



# City of Berkeley ZERO WASTE COMMISSION Regular Meeting

Monday, November 15, 2021 at 7:00 p.m.

## **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH ZOOM VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City of Berkeley Zero Waste Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

**To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device, please use this URL to join the meeting:**

<https://us02web.zoom.us/j/82587046286>

If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. **To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 82587046286#.** If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair. Note: Your phone number will appear on the videoconference screen.

## **MEETING AGENDA**

### **PRELIMINARY MATTERS:**

- 7:00 pm      1. Call to Order by Chair and Roll Call by Secretary
- **Christienne de Tournay (Chair)**, appointed by CM Sophie Hahn, District 5
  - **Annette Poliwka (Vice Chair)**, appointed by Mayor Jesse Arreguin
  - **Steven Sherman**, appointed by CM Rashi Kesarwani, District 1
  - **Rachel Doughty**, appointed by CM Terry Taplin, District 2
  - **Antoinette Stein**, appointed by CM Ben Bartlett, District 3
  - **Margo Schueler**, appointed by CM Kate Harrison, District 4
  - **Sandra Curtis**, appointed by CM Susan Wengraf, District 6
  - **Nicole Ulakovic**, appointed by CM Rigel Robinson, District 7
  - **David Grubb**, appointed by CM Lori Droste, District 8
- 7:05 pm      2. Approve Meeting Agenda and Order of Agenda Items
- 7:10 pm      3. Approve Draft Action Minutes:
- October 25, 2021 Regular Meeting\*

- 7:15 pm 4. Public Comment on Items Not on the Agenda  
*Speakers are allotted up to two minutes. Speakers may be allotted less time at the discretion of the Chair.*
- 7:25 pm 5. Commissioner Announcements  
*Commissioners may make general announcements; no action will be taken.*
- 7:30 pm 6. Staff Updates:
- Mattress Recycling Pilot Program
  - Textile Recycling Program
  - Single-Use Foodware Ordinance Implementation
  - SB 1383 Implementation

### **DISCUSSION AND ACTION ITEMS:**

*Members of the public may provide comments at the beginning of each discussion item and prior to the vote of the Commission on any action items. Speakers are allotted up to 2 minutes.*

- 7:35 pm 1. Discussion and action to approve the 2022 Zero Waste Commission meeting schedule. The Zero Waste Commission will continue to meet as regularly scheduled until Council adopts the ordinance enabling legislation for the new Climate and Environment Commission.
- 7:40 pm 2. Discussion and possible action on recommendations for the new Climate and Environment Commission enabling legislation.\*\*
- 8:00 pm 3. Discussion and possible action to approve updated Zero Waste Commission goals/definitions.\*\*
- 8:40 pm 4. Report back from Secretary on any action taken by the Energy Commission regarding the referred draft ordinance regulating the use of carryout and pre-checkout bags. Discussion and possible action based on the information provided.
- 8:50 pm 5. Discuss Future Agenda Items
- 9:00 pm 6. Adjournment

### **INFORMATION ITEMS:**

*Information items may be moved to discussion but no action will be taken.*

- Links to a Canadian Zero Waste Roadmap from the national Reuse Network forwarded by Sandra Curtis: [https://www.zerowastebc.ca/wp-content/uploads/2021/10/ccpa-bc\\_Zero-Waste\\_2021\\_full.pdf](https://www.zerowastebc.ca/wp-content/uploads/2021/10/ccpa-bc_Zero-Waste_2021_full.pdf)
- Nov. 2 Bay Area Deconstruction Workgroup invite forwarded by staff: <https://www.stopwaste.org/at-work/built-environment/construction-demolition-debris/bay-area-deconstruction-workgroup>

## **COMMUNICATIONS:**

*Communications from the public are included as links or attachments in the agenda packet.*

- No communications from the public were received prior to packet distribution.

**\*Indicates material included in the agenda packet**

**\*\* Indicates material to be available at the meeting**



**ADA Disclaimer:** This meeting is being held in a wheelchair-accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

### **SB 343 Disclaimer:**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Public Works Department located at the address below.

### **Communications Disclaimer:**

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

### **Commission Secretary:**

Heidi Obermeit, Recycling Program Manager,  
Zero Waste Division, 1201 2<sup>nd</sup> St. Berkeley, CA 94710  
510-981-6357

[hobermeit@cityofberkeley.info](mailto:hobermeit@cityofberkeley.info)

## MINUTES

The meeting was convened at 7:04 p.m. with Chrise de Tournay, Chair, presiding.

### ROLL CALL

Present: Chrise de Tournay, Annette Poliwka, Steven Sherman, Rachel Doughty, Margo Schueler, Sandra Curtis, Nicole Ulakovic (7:10 arrival)  
LOA: None  
Absent: Antoinette Stein, David Grubb

**STAFF PRESENT:** Greg Apa, Heidi Obermeit

**MEMBERS OF THE PUBLIC PRESENT:** 6

**PUBLIC COMMENTS (on non-agenda items):** 2

### ACTION MINUTES:

**1. Approval of the October 25, 2021 Regular Meeting Agenda**

Action Taken: M/S/C (Poliwka/Curtis) to approve the agenda for the October 25, 2021 regular meeting.

