

Sonoma County

Extended Producer Responsibility Implementation Plan



**Presented to
Sonoma County Waste Management Authority**

**Prepared by
R3 Consulting Group, Inc.**

January 26, 2007

Introduction

Extended Producer Responsibility (EPR) and Product Stewardship (PS) are terms used interchangeably to describe a long-term solution to manage waste products by shifting the responsibility for collection, transportation, and management for those products away from local governments to the manufacturers (Acronyms and Definitions in Attachment A). The Sonoma County Waste Management Agency (Agency) first documented its interest in supporting EPR policies when it passed Resolution No. 2001-021 (Attachment B) on June 20, 2001. The resolution states:

“The Agency hereby declares its support for Extended Producer Responsibility policies and supports governmental and non-governmental organizations in the effort to develop such policies.”

In keeping with this policy direction, the Agency staff presented a report on EPR dated April 16, 2006 to the Agency Board as a way to deal with the enactment of the State Universal Waste Rule which banned several materials, including household batteries and mercury containing lamps, from landfill disposal. Agency staff reported that batteries and mercury containing lamps were a good target for retail take-back policies. As a result, the Agency directed staff to develop an Implementation Plan to institute a retail take-back program for household batteries and mercury containing lamps in Sonoma County. R3 Consulting Group (R3) was contracted to develop the Implementation Plan and present it to the Agency Board.

Background

EPR as a policy approach refers to shifting responsibility away from general taxpayers to the manufacturers. There are many different levels of responsibility that manufacturers can assume for their products on the path to taking full responsibility for their products. Any movement on the path to manufacturers taking full responsibility is in keeping with EPR.

Since 1991, EPR policies have been broadly adopted in Europe and in other countries such as Japan, Australia, Taiwan, and Korea. Most recently EPR policies have been

R3

Sonoma County Extended Producer Responsibility Implementation Plan

R3

adopted in the United States, some voluntarily by the manufacturers, and some mandated at the state and local level. At the Federal level, there has only been consideration of development of new EPR policies but to date, there has been no change in regulations to support EPR.

The following sections examine the international, national, and local EPR programs that have been developed as background for Agency decision makers.

International EPR Policies

Germany is widely credited for developing the first EPR program in 1991 with its packaging ordinance known as Green Dot. The law required that producers and retailers take back the packaging associated with products to ensure that specified recycling rates, between 60-70 percent, were met for each material.

The paper titled, "Extended Producer Responsibility in Europe: A Producer Case Study," by Kieren Mayers of Sony Entertainment, EPR policies are most prevalent in Europe, where they have been implemented or are in the process of being implemented in 29 different countries following the introduction of several European Union Directives. In fact, according to Mayers, product manufacturers have established over 200 different Producer Responsibility Organizations to organize take-back programs for materials such as batteries, packaging, old vehicles, and Waste Electrical and Electronic Equipment (WEEE).

Canada has also been a leader in adopting EPR policies as is demonstrated by the proposed Manitoba HHW legislation, Nova Scotia policies for electronics and paint, Quebec policies on paint, pharmaceuticals, beverage containers and tires, and the British Columbia EPR policy covering the following materials: paint, solvents, pesticides, gasoline, pharmaceuticals, and lubricating oil and filters. Duncan Bury, the Head of Product Policy at Environment Canada's National Office of Pollution Prevention, has said, *"There is enough of a track record of these operating programs that there really isn't any question whether this is an appropriate kind of policy. We are now at the point of discussing how to make it more effective."*

In short, there is a 15 year trend of EPR policies being adopted by countries around the world to deal with a wide

variety of products, including batteries and mercury containing products. Some EPR policies also promote green design which leads to waste reduction and fewer toxic materials in the products sold to the public. The benefit to having individual countries and large trading groups like the European Union passing EPR policies is that they are large enough to significantly affect product design changes for companies that sell on the international market. It is much harder for state and local governments to organize and set policies that can affect production by companies that are international conglomerates. However, local governments do have a role to play in developing and implementing their own EPR policies, especially when state and federal governments do not take action.

National EPR Policies

There is no EPR mandated policy at the national level in the United States, however, there has been considerable discussion at the EPA about designing such policies for electronics and agricultural pesticide containers. Attachment D is the EPA's fact sheet on the development of the Pesticide Container Recycling Rule which is expected to be published in the Federal Register by late summer of 2007. This is a result of the agricultural pesticide producers voluntarily joining together in 1992 to start a Third Party Organization (TPO) called the **Ag Container Recycling Council (ACRC)** with the goal of collecting and recycling pesticide containers. The ACRC is now asking the EPA to adopt regulations and make participation mandatory for all producers of agricultural pesticides. ACRC was formed by 40 of 80 producers which resulted in half of the manufacturers paying to recycle the containers produced from all the manufacturers. This is called the "free-rider" problem and is a risk to all voluntary participation programs because of the inequity in having a few manufacturers pay to recycle all manufactures products. What makes the ACRC situation interesting is that it is the only instance we are aware of where the manufacturers of a product are requesting EPA to make their recycling program mandatory. In general, manufacturers favor national policies and not state-by-state regulatory approaches. In the summer of 2006 there was draft Federal legislative language circulating for mercury controls that contained a pre-emption for any state or local efforts to require product manufacturers to finance retail take-back and recycling

R3

Sonoma County Extended Producer Responsibility Implementation Plan

R3

programs. The language was dropped and HR 6261 was introduced in the fall of 2006, without the pre-emption. Nevertheless, the original pre-emption language came to the attention of elected officials of the **National Association of Counties Environment and Land Use Steering Committee** which passed two resolutions titled as follows:

- Paint Reuse and Recycling (Attachment E)
- Mercury Fluorescent Lamp Recycling (Attachment F)

The resolutions dated August 8, 2006 make policy statements supporting EPR solutions. The resolution on fluorescent lamps included a paragraph in opposition to any Congressional proposal to pre-empt states from developing their own financing mechanism for lamp recycling.

Another national voluntary EPR program was started by the battery manufacturers in 1996 and was titled the **Rechargeable Battery Recycling Corporation (RBRC)**. RBRC operates in the US and Canada and started collecting only rechargeable batteries and over time has expanded the program to also collect cell phones. Currently, RBRC has 90% of the manufacturers participating in both countries and have battery collection centers at 30,000 retailers and businesses. So far, RBRC seems to be maintaining manufacturer participation and has seen significant increases in the pounds of batteries collected, increasing from less than 1 million to 5.6 million pounds from 2005 to 2006. However, the actual effectiveness of the system is unknown since it is only measured by increases in pounds collected and is not adjusted for increases in sales. In addition, there are far fewer battery collection points than sale points for batteries, so convenience to the consumer is still questionable. For more details, see the RBRC Fact Sheet in Attachment G.

Another voluntary EPR program was announced in June of 2006 by **Dell Computer** that promotes a voluntary take-back and recycling program for all Dell branded products if the consumer purchases a replacement product. Approximately 55 million pounds of computer material has been collected in North and South America to date. This demonstrates a manufacturer taking direct and voluntary responsibility for its own products.

The most recent voluntary effort is the **National Vehicle Mercury Switch Recovery Program**, which became effective in August of 2006 and is promoted by EPA, to remove mercury-containing switches from scrap vehicles. The vehicle manufacturers are paying into a \$4 million dollar implementation fund that will encourage the return of the switches by vehicle dismantlers. This program is in its infancy so no conclusions can be drawn on its effectiveness.

Another voluntary national EPR organization is the **Thermostat Recycling Corporation (TRC)** which started in 1998 and actively promotes the collection and recycling of mercury thermostats from older Heating Ventilation and Air Conditioning (HVAC) systems. Collections occur at the HVAC wholesalers where HVAC contractors return them after replacing older units. For a one-time charge to the wholesalers of \$25 (was \$15 prior to January 1, 2007), the wholesalers receive a pre-paid shipping box to return the mercury thermostats collected from the contractors. When a box is returned to TRC, another one is automatically sent to the wholesaler. In addition, the TRC board recently voted to add HHW collection centers to its program in 2007.

Statewide EPR Policies

Several states have chosen to mandate EPR programs for various products:

- * CA Auto Lead-Acid Batteries Take-Back (1989)
- * CA Cell Phone Take-Back (2004)
- * CA Rechargeable Battery Take-Back (2005)
- * MD Computer Recycling Producer Take-Back (2005)
- * ME E-waste Recycling Act -Producer Pays (2005)
- * MA Mercury Containing Products - Producer Pays (2006)
- * ME Mercury Products Law – Producer Take-Back (2006)
- * WA E-waste Recycling Bill – Producer Take-Back (2006)

In addition, in the 2006/07 State of California Budget language addresses take-back programs with the following language:

“Manufacturer “Take-Back” Program.
The Board (meaning CIWMB), in conjunction with the Department of General Services, shall evaluate the feasibility of implementing a manufacturer responsibility

R3

Sonoma County Extended Producer Responsibility Implementation Plan

or take-back program for those goods purchased by California state government. This study should focus on those materials that are, or could be, most conducive to reuse or recycling by the manufacturer together with materials that make up a substantial portion of state government waste stream. Further, it should assess the effectiveness of current take-back provisions in state contracts.

This evaluation shall result in a report to the Legislature by January 1, 2008, and shall include an overview of similar activities that are occurring across the country or around the world that may serve as a model for California in the future.”

The State of California is considering how, through its own procurement, it can encourage take-back policies for companies that sell to the State government. This can also be done at the local government level.

In addition, at the CIWMB February 13, 2007 board meeting the CIWMB is considering EPR language as part of the Board’s “Strategic Directives”:

“In order to assure environmental sustainability, it is a core value of the CIWMB that producers assume the responsibility for the safe stewardship of their materials.

Specifically, the CIWMB will:

- *Assure appropriate legislation is introduced to foster “cradle-to-cradle” producer responsibility.*
- *Analyze the feasibility of various approaches to increasing producer responsibility and make recommendations to the CIWMB Board by December 2007.*
- *Build capacity and knowledge in CIWMB on EPR issues and solutions.*
- *Develop and maintain relationships with stakeholders that result in producer-financed and producer-managed systems for product discards.”*

R3

Local EPR Policies

Some local governments across California and in Wisconsin have already passed EPR policies relating to Universal Wastes, or more specifically, batteries and mercury containing lamps. Below is a listing of those policies (Attachments H through N) with a brief description:

- Dane County, Wisconsin: Ordinance passed in January 1990 prohibiting any retailer from selling tires, lead acid batteries, mercury thermostats or fluorescent lamps without also informing the public that they are banned from landfill disposal and offering to accept these products back for reuse and recycling.
- City of Madison, Wisconsin: Ordinance passed December 2003 requiring any retailer that sells fluorescent bulbs or other lamps containing mercury to notify the public that they cannot be disposed of in landfills and requiring retailers to offer to accept those items for a reasonable fee.
- Central Contra Costa County Solid Waste Authority: Resolution adopted in March 2002 urging the state to require e-waste take-back legislation that encourages green design.
- City of Morgan Hill, California: Resolution passed September 20, 2006 supporting statewide EPR policies and stating that if the state does not pass effective legislation within the next 18 months, or if the industry does not implement take-back, the City will consider requiring local retailers to take-back universal wastes.
- San Luis Obispo County, CA: Ordinance passed in May 2006 requiring local retailer take-back of batteries and fluorescent lamps. (The ordinance does not become effective until four other jurisdictions within the county adopt similar ordinances.)
- San Francisco, CA: Ordinance passed February 2006 urging statewide EPR legislation targeted at U-waste and other hazardous products and packaging and directing City staff to develop producer responsibility policies for City procurement.
- Suffolk County, NY: Resolution 1545 passed unanimously September 5, 2006 creating a purchasing policy that will require County agencies to seek out and do business only with vendors that take-back

R3

Sonoma County Extended Producer Responsibility Implementation Plan

used electronics and recycle them in an environmentally sound manner.

In addition to the ordinances and resolutions being adopted by local governments to encourage EPR, the University of Wisconsin received a \$30,000 grant from the Solid Waste Research Council in the fall of 2006 to conduct a social marketing study on how to increase collection rates of batteries and mercury lamps in Dane County, WI. Dane County has required retailers to offer low cost or free drop-off of batteries and mercury lamps for over 16 years yet the recycling rate is estimated to be in the low 20 percent of material generated. This is much lower than expected and supports the premise that providing a convenient method for the consumer to return materials is a critical component of a successful take-back program.

