



## MEMORANDUM

TO: Ocean Protection Council

FROM: Christina Cairns, Project Manager

DATE: April 23, 2009

RE: OPC Support for Extended Producer Responsibility Programs

ATTACHMENTS: [CIWMB Framework for an EPR System in California](#)

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### REQUESTED ACTION:

Staff recommends the Council adopt the following **amended** resolution:

“The Ocean Protection Council (OPC) resolves to support the establishment of extended producer responsibility (EPR) programs in California, provided the programs 1) target the reduction of packaging to reduce the environmental impacts of products, and 2) reduce the costs to local government of handling packaging waste; **the OPC further 3) supports the concept of EPR as provided in the California Integrated Waste Management Board’s (CIWMB) document entitled “Overall Framework for an Extended Producer Responsibility System in California”, as approved by the CIWMB on September 2007 and further refined in January 2008, and 4) recommends legislation that implements the CIWMB framework.”**

### BACKGROUND:

Ocean litter has been widely recognized as a threat to the marine environment due to harmful interactions with sea life, as well as a pollutant and eyesore on the state’s beaches and shores. The majority of this litter is composed of packaging waste, primarily plastic, that finds its way from land-based sources to the ocean. On February 8, 2007, the OPC adopted a resolution that urged the state to take action to reduce ocean litter, stating “The state should look closely at extending the CRV [California Refund Value] or similar Extended Producer Responsibility programs to include other plastics commonly found in marine debris.” EPR then became the first of three priority actions recommended in the OPC’s *Implementation Strategy to Reduce Ocean Litter*, adopted on November 20, 2008, intended to specifically combat packaging waste and litter in California.

EPR is a concept that places the responsibility for reduction, as well as collection and disposal, of waste on producers and manufacturers of products that use packaging, rather than local and

state agencies responsible for waste collection and litter cleanup. EPR programs have already been implemented worldwide to reduce waste and litter but have yet to be fully realized in the United States. In the meantime, litter is accumulating in the ocean and on our shoreline, endangering wildlife and human health, while state and local agencies spend millions of dollars per year in litter cleanup efforts.

The California Integrated Waste Management Board (CIWMB) recently adopted an EPR Framework (attached) that incorporates EPR principles into waste management policies and seeks statutory authority for the board to regulate waste management of specific products through EPR programs. The goals of the framework are to reduce environmental impacts, advance source reduction and material reuse, and reduce the burden on taxpayers and ratepayers by transferring waste-related costs to producers and consumers of products. The OPC Implementation Strategy specifically provided support for this framework, stating the “CIWMB should have the authority to adopt EPR regulations” but urged the CIWMB to “prioritize EPR for packaging waste to the extent feasible.” While the CIWMB framework considers packaging in its definition of EPR, it does not explicitly include packaging as a target category of an EPR program. The OPC believes packaging should be an essential component of any EPR program due to the prevalence of packaging in the waste stream and its presence in marine debris: according to the CIWMB, approximately one third of the 66 million tons of solid waste generated by Californians each year is packaging waste. In addition, because the majority of ocean litter is comprised of plastic packaging material, the OPC urges agencies and industry to reduce packaging waste of plastics specifically through their EPR initiatives.

Furthermore, EPR programs must aim to reduce costs to local government for the collection, disposal and recycling of waste and litter. These costs are traditionally borne by cities and counties, and ultimately tax- and rate-paying citizens, and total millions in public spending each year. For example, the City of Oakland allocated approximately \$19 million in the 2008-2009 fiscal year for litter cleanup and abatement programs and reports that Waste Management spends an estimated \$80 million per year for collection of trash from the city’s street containers<sup>1</sup>; the City of San Francisco spent over \$90 million in annual litter cleanup costs for various departments<sup>2</sup>, while San Jose spent an estimated \$3 million on litter abatement last year<sup>3</sup>. Under an EPR system, manufacturers, distributors and retailers would be responsible for the “end of life” management of their products. This shift in responsibility would not only reduce costs to government of managing the collection and disposal of waste, but would incentivize producers to reduce the amount of packaging used for their products and recycle used materials, thereby reducing the amount of waste and litter in the environment.

#### **CONSISTENCY WITH THE CALIFORNIA OCEAN PROTECTION ACT:**

The proposed action is consistent with the California Ocean Protection Act (Division 26.5 of the Public Resources Code). Section 35615(a)(1) specifically directs the Council to coordinate activities of state agencies to improve the effectiveness of state efforts to protect ocean resources, establish policies to coordinate the collection of scientific data related to the ocean, and

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<sup>1</sup> Markley Bavinger, City of Oakland. Email communication, April 15, 2009.

<sup>2</sup> David Assman, Deputy Director of Department of the Environment, City of San Francisco. Email communication, April 15, 2009.

<sup>3</sup> Melody Tovar, Deputy Director of Watershed Protection, City of San Jose. Phone communication, April 15, 2009.

recommend changes in state or federal law. It is also consistent with Section 35615 (a)(5), which directs the Council to transmit the results of research and investigations to state agencies to provide information for policy decisions.

**CONSISTENCY WITH THE OPC'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Passage of the resolution furthers **Goal C (Marine Debris) Objective 5**: Reduce ocean and coastal debris and its impacts to ocean ecosystems. The OPC's Five-Year Strategic Plan specifically calls for implementation of the 2006 California Marine Debris Action Plan, which established the basis for both the 2007 OPC Resolution and the 2008 OPC Implementation Strategy calling for EPR.

Adoption of the resolution promotes the development of EPR programs in California by providing OPC endorsement and provides additional direction to the CIWMB and other state agencies to address the environmental and social costs of excess product packaging. This action serves the OPC's larger strategic goal of reducing marine debris.