Ayes: Unanimous; Abstain: None; Absent: Stein, Schueler, Ulakovic, Grubb

**2. Approval of the September 27, 2021 Meeting Minutes**

Action Taken: M/S/C (Sherman/de Tournay) to approve the September 27, 2021 regular meeting minutes.

Ayes: Unanimous; Abstain: None; Absent: Stein, Grubb

**3. Approve the Draft Enabling Legislation (as attached) and Submit these Recommendations to the Staff Secretary to Include in the New Enabling Legislation for the Climate and Environment Commission. Secondly, Request that the Secretary Sends these Recommendations as High Up the Staff Chain of Command as Possible.**

*Secretary's Note: the Commission acts in an advisory capacity to City Council and must send recommendations to Council for formal consideration. The Commission cannot direct staff to take action directly. This recommendation is submitted by the Commission to the staff Secretary as a request, and it is also meant to assist staff with the development of the new enabling legislation.*

Action Taken: M/S/C (de Tournay/Poliwka) to approve the recommendation.

Ayes: Unanimous; Abstain: None; Absent: Stein, Grubb

**Public Comment: 1**

**4. Discussion and possible action on the following October 12 Council Referral:**

**Refer to Berkeley's Zero Waste and Energy Commissions (or successor Commission) to hold joint meetings regarding the proposed Ordinance regulating the use of carryout**

**and pre-checkout bags and promoting the use of reusable bags with a target by of December 31, 2021**

No Action Taken; Discussion Only

**Public comments: 2**

**5. Discuss Future Agenda Items:**

- Meeting Schedule for 2022
- Enabling Legislation for New Climate and Environment Commission
- Plastic Bag Ordinance Referral from Council (report back from Secretary regarding any relevant action taken by the Energy Commission)

**Public comments: 1**

**6. Adjournment at 8:58 p.m.**

M/S/C (de Tournay/Doughty) to adjourn the meeting.

Ayes: Unanimous; Abstain: None; Absent: Stein, Grubb

The next regular meeting of the Zero Waste Commission will be held on Monday, November 15, 2021 at 7:00 p.m. by virtual videoconference/teleconference. The link to access the virtual meeting will be posted to the Community Calendar: [www.cityofberkeley.info/communitycalendar/](http://www.cityofberkeley.info/communitycalendar/)

Respectfully Submitted:

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Heidi Obermeit, Secretary

## **Enabling Language for the Successor Commission to the Zero Waste Commission**

### Section 1: Criteria for Service

1. Three members of the successor commission shall have at least two years (or full-time equivalent basis) of professional experience in waste reduction, reuse/repair, recycling, composting, and/or waste management.

### Section 2: “Zero Waste” shall be defined as follows:

- A. The conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health.
- B. The zero waste approach seeks to minimize waste and reduce the use of natural resources and energy by ensuring that products and packaging are made to be reused, repaired or recycled back into nature or the marketplace.
- C. Zero waste is a philosophy and design framework that promotes reuse, recycling, and conservation programs. More importantly, this framework emphasizes sustainability by considering the entire life cycle of products, processes, and systems. Zero waste does not mean blind pursuit of zero waste to landfills without attention to instances in which such pursuit inadvertently causes greater harm to land, water, air, or climate than landfilling small amounts of waste.

This comprehensive systems approach promotes waste prevention by:

- Having products and packaging designed for the environment,
  - Reducing the materials used in products and packaging,
  - Using less toxic, more benign materials in production and manufacturing, in alignment with the precautionary principle,
  - Providing longer product lives by developing more durable products, and
  - Having products that are repairable and easily disassembled at the end of their useful life.
- D. The hierarchy of zero waste approaches is set forth below:
    - a. Re-think/Re-design
    - b. Reduce
    - c. Reuse/Repair
    - d. Recycle/Compost
    - e. Materials Recovery
    - f. Residuals Management
    - g. Unacceptable

*[EDITOR'S NOTE: UNLESS THERE ARE REASONABLE OBJECTIONS, WE PROVIDE THE LONGER VERSION OF (D) HERE]*

E. The hierarchy of zero waste approaches is set forth below:

### **Rethink / Redesign**

- Design and purchase products from reused, recycled or sustainably-harvested renewable, non-toxic materials to be durable, repairable, reusable, fully recyclable or compostable, and easily disassembled
- Shift funds and financial incentives to support a circular economy, with greater economic and social equity and justice, over the harvesting and use of virgin natural resources
- Enact new incentives for cyclical use of materials, and disincentives for wasting
- Facilitate change in how end users' needs are met from "ownership" of goods to "shared" goods and provision of services
- Support and expand systems where product manufacturing considers the full life-cycle of their product in a way that follows the Zero Waste Hierarchy and moves towards more sustainable products and processes. Producers take back their products and packaging in a system that follows the Zero Waste Hierarchy.
- Identify and phase out materials that cause problems for closed loop systems.
- Facilitate and implement policies and systems to encourage and support local economies, with greater economic and social equity and justice
- Re-consider purchasing needs and look for alternatives to product ownership
- Provide information to allow for informed decision-making
- Be aware of and discourage systems that drive needless consumption