On February 8, 2006, the Department of Toxic Substances Control (DTSC) allowed the residential exemption to the disposal ban to expire for common household batteries, mercury containing lamps, other mercury containing devices, electronic products, and non-empty aerosol cans that contain hazardous products as outlined in Frequently Asked Questions document in Attachment C. By no longer allowing residents in California to dispose of these items, often called Universal Wastes, in the trash, they created an immediate need for local government to collect and manage these materials since AB 939 placed responsibility onto local government to manage its waste stream.

In addition, the CIWMB Strategic Plan states that:

*“Goal 1—Increase participation in resource conservation, integrated waste management, waste prevention, and **product stewardship to reduce waste and create a sustainable infrastructure.***

...through partnerships with businesses, associations, and State and Federal agencies, we will strengthen our commitment toward product stewardship. This principle ensures that all actors along the product chain share responsibility for life-cycle environmental impacts and the financial viability of the whole product system.”

In short, California Environmental Protection Agencies such as CIWMB can be encouraged to pursue the goals of existing strategic plans by developing EPR policies. To

R3

that end, DTSC and CIWMB are working together to start the “Take It Back Partnership (TIBP)”. TIBP is a voluntary approach to encourage manufacturers and retailers to take-back these products. To date it there has been significant effort made to get the large retailers to start collection of materials in-stores. One challenge with the TIBP is that even when corporate offices “sign-on” to the program, the individual stores may not participate, especially if they are a franchise chain store.

As a way to address the problem of toxic materials being illegally disposed of in the residential waste stream and to encourage manufacturers to redesign their products to be less toxic, some local governments are passing EPR policies. Local EPR policies often encourage the state and federal governments to address these issues because the manufacturers sell products in many jurisdictions, not just one city or one state. Also, as is exemplified with the Ag Container Recycling Program (ACRC), there is a risk in promoting voluntary programs because they may fail and leave local governments paying to recycle the products.

The ACRC example has demonstrated that a national voluntary program supported by local organizations can be problematic. A local example is the Napa County Ag Commissioner held a collection event in November of 2006 and collected 27,940 pounds of plastic from 95 different growers, pest control businesses, golf courses and government agencies. Because ACRC had no money left that late in the year to pay for recycling the containers, the Napa Valley Vintners Association and Napa County Farm Bureau agreed to split the cost of \$9,356 to recycle the containers.

Recommended EPR Policy Direction for Sonoma County

After reviewing and analyzing the trends of EPR policy, the effectiveness of various EPR programs and whether national, state, or local EPR policies are necessary or optimal, it was concluded there are several reasons that adopting an EPR policy approach makes sense at the local level:

1. California is increasing the number of products being banned from landfills without having an EPR system ready to support the ban. The latest is treated wood waste landfill ban which

R3

Sonoma County Extended Producer Responsibility Implementation Plan

became effective January 1, 2007. This is essentially an unfunded mandate on local government to manage these difficult materials;

2. High costs to collect and manage materials cannot be borne by local government alone;
3. EPR is necessary to meet the State goal of zero-waste; and
4. Creates a political ground-swell of support for EPR policies at the State and Federal level.

R3 Consulting Group and Agency staff has spent a significant amount of time discussing the possible options for encouraging EPR and is recommending a phased approach. Because there must be a fundamental shift in thinking by parties at every level in the chain of custody of these products, time must be provided to allow for change in thinking to occur in order to develop a collaborative solution.

Agency staff has indicated a preference to initially try to manage the wastes through a voluntary and collaborative approach instead of a mandatory policy. However, due to the significant volume, toxicity, and cost to collect and manage Universal Wastes, there is limited time for a voluntary solution to be developed that will prevent many of these materials from continuing to be landfilled, or the cost of collection for the Agency in becoming unsustainable. In 2005 the Agency and local businesses paid nearly \$20,000, and more than \$22,000 in 2006, just to manage household batteries and fluorescent lamps. The amount of material managed is a fraction of what is generated. According to a CIWMB report titled *Household Universal Waste Generation in California*, in 2000-01, 0.21% and 0.55% of fluorescent lamps and batteries respectively were collected as a percentage of sales. The cost to manage these materials is expected to increase significantly as more materials are collected.

After thorough consideration of the options by R3 Consulting Group and Agency staff, a two-phase Implementation Plan for EPR is recommended as follows:

R3

Phase 1 – Encourage Manufacturer Responsibility

Encourage EPR Policies at the Federal and State Level

Build on the existing Agency EPR Resolution by having local elected officials and organizations, such as California Association of Counties, League of California Cities, and Association of Bay Area Governments, communicate with State and Federal elected representatives referencing Resolution 2001-021 and encouraging them develop and implement statewide and/or national EPR solutions for all waste materials, not just batteries and mercury containing lamps.

Encourage EPR Policies at the Local Level

Build on the existing Agency EPR Resolution by working with the Agency and Agency member procurement staff to develop or add language to the existing Environmentally Preferable Purchasing policies that the Agency prefers vendors who take-back products at the end of their useful life for recycling. For example, it could become standard practice to ensure that all copiers and electronic equipment purchased by the Agency and its members have a preference for vendors with a take-back policy.

Encourage EPR Policies at Local Businesses

The Agency could encourage local planning departments to use the Conditional Use Permit to require any new retailer of batteries and/or mercury containing lamps to take-back those items from the public for free.

Participate in California Product Stewardship Council (CPSC)

Actively participate in the CPSC to develop coordinated efforts with other California local governments to promote EPR legislation for batteries and lamps and other wastes of concern.

R3

Sonoma County Extended Producer Responsibility Implementation Plan

Promote the Thermostat Recycling Corporation (TRC)

Work with local wholesalers and contractors to encourage their participation in the TRC program to collect mercury thermostats in conjunction with the support and guidance of the Thermostat Recycling Corporation. Also work with TRC to participate in the new program for thermostat collection and recycling at HHW facilities. (See Attachment O for an example of the contractor and wholesaler notification forms.)

Promote Rechargeable Battery Recycling Corporation (RBRC)

Continue to work with local retailers to encourage their participation in the RBRC program to collect rechargeable batteries and cell-phones in conjunction with the support and guidance of the Rechargeable Battery Recycling Corporation. Also work with RBRC to customize existing promotional and outreach materials for Sonoma County and utilize them in Agency outreach efforts. See Attachment P for an example of the RBRC advertising campaign.

Work with the California Take-It Back Partnership (TIBP)

Continue to attend meetings and participate in the TIBP encouraging those selling and promoting the sale of batteries, mercury lamps, and thermostats to help manage them at the end of life. PG&E recently has joined the TIBP effort and offered to work with the Agency to educate public about proper end-of-life management for fluorescent lamps in Sonoma County. Staff will continue with that effort.

Phase 2 – Implement Local Mandatory Take-Back Ordinance

If Phase 1 efforts do not result in significant improvements in household battery, mercury lamp, and mercury thermostat collection and management, funded by parties

R3

Sonoma County Extended Producer Responsibility Implementation Plan

other than the Agency by **January 1, 2008**, then the Agency should consider implementation of a mandatory take-back ordinance for local sellers of these products. The staff will make the presentation at the January 2008 Agency Board meeting summarizing the efforts made and any changes in the collection and management systems and will, if necessary, recommend adoption of a local ordinance to mandate that sellers of these products (of a certain quantity to be determined) be required to take them back from the public. If the lack of progress warrants, Agency staff will also present a model ordinance at the January 2008 board meeting for Board consideration.

The EPR Implementation Plan monitoring process should include reports at the September 2007 and January 2008 Agency Board meetings. Staff will report on the following items, at a minimum:

- a. Actions taken by manufacturers and retailers to increase collection and management of household batteries, mercury lamps, and mercury thermostats.
- b. Actions taken by manufacturers, retailers and others involved in the promotion of such products (like PG&E) to increase public education of proper end-of-life management of household batteries, mercury lamps, and mercury thermostats.
- c. Actions taken by the State of California and the Federal Government to encourage or require EPR for batteries, mercury lamps, and mercury thermostats.
- d. Change in volumes of household batteries, mercury lamps, and mercury thermostats collected by the Agency.
- e. Change in cost to collect and manage household batteries, mercury lamps, and mercury thermostats by the Agency.
- f. Any change in the number of collection points (convenience) for the consumers to return household batteries and mercury lamps to manufacturers and retailers.

If, at the first update in September 2007, staff believe that the first nine months were not successful in demonstrating improvements in collection and management of batteries, mercury lamps and mercury thermostats, staff will present their recommendations on whether or not to proceed in contacting local stakeholders to start discussions about local EPR efforts. The stakeholders to be contacted in regards to collection and management of the batteries,

R3

Sonoma County Extended Producer Responsibility Implementation Plan

mercury thermostats, and fluorescent lamps include the following:

- AB939 Local Task Force
- Local Retailers
- Local and State Government Representatives
- Recyclers
- Chamber of Commerce
- Economic Development Board

Outreach Plan for TRC and RBRC

Staff will identify existing recycling opportunities in Sonoma County for mercury thermostats including lists of participating retailers engaged in take-back. The first task in working to maximize the TRC program is to provide registration forms to every HVAC wholesaler in Sonoma County and get them signed-up to participate in the take-back program and then to do the same with the contractors. Staff will also work with the businesses to identify ways that the Agency can support them in the effort, including promotions and listing them in green business programs and the Recycling Guide and Agency's website (www.recyclenow.org).

Similar efforts will be made with RBRC to continue to identify existing sellers of batteries that participate in the RBRC program and support them while trying to interest additional retailers in collecting rechargeable batteries in their place of business.

Summary

The Sonoma County Waste Management Agency will move forward with promoting EPR through a two-phased approach:

1. Support existing EPR programs and encourage new EPR policies at all levels of government and business, and;
2. Develop a mandatory EPR ordinance if the Phase 1 efforts do not result in significant improvements in shifting responsibility to pay for and manage

R3

batteries, mercury lamps and thermostats to the manufacturers and others in the supply chain.

Through this two-phased approach, the Agency intends to provide consumers with increased opportunities to recycle these materials and remove the burden of payment from taxpayers.

Attachments

- A. Acronym Definitions
- B. SCWMA Resolution No. 2001-021 Supporting Extended Producer Responsibility
- C. DTSC Frequently Asked Questions on the Universal Waste Rule
- D. EPA Pesticide Container Recycling Rule (December 2006)
- E. NACo Resolution on Paint Reuse and Recycling
- F. NACo Resolution on Mercury Fluorescent Lamp Recycling
- G. RBRC Fact Sheet
- H. Dane County, Wisconsin, EPR Ordinance
- I. City of Madison, Wisconsin EPR Ordinance
- J. Central Contra Costa Waste Authority, CA EPR Resolution
- K. City of Morgan Hill, CA EPR Resolution
- L. San Luis Obispo County, CA EPR Ordinance
- M. San Francisco, CA EPR Ordinance
- N. Suffolk County, NY EPR Resolution
- O. Thermostat Recycling Corporation Contractor and Wholesaler Notification Forms
- P. RBRC Promotional Material

R3

Sonoma County Extended Producer Responsibility Implementation Plan

This page intentionally left blank.

R3

Attachment A – Acronym Definitions

- **ABAG – Association of Bay Area Governments.**
The official comprehensive planning agency for the San Francisco Bay region. ABAG's mission is to strengthen cooperation and coordination among local governments. In doing so, ABAG addresses social, environmental, and economic issues that transcend local borders.
- **ACRC – Ag Container Recycling Council.**
Voluntary third party organization of Agricultural Pesticide Producers to collect and recycle pesticide containers.
- **Agency – Sonoma County Waste Management Agency.**
A joint powers authority of the nine cities and the County of Sonoma. The specific focus of the Agency's efforts is the implementation of regional waste diversion programs as required by AB939 in the following categories: Wood Waste, Yard Debris, Household Hazardous Waste, Education and Planning.
- **CalEPA – California Environmental Protection Agency.**
Comprised of six Boards, Departments and Office to create a cabinet level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources.
- **CIWMB – California Integrated Waste Management Board.**
The Board promotes a Zero Waste California in partnership with local government, industry, and the public. This means managing the estimated 88 million tons of waste generated each year by reducing waste whenever possible, promoting the management of all materials to their highest and best use, regulating the handling, processing and disposal of solid waste, and protecting public health and safety and the environment.
- **CPSC – California Product Stewardship Council.** Newly formed organization of California local governments which has a mission to shift California's product waste management system from one focused on government funded and ratepayer financed

R3

Sonoma County Extended Producer Responsibility Implementation Plan

R3

waste diversion to one that relies on producer responsibility to reduce public costs and drive improvements to product design.

