



DEPARTMENT OF PUBLIC WORKS
Solid Waste Management Division

MINUTES
ZERO WASTE COMMISSION
Monday, October 29, 2012
North Berkeley Senior Center, 1901 Hearst Avenue
Workshop Room B, 1st floor

Chair Kalil called the meeting to order with a quorum at 7:14 PM

1. Roll Call:

Commissioners present: Kalil, Schultze-Allen, Wenning, Tam (7:14)

Commissioners absent: Kirkpatrick, Halperin; Bartlett (Excused)

Staff: Andy Schneider – Recycling Program Manager

Members of the Public: Martin Bourque of Ecology Center; Jeff Belchamber & Sara MacKusick of Community Conservation Center; Dan Knapp & Mary Lou Van Deventer of Urban Ore; Steen Jensen; Shannon Davis; Nancy Gorrell; Carolyn Dean

2. Approve Agenda:

M/S/C Tam/Schultze-Allen to approve amended agenda 4/0/0

3. Comments from the Public: Mary Lou Van Deventer announced the NCRA Recycle Update on March 19, 2013 and the Zero Waste International Dialog on March 20, 2013 at the Freight & Salvage. Other Zero Waste events are being planned around the bay during that time as well. Mary Lou suggested and will provide a draft Resolution for Council consideration to declare March 18-22, 2013 “Zero Waste Week”. Martin Bourque announced a Bill McKibben speaking event called “Do The Math” on the oil industry on Nov. 9th at King Middle School. Martin also reported an express concern regarding a new packaging EPR offshoot called “Recycling Reinvented” which partners with the packaging industry. Bottle Bill opposition and the potential circumvention of conventional recycling were discussed. The Commission will monitor and bring this item back for further discussion. Shannon Davis announced she is working with Cal Athletics and Cal Dining and the new Memorial Stadium zero waste plan. LBN Lab and “Plastic Free Campus” were discussed.

4. Announcements and Commissioner Comments:

Tam reported on the controversy surrounding the signing of AB845 and SPRAWLDEF’s opposition.

5. Approve Meeting Minutes of Sept. 24, 2012:

M/S/C Schultze-Allen/Wenning to approve Sept. 24, 2012 minutes 4/0/0

6. Extended Producer Responsibility: Kalil acknowledged Urban Ore, Steen Jensen and Commissioner Wenning for their work on the revised EPR resolution. Wenning reported on her research and industry contacts that shaped the resolution details. The Berkeley Resolution allows for Government influence and involvement in how EPR is handled. Work continues on the Commission Report with review planned for the Jan 28th ZWC meeting.

Motion to approve the revised EPR Resolution: M/S/C Wenning/Schultze-Allen 4/0/0

7. Program Tonnage & Diversion Update: Schneider provided a five-year tonnage summary for all diversion programs and landfilling. An overview of state reporting and how it relates to our diversion percentage estimates was provided. Various factors of the economy, cart program, origin errors, ADC and franchise reporting were discussed. Tonnage statistics show stable recycling and organics diversion. The decrease in C&D, and subsequent increased landfill tonnage, from 2010 to 2011 was discussed and methods to control were proposed. Utilizing this data in the strategic planning process will help to identify priority targets.

8. Future Agenda Items and Meeting Dates: NA

9. Adjourn: Kalil adjourned meeting at 9:00

RESOLUTION NO. ##,###-N.S.

Product Stewardship and Extended Producer Responsibility

Adopting an Extended Producer Policy and directing staff to provide written notice of Berkeley's policy to various agencies to encourage state and county legislation requiring those who design, manufacture, and sell products to take responsibility for minimizing environmental impacts through all stages of the product's life cycle, including appropriate disposal using reuse; recycling; anaerobic or aerobic composting; or wasting for unrecyclable residuals such as by landfilling or incineration.

WHEREAS, the product stewardship movement in the United States seeks to ensure that those who design, manufacture, sell, and use consumer products take responsibility for reducing or eliminating negative impacts to the economy, environment, public health, and worker safety; and

WHEREAS, these impacts can occur throughout the lifecycle of a product and its packaging, and are associated with energy and materials consumption; waste generation; toxic substances; greenhouse gases; and other air and water emissions; and

WHEREAS, manufacturers who design products and specify packaging have the ability and responsibility to reduce these impacts by incorporating the full lifecycle costs into the cost of doing business; and

WHEREAS, the terms *product stewardship* and *extended producer responsibility (EPR)* are often used differently by stakeholders involved in the product stewardship movement; and

WHEREAS, the City of Berkeley acknowledges receiving the April 11, 2012 document "Product Stewardship and Extended Producer Responsibility: Definitions and Principles" that seeks to harmonize terminology in the State of California and ultimately the U.S.A., and to help guide development of policies, legislation, and other initiatives by governments, companies, and organizations; and

WHEREAS, by **Product Stewardship** the City of Berkeley means the act of minimizing health, safety, environmental and social impacts, and maximizing economic benefits of a product and its packaging throughout all lifecycle stages; and

WHEREAS, while the producers of products have unique abilities to minimize adverse impacts, suppliers, retailers, consumers, materials recovery enterprises, resource recovery park operators, and recycling depots also can play vital roles by collecting and processing discards so that they become refined resources that can be sold into commerce for using as-is or for making new products, thereby reducing demand for destructive mining, timbering, and unsustainable agricultural practices; and