### **Reduce**

- Plan consumption and purchase of perishables to minimize discards due to spoilage and non-consumption
- Implement sustainable purchasing that supports social and environmental objectives as well as local markets where possible
- Minimize quantity and toxicity of materials used, following the precautionary principle
- Minimize ecological footprint required for product, product use, and service provision
- Choose products that maximize the usable lifespan and opportunities for continuous reuse
- Choose products that are made from easily recycled materials
- Prioritize the use of edible food for people
- Prioritize the use of edible food for animals

### **Reuse**

- Maximize reuse of materials and products
- Maintain, repair or refurbish to retain value, usefulness and function
- Remanufacture with disassembled parts; dismantle and conserve "spare" parts for repairing and maintaining products still in use
- Repurpose products for alternative uses

## **Recycle / Compost**

- Support and expand systems to keep materials in their original product loop and to protect the full usefulness of the materials
- Maintain diversion systems that allow for the highest and best use of materials, including organics
- Recycle and use materials for as high a purpose as possible
- Develop resilient local markets and uses for collected materials wherever possible
- Provide incentives to create clean flows of compost and recycling feedstock
- Support and expand composting as close to the generator as possible (prioritizing home or on site or local composting wherever possible)
- Whenever home/decentralized composting is not possible, consider industrial composting, or if local conditions require or allow, anaerobic digestion

## **Material Recovery**

- Maximize materials recovery from mixed discards and research purposes after extensive source separation
- If conditions allow, recover energy using only systems that operate at biological temperature and pressure

## **Residuals Management**

- Examine materials that remain and use this information to refine the systems to rethink, reduce, reuse, and recycle in order to prevent further discards
- Ensure minimization of impacts by means of biological stabilization of fermentable materials.
- Encourage the preservation of resources and discourage their destructive disposal or dispersal
- Plan systems and infrastructure to be adjusted as discards are reduced and its composition changes
- Minimize gas production and release and maximize gas collection
- Use existing landfill capacity and maximize its lifespan. Ensure it is responsibly managed
- Contain and control toxic residuals for responsible management

## **Unacceptable**

- Do not support policies and systems that encourage the destructive disposal of organics and/or the destruction of recyclables
- Do not support energy and destructive disposal systems that are dependent upon the continued production of discards
- Do not allow the incineration of discards
- Do not allow toxic residuals into consumer products or building materials



Section 3: In support of the City's zero waste goals, policies, programs, and infrastructure, the successor commission shall:

- A. Receive and review monthly reports concerning zero waste issues submitted by zero waste staff.
- B. Provide thought leadership, advocacy, and public engagement regarding zero waste.
- C. Develop and periodically update strategic plan, regularly review plan progress, prioritize and refine strategies as needed, and, make recommendations on an ongoing basis to the City Council concerning:
  - i. Zero waste education and outreach;
  - ii. Zero waste goals, both interim and long-term; in order to meet or exceed State of California and Alameda County requirements, such goals shall include, at minimum:
    - a. Reduction in per capita waste generation (weight basis) of 20% by 2032 over baseline of 2022
    - b. Increase in local employment in reuse/repair/upcycling businesses and enterprises by 20% by 2032 over baseline of 2022
    - c. Increase landfill diversion from residential sector to 75% by 2027
    - d. Increase landfill diversion from commercial sector to 85% by 2027
    - e. Increase landfill diversion from City government to 85% by 2027
  - iii. Zero waste policy regarding:
    - f. Infrastructure ownership, operations, and services
    - g. Capital and operations financing and rate setting
    - h. Alignment of funding for materials collection and processing, including reusables/repairables, recyclables, compostables, and residuals (to landfill), with the zero waste hierarchy
    - i. Materials collection requirements
    - j. Enforcement
  - iv. Zero waste program staffing levels and needs
  - v. Evaluation of the proper and most effective departmental roles and responsibilities, specifically regarding the appropriateness of continuing to burden the Public Works Department with carrying out tasks beyond its core mission and competency, namely,
    - a. changing the purchasing and discard behavior of residents and businesses,
    - b. formulating policy regarding product and packaging restrictions,
    - c. applying pressure and influence further upstream in the extraction, production, and distribution supply chain to reduce greenhouse gases, and
    - d. linking materials management with stimulation of local economic development and social capital.

As such, at least every five years evaluate whether these areas of responsibility should be housed in a department of the environment, office of sustainability, economic development department, energy and resource conservation office, or other department.