- **DTSC – Department of Toxic Substances Control.**
California department that regulates materials designated as toxic including universal waste.
- **EPA – Environmental Protection Agency.**
The Federal Agency responsible to protect the environment through regulation.
- **EPR - Extended Producer Responsibility.**
Used interchangeably with Product Stewardship to describe a long-term solution to manage waste products by shifting responsibility for collection, transportation, and management for those products away from local governments to the manufacturers and others in the product supply chain.
- **E-waste – Electronic Waste.**
Unwanted electrical or electronic appliance.
- **HHW – Household Hazardous Waste.**
Flammable or combustible products like paint and solvents, reactive products such as pool chemicals, corrosive products like cleaners, toxic products like pesticides, products with heavy metals in them and pharmaceutical products.
- **HVAC – Heating, Ventilation and Air Conditioning.**
- **NACo – National Association of Counties.**
The only national organization that represents county governments in the United States. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money.
- **PG&E – Pacific Gas and Electric Company.**
One of the largest combination natural gas and electric utilities in the United States.
- **PS - Product Stewardship.**
Used interchangeably with Extended Producer Responsibility to describe a long-term solution to manage waste products by

Sonoma County Extended Producer Responsibility Implementation Plan

shifting responsibility for collection, transportation, and management for those products away from local governments to the manufacturers and others in the product supply chain.

- **R3 – R3 Consulting Group.**
Solid waste consulting firm contracted to develop the Implementation Plan.
- **RBRC – Rechargeable Battery Recycling Corporation.**
Voluntary third party organization of battery manufacturers to collect and recycle rechargeable batteries and cell phones.
- **SCWMA - Sonoma County Waste Management Agency.**
A joint powers authority of the nine cities and the County of Sonoma. The specific focus of the Agency's efforts is the implementation of regional waste diversion programs as required by AB939 in the following categories: Wood Waste, Yard Debris, Household Hazardous Waste, Education and Planning.
- **TIBP – Take It Back Partnership.**
Voluntary approach started by the CIWMB and DTSC to encourage manufacturers and retailers to take-back products.
- **TPO - Third Party Organization.**
Private, not for profit organization established to implement and administer programs to recover and manage particular used consumer products for reuse and recycling. A TPO may be formed voluntarily by interested parties or in response to legislation.
- **TRC – Thermostat Recycling Corporation.**
Voluntary third party organization established by Honeywell, General Electric and White Rodgers to promote collection and recycling of mercury thermostats from HVAC systems.
- **U-waste – Universal Waste.**
Hazardous materials that contain harmful chemicals. Materials include common batteries, fluorescent tubes and bulbs and other mercury containing lamps, electronic devices, mercury devices, and non-empty aerosol cans that contain hazardous materials.
- **WEEE – Waste Electrical and Electronic Equipment.**
Acronym for European EPR policy regarding electrical and electronic equipment.

R3

Attachment B

**SCWMA Resolution No. 2001-021 Supporting
Extended Producer Responsibility**

ORIGINAL

RESOLUTION NO. 2001-021

Dated: June 20, 2001

RESOLUTION
OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY("AGENCY") SUPPORTING
EXTENDED PRODUCER RESPONSIBILITY ("EPR")

WHEREAS, more consumer goods and products are being designated or determined to be hazardous waste upon disposal; and

WHEREAS, it is important to remove hazardous waste from disposal in Sonoma County's Central Landfill to protect the environment and public health; and

WHEREAS, Agency has a limited budget to manage hazardous wastes, and a limited ability to raise more funds without imposing unreasonable costs on county residents; and

WHEREAS, Agency supports the premise that consumers should be made aware of the full cost of their purchases at the time of purchase, allowing for more informed choice; and

WHEREAS, Agency believes that less toxic formulations, alternative products and/or greater durability, recyclability and reusability of products will increase because manufacturers have responsibility for their products at the end of their useful life; and

WHEREAS, in the interest of long-term economic health, resource sustainability, environmental protection, public health and safety, and limiting Agency's future liability, it is desirable to support efforts that extend manufacturer responsibility for goods and products they create to include their final disposition.

NOW, THEREFORE, BE IT RESOLVED that the Agency hereby declares its support for Extended Producer Responsibility policies and supports governmental and non-governmental organizations in the effort to develop such policies.

MEMBERS:

<u>AYE</u> Santa Rosa	<u>AYE</u> Cloverdale	<u>AYE</u> County	<u>AYE</u> Sonoma	<u>AYE</u> Windsor
<u>AYE</u> Sebastopol	<u>AYE</u> Petaluma	<u>AYE</u> Healdsburg	<u>AYE</u> Cotati	<u>AYE</u> Rohnert Park

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

The within instrument is a correct copy
of the original on file with this office.

ATTEST: _____ DATE: _____

Clerk of the Sonoma County Waste
Management Agency of the State of California,
in and for the County of Sonoma.

Attachment C

DTSC Frequently Asked Questions On the Universal Waste Rule

Sunset of the Temporary Disposal Exemptions for Universal Waste: Frequently Asked Questions (FAQs)

- General Questions
- Questions about Compliance and Enforcement
- Questions about Requirements for Collection Site
- Questions about Collections by Solid Waste Haulers of Universal Waste that is Commingled with Trash
- Other Resources

General Questions

1. What has changed?

Until February 8, 2006 households and some small businesses were allowed to put waste batteries, electronic devices, and fluorescent light bulbs in the trash. Homeowners were also allowed to throw away mercury-containing thermostats until that date. As of February 8, these items, called universal wastes, may no longer be placed in the trash.

2. What are universal wastes and why can't I put them in the trash?

Universal wastes are hazardous wastes that are generated by several sectors of society, rather than a single industry or type of businesses. Hazardous wastes contain harmful chemicals, which, if put in the trash may harm people or the environment. Universal wastes include:

- **Common Batteries** – AA, AAA, C cells, D cells and button batteries (e.g. hearing aid batteries). These may contain a corrosive chemical that can cause burns as well as toxic heavy metals like cadmium. (Automotive type batteries are not universal waste. When they become waste, they are regulated under a different law.)
- **Fluorescent Tubes and Bulbs and Other Mercury-Containing Lamps** – Fluorescent light tubes and bulbs, high intensity discharge (HID), metal halide, sodium, and neon bulbs. These lights contain mercury vapor that may be released to the environment when they are broken. Mercury is a toxic metal that can cause harm to people and animals including nerve damage and birth defects. If mercury is released into the environment it can contaminate the air we breathe and enter streams, rivers, and the ocean, where it can contaminate fish that people eat.
- **Electronic Devices** such as: televisions and computer monitors, computers, printers, VCRs, cell phones, telephones, radios, and microwave ovens. These devices often contain heavy metals like lead, cadmium, copper, and chromium.
- **Mercury-Containing Devices** – thermostats, switches, thermometers, dental amalgam, pressure and vacuum gauges, novelty items, counterweights and dampers, medical devices known as dilators and weighted tubing, certain rubber flooring, and gas flow regulators used in older residential gas meters.
- **Non-Empty Aerosol Cans that Contain Hazardous Materials** – Many products in aerosol cans are toxic. And many aerosol cans contain flammables, like butane, as

propellants for products like paint. If your aerosol can is labeled with words like TOXIC or FLAMMABLE, don't put it in the trash unless it is completely empty.

3. What happens if I throw universal waste in the garbage?

Like used motor oil and paint, universal waste is a kind of hazardous waste. It is illegal to dispose of hazardous waste in the garbage. In addition, by throwing universal waste in the garbage, you can cause additional hazards to your garbage handler. Eventually, chemicals in illegally disposed hazardous waste can be released into the environment and contaminate our air, water, and possibly the food we eat.

4. If I can't throw this stuff in the trash how do I get rid of it?

Many local government agencies run programs that help households and small businesses recycle or properly dispose of their hazardous wastes. Additionally, some retailers will collect certain universal wastes, such as batteries. For information on local collection programs, contact your municipal waste service provider or click [here](#) for the list of Household Hazardous Waste Program Web links. You can also check <http://www.earth911.org> for a universal waste collection program near you.

5. How do I know if a particular electronic device can't be thrown in the trash?

The Department of Toxic Substances Control (DTSC) has tested many electronic devices including: tube-type and flat panel televisions and computer monitors, laptop computers, computers (CPUs), printers, radios, microwave ovens, VCRs, cell phones, cordless phones, and telephone answering machines. The devices that DTSC tested contained concentrations of metals (lead and copper) high enough to make them hazardous wastes when they are discarded. Unless you are sure they are not hazardous, you should presume these types of devices need to be recycled or disposed of as hazardous waste and that they may not be thrown in the trash. For additional assistance, you can call the Waste Evaluation help line at (916) 322-7676.

[<Return to top>](#)

Questions about Compliance and Enforcement

6. Is there a phase-in period for compliance with the expiration of the disposal exemptions?

No, the exemption expired on February 8, 2006. However, in the view of the California Integrated Waste Management Board (CIWMB) and the DTSC, local enforcement agencies (LEAs) and certified unified program agencies (CUPAs) should take into account the need for a short transition period for owners/operators to implement any new requirements and that LEAs and CUPAs should continue to prioritize enforcement on violations that present immediate risks to the public health or the environment.

7. Is there a tolerance level for the amount of universal wastes commingled with loads of non-hazardous solid waste? For example, will an LEA or CUPA issue a violation for finding a CD player or electronic toy in the solid waste?

The regulations do not provide for an acceptable amount of universal waste that can be commingled with non-hazardous solid waste. However, other hazardous wastes are currently inadvertently commingled with loads of non-hazardous solid waste (e.g., paint, oil, pesticides). The DTSC and IWMB expect that operators of solid waste facilities will continue to operate in accordance with existing load checking requirements and permit terms and conditions. The LEA will need to continue to exercise their sound discretion and to use their current methods of evaluating the effectiveness of the load checking and other programs designed to identify and remove hazardous waste from the solid waste stream prior to disposal. It should not be required for the load check program described in the Report of Facility Information (RFI) to list each and every type of waste that could possibly be defined as hazardous, but the load checking activity should be reasonably effective in identifying and removing hazardous waste from those loads that are required to be load checked in accordance with permit requirements and as appropriate to protect the health and safety of the facility employees.

CD players and electronic toys should be managed based on the handler's knowledge of the waste or on testing results. DTSC does not have specific data showing these devices would be universal waste electronic devices. The devices can be managed as nonhazardous solid waste unless you have information or knowledge that an electronic device is hazardous.

8. The CIWMB January 11, 2006 guidance document states: "If an operator fails to take steps to prevent hazardous waste from being received or removed from the commingled waste stream then violations should be noted and appropriate enforcement action should be taken." Please clarify this statement.

Title 14 and Title 27 require operators of transfer facilities and landfills, respectively to implement programs to prevent acceptance of prohibited materials. It is understood that no load check program will be able to prevent all hazardous waste from entering a solid waste facility. The load check program must therefore include procedures for removing hazardous waste that is identified entering a facility. Failure to take steps to in accordance with an approved load checking program or permit requirements in recognition of worker health and safety should be noted and appropriate enforcement action should be taken.

[<Return to top>](#)

Questions about the Requirements for a Collection Site

- 9.A. May a solid waste facility operator set up a drop off spot at the landfill for universal wastes or would this be considered acceptance of hazardous waste, which is prohibited at a landfill or transfer station?

A transfer station and a landfill can accept hazardous waste if the site has been approved to do so pursuant to 14 CCR 17407.5(b) and 27 CCR 20870(b) respectively. Many sites are already approved to accept wastes such as antifreeze, batteries, oil and paint (ABOP). For these sites only minor modifications to the operating record would be required to reflect the additional waste types to be collected. An operator may set up new collection activities for universal wastes without authorization from DTSC or a

CUPA. The activities must meet the universal waste handler requirements of 22 CCR, Division 4.5, Chapter 23. With respect to solid waste permit documents, sites starting up new universal waste collection activities would follow the same procedure they would follow to add an ABOP program.

