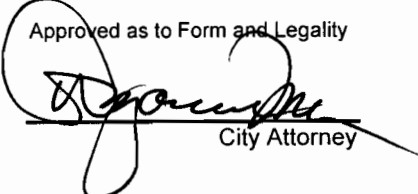


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 MAY 13 PM 1:44

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 82803 C.M.S.

**RESOLUTION TO SUPPORT CALIFORNIA ASSEMBLY BILL 2139
WHICH WILL REQUIRE MANUFACTURERS TO CREATE, FUND AND
OPERATE A PROGRAM TO RECYCLE AND/OR DISPOSE OF
HOUSEHOLD MEDICAL NEEDLES, HOUSEHOLD PESTICIDES, AND
HOUSEHOLD SINGLE-USE BUTANE CONTAINERS THEY SELL IN
CALIFORNIA AFTER THEIR USEFUL LIFE**

WHEREAS, in 2007 the City Council approved Resolution No. 80390 C.M.S. adopting an Extended Producer Responsibility policy to pursue legislation that would give manufacturers/producers incentives to redesign products to make them less toxic, and shift the cost for recycling and proper disposal of products from local governments and rate payers to the manufacturers and distributors of products; and

WHEREAS, in 2007 the City Council approved Resolution No. 80747 C.M.S., adopting an Environmentally Preferable Purchasing Policy that favors products manufactured by companies that take financial and physical responsibilities for safely managing, recycling and disposing of their product wastes; and

WHEREAS, in 2006 the City Council approved Resolution No. 80286 C.M.S. adopting a Zero Waste Strategic Plan that includes strategies to advocate for manufacturer responsibility for product waste and bans problem materials; and

WHEREAS, SB 1305 of January 2008 amended the Medical Waste Management Act and made it unlawful for home-generated medical needles (sharps) to be disposed into either the municipal solid waste and recycling systems; and

WHEREAS, existing State law classify pesticides for household use and non-reusable propane containers as universal waste and prohibits these used products from being disposed of in the municipal waste stream; and

WHEREAS, AB 2139 would establish the California Product Stewardship Act and create an Extended Producer Responsibility Framework in which manufacturers/producers must assume direct responsibility for the products they design, manufacture and market, and develop safe disposal and recovery programs for the products they make in California;

WHEREAS, AB 2139 would establish three “covered products” including home-generated sharps, pesticides for household use and non-reusable propane containers to be included in the Act; and

WHEREAS, AB 2139 would require manufacturers of the “covered products” to provide the California Department of Resources Recycling and Recovery plan that includes a description of recovery programs that residents and consumers can use to safely and conveniently dispose of used sharps, pesticides for household use and non-reusable propane containers; and

WHEREAS, the City of Oakland is charged with protecting the public health and welfare of its residents and workers and assumes the authority and responsibility to comply with the California Health and Safety Code Chapter 6.95; therefore be it

RESOLVED: that the City of Oakland declares its support for AB 2139 (Chesbro); and be it

FURTHER RESOLVED: that the City Council hereby directs the City Administrator and the City’s legislative lobbyist to advocate for enacting AB 2139 with the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 1 2010 , 20

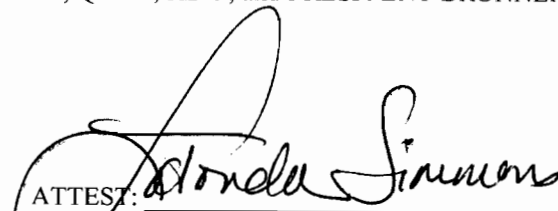
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California