



DEPARTMENT OF PUBLIC WORKS
Zero Waste Division

MINUTES
ZERO WASTE COMMISSION
Monday, January 28, 2013
City of Berkeley Corporation Yard - 1326 Allston Way
Ratcliff Building, Willow Room

Chair Kalil called the meeting to order with a quorum at 7:12 PM

1. Roll Call:

Commissioners present: Kalil, Schultze-Allen, Halperin, Wenning, Twu

Commissioners absent: None

Staff: Andy Schneider – Recycling Program Manager

Members of the Public: Jeff Belchamber of Community Conservation Center; Martin Bourque & Daniel Maher of the Ecology Center, Dan Knapp & Mary Lou Van Deventer of Urban Ore; Shannon Davis, Steen Jensen

2. Approve Agenda:

M/S/C Halperin/Schultze-Allen to approve agenda 5/0/0

3. Comments from the Public: Mary Lou Van Deventer updated the Commission on Zero Waste Week events march 17-23, including tours in San Francisco; NCRA Recycle Update March 19 and Zero Waste International Alliance March 20, both at the Freight & Salvage; and East Bay tours of Davis Street, COB Transfer Station, and a reception event at Urban Ore on Friday. The Secretary agreed to invite the Mayor and City Council members via email. Martin Bourque announced that the CCC Board has donated \$5,000 to the Mark Gorrell Fellowship to update the Plastics Task Force report in the context of adding more plastics to our collection programs. The update will focus on education to reduce the use of disposable plastics. Dan Knapp offered to provide supplementary input and information. The Chair thanked Jeff Belchamber for his recent facility and program improvements and requested an update at a future meeting. Shannon Davis announced UC plans for Zero Waste Week and other efforts focusing on institutionalizing composting and waste audits.

4. Announcements and Commissioner Comments: None

5. Approve Meeting Minutes of Nov. 26, 2012:

M/S/C Wenning/Schultze-Allen to approve Nov. 26, 2012 minutes 5/0/0

6. Focus Items for 2013: Kalil reported on the strategic plan process with discussion with Division staff of the Commercial Services RFP. Clarifying service sectors, MRF capacity and a cost/benefit analysis' to support each decision will all be included. This will be followed by the rate study which will inform a new rate structure including a street sweeping fee. Possible rebuild of the Transfer Station was discussed as it relates to potential additional commercial service and funding. Knapp reminded the Commission that we have a workable draft transfer station design

already. Requesting a new waste characterization from StopWaste.org was discussed. Bourque stated that collection day changes will have an impact on residential .

7. EPR Recommendation: Kalil reported on the communications that clarified the government oversight issue in the revised EPR Commission Resolution. Knapp and Van Deventer recommended some specific additional edits, but the Commission agreed that they were not essential and voted to approve the revised resolution as written.

M/S/C Kalil/Halperin to approve revised EPR Resolution 5/0/0

8. Division Update: Schneider reported on the current Council items to be heard on Jan. 29, which includes Division name change and Zero Waste Week. The various components of expanding our acceptance of plastics were outlined, including the Ecology Center contract amendment to add a collection vehicle; cart relabeling project; and public outreach plan. Update on Mandatory Recycling and new requirements for transfer stations and the Reusable Bag Ordinance effectiveness and considerations for our proposed all-retail bag ordinance. New efforts on improved recycling and composting for BUSD and the opportunity to become a Priority Partner with StopWaste.org were discussed. Bourque agreed to contact the School Board to urge their support.

9. Commission honors David Tam for his 8 years of ZWC service: Tam was unable to attend.

10. Future Agenda Items: Rerouting, day changes, new plastics, additional bag efforts, May presentation by Lin King

11. Adjourn: M/S/C Schultze-Allen/Halperin to adjourn at 9:00 5/0/0

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

PRODUCT STEWARDSHIP AND EXTENDED PRODUCER RESPONSIBILITY

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 term *product stewardship* is a voluntary “cradle to cradle” approach to producer responsibility and *extended producer responsibility (EPR)* refers to a mandated legislative approach ensuring government oversight and enforcement; and

WHEREAS, the Zero Waste Commission reviewed 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 is a voluntary approach to product lifecycle management and EPR is a mandatory legislated approach where producers are required by law to assume responsibility for the impacts of products on the commonweal; and

WHEREAS, by Extended Producer Responsibility (EPR) the City of Berkeley means that product stewardship 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 developed 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, “orphan” products coming from companies no longer in business or from companies that cannot be identified and are not covered by a producer-run system may require 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 collectors and processors of a given commodity type that meet highest and best management standards; 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 have full authority for fund oversight and to ensure collectors and processors be paid 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 of 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 State authority to oversee and manage EPR programs in a manner that is broadly representative of manufacturers, affected government, reuse and recycling industries, and 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 Council 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 Council directs the City Manager to write to the California legislative representatives for Berkeley urging them to support the concept of EPR 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 will contribute \$1,000 to the California Product Stewardship Council, 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 - January 28, 2013

Motion to approve the revised EPR Resolution: M/S/C Schultze/Halperin. 5/0/0 Ayes: Halperin, Kalil, Schultze-Allen, Twu, Wenning; No's: None; Abstain: None; Absent: None