9.B. Would the owner/operator need to modify the solid waste permit to set up the drop off spot?

Adding universal waste to the other types of hazardous waste received would not in most circumstances require a permit revision. The Report of Facility Information (RFI) for the facility in which a HHW facility is located must properly identify the HHW facility or other universal waste handling activity within the permitted boundary, but the solid waste facility permit should not need to be changed unless the permit contains specific terms or conditions that would be inconsistent with the establishment of such activities (e.g., no hazardous waste). However, if a program to collect hazardous waste is being proposed for the first time where the permit includes specific restrictions, the permit may need to be revised to remove the restriction prior to allowing the new activity from taking place. In addition, adjustment may need to be made to CEQA documents and conditional use permits.

9.C. If the owner/operator adds new services to divert Household Hazardous Waste (HHW) would they also have to update the HHW element of their Integrated Waste Management Plan?

Jurisdictions would not have to formally revise their Household Hazardous Waste Elements but they should update these elements by describing the new services in their Annual Reports to the CIWMB.

10. In the CIWMB January 11, 2006 guidance document, one of the suggested questions to consider during an inspection asks whether the hazardous waste collection and storage areas are identified in site plans or reports. If the storage areas are not clearly designated is that a violation or a need for a permit change?

The current requirement is that hazardous waste handling areas be identified in the RFI. Unless there is a solid waste facility permit condition specifically controlling the storage area, there is no need to change the permit to designate the extent of the storage area. If the storage area is not clearly designated in the RFI or other site plans, the LEA should take into account the need for a transition period and require the owner/operator to update the RFI or site plan in a timely manner.

11. Also in the CIWMB guidance document (1/11/06), how is one to determine what "adequate signage" is or if we are "appropriately implementing the load check program"?

See answer to question 7.

12. What actions are expected of the owner/operator when universal wastes are discovered at the working face of a landfill, the tipping floor of a transfer/processing facility, or other unauthorized area of a solid waste facility/operation?

The same actions that are currently taken when any hazardous waste is discovered should continue to be taken in accordance with the site's load checking or hazardous waste identification and exclusion program.

[<Return to top>](#)

Questions about Collections by Solid Waste Haulers of Universal Waste that is Commingled with Trash

13. What should the driver of a solid waste collection vehicle do if he or she notices universal waste (e.g., fluorescent tubes, microwave ovens, TVs, computers, VCRs) in a solid waste container, commingled with trash?

- a. Remove the item and transport it in a suitable separate container to the solid waste facility where it can be stored with other hazardous wastes removed during "load-checking"?

This would be the safest approach but it may not always be possible.

- b. Leave the item in the trash and transport the commingled load to a solid waste facility?

This depends upon the case-specific factors. If the universal waste can be safely removed, it should be.

- c. Remove the item from the trash and leave it at the curbside?

If the driver cannot properly manage the waste once removed from the container, he or she should not remove it. Universal waste should not be left curbside by the solid waste hauler.

- d. Leave the container at the curbside with a notice to the generator (either residential or commercial) that the waste in the container is not in compliance with state law and cannot be picked up unless the universal waste(s) are removed?

A solid waste hauler is within his rights to refuse to accept a load obviously contaminated with universal wastes or any other hazardous waste.

In summary, DTSC and CIWMB recommend that a driver who notices universal waste in a solid waste container do one of the following (in order of preference):

- a. Remove the item and transport it in a suitable separate container to the solid waste facility where it can be stored with other hazardous wastes removed during "load-checking." Notification should be made to the resident that universal waste may not be placed in the trash.

- b. *Leave the item in the solid waste container and take the entire load to the load-checking station for subsequent removal. Notification should be made to the resident that universal waste may not be placed in the trash.*

14. What are the consequences for a solid waste hauler that unknowingly collects universal waste that is commingled with municipal solid waste?

Under Health and Safety Code section 25163(e), a solid waste operator who unknowingly transports hazardous waste to a solid waste facility, incidental to the collection of solid waste is not subject to hazardous waste transporter registration requirements.

A solid waste hauler that discovers, after the fact, that it has unknowingly transported universal waste in a load of solid waste should remove the universal waste at the solid waste facility and manage it in accordance with the DTSC's regulations. Provided the hauler complies with all applicable universal waste handler and/or CRT material handler standards, there should not be a problem.

[<Return to top>](#)

Other resources

DTSC's web page on universal wastes:

- <http://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/index.cfm>

California Integrated Waste Management Board's universal waste web page:

- <http://www.ciwmb.ca.gov/WPIE/HazSub/UniWaste.htm>
- <http://www.ciwmb.ca.gov/LEACentral/UniWaste/default.htm>

California Recycling:

- <http://www.recycle.ca.gov/>

[<Return to top>](#)

Attachment D

EPA Pesticide Container Recycling Rule (December 2006)

EPA PESTICIDE CONTAINER RECYCLING RULE (DECEMBER 2006)

EPA has begun drafting regulations on pesticide container recycling. In addition to developing the regulatory requirements, the rulemaking process will include an economic analysis of the regulated community, an assessment of potential small business impacts, and a determination of how to ensure an equitable opportunity for nationwide recycling.

Potential standards being considered for the proposed rule include:

- Establishing a mandatory duty for agricultural and professional specialty pesticide registrants to support recycling programs
- Participation in recycling would be voluntary for retailers and pesticide users
- Recycling programs must meet the ANSI/ASABE container recycling consensus standard
- Establishing a minimum recovery rate to ensure adequate effort by registrants
- Requiring adequate geographic coverage nationwide
- Relying on third party certification (probably through ANSI)

ISSUE:

- In 2005, state representatives from the Association of American Pesticide Control Officials and industry representatives met with and wrote to OPPTS management regarding some increasingly serious problems that are threatening the continued success of the existing recycling program. These stakeholders requested EPA to issue regulations that would require pesticide registrants to participate in plastic pesticide container recycling, stating that without regulations, pesticide container recycling may be in jeopardy.
- EPA wants to ensure that pesticide users in the agricultural and professional specialty industries have access to fair and sustainable recycling programs. Without these recycling programs, several million more pounds of plastic pesticide containers would be landfilled, burned, or potentially dumped improperly.
- EPA also recognizes the essential partnerships between states, extension offices, retailers, trade associations, and pesticide registrants that are critical to the operation of the existing container recycling program.
- In 2005-2006, EPA was active in a multidisciplinary committee of the American Society of Agricultural and Biological Engineers (ASABE) that developed a national voluntary consensus standard for recycling plastic pesticide containers. Approved by the American National Standards Institute (ANSI) in April 2006, the voluntary standard establishes management practices for effectiveness and safety in handling, cleaning, and recycling plastic pesticide containers.

SCHEDULE for PROPOSED REGULATION:

- June 2007 - OMB review begins
- October 2007 - Administrator's signature

Attachment E

NACO Resolution on Paint Reuse and Recycling

Resolution in Support of Paint Reuse and Recycling

Issue: Recycling of paint products.

Adopted policy: NACo supports maximizing the reuse and recycling of leftover paint through a financing system that includes the paint industry that effectively covers the cost of collection, transportation, and reuse or recycling without relying solely on state and local governments.

Background: The U.S. Environmental Protection Agency estimates that there are 50-130 million gallons of paint that is leftover each year in the United States. The cost to manage that paint properly would be \$400 million to \$1 billion per year. Paint management represents the largest cost to local household hazardous waste programs in Minnesota and across the country.

On April 1, 2005, after a 9-month dialogue, a Memorandum of Understanding was signed or endorsed by over 60 representatives of paint manufacturers, retailers, painting contractors, recyclers, government officials, and other relevant stakeholders. The MOU outlines work on 11 projects through September 2006 that will become the basis for developing a nationally coordinated paint management system. The MOU acknowledges that there is a shared responsibility to properly manage latex and oil-based paints at the end of their useful lives. The primary goal of the dialogue is to develop an agreement that will result in:

- 1) Reduced paint waste;
- 2) The efficient collection, reuse, and recycling of leftover paint; increased markets for products made from leftover paint; and
- 3) A sustainable financing system to cover any resulting end-of-life management costs for past and future products.

Supporting objectives include decreasing the improper disposal of leftover paint, attaining the highest value possible for leftover paint, and improving container collection and recycling.

The Solid Waste Management Coordinating Board (SWMCB) includes six counties in the Twin Cities Metropolitan Area in Minnesota. The SWMCB is a member of the national Paint Product Stewardship Initiative, which developed the MOU. Regarding financing, it has been pointed out that a financing system that continues to rely solely on government funding is neither equitable nor sustainable.

Fiscal/Urban/Rural Impact: Passage of legislation to increase reuse and recycling of leftover paint will have positive impacts on the environment, and should be conducted in cooperation with all relevant stakeholders through development of a financing system that does not rely solely on government funding.

Adopted August 8, 2006

Attachment F

NACO Resolution on Mercury Fluorescent Lamp Recycling

Resolution in Support of Mercury Fluorescent Lamp Recycling

Issue: Recycling of mercury fluorescent lamp and lights.

Adopted policy: NACo supports maximizing the collection and recycling of mercury-containing fluorescent lamps through a financing system that includes the fluorescent lamp industry that effectively covers the cost of collection, transportation, and recycling without relying solely on state and local governments.

Background: Mercury is hazardous to human health and our environment and steps have been taken to reduce mercury contamination of our land, air and water. Despite their value for energy efficient lighting, fluorescent lamps containing mercury are banned from the waste stream in many states because of this hazardous component. In addition, there is a recycling industry in the nation to recover the mercury, glass and other materials and reuse them in manufacturing processes. Therefore, it is important to maximize the collection and recycling of mercury-containing fluorescent lamps to reduce their negative impact on the environment.

Hazardous waste management is costly to state and local governments. Properly managing fluorescent lamps at the end of their useful lives through a process that considers the perspectives of all relevant stakeholders is a shared responsibility. The stakeholders would benefit from understanding the lifecycle costs and benefits related to the "retirement" of collected mercury, which is often put back into mercury products. Through this shared responsibility and understanding, a financing system can be developed that effectively covers the cost of collection, transportation, and recycling of lamps without relying solely on local and state governments to pay these expenses.

A Congressional proposal has been brought to our attention that would preempt states from figuring out a financing mechanism for lamp recycling by prohibiting the use of manufacturer responsibility. Although the goal of increasing recycling of mercury-containing fluorescent lamps is an important and fully supported goal, limiting state and local governments on a fair and effective financing system would likely burden local governments with additional costs.

Fiscal/Urban/Rural Impact: Passage of legislation to increase recycling of mercury-containing fluorescent lamps is positive, but if the legislation includes language that would preempt states from the use of manufacturer responsibility, it would limit financing options and likely burden local governments with added expenses associated with mercury fluorescent lamp recycling.

Adopted August 8, 2006

Attachment G

RBRC Fact Sheet

call2recycle™

A Rechargeable Battery Recycling Corporation program

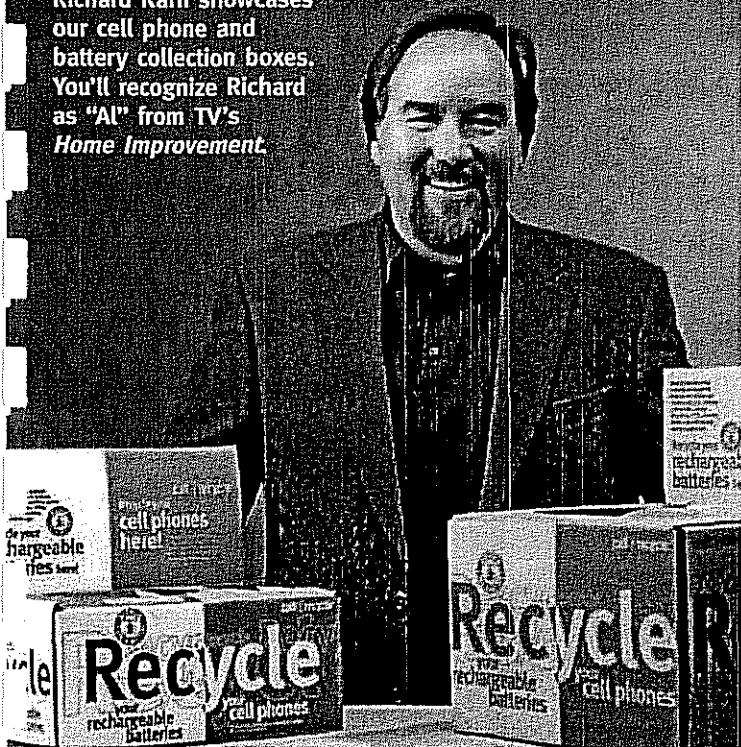
RECHARGEABLE BATTERY AND CELL PHONE RECYCLING

RBRC. RESPONSIBLE RECYCLING.

