDATION:

On July 21, 2009, the Environmental Advisory Commission (EAC) recommended their support to City Council for the adoption of the EPR Resolution.

SUMMARY:

Through the adoption of the EPR Resolution, Pasadena will join the growing number of cities and agencies in the state committed to eliminating the financial and environmental burden placed on them for ensuring the proper disposal of household hazardous waste, universal waste, and other problematic products and packaging such as medical syringes (sharps) and pharmaceutical waste by shifting the responsibility to the manufacturers of these products. Moreover, Pasadena's adoption of this resolution will support the California Product Stewardship Council in aggressively addressing producer responsibility in an organized and collaborative approach with other local agencies.

BACKGROUND:

The United States Environmental Protection Agency (EPA) estimates that approximately 75% of today's waste stream consists of manufactured products – from household items such as televisions, cell phones, personal computers, and fluorescent lights to household hazardous waste products like cleaning solvents and pesticides. Electronics contain lead, cadmium, and other toxic heavy metals that pose a threat to public health and the environment when improperly disposed. Other products also

contain toxic constituents, such as the mercury contained in fluorescent lights, thermostats and thermometers, or are packaged with problematic materials and use excessive packaging. Still other products, such as hypodermic needles and other "sharps" waste present a health concern for the public and sanitation workers when improperly disposed.

In response to legitimate environmental concerns about the proper disposal of hazardous products and materials, California has enacted several different landfill bans in recent years. In 2006, "Universal Waste" (fluorescent lights, household batteries, electronics, mercury switches, etc.) were banned from landfills. In 2008, SB 1305 went into effect and requires "sharps" waste to be collected and transported in approved containers to approved disposal sites. However well-intended the disposal bans are, enforcement has been placed on local governments, which often lack the funding, capacity or resources to properly manage the growing list of products banned from landfills. Ratepayers and taxpayers are financing costly collection infrastructure and programs which, in effect, amount to a subsidy for the product manufacturers, with few exceptions, who take no responsibility for the end-of-life management of the products they design, sell and profit from.

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 into the purchase price of the product the cost of product discard management. 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.

Pasadena Product Waste Programs:

Pasadena provides a number of product waste collection events and programs. The City introduced a new Battery and Compact Fluorescent Lamp recycling program with 12 convenient collection points at libraries, community centers and hardware stores throughout the City for residents and business owners. The City has recently begun a "sharps" waste program for the estimated 4,500 residents that must self-inject outside traditional health care facilities.

For Household Hazardous Waste (HHW) the City works with the Los Angeles County Department of Public Works to provide this HHW service through roundups. There are many environmental concerns and regulations related to the collection and processing of Household Hazardous Waste (HHW). Also, there are four permanent sites that any County resident can use; the closest permanent locations are in Glendale and Sun Valley.

Pasadena continues to conduct electronic waste recycling events and in 2009 collected over 150,000 pounds of e-waste, along with 12,000 gallons of paint, 300 car batteries, and nearly 8,000 gallons of antifreeze, pesticides and dry cell batteries.

COUNCIL POLICY CONSIDERATION:

The extended producer responsibility resolution supports the following United Nations Urban Environmental Accord (UEA):

Action 4 Zero Waste: Establish a policy to achieve zero waste to landfills by 2040.

Action 5 Product Waste: Adopt a citywide law that reduces the use of disposable, toxic, or non-renewable product category by at least 50% by 2012.

In the Green City Action Plan adopted by City Council in September 2006, the following initiative was included in respect to UEA Action 5 Manufacturer Responsibility:

Pass a resolution that supports statewide legislation and local initiatives requiring manufacturers to take responsibility for collecting and recycling their products at the end of the products' use.

Lastly, Pasadena included in its 2009 state legislative platform support for legislation that establishes extended producer responsibility for waste reduction in collaboration with, and as a founding member of, Green Cities California.

FISCAL IMPACT:

There will be no direct fiscal impact to the City of Pasadena resulting from the adoption of an Extended Producer Responsibility resolution; however, the City of Pasadena stands to gain fiscal relief in the future if EPR policy is passed on a statewide level.

Currently, the proper disposal of universal waste is an unfunded state mandate placed on the City. One reason for increases to ratepayer's monthly solid waste costs is to fund universal waste collection.

Respectfully submitted,



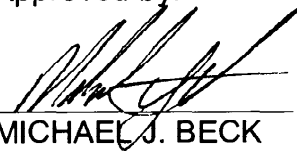
MARTIN PASTUCHA
Director
Department of Public Works

Prepared by:



Gabriel Silva, Environmental Programs
Manager

Approved by:



MICHAEL J. BECK
City Manager

Attachments:

Attachment A – Extended Producer Responsibility (EPR) Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
REGARDING EXTENDED PRODUCER RESPONSIBILITY FOR WASTE
RECYCLING MANAGEMENT**

WHEREAS, currently, in excess of 230,000 tons of waste materials and products are generated citywide on an annual basis; and

WHEREAS, State law requires the City of Pasadena 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 State 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 video cassette recorders, microwave ovens, cellular phones, cordless phones, printers, and radios; and

WHEREAS, due to the adverse 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 effective January 2007 and medical syringes in September 2008; and

WHEREAS, state policies currently create unfunded mandates by transferring the burden to local governments for achieving waste diversion goals and implementing programs to comply with product disposal bans; and

WHEREAS, product disposal management costs are currently paid by taxpayers and rate payers and are expected to increase substantially; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which manufacturers assume responsibility for management of their waste products including redesigning products to be more durable, easier to repair and recycle, reduce or eliminate the use of toxics; and

WHEREAS, the City of Pasadena has consistently supported the advancement of sustainability via policies such as endorsement of the U.S. Conference of Mayors Climate Protection Agreement, and United Nations Urban Environmental Accords which seeks for cities to eliminate waste to landfills, reduce the use of disposable, toxic or non-renewable products, and eliminate products, chemicals or compounds that pose a risk to human health; and

WHEREAS, the City of Pasadena's Environmental Charter specifically states that the City will strive to become a model for environmental excellence and a prevailing force in environmental protection, and acknowledges that an ecologically impoverished and polluted environment adversely impacts human health; and

WHEREAS, the California Product Stewardship Council is an organization of California local governments and interested stakeholders working to advance Extended

Producer Responsibility (EPR) policies in California, including legislation to establish a framework for establishing 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

NOW, THEREFORE BE IT RESOLVED that the City of Pasadena City Council, by adoption of this Resolution, reaffirms its direction to the City's legislative advocates its commitment to actively pursue legislation and statewide EPR policies that encourage 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 the collection, processing, recycling, or disposal of used materials; and transfer product waste management costs from local government to the manufacturer; and

BE IT FURTHER RESOLVED, that the City of Pasadena City Council, by adoption of this Resolution, reaffirms its support of and membership in the California Product Stewardship Council, and

BE IT FURTHER RESOLVED, that the City Manager be authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support and contributing to CPSC to educate and advocate for EPR policies and programs; and

BE IT FURTHER RESOLVED, that the City of Pasadena 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.

Adopted at the _____ meeting of the City Council on the _____ day of _____, 2010 by the following vote:

AYES:

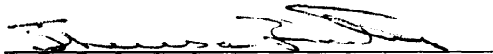
NOES:

ABSENT:

ABSTAIN:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM


Theresa E. Fuentes
Assistant City Attorney