WHEREAS, product stewardship can be voluntary or required by law; and

WHEREAS, by **Extended Producer Responsibility (EPR)** the City of Berkeley means a 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; and

WHEREAS, the City of Berkeley has since the birth of the modern recycling movement in 1970 incubated some of the most efficient and effective methods of diverting resources from wasting using source separation and universally recognized collection methods like drop-off, curbside pickup, and buyback, and has nurtured under its Enterprise Fund structure a group of specialized materials recovery enterprises that have exceeded state and county goals of 75% diversion, and now seeks to add EPR as one more tool in an already successful zero waste toolbox; and

WHEREAS, under EPR, producers are required to design, manage, and finance programs for end-of-life management of their products as a condition of sale; and

WHEREAS, any new EPR programs should use existing collection and processing infrastructures whenever possible, but they may also create new materials handling systems when no practical alternative is available; and

WHEREAS, EPR programs for brand types should cover all currently manufactured products in a given category; and

WHEREAS, products coming from companies no longer in business or from companies that cannot be identified may require end of life fees or other forms of payment as required; and

WHEREAS, all producers within a particular product category have the same requirements; and

WHEREAS, whether they choose to meet these requirements individually or jointly with other producers, payments from producers that are derived from advanced disposal fees collected at point of sale from consumers should be passed on to all collectors and processors of a given commodity type; and

WHEREAS, to ensure both transparency and accountability, the City of Berkeley believes it is the responsibility of governmental organizations rather than privately chartered corporations to collect and manage the advanced disposal fee funds and to pay collectors and processors for their work; and

WHEREAS, producers have flexibility to design the product management system both to meet the performance goals established by governments, and to ensure compliance with highest standards of the day; and

WHEREAS, new EPR systems must follow the same resource conservation hierarchy of reduce, reuse, recycle, and compost as existing and traditional reuse and recycling systems; and

WHEREAS, products must be managed in a manner that is protective of human health and the environment, and burning and burial of products are not sufficiently protective to be used as disposal options unless the conservation hierarchy has been followed and the remaining materials are considered unrecyclable residuals; and

WHEREAS, governments should work with producers and have oversight in the design, implementation, and funding of public education programs to ensure achievement of performance

goals and standards; and

WHEREAS, consumers should continue to reduce waste, reuse products, use take-back and other collection programs, and make appropriate purchasing decisions based on available information about product impacts; and

WHEREAS, producers and governments should work together to provide all consumers with convenient access to collection services, such as but not limited to; conveniently located resource recovery parks, recycling centers, materials recovery enterprises, and take-back programs established by retailers; and

WHEREAS, governments are responsible for ensuring that EPR programs are fair, transparent, and accountable to the public; and

WHEREAS, EPR programs, including their development and the fate of products managed, should be designed and implemented with input by all stakeholders; and

WHEREAS, in January 2008 the California Department of Resources Recycling and Recovery (then called the Integrated Waste Management Board), endorsed an EPR System for the state California; and

WHEREAS, in July 2008 the National Association of Counties adopted a resolution in support EPR, in November 2009 the National League of Cities adopted an EPR policy, and in June 2010 the U.S. Conference of Mayors adopted a resolution in support of EPR.

NOW THEREFORE BE IT RESOLVED, that the City of Berkeley should support other governments to create an oversight authority to manage EPR programs that is broadly representative of manufacturers, affected governments, reuse and recycling industries, and any new EPR entities.

BE IT FURTHER RESOLVED, that the City of Berkeley should support other governments to enforce a level playing field for all parties in the product value chain by maintaining a fair and competitive marketplace with open access to all, by ensuring that payments for disposal services are fairly distributed to all program operators, and by setting and enforcing performance goals and standards.

BE IT FURTHER RESOLVED, that the City of Berkeley and its member agencies will purchase or lease products that are covered by product stewardship programs, where such products exist, and in other ways offer practical support for the goals of the product stewardship effort.

BE IT FURTHER RESOLVED, that the City of Berkeley directs the City Manager to write to the California Department of Resources Recycling and Recovery (CalRecycle) to urge timely actions to implement new product stewardship initiatives that follow the principles laid out in this resolution.

BE IT FURTHER RESOLVED, that the City of Berkeley directs the City Manager to write to the California legislative representatives for Berkeley urging them to support the concept of product stewardship and the continued evolution of EPR as defined herein.

BE IT FURTHER RESOLVED, that the City of Berkeley should contribute to or show support for vetted organizations that advocate for new product stewardship initiatives and actions that are compatible with the principles laid out in this resolution.

BE IT FURTHER RESOLVED, that the city of Berkeley should contribute \$1000 to the California Product Stewardship Council. CPSC is an organization of California local governments working to speak with one voice in promoting transparent and fair EPR systems in California.

BE IT FURTHER RESOLVED, that the City of Berkeley encourages all manufacturers to minimize excess packaging, reduce or omit use of toxic materials in their products, design products for durability, reusability, and recyclability, use recycled materials in the manufacture of new products, and provide financial support for collection, processing, recycling, or landfilling of all discarded resources.

Zero Waste Commission Oct. 29, 2012

Motion to approve the revised EPR Resolution: M/S/C Wenning/Schultze-Allen. Ayes: Kalil, Schultze-Allen, Tam, Wenning; No's: None; Abstain: None; Absent: Bartlett, Halperin, Kirkpatrick.