Recycling is no longer a luxury. It's a necessity. Hundreds of millions of rechargeable batteries and cell phones are retired each year. We live on a planet with limited resources and limited space. Our recycling program, *Call2Recycle*™, is the best way to preserve our environment and ensure that we treat our natural resources responsibly.



RBRC spokesperson
Richard Karn showcases
our cell phone and
battery collection boxes.
You'll recognize Richard
as "Al" from TV's
Home Improvement.



In 1994 RBRC was founded as a non-profit, industry-sponsored organization to facilitate safe, efficient rechargeable battery recycling in the U.S. and Canada. With the help of our partners – licensees, retailers, businesses, communities and public agencies – we have recycled more than 31 million pounds of rechargeable batteries. We've kept those batteries out of our nation's solid waste stream.

In 2004 we broadened our efforts to include cell phone recycling. We are the only non-profit organization that is committed to a comprehensive, fully funded, national program to collect and recycle rechargeable batteries and cellular phones. A portion of the proceeds generated from the refurbishment and resale of these cell phones benefits select charities.

Today RBRC has hundreds of licensee partners that include the world's largest manufacturers of rechargeable batteries, cordless electronic product companies that use rechargeable batteries in the products they make, and cellular phone manufacturers. Our national retail partners have more than 30,000 locations, which makes drop-off easy for consumers. Communities and public agencies across the U.S. and Canada help our cause. Thousands of businesses participate in the collection of non-household batteries and cell phones.

You, too, can join the cause to make our environment a better place for future generations. Answer the Call to Recycle!



RBRC supports its rechargeable battery and cell phone recycling mission through advertising, PR, and educational programs in the U.S. and Canada.

RBRC recycles cell phones and rechargeable batteries found in cordless electronic products: power tools, laptop computers, digital cameras, two-way radios, camcorders, cell and cordless phones, and remote control toys.

BATTERIES ACCEPTED...

To determine which types of rechargeable batteries we recycle, look for our EPA-certified recycling seal or these batteries: Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium Ion (Li-ion), and Small Sealed Lead (Pb) weighing up to 2 lbs. or 1 kg. each. Alkaline, lithium, and non-rechargeable batteries are not accepted for recycling.

PHONES ACCEPTED...

RBRC recycles any size, make or model of cell phone – digital or analog, with or without battery or charger. We do not recycle household cordless phones, mobile installed or bag phones, two-way radios, walkie-talkies, or pagers.

PROGRAMS...

RBRC has recycling programs for retailers, businesses, communities, and public agencies. These groups collect used rechargeable batteries and old cell phones, and ship them to our recycling facility. We reclaim reusable materials: nickel, iron, cadmium, lead, and cobalt from the batteries. The cell phones are recycled or refurbished and resold when possible, with a portion of the proceeds benefiting select charities.*

HOW DO I RECYCLE?

There are more than 30,000 sites in the U.S. and Canada where you can recycle your old rechargeable batteries and cell phones. To find the site nearest you, visit www.call2recycle.org, or call toll-free 877-2-RECYCLE.

*Contributions or gifts to RBRC are not tax deductible.

DID YOU KNOW THAT...

AMERICANS USE AN AVERAGE of 6 wireless products in their day-to-day lives.

RBRC HAS COLLECTED and recycled more than 31 million pounds of rechargeable batteries – the equivalent weight of nearly 8,700 cars.

OVER 43% OF AMERICAN cell phone users replace their cell phone about every two years.

MOST RECHARGEABLE BATTERIES can be recharged up to 1,000 times, but when they no longer hold a charge – recycle them!

THE FOLLOWING RETAILERS recycle both rechargeable batteries and cell phones.



TO LOCATE OTHER PARTICIPATING RETAILERS or drop-off sites near you, visit www.call2recycle.org, or call toll-free 877-2-RECYCLE.

call2recycle™
www.call2recycle.org
 877-2-RECYCLE

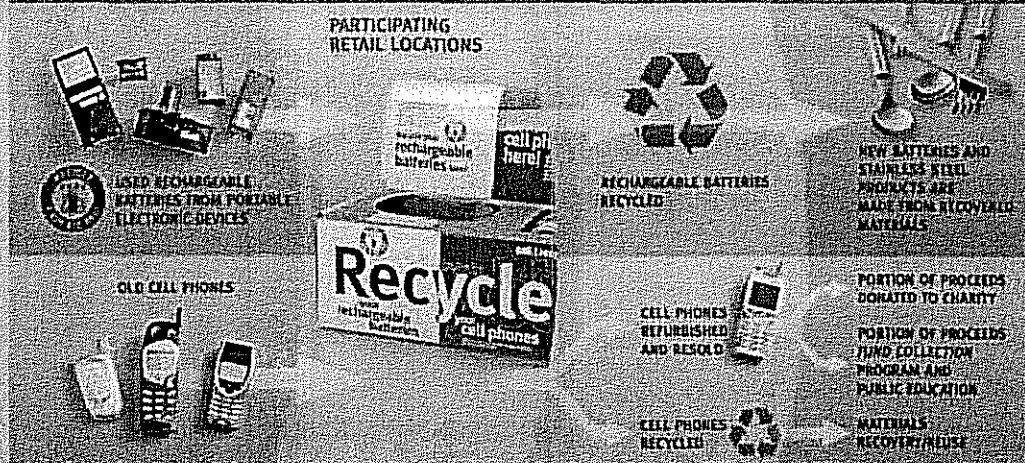
RBRC
 RECHARGEABLE
 BATTERY
 RECYCLING
 CORPORATION

1000 Parkwood Circle
 Suite 450
 Atlanta, GA 30339
 Phone: 678-419-9990
 Fax: 678-419-9986

Just look for the seal! We recycle the following rechargeable batteries: Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium Ion (Li-ion), and Small Sealed Lead* (Pb). *weighing up to 2 lbs/1 kg each
 RBRC®, 1-800-8-BATTERY®, 877-2-RECYCLE, and Call2Recycle™ are registered trademarks of the Rechargeable Battery Recycling Corporation.



HOW THE PROGRAM WORKS...



A DECADE OF MILESTONES AND ACHIEVEMENTS.

1994

RBRC is founded to provide collection and recycling of Nickel Cadmium (Ni-Cd) batteries.

1996

RBRC's *Charge Up to Recycle!*® program is launched in the U.S. featuring Richard Karn, "Al" from TV's *Home Improvement*.

1997

Charge Up to Recycle! is launched in Canada. EPA certifies RBRC Battery Recycling Seal.

1998

RBRC wins national award from Keep America Beautiful.

1999

The first-ever Battery Check Day is initiated by RBRC.

2000

New York Mayor Giuliani proclaims April 26 as Battery Check Day. "Gather Your Ni-Cds" TV PSA wins Silver Inkwell award.

2001

Program expands to include all small rechargeable batteries, adding Ni-MH, Li-ion, Pb, along with Ni-Cd. Battery Check Day proclaimed in Minnesota by Governor Jesse Ventura.

2002

The Home Depot names RBRC as its "Environmental Partner of the Year".

2003

More than 400 million media impressions are generated through RBRC's TV, print, tradeshow and airport advertising.

2004

RBRC announces new national program, *Call2Recycle*™, for recycling old cell phones, as well as used rechargeable batteries.

2005

Fees for business participation waived.

2006

Rechargeable battery recycling bills enacted in New York City and the state of California. Cell phone recycling bill enacted in California.

Attachment H

Dane County, Wisconsin,
EPR Ordinance

**DANE COUNTY
CODE OF ORDINANCES**

**CHAPTER 41
SOLID WASTE MANAGEMENT**

41.24 RECYCLING REQUIREMENT FOR CERTAIN PRODUCTS. (1) On and after January 1, 1990, no retailer shall sell or offer for sale any tire or lead acid battery unless the retailer shall, at the point of sale, inform the buyer that tires and lead acid batteries cannot be accepted for disposal at Dane County-owned landfills.

(2) On or after May 17, 2002, no retailer shall sell or offer for sale any thermostat containing mercury or fluorescent lamps or bulbs unless the retailer shall, at the point of sale, inform the buyer that thermostats containing mercury and fluorescent lamps or bulbs cannot be accepted at Dane County-owned landfills.

(3) A retailer of tires, lead acid batteries, thermostats containing mercury or fluorescent lamps or bulbs, shall offer to accept for reuse, recycling or recovery any such used product which the buyer is proposing to replace with a newly-purchased product.

(4) A retailer who receives any used product under this section must attempt to recycle them, whether directly or by transferring any such used product to a recycling business.

[History: cr., OA 38, 1988-89, pub. 05/15/89; (2) and (3) am., Sub. 1 to OA 44, 1990-91, pub.08/07/91; (2) and (3) renum. as (3) and (4), respectively, and as renum. am. and a new (2) cr., OA 39, 2001-02, pub. 05/16/02.]

Attachment I

City of Madison, Wisconsin,
EPR Ordinance

AGENDA

Copy Mailed to Alderpersons

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE

creating new Section 10.18(10) of the Madison General Ordinances to establish recycling procedures for fluorescent bulbs, tubes or lamps or thermostats, lamps, tubes and bulbs containing mercury, renumbering current Sections 10.18(10) - (13) to Sections 10.18(11) - (14), respectively, amending renumbered Section 10.18(13)(a) to add violations of new Subsection (10) to the penalty provision, and amending Section 1.08(3)(a) to establish bail deposit amounts.

Drafted by: Marci A. Paulsen
Assistant City Attorney

Date: December 11, 2003

Fiscal Note: No appropriation required.
There is no anticipated impact upon either the tax levy or cost controls.

SPONSORS: Ald. Holtzman

PRESENTED	March 4, 2003
REFERRED	Solid Waste Advisory Committee; Commission on the Environment
REREFERRED	Solid Waste Advisory Comm.; Comm. on the Environment (4/15/03; 6/3/03; 7/15/03; 9/2/03; 10/21/03; 12/2/03)
REPORTED BACK	4/15/03; 6/3/03; 7/15/03; 9/2/03; 10/21/03; 12/2/03; 1/6/04
ADOPTED	X POF
RULES SUSP.	TABLED
PUBLIC HEARING	

MAYOR SIGNED 1-9-04
PUBLISHED 1-23-04

APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By

Comptroller's Office

SUBSTITUTE ORD. NUMBER 13499
ID NUMBER 33537

The Common Council of the City of Madison do hereby ordain as follows:

1. New Subsection (10) entitled "Mercury Thermostats and Bulbs" of Section 10.18 entitled "Collection Of Refuse and Recycling of Waste" of the Madison General Ordinances is created to read as follows:

- "(10) Any retailer that offers for sale fluorescent bulbs, fluorescent tubes or fluorescent lamps or thermostats, bulbs, tubes or lamps containing mercury must comply with the following requirements:
- (a) The retailer shall notify customers that these items cannot be accepted at Dane County owned landfills.
 - (b) The retailer shall offer to accept these items, once used, from the customer. The retailer may require the customer to pay a reasonable recycling fee upon the return of these items.
 - (c) The retailer shall recycle these items with a licensed recycler.

Approved as to form:

/s/

- (d) The retailer shall file a plan illustrating how the retailer will comply with this subsection. This plan shall be filed with the City Recycling Coordinator within ninety (90) days of adoption of this ordinance."

2. Current Subsections (10) through (13) of Section 10.18 entitled "Collection Of Refuse and Recycling of Waste" of the Madison General Ordinances are renumbered to Subsections (11) through (14), respectively.

3. Paragraph (a) of Renumbered Subsection (13) entitled "Penalty" of Section 10.18 entitled "Collection Of Refuse and Recycling of Waste" of the Madison General Ordinances is amended to read as follows:

- "(a) Any person who violates subsections (7), and (9) and 10 of Section 10.18 shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense within twelve months and not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the third and any subsequent violation within any twelve-month period. Each day of violation shall constitute a separate offense. Any person violating Sec. 10.18(7), in addition to any forfeiture, shall be liable for the expense of the removal, testing or separation of any matter deposited contrary to the provisions of this subsection."

4. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by adding therein the following:

<u>"Offense</u>	<u>Ord. No.</u>	<u>Deposit</u>
Unlawful sale or failure to	23.49	\$100 1 st
recycle fluorescent bulbs, tubes or		\$200 2 nd
lamps or thermostats, bulbs,		\$500 3 rd & subsequent"
tubes or lamps containing mercury		

EDITOR'S NOTE: All new and amended bail deposits must be approved by the Municipal Court Judge; these deposits have been so approved.

Attachment J

**Central Contra Costa Waste Authority,
CA EPR Resolution**

RESOLUTION NO. 2002-04

**RESOLUTION OF CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY
URGING THE CALIFORNIA STATE LEGISLATURE TO INTRODUCE AND
SUPPORT LEGISLATION REQUIRING COMPUTER AND ELECTRONICS
PRODUCERS TO TAKE RESPONSIBILITY FOR REUSE AND RECYCLING THEIR
PRODUCTS**

WHEREAS, hazardous electronic discards are an increasing problem, with more than 6,000 computers becoming obsolete in California every day, and 3.2 million tons of electronic waste (E-waste) ending up in United States landfills in 2000 and estimated to quadruple in the next few years; and,

WHEREAS, hazardous electronics contain lead, cadmium, mercury, hexavalent chromium, polyvinyl chloride, brominated flame retardants and other materials that can pose hazards to human health and the environment when handled improperly; and,

WHEREAS, only 14% of personal computers that became obsolete in 1998 were recycled or refurbished; and,

WHEREAS, the Central Contra Costa Solid Waste Authority is a leader in electronics reuse and recycling, and coordinates a number of programs to reduce illegal dumping and promote the proper disposition of these products; and,

WHEREAS, the State of California recently affirmed that discarded cathode ray tubes (CRT), such as those found in televisions and computer monitors, are hazardous and therefore, prohibited from municipal landfills; and,

WHEREAS, extended producer responsibility principles, such as those adopted by several countries and the European Union, and contained in the Electronics Take It Back! Platform, will foster the development of sustainable design and recovery of electronic equipment by shifting the defaulted burden of disposal responsibility from government, ratepayers and taxpayers back to the manufacturers, distributors and consumers of such products, where it properly belongs, in part by internalizing lifecycle costs in the price of such products; and

WHEREAS, the California League of Cities adopted an Electronic Waste Policy that supports legislation implementing the concept of manufacturer responsibility for E-waste including but not limited to, encouraging or providing incentives for e-waste recycling, and requiring manufacturers of computer, CRT and other electronic products considered universal wastes to operate or fund comprehensive, extended producer responsibility programs that 1) require products to be sustainably designed and labeled, 2) offer financial incentives to consumers to properly dispose e-wastes, 3) encourage recycling, reuse and collection programs by manufacturers, 4) provide incentives to consumers to redeem or recycle e-waste, and 5) fund a convenient collection

infrastructure. The League also supports statewide and manufacturer education programs that educate consumers about e-waste and recycling efforts. The League also supports an advance disposal fee on computer and other electronic products in order to fund such manufacturer responsibility programs and local collection and recycling programs.

NOW, THEREFORE, the Board of Directors of the Central Contra Costa Solid Waste Authority resolves that:

1. The CCCSWA supports the aforementioned Electronics Take It Back! Resolution.
2. The CCCSWA hereby urges its State Assembly Members and Senators, by letter and receipt of this resolution, to introduce and support legislation requiring computer and electronics producers to operate or fund comprehensive extended producer responsibility programs whereby products are sustainably designed and labeled, consumers receive a financial incentive for proper disposal, creates a convenient collection infrastructure yielding a high rate of recovery, and maximizes environmentally sound reuse followed by recycling.
3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the Central Contra Costa Solid Waste Authority Board of Directors this 21st day of March, 2002, by the following vote:

AYES:	Members:	<u>Abrams, Hicks, Horn, Rainey, Shimansky, Uilkema, Waldo, Walwark</u>
NOES:	Members:	<u>None</u>
ABSENT:	Members:	<u>Federighi, Gerber, Hawkins, Landis</u>

Michael Shimansky, Vice-Chair
Central Contra Costa Solid Waste Authority
County of Contra Costa, State of California

COUNTER-SIGNED:

APPROVED AS TO FORM:

Sheri Johanson, Secretary of the
Central Contra Costa Solid Waste
Authority, County of Contra Costa
State of California

Kenton L. Alm, Counsel for the
Central Contra Costa Solid Waste
Authority

Attachment K

City of Morgan Hill, CA
EPR Resolution

RESOLUTION NO. 60XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUPPORTING PRODUCER RESPONSIBILITY FOR UNIVERSAL WASTE

WHEREAS, the City of Morgan Hill supports statewide efforts to hold producers responsible for product waste, starting with toxic products defined as universal waste; requesting the Department of Environment Health recommend local extended producer responsibility policies as well as work with necessary agencies and jurisdictions to develop producer responsibility language for inclusion in County contracts; and

WHEREAS, on February 8, 2006 California's Universal Waste Rule (CCR, Title 22, Division 4.5, Chapter 23) took effect that makes it illegal to throw in the garbage items defined as "universal waste," which includes 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 fifty percent recovery rate, collecting and disposing of these products now banned from the trash could cost Santa Clara County ratepayers an estimated additional \$3 million each year if the producers of these products and/or the retailers of these products do not take responsibility for their management; 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, 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, 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 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 first in response to the state ban on universal waste from household disposal.

THEREFORE, BE IT RESOLVED that the City Council of the City of Morgan Hill does resolve, determine and order the following:

1. That the City of Morgan Hill urges its 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 the local government to the producer and distributor of the product.
2. That the City of Morgan Hill 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.
3. That the Mayor be authorized to send a letter to the League of California Cities and the California State Association of Counties to urge support for extended producer responsibility legislation.
4. That if the State does not pass effective legislation within the next 18 months, or if industry does not implement a comprehensive effective take-back system within the next 18 months, the City of Morgan Hill will consider adopting and implementing a model mandatory take-back ordinance requiring local retailers, who sell products that become Universal Waste, to have in place a system for the convenient acceptance and collection of used universal wastes for recycling or proper disposal..

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 20th day of September, 2006 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

∞ **CERTIFICATION** ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. 60xx, adopted by the City Council at a Regular Meeting held on September 20, 2006.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

Attachment L

San Luis Obispo County, CA
EPR Resolution

**San Luis Obispo County
Integrated Waste Management Authority**

**MODEL USED HOUSEHOLD BATTERIES AND
FLUORESCENT TUBES RECYCLING ORDINANCE**

approved in concept on May 10, 2006

Article 1. General Provisions

The jurisdiction finds and declares all of the following:

(a) The purpose of this ordinance is to enact a comprehensive and innovative system for the proper and legal disposal of used household batteries and fluorescent tubes.

(b) It is the further purpose of this ordinance to enact a law that establishes a program that is convenient for consumers and the public to return and ensure the safe and environmentally sound disposal of used household batteries and fluorescent tubes, and providing a system that does not charge when household batteries and fluorescent tubes are returned.

(c) It is the intent of the jurisdiction that the cost associated with the handling and disposal of used household batteries and fluorescent tubes be the responsibility of the producers and consumers of household batteries and fluorescent tubes, and not local government or their service providers, state government, or taxpayers.

(d) In order to reduce the likelihood of illegal disposal of hazardous materials, it is the intent of this ordinance to ensure that all costs associated with the proper management of used household batteries and fluorescent tubes are internalized by the producers and consumers of household batteries and fluorescent tubes at or before the point of purchase, and not at the point of discard.

(e) Manufacturers and retailers of household batteries and fluorescent tubes in working to achieve the goals and objectives of this ordinance, should have the flexibility to partner with each other and with those private and nonprofit business enterprises that currently provide collection and processing services to develop and promote a safe and effective used household batteries and fluorescent tubes recycling system.

(f) The producers of household batteries and fluorescent tubes should reduce and, to the extent feasible, ultimately phase out the use of hazardous materials in household batteries and fluorescent tubes.

(g) 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 the jurisdiction's environment. (h) The purpose of this ordinance is to provide for the safe, cost free, and convenient collection, reuse, and recycling of 100 percent of the used household batteries and fluorescent tubes discarded in the jurisdiction.

Article 2. Definitions

For the purposes of this ordinance, the following terms have the following meanings, unless the

context clearly requires otherwise:

(a) "Household Batteries" as defined in California Code of Regulations, Title 22, Chapter 23, Article 1, Section 66273.2 which includes but is not limited to AA, AAA, C cells and button batteries.

(b) "Consumer" means a purchaser or owner of a household batteries and fluorescent tubes. "Consumer" also includes a business, corporation, limited partnership, nonprofit organization, or governmental entity, but does not include an entity involved in a wholesale transaction between a distributor and retailer.

(c) "jurisdiction" means the city/county of _____.

(d) "Retailer" means a person who sells household batteries and fluorescent tubes in the jurisdiction to a consumer, including a manufacturer of household batteries and fluorescent tubes who sells household batteries and fluorescent tubes directly to a consumer. A sale includes, but is not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other similar electronic means, but does not include a sale that is a wholesale transaction with a distributor or retailer.

(e) (1) "Sell" or "sale" means a transfer for consideration of title or of the right to use, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet or any other, similar electronic means, but does not include a wholesale transaction with a distributor or a retailer.

(2) For purposes of this subdivision and subdivision (d), "distributor" means a person who sells household batteries and fluorescent tubes to a retailer.

(f) "Fluorescent tubes " as defined in California Code of Regulations , Title 22, Chapter 23, Article 1, Section 66273.5 includes but is not limited to fluorescent light tubes and bulbs, high intensity discharge, metal halide, sodium, and neon bulbs.

Article 3. Household batteries disposal

(a) Every retailer of household batteries sold in this jurisdiction shall have in place a system for the acceptance and collection of used household batteries for recycling or proper disposal.

(b) A system for the acceptance and collection of used household batteries for recycling or proper disposal shall, at a minimum, include all of the following elements:

(1) The take-back from the consumer of used household batteries that the retailer sold or previously sold to the consumer, at no cost to that consumer. The retailer may require proof of purchase. The retailer shall only be required to accept household batteries in an amount not to exceed the amount previously sold to the consumer.

(2) The take-back of used household batteries from a consumer who is purchasing new household batteries from that retailer, at no cost to that consumer. The retailer shall only be required to accept household batteries in an amount not to exceed the amount being purchased.

(3) The take-back from the consumer of used household batteries that the retailer did not sell or previously sell to the consumer, at no cost to that consumer. The retailer shall only be required to accept household batteries in an amount not to exceed 10 batteries per week from a consumer who resides in the jurisdiction.

(4) If the retailer delivers household batteries directly to a consumer in this jurisdiction, the system provides the consumer, at the time of delivery, with a mechanism for the return of used household batteries for recycling or proper disposal, at no cost to the consumer in an amount not to exceed the amount being purchased by the consumer.

(5) Make information available to consumers about household battery disposal opportunities provided by the retailer and encourage consumers to utilize those opportunities. This information may include, but is not limited to, one or more of the following:

- (A) Signage that is prominently displayed and easily visible to the consumer.
- (B) Written materials provided to the consumer at the time of purchase or delivery, or both.
- (C) Reference to the household batteries disposal opportunity in retailer advertising or other promotional materials, or both.
- (D) Direct communications with the consumer at the time of purchase.

Article 4. Fluorescent tubes disposal

(a) Every retailer of fluorescent tubes sold in this jurisdiction shall have in place a system for the acceptance and collection of used fluorescent tubes for recycling or proper disposal.

(b) A system for the acceptance and collection of used fluorescent tubes for recycling or proper disposal shall, at a minimum, include all of the following elements:

(1) The take-back from the consumer of used fluorescent tubes that the retailer sold or previously sold to the consumer, at no cost to that consumer. The retailer may require proof of purchase. The retailer shall only be required to accept fluorescent tubes in an amount not to exceed the amount previously sold to the consumer.

(2) The take-back of used fluorescent tubes from a consumer who is purchasing new fluorescent tubes from that retailer, at no cost to that consumer. The retailer shall only be required to accept fluorescent tubes in an amount not to exceed the amount being purchased.

