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

WHEREAS, Approximately 620,000 tons of discarded materials and products are currently sent to disposal from San Francisco each year at a cost exceeding $150 million dollars; 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 banned landfill disposal of certain products that are deemed hazardous, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, and electronic devices such as, televisions, cell phones, microwave ovens, printers, and computers; and

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

WHEREAS, State policies currently hold local governments responsible for achieving waste diversion goals and enforcing product disposal bans, both of which are unfunded mandates; and
WHEREAS, The costs to manage Universal Waste and problematic products are currently borne by taxpayers and rate payers and because of the bans these costs are increasing substantially and will continue to do so unless policy changes are made; and

WHEREAS, Data from City and County annual reports show that, statewide, less than ten percent of the household hazardous waste and Universal Waste generated is being collected; 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, Assuming a fifty percent recovery rate, collecting and disposing of universal waste items now banned from the trash costs San Francisco and estimated $5 million each year; and

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

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

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers have cradle-to-cradle responsibility for the products they create and sell and are responsible for designing and managing effective end-of-life systems for those products; and
WHEREAS, EPR incorporates the cost of disposal and recovery for discarded products into the purchase price and reduces the financial burden on local taxpayers and garbage ratepayers; and

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

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

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

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

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

WHEREAS, The National and California League of Cities adopted policy statements in support of a framework approach to EPR, the National and California Association of Counties have adopted policies and resolutions in support of a framework approach to EPR; the Solid Waste Association of North America adopted a policy supporting EPR, and the Association of State and Territorial Solid Waste Management Officials adopted a Product Stewardship Framework Policy Document; now, therefore, be it
RESOLVED, that the Board of Supervisors of the City and County of San Francisco hereby urges the California Legislature to continue taking timely action to implement the Framework for an EPR System adopted by CalRecycle in 2008 to manage problematic products; and be it

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

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

FURTHER RESOLVED, That the Director of the Department of the Environment is hereby authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support on file with the Clerk of the Board of Supervisors in File No. \(100475\), which is hereby declared to be a part of this resolution as if set forth fully herein, and contribute such monies that may be available for such purpose to CPSC to educate and advocate for EPR policies and programs; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco 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 Board of Supervisors of the City and County
of San Francisco recommits to, and reminds all City Departments of, the goals encompassed
in the Environmentally Preferable Purchasing Ordinance: Reduce occupational health hazards
for City staff as well as reduce exposure of City residents and visitors to potential toxics;
reduce San Francisco's contribution to global climate change by purchasing products that
lead to a reduction in greenhouse gas emissions; improve the air quality by purchasing
equipment that minimizes emissions of air pollutants; protect the quality of ground and surface
waters by eliminating the use of chemicals known to contaminate through toxicity,
bioaccumulation or persistence; preserve resources locally and globally through purchasing
practices that maximize water and energy efficiency; utilize post consumer recycled content
and readily recyclable or compostable materials; favor renewable energy sources and long-
term use through product durability, reparability, and reuse; and consider the life cycle
economics of a product's manufacture, transportation, use and disposal.
Resolution urging the California State Legislature to enact an extended producer responsibility framework, requesting the City and County of San Francisco's lobbying efforts include extended producer responsibility advocacy, authorizing the City to become a member of the California Product Stewardship Council and recommitting the City to the goals of the Environmentally Preferable Purchasing Ordinance.

April 20, 2010 Board of Supervisors - ADOPTED
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar and Mirkarimi
Excused: 1 - Maxwell

I hereby certify that the foregoing Resolution was ADOPTED on 4/20/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom
Date Approved