



Upper Valley Waste Management Agency Board Agenda Letter

TO: Board of Directors
FROM: Steven Lederer - Manager
Upper Valley Waste Management Agency
REPORT BY: David Briggs, Environmental Resource Specialist - (707) 253-4094
SUBJECT: Extended Producer Responsibility Presentation & Resolution

RECOMMENDATION

EXTENDED PRODUCER RESPONSIBILITY PRESENTATION AND RESOLUTION

Board to receive a presentation by Ken Wells, Consultant for the California Product Stewardship Council, (CPSC) on Extended Producer Responsibility (EPR) and authorization for the Chair to sign the attached resolution in support of EPR.

EXECUTIVE SUMMARY

The responsibilities and costs of waste management in California are borne mainly by local public agencies. These local agencies are limited in their ability to accomplish their waste management objectives by a lack of shared responsibility with producers of most products. A broad-based coalition of interests is promoting a more progressive approach that involves manufacturers in the management of products that they produce once consumers discard them. Extended Producer Responsibility (EPR) is a policy approach that requires manufacturers to establish and fund recycling and waste disposal systems for their products. This approach lessens the burden of waste management on local agencies by creating an incentive for manufacturers and industry groups to consider less wasteful, more recyclable, and less hazardous product designs. The state of California Department of Resources Recycling and Recovery has adopted a framework for moving toward comprehensive EPR in California. The California Product Stewardship Council asks that Upper Valley Waste Management Agency support the effort to implement the state's EPR framework by helping to advocate for new EPR legislation and efforts.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Each year, residents and businesses of Napa County discard a variety of manufactured items that have served their intended purpose. The amount of products discarded in Napa County and across the country is substantial and increasing. According to the U. S. Environmental Protection Agency, over 70 percent of a typical municipal waste stream in the U. S. comes from manufactured products – from common household goods to items such as televisions, cell phones, personal computers, fluorescent lamps and batteries, paint, and pesticides. Many products are heavily packaged or wrapped, and are often designed for landfill disposal. A growing number of manufactured products available today can, when they are discarded, present a risk to public health and the environment. Products with electronic components may contain lead, cadmium, and other toxic heavy metals. Other products, like fluorescent lamps, thermostats or switches often contain hazardous mercury. Still other products, such as hypodermic needles or other “sharps” can injure members of the public when improperly disposed of. These products all require special handling, processing, or treatment to ensure that their components do not harm people or the environment.

In response to concerns about products and materials that may, when disposed of in a landfill, waste energy and generate harmful gases or leachate over time, California has banned some products from landfills. In 2006, the state legislature banned “universal wastes” (e. g. fluorescent lights, household batteries, electronics, mercury switches, etc.) and passed The Medical Waste Management Act (SB 1305), which led to a ban of sharps from landfills in 2008. The responsibility for these bans was passed to local agencies that may lack sufficient funding, capacity, and resources to enforce them.

Many products today are actually designed for disposal, rather than reuse or recycling. It is both the volume and toxicity of discarded products that is of concern to local governments. Ratepayers and taxpayers are financing costly collection infrastructure and programs which could be more cost-effectively managed by the private sector.

Residents of up-valley communities of Napa County are calling for more recycling options and safe, convenient disposal systems, especially for hazardous material-containing products that they discard. Meanwhile, Upper Valley Waste Management Agency (UVWMA) has limited revenue sources that are vulnerable to the economic slowdowns and is constrained in raising new revenue by Proposition 26 (2010), which requires a 2/3rds voter approval of new fees. The agency cannot afford to provide broader services with its existing funding. Currently, UVWMA co-sponsors collections of various potentially hazardous products at privately-owned hardware stores, Clover Flat Landfill, and at public facilities at Calistoga Fire Station and Yountville Water Treatment Plant. UVWMA covers most of the

costs of recycling or disposal of batteries, motor oil, latex paint, antifreeze, fluorescent lamps accepted from local residents at these sites. The costs of these collections alone exceeded \$17,000 in calendar year 2010. UVWMA has not had sufficient funding to sponsor temporary household hazardous waste collection events in the up-valley for over 2 ½ years.

EPR offers a way to relieve local agencies of the burden of handling, recycling or disposal of discarded products by engaging producers in the lifecycle management of their products. With EPR, producers are responsible for creating collection, hauling, processing, recycling and disposal systems that are most suitable for their products. The costs of these systems are thereby internalized within product costs. This creates an incentive for producers to make more recyclable, less toxic products. EPR recognizes that all stakeholders share some responsibility, but the producer has the greatest responsibility. EPR does not stipulate *how* producers take responsibility, but rather that they *must if they sell the product in California*. This gives producers the flexibility to design programs that work for their product and business model. Producers may choose to utilize existing recycling facilities, haulers, and programs, or to create alternative systems.

Many of the world's largest and most successful businesses, such as Caterpillar and Dell already operate EPR systems in the United States. While voluntary take-back programs can be of value, broadly applied requirements for EPR create a "level playing field" among competing producers that encourages them to develop cost-competitive product designs and recycling systems. EPR allows the free-market system to work *for* waste reduction and recycling, which can lead to lower costs to consumers and public agencies. When producers are responsible for the end-of-life management of their products, they design products that have fewer toxic constituents, are longer lasting, or are easier to recycle.

SUPPORT FOR EPR

There is widespread support for EPR. The state adopted the Extended Producer Responsibility Framework as a policy priority in September 2007. The Framework sets broad guidance for development of EPR laws. The framework allows multiple products to be regulated under one law, as opposed to the costly and time consuming product-by-product legislation of the past.

To date, over 125 local jurisdictions, including the City and County of Napa, have adopted EPR resolutions. These include large jurisdictions such as the City and County of Los Angeles and Santa Clara County to small jurisdictions such as Tuolumne County and Nevada City. Organizations, including the League of California Cities, the California State Association of Counties, Regional Council of Rural Counties (representing 22 counties in California), the National Association of Counties support EPR. The National League of Cities and the California Council of Directors of Environmental Health have also adopted resolutions and/or policies that support EPR and Product Stewardship. In addition, the Solid Waste Association of North America adopted a policy in support of EPR in 2001, and the

Association of State and Territorial Solid Waste Management Officials adopted a Product Stewardship Framework Policy document in October, 2009.

The California Product Stewardship Council invites the Upper Valley Waste Management Agency and its member jurisdictions to become official supporters of the movement to EPR systems in California.

SUPPORTING DOCUMENTS

A . EPR Resolution

Recommendation: Approve
Reviewed By: Steven Lederer