(3) The take-back from the consumer of used fluorescent tubes that the retailer did not sell or previously sell to the consumer, at no cost to that consumer. The retailer shall only be required to accept fluorescent tubes in an amount not to exceed 2 fluorescent tubes per week from a consumer who resides in the jurisdiction.

(4) If the retailer delivers fluorescent tubes directly to a consumer in this jurisdiction, the system provides the consumer, at the time of delivery, with a mechanism for the return of used fluorescent tubes for recycling or proper disposal, at no cost to the consumer in an amount not to exceed the amount being purchased by the consumer.

(5) Make information available to consumers about fluorescent tubes disposal opportunities provided by the retailer and encourage consumers to utilize those opportunities. This information may include, but is not limited to, one or more of the following:

- (A) Signage that is prominently displayed and easily visible to the consumer.
- (B) Written materials provided to the consumer at the time of purchase or delivery, or both.
- (C) Reference to the fluorescent tubes disposal opportunity in retailer advertising or other promotional materials, or both.
- (D) Direct communications with the consumer at the time of purchase.

Article 5. Penalty

It is unlawful to sell household batteries to a consumer in this jurisdiction unless the retailer of household batteries complies with this ordinance. It is unlawful to sell fluorescent tubes to a consumer in this jurisdiction unless the retailer of fluorescent tubes complies with this ordinance.

Article 6. Effective date

This ordinance shall become effective after four (4) other jurisdictions within San Luis Obispo County have adopted ordinances pertaining to the disposal of used household batteries and fluorescent tubes.

Attachment M

San Francisco, CA
EPR Resolution

Search:

[Home](#) | [Articles & Press Releases](#) | [Directories](#) | [Events & Meetings](#) | [What's New](#) | [About Us](#) | [Fact Sheets](#) | [Green Lin](#)**SF Environment**

FOR IMMEDIATE RELEASE, FEB 20, 2006
CONTACT: Bill Sheehan (706) 613-0710, Alicia Culver (510) 547-5475

San Francisco Resolution is Strongest Yet from Local Government on Product Waste Responsibility

ATHENS, GA (Feb. 20, 2006) – The San Francisco Board of Supervisors voted unanimously on February 14 to pass a resolution that supports statewide legislation and local initiatives requiring manufacturers to take responsibility for collecting and recycling their products at the end of their useful life. (resolution is appended below)

The resolution signals a fundamental shift in thinking among local governments, which have borne responsibility for collection and disposal of waste since a century ago.

"This is the strongest statement yet from a local government in the United States," says Bill Sheehan, director of Athens, GA-based Product Policy Institute. "San Francisco and other local governments are fed up with footing the bill for picking up after producers of toxic and disposable consumer products."

The Extended Producer Responsibility (EPR) resolution, sponsored by Supervisor Ross Mirkarimi, asks the state to shift the financial burden of disposing toxic products off of taxpayers and onto manufacturers.

"Producer responsibility legislation makes sense. Taxpayers and local governments shell out millions in dollars every year to handle toxic and other products," explains Supervisor Mirkarimi. "It's time we push corporations to take responsibility of their own actions and products."

As the San Francisco resolution puts it: By covering the costs of collection and disposal, local governments are subsidizing the production of waste because manufacturers know that whatever they produce the local government will foot the bill for recycling or disposal.

The resolution comes on the heels of a newly enacted state regulation that bans a wide range of common household hazardous waste products from the trash.

"Government purchasing is a good place for municipalities to immediately start implementing producer responsibility requirements," said Alicia Culver, director of EnviroSpec, a green purchasing organization based in Berkeley, CA. "If companies want to secure contracts with government agencies, they will increasingly need to have plans in place to provide recycling for their products once the products reach the end of their useful life," Culver added.

Product Policy Institute has been assisting San Francisco and other California communities develop policies and programs that conserve resources and reduce local taxes by transferring responsibility for product discard management back to the makers of products and their customers.

Product Policy Institute (www.productpolicy.org) is a nonpartisan research and education organization promoting policies that advance sustainable production, consumption and waste management in North America.

Department of the Environment, City and County of San Francisco
11 Grove Street, San Francisco, CA 94102
Telephone: (415) 355-3700 • Fax: (415) 554-6393
Email: environment@sfgov.org • www.sfenvironment.com

1 [Extended Producer Responsibility]

2
3 Urging San Francisco's State delegation to support statewide efforts to
4 hold producers responsible for product waste, starting with toxic products
5 defined as universal waste; requesting the Department of the Environment
6 recommend local extended producer responsibility policies as well as work
7 with necessary agencies to develop producer responsibility language for
8 inclusion in City contracts.

9
10 WHEREAS, Manufactured goods and packaging constitute about seventy-
11 five percent of the materials managed by the City and County of San Francisco
12 and sent to landfill, costing San Francisco residents and businesses about \$150
13 million a year in refuse rates plus millions more in taxes to manage; and

14 WHEREAS, On February 8, 2006, a state law takes effect that makes it
15 illegal to throw in the garbage items defined as "universal waste," which includes
16 household batteries, fluorescent bulbs or tubes, thermostats, other items that
17 contain mercury, as well as electronic devices including VCRs, microwaves,
18 cellular phones, cordless phones, printers, and radios; and

19 WHEREAS, Assuming a fifty percent recovery rate, collecting and
20 disposing of these products now banned from the trash will cost San Francisco
21 an estimated additional \$5 million each year; and

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

Supervisor Mirkarimi
BOARD OF SUPERVISORS

8/11/2006

Comment [RH1]: \$135 million in RY 2005 plus taxes for all products, packaging, C&D debris, etc. It is calculated by multiplying Norcal's revenues of \$187 million by 72% (the percent of tons they handled that are not organic). Out of 893,153 tons handled, they composted 83,062 tons and 30% of 547,242 tons they landfilled were organic.

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

5 WHEREAS, By covering the costs of collection and disposal, local
6 governments are subsidizing the production of waste because manufacturers
7 know that whatever they produce the local government will foot the bill for
8 recycling or disposal; and

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

13 WHEREAS, When brand owners are responsible for ensuring their
14 products are recycled responsibly, and when health and environmental costs are
15 included in the product price, there is a strong incentive to design and purchase
16 goods that are more durable, easier to recycle, and less toxic; and

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

21 RESOLVED, That the Board of Supervisors urges our representatives in
22 Sacramento to pursue statewide extended producer responsibility legislation
23 targeted at universal waste that will give incentives for the redesign of products to

1 make them less toxic, and shift the cost for recycling and proper disposal of
2 products from the local government to the producer and distributor of the product;
3 and, be it

4 FURTHER RESOLVED, That the Department of the Environment develop
5 producer responsibility policies such as leasing products rather than purchasing
6 them, and requiring the manufacturers of products sold to City departments to
7 offer less toxic alternatives, and to take responsibility for collecting and recycling
8 their products at the end of their useful life; and, be it

9 FURTHER RESOLVED, that the City and County of San Francisco will
10 continue to support extended producer responsibility initiatives and statewide
11 legislation beyond universal waste to cover areas including other hazardous
12 products, bulky packaging, and items like plastics and multi-material products
13 that are difficult to recycle.

Attachment N

Suffolk County, NY
EPR Resolution

**RESOLUTION NO. 972 -2006, ESTABLISHING AN
ENVIRONMENTALLY SOUND E-WASTE POLICY FOR
SUFFOLK COUNTY**

WHEREAS, the protection of the environment of Long Island has long been a top priority of the County of Suffolk; and

WHEREAS, rapid advances in technology and expanding demand for new features has accelerated the generation of obsolete electronic equipment, known as electronic waste or "e-waste"; and

WHEREAS, e-waste can be hazardous to public health and the environment because it often contains contaminants such as cadmium, lead and mercury which can seep into the groundwater; and

WHEREAS, the Environmental Protection Agency estimates that electronic waste comprises approximately 1 to 4 percent of the municipal waste stream, but even small amounts of bio-accumulative pollutants, such as mercury, can create potentially harmful reproductive, developmental, hormonal or other human health effects; and

WHEREAS, the County of Suffolk should take the lead in instituting best practices for the proper reuse and disposal of obsolete and hazardous electronic waste in order to further protect the residents and the environment of Suffolk County; now, therefore be it

1st RESOLVED, that it shall be the policy of the County of Suffolk to achieve, to the fullest extent practicable, the reuse and recycling of electronic products so as to reduce the effects of potentially hazardous pollutants on the environment of Suffolk County; and be it further

2nd RESOLVED, that all departments and agencies of the County of Suffolk shall seek, whenever possible, to employ a strategy of reuse of electronic equipment which requires no repairs or changes, provided that the electronic equipment is not obsolete; such strategy shall include, but not be limited to, donation of the electronic equipment to not-for-profit organizations as permitted by applicable laws and resolutions of the County of Suffolk, or reuse of electronic components such as memory, disk drives, circuit boards and microprocessor chips; and be it further

3rd RESOLVED, that County electronic equipment that is determined to be surplus or obsolete by the Division of Purchasing, and which is not sold at auction or donated to a not-for-profit organization, shall be recycled only in a manner which will ensure the greatest protection of public health and the environment, and the Department of Public Works is hereby authorized, empowered and directed to issue an RFP to identify and select an electronic waste recycler to implement this policy; and be it further

4th RESOLVED, that all departments and agencies of the County of Suffolk shall require bidders and/or respondents to solicitations for electronic equipment, whenever practicable, to propose a program in which the bidder agrees to provide for the take-back of electronic products that have reached the end of their useful life for environmentally sound

reuse, recycling or disposal, and which are not, or cannot be, auctioned or donated as surplus property by the County of Suffolk; and be it further

5th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: September 5, 2006

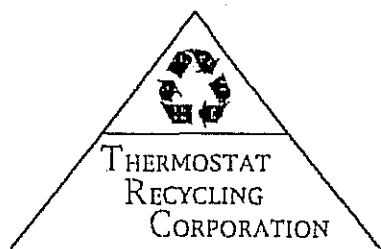
APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 7, 2006

Attachment O

Thermostat Recycling Corporation Contractor And Wholesaler Notification Forms



Thermostat Recycling Corporation

1300 North 17th Street, Suite 1847

Rosslyn, VA 22209

703-841-3249

Fax: 703-841-3349

Mar_Kohorst@nema.org

Mark A. Kohorst

Executive Director

Contractor Notification Announcing a New Program to Help You Recycle Out-of-Service Wall-Mounted Mercury Thermostats

ATTENTION: Contractor Principal / Service Managers and Technicians


The Thermostat Recycling Corporation (TRC), in conjunction with the Product Stewardship Institute, announces an expansion of its thermostat- recycling program to allow certain contractors and technicians to obtain a TRC collection container to collect and recycle mercury-switch thermostats. With this container you can ship your discarded thermostats offsite for environmentally safe recycling at no expense.

In 1998, three major mercury switch thermostat manufacturers, Honeywell, White Rodgers and General Electric, established the TRC to recycle out-of-service wall-mounted mercury switch thermostats. The TRC accepts any company's wall-mounted mercury switch thermostat. The existing program utilizes the wholesaler network by providing collection containers at participating wholesaler locations in each state. Under this program HVAC contractors return out-of-service wall-mounted mercury thermostats to any participating HVAC wholesalers. A list of participating wholesalers can be found at www.nema.org/trc. There is no cost to contractors for this program. Note: In-warranty thermostats should continue to be handled under current manufacturer warranty programs.

The TRC is expanding the program to allow certain contractors who did not have easy access to HVAC wholesalers with collection containers to obtain a container for their shops. To be eligible to obtain your own container, your firm must have seven or more contractors or technicians OR be located in a rural county. There is a one-time cost of \$15 per container. The TRC picks up all other costs of the program including the cost of providing replacement containers.

We have attached an order form and instruction sheet. We hope you will take advantage of this program and demonstrate your environmental stewardship.

Sincerely,


Mark Kohorst
Executive Director



ADDITIONAL INFORMATION ON CONTRACTOR PARTICIPATION IN TRC

Which Contractors Can Obtain TRC Collection Boxes?

