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OAKLAND

2007 NOV -8 PM 3:02

**CITY OF OAKLAND**  
*AGENDA REPORT*

To: Council President Ignacio De La Fuente  
Chairperson, Rules and Legislation Committee  
From: Lupe Schoenberger, Rules Committee Legislative Analyst  
Date: November 15, 2007  
  
Re: **SUPPLEMENTAL -Proposed State Legislative Agenda for 2008**

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Last February, the City Council adopted Resolution No. 80390 C.M.S. which authorized the City to pursue and support statewide and local legislative and other initiatives to hold producers responsible for product waste, starting with products defined as universal waste. This priority "Watch" item was inadvertently omitted from the proposed 2008 State Legislative Agenda and should be included under a new category entitled "Environment".

Respectfully submitted,



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Lupe Schoenberger  
Rules Committee Legislative Analyst

Item: \_\_\_\_\_  
Rules & Legislation Comte.  
November 15, 2007

OFFICE OF THE CLERK

# OAKLAND CITY COUNCIL

REVISED  
Approved as to Form and Legality

  
City Attorney

2007 FEB 21 PM 1:09 RESOLUTION No. 80390 C.M.S.

Introduced by Councilmember Nancy J. Nadel

## RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO PURSUE AND SUPPORT STATEWIDE AND LOCAL LEGISLATIVE AND OTHER INITIATIVES TO HOLD PRODUCERS RESPONSIBLE FOR PRODUCT WASTE, STARTING WITH PRODUCTS DEFINED AS UNIVERSAL WASTE

**WHEREAS**, manufactured goods and packaging constitute about 75% of the materials managed by City of Oakland and sent to landfill, costing residents and businesses about \$70 million each year in refuse rates, plus millions more in taxes; and

**WHEREAS**, on February 8, 2006, a state law took effect making it illegal to throw in the garbage items defined as "universal waste," including household batteries, fluorescent bulbs or tubes, thermostats, other items that contain mercury, as well as electronic devices including VCRs, microwaves, cellular phones, cordless phones, printers, and radios; and

**WHEREAS**, assuming a 50% recovery rate, collecting and disposing of these products now banned from the landfill will cost an estimated additional \$3 million each year; and

**WHEREAS**, when additional products are declared as hazardous by the State the burden to manage these items will fall to local jurisdictions; and

**WHEREAS**, the municipal waste management system was established a century ago to manage far simpler and more homogeneous wastes like ashes, food scraps and horse manure, rather than manufactured goods and packaging which dominate today's municipal waste; and

**WHEREAS**, there are significant environmental and human health impacts associated with household products that contain toxic ingredients, including mercury, lead, cadmium and other toxic chemicals that when disposed of improperly can contaminate water supplies; and

**WHEREAS**, the practice of local governments' providing waste management services at no cost to product makers is a perverse subsidy that encourages continued production and over-consumption of disposable products with excessive packaging and toxic components because manufacturers know that whatever they produce the local government will foot the bill for recycling or disposal; and

**WHEREAS**, in 2002 the City Council joined numerous other cities and counties in California, the U.S. and throughout the world by adopting Resolution #77500 C.M.S. which established the goal of 75% reduction of waste disposed in landfills by 2010 for the City of Oakland in alliance with the countywide 75% waste reduction requirement; and

**WHEREAS**, Extended Producer Responsibility is an environmental policy approach in which producers assume responsibility—financial and/or physical—for the management of post-consumer products, so that those who produce and use products bear the costs of recycling and proper disposal; and

**WHEREAS**, when brand owners are responsible for ensuring their products are re-used or recycled responsibly, and when health and environmental costs are included in the product price, there is a strong incentive to design and purchase goods that are more durable, easier to recycle, and less toxic; and

**WHEREAS**, it is timely to develop and support extended producer responsibility legislation to address the universal waste sector of the waste stream in response to the state ban on universal waste from household disposal; now, therefore be it

**RESOLVED**: that Oakland's City Council urges our representatives in Sacramento to pursue statewide extended producer responsibility legislation targeted at universal waste that will give incentives for the redesign of products to make them less toxic, and shift the cost for recycling and proper disposal of products from local governments to the producer and distributor of the product; and, be it

**FURTHER RESOLVED**: that the City of Oakland will continue to support extended producer responsibility initiatives and statewide legislation beyond universal waste to cover areas including other hazardous products, bulky packaging, and items like plastics and multi-material products that are difficult to recycle; and, be it

**FURTHER RESOLVED**: that the City of Oakland will collaborate with the Association of Bay Area Governments (ABAG) on issues of waste reduction; and, be it

**FURTHER RESOLVED**: that the City will support citywide extended producer responsibility legislation that provides companies that manufacture and sell their products in the City with incentives and/or mandates to redesign their products to make them less toxic, and to develop plans and implement programs to take back their products at the end of their useful life; and, be it

**FURTHER RESOLVED**: that the Public Works Agency in collaboration with the Mayor's Office of Sustainability develop Environmentally Preferable Purchasing policies that gives preference to City vendors who employ environmentally responsible practices such as leasing products rather than purchasing them, offering less toxic alternatives, and who take responsibility for collecting and recycling their products at the end of their useful life.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 6 2007, 2007

**PASSED BY THE FOLLOWING VOTE:**

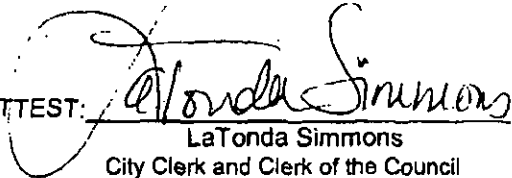
AYES - BROOKS, ~~FRANCO~~, CHANG, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT DE LA FUENTE - 6

NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

Excused - Reid - 1

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