



DEPARTMENT OF PUBLIC WORKS
Zero Waste Division

MINUTES
ZERO WASTE COMMISSION
Monday, February 25, 2013
City of Berkeley Corporation Yard - 1326 Allston Way
Ratcliff Building, Willow Room

Vice Chair Halperin called the meeting to order with a quorum at 7:10 PM

1. Roll Call:

Commissioners present: Halperin, Wenning, Twu, Davis, Schultze-Allen (7:15)

Commissioners absent: Kalil

Staff: Andy Schneider – Recycling Program Manager, Ken Etherington – Zero Waste Division Manager

Members of the Public: Sara MacKusick of Community Conservation Center; Martin Bourque of the Ecology Center, Dan Knapp of Urban Ore; Miguel Martinez

Shannon Davis was administered the Oath of Office.

2. Approve Agenda:

M/S/C Wenning/Davis to approve agenda 4/0/0

3. Comments from the Public: Dan Knapp reported on his review of the CalRecycle 75% goal measurement process. The new methodology will change how cities claim alternative daily cover, incineration, transformation and beneficial reuse as diversion. Martin Bourque reminded about the upcoming Zero Waste Week events from March 17-23.

4. Announcements and Commissioner Comments: Vice Chair Halperin welcomed Shannon Davis to the Commission. Twu commented that he has noticed fewer plastic bags in the street since the Reusable Bag Ordinance has been enacted. He also notices more loose trash in his multi-family refuse bin which does not seem to fall out as easily during service. Bourque stated that we will get some comparative numbers of plastic bag pollution during the 2013 Coastal Clean-up.

5. Approve Meeting Minutes of Jan. 28, 2013:

M/S/C Twu/Davis to approve Jan. 28, 2013 minutes 5/0/0

6. EPR: After stakeholder input on the previous EPR Resolution regarding how residuals are handled, a revised EPR Resolution was prepared. (attached)

M/S/C Davis/Twu to approve revised EPR Resolution 5/0/0

7. Officer Elections: Doug Halperin was nominated for the position of Chair 5/0/0 Ayes: Halperin, Schultze-Allen, Twu, Wenning, Davis; No's: None; Abstain: None; Absent: Kalil. Nashua Kalil was nominated for the position of Vice Chair 5/0/0 Ayes: Halperin, Schultze-Allen, Twu, Wenning, Davis; No's: None; Abstain: None; Absent: Kalil.

8. Division Update:

Plastics Update: Schneider reported on the plastics program expansion. Multiple factors are being considered to inform decisions on types and sizes of plastics that will be accepted in our curbside programs, as well as at the drop-off. An operations and outreach meeting will be held with Berkeley Recycling and Ecology Center to discuss the program and timeline. Bourque stated that we need to consider: limiting small and large plastic items; increased food contamination; event changes; and a take-out-ware ordinance to insure the recyclability and compostability of to-go packaging. MacKusick reported that the volume of plastics is much higher than expected and that additional line modifications and additional staffing will be necessary to accommodate the anticipated plastic volume once officially announced.

All-Retail Bag Ordinance Update: Schneider reported on the development of a project scope with considerations for all-retail implementation.

9. Future Agenda Items: Jeff Belchamber to present on Berkeley Recycling MRF upgrades.

10. Adjourn: M/S/C Twu/Davis to adjourn at 9:00 5/0/0

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 terms “Product Stewardship” and “Extended Producer Responsibility” (EPR) describe different approaches to a product’s lifecycle management, and “Product Stewardship” refers to the large concept that everyone involved in a product’s lifecycle, including manufacturers, distributors, retailers, consumers, and recyclers have responsibilities for a product’s environmental impacts and end-of-life resource management, while “Extended Producer Responsibility” is a legislative approach that places both financial and operational responsibility only on producers for the product’s end-of-life management, and both approaches ensure governmental oversight and enforcement of these responsibilities; 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, in “Product Stewardship” the City of Berkeley includes the acts 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, 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 financing 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 management 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; 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.

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