1. In urban and suburban locations, the contractor must employ 7 or more service technicians/furnace installers. The number of service technicians is a surrogate for the number of mercury thermostats routinely collected. The intent is to capture higher-volume contractors that can fill a TRC collection box annually and/or maintain their own parts inventory obviating the need to visit wholesaler locations.
2. In rural locations, any contractor can obtain a collection box given the potential inconvenience of traveling large distances to reach participating wholesaler locations. Rural is defined as counties not in OMB Metropolitan Statistical Areas.¹
3. State officials may elect to expand the number of contractors eligible for rural consideration by identifying rural contractors located in MSA counties using a specific methodology. This methodology relies upon Rural Urban Commuting Areas (RUCAs) cross-walked to zip codes as employed by the Centers for Medicare and Medicaid Services (CMS), using codes 3 and higher to identify rural areas.²

How Does a Contractor Obtain a TRC Collection Box?

1. The contractor obtains and completes a form requesting the box that includes a certification that company has 7 or more service technicians or is located in a non-MSA county. There is a one-time cost of \$15.00 to participate in the program, to purchase the initial collection box. Replacement boxes, shipping costs, and the cost of recycling the thermostats are paid by TRC.
2. State officials must provide TRC with a list of non-MSA counties in their state to ensure rural contractors can obtain a box. The state should also provide this list to contractors when distributing the TRC application forms.
3. States electing to identify rural contractors in MSAs using RUCAs must approve all contractor application requests before forwarding the application forms to TRC.

¹ OMB identifies Metropolitan Statistical Areas, which are counties with at least one urbanized area of 50,000 people or more, plus any adjacent counties where there is a "high degree" of social/economic integration (as measured by whether at least 25% of workers in the adjacent county commutes to work in the core county or vice versa). In 2003, there were 1,090 metro counties and 2,052 non-metro counties. Seventeen percent of the US population in 2000 lived in non-metro counties. You can see the MSAs identified in a particular state by going to <http://circ.rupri.org/maparchive/index.html#ruralmaps>.

² See <http://www.fammed.washington.edu/wwamirhrc/rucas/methods.html> for a description of the methodology for crosswalking the RUCAs to zip codes, and the website generally for more information on RUCAs.



Answers to Contractor Questions About Recycling Wall-Mounted Mercury Thermostats

Why is the HVAC industry doing this?

We want to see every out-of-service wall-mounted mercury thermostat recycled. This is good for the environment because it prevents contaminating materials from potentially entering the environment. It's good for consumers and HVAC contractors because it provides a convenient way to dispose of used mercury thermostats. Our industry has the infrastructure needed to recycle a very high percentage of used mercury thermostats.

What specifically is my role?

Whenever you replace a wall-mounted mercury thermostat for service or upgrade, retain the old thermostat. When you make routine visits to your wholesaler, place these used thermostats in the green plastic container, which the wholesaler will have placed somewhere in each participating branch. If you are eligible to obtain your own container, you may order the container. Then just follow the simple instructions for proper handling and shipment.

Should the mercury bulbs be separated from the thermostats and returned for recycling?

No. It is important to return the entire thermostat since it provides protection for the mercury bulb during shipment. ***Loose bulbs will not be accepted under this program.*** If you have loose bulbs, you should call your county waste management agency. Leaking thermostats will not be accepted under this program. If you have leaking thermostats, you should call your local waste management agency.

What about other mercury-containing products, such as batteries and fluorescent lights?

This program is only for wall-mounted mercury switch thermostats. ***Do NOT return batteries, fluorescent lights, or any other controls containing mercury.*** Contact your local waste management agency to find out about the proper disposal of these items.

Who should I contact for questions?

Contact the TRC at 1-800-238-8192

Will there be any paperwork or administration involved?

Simply place the mailing label on the collection container so that the carrier can deliver the full container to the TRC. The TRC will automatically send a new container.

Is there any cost?

There is no cost to you for this program unless you are eligible to purchase a container. If you purchase a container there is a one-time \$15 fee. All other costs are born by the Thermostat Recycling Corporation (TRC) including the cost of the replacement container.

What should I do if a homeowner brings me a wall-mounted thermostat that they have removed themselves?

We request that you recycle it through the TRC program by bringing it to a participating wholesaler with your other recovered thermostats, or if you have a collection container, place the thermostat in the container.

Are there other ways for a consumer to handle a used thermostat?

Sometimes. They could call their local waste management agency; many local governments have provided for mercury waste recycling by consumers.

What about in-warranty thermostats?

Do not mix used, out-of-warranty thermostats with warranty product. If a mercury thermostat fails in warranty, tag it using normal in-warranty tagging procedures and return it to your wholesaler or manufacturer for a replacement. If you place in-warranty products in the recycling bins, you and your wholesaler will not receive warranty credit or replacement.

Am I subject to any liability for participating?

No. This program is operated in accordance with the Universal Waste Rule. The Universal Waste Rule specifically allows you to collect used thermostats from jobs and to hold and transport them for recycling.



HVAC Contractor Mercury Thermostat Recycling Collection Container Order Form

HVAC contractors with 7 or more service technicians/furnace installers or HVAC contractors in rural areas (see attached list of rural counties in your state) are eligible to purchase mercury switch thermostat collection containers.

Use this form to order mercury thermostat recycling collection containers. The containers are supplied with everything needed to return out-of-service thermostats to the Thermostat Recycling Corporation. **DO NOT INCLUDE OTHER PRODUCTS OR LOOSE MERCURY AMPOULES. THIS WILL RESULT IN YOUR BEING REMOVED FROM THIS PROGRAM.**

Each container holds approximately 100 thermostats. You may order two so you will have one while the other is in transit. You will need one (or two) containers.

A one-time \$15.00 fee is required for each collection container ordered. Please make your check or money order payable to the Thermostat Recycling Corporation and send it to:

**Thermostat Recycling Corporation
Dock 4/MN10-3860
6801 Sandburg Road
Golden Valley, Minnesota 55427**

For each full container you send in, a replacement container will automatically be sent to you. You will not need to order a replacement container.

CERTIFICATION: I CERTIFY THAT MY LOCATION HAS AT LEAST SEVEN SERVICE TECHNICIANS/FURNACE INSTALLERS OR THAT I AM LOCATED IN ONE OF THE DESIGNATED RURAL COUNTIES IN MY STATE.

Contractor Name:			
Address:			
County			
Phone #:	()	Attn:	
E Mail Address			
Number of Collection Containers Needed:	x \$15.00 =		

ORDER FORM FOR ADDITIONAL BINS (1 line per location)
(or attach your company's branch listing)

[illegible]

TOTAL BINS NEEDED TOTAL AMOUNT ENCLOSED \$ _____
 (# BINS X \$15.00)

Attachment P

RBRC Promotional Material


[Site Search](#)

[Consumers](#)
[OEMs & Licensees](#)
[Retailers](#)
[Communities & Public Agencies](#)
[Businesses](#)
[Home](#)
[Find a Drop
Off Site Near
You](#)
[How The
Program
Works](#)
[FAQs](#)
[Sign Me Up](#)
[Battery
Recycling
Guidelines](#)
[Support
Materials](#)
[News Room](#)
[Related Sites](#)
[Contact Us](#)

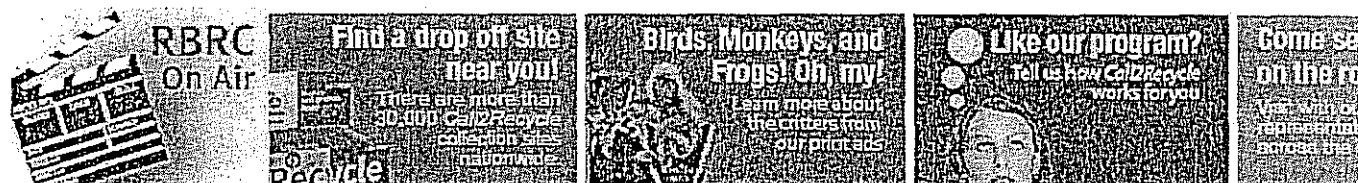
Communities and Public Agencies Answer the Call to Recycle!

Communities and public agencies throughout the U.S. and Canada are recycling newspapers, plastic, aluminum and glass. You can add portable rechargeable batteries and cell phones to that list.

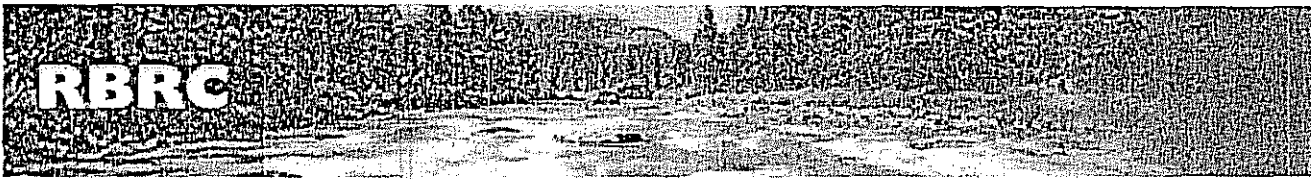
Police and fire departments use cell phones and rechargeable batteries in their 2-way radios and walkie-talkies. Government agencies use rechargeable batteries in bar code readers and laptop computers. You'll find rechargeable batteries in hospitals, too, where portable defibrillators and heart monitors are saving lives.

RBRC's *Call2Recycle*™ program is designed to keep rechargeable batteries and cell phones out of the solid waste stream, adhering to the federal and state laws requiring the proper disposal of some types of used rechargeable batteries. This program offers your community and public agency the tools to implement a simple, no cost recycling plan.

[Click here to sign up in the RBRC program](#)



Rechargeable Battery Recycling Corporation. Copyright 2006. RBRC is a non-profit, public service organization of portable rechargeable batteries and cellular phones.

[Site Search](#)[Consumers](#)[DEMs & Licensees](#)[Retailers](#)[Communities & Public Agencies](#)[Businesses](#)[Home](#)[Find a Drop
Off Site Near
You](#)[How The
Program
Works](#)[FAQs](#)[Sign Me Up](#)[Battery
Recycling
Guidelines](#)[Support
Materials](#)[News Room](#)[Related Sites](#)[Contact Us](#)

Answer the Call to Recycle

Step 1: Join the RBRC recycling effort

To get started, simply complete the online registration form at Sign Me Up. RBRC will take care of the rest. Then start collecting rechargeable batteries and cell phones. RBRC provides collection boxes that include pre-paid, pre-addressed shipping labels, safety instructions and plastic bags for each used battery and old cell phone.

Step 2: Ship your batteries to the Consolidation Center

Once a collection container is full, it should be shipped to the recycling facility. RBRC pays for the shipping and recycling costs.

Step 3: Materials reborn!

Recovered materials can be used to make new products - the cadmium is used to make new batteries, while the nickel and iron are used to make stainless steel products. Cell phones are refurbished and resold when possible. Portion of the proceeds from the resale of the cell phones will benefit select charities.

RBRC National Retail Partners - United States



RBRC National Retail Partners - Canada



Rechargeable Battery Recycling Corporation. Copyright 2006. RBRC is a non-profit, public service organization of portable rechargeable batteries and cellular phones.



Site Search

Go!

Consumers

OEMs & Licensees

Retailers

Communities & Public Agencies

Businesses

[Home](#)

[Find a Drop
Off Site Near
You](#)

[How The
Program
Works](#)

[FAQs](#)

[Sign Me Up](#)

[Battery
Recycling
Guidelines](#)

[Support
Materials](#)

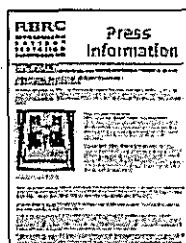
[News Room](#)

[Related Sites](#)

[Contact Us](#)

Free support materials for your community or public agency

Free of charge, RBRC supplies a variety of materials to assist communities and public rechargeable battery and cell phone recycling efforts.

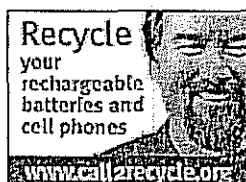


Click below to
see our latest
commercials
in QuickTime

Download a Customizable Press Release. We've created a fill-in-the-blank press release that your company can use to announce their participation in the RBRC national recycling effort.

Use these television PSAs* to announce your community or public agency's participation in RBRC's recycling program.

*Email recycling@rbrc.com to request format needed (i.e. VHS, Beta, CD, DAT)



If you want to provide a link from your site to RBRC, you can use these free web

Download these Community or Public Agency print PSAs to educate your

banners. [Click here](#) to view and download the web banners.

residents or organization about rechargeable battery and cell phone recycling.



Rechargeable Battery Recycling Corporation. Copyright 2006. RBRC is a non-profit, public service organization and cellular phones.