

RESOLUTION NO. 2010-2-6(R)

A resolution of the City Council of the City of Plano, Texas, authorizing the City to enter into an agreement with the Texas Product Stewardship Council to become a member, and to promote and support the shift of disposal cost from the local government to the producer through state legislation; authorizing its execution by the City Manager or, his authorized designee; and providing an effective date.

WHEREAS, on September 11, 2006, the City Council of the City of Plano enacted Resolution No. 2006-9-8(R) supporting the State legislation requiring electronic and computer manufacturers to participate in Takeback Recycling Programs, which was formalized in 2007 with the passage of HB 2714; and

WHEREAS, state policies currently make local governments responsible for waste management; and

WHEREAS, approximately 195,231.6 tons of discarded materials and products are currently sent to disposal from our community on an annual basis at a cost of \$39.79 per ton; and

WHEREAS, manufactured goods and packaging constitute approximately 75% of the materials managed by the City of Plano, based on figures reported by the U.S. Environmental Protection Agency; and

WHEREAS, local governments have no input on the design of the products, make no profit from the products, and do not have the resources to adequately address the rising volume of discarded products; and

WHEREAS, it is anticipated that the list of waste products intended for disposal, some of which are hazardous, will continue to grow; and

WHEREAS, there are significant environmental and human health impacts associated with improper management of non-hazardous and hazardous products; and

WHEREAS, costs paid by local governments to manage products are in effect subsidies to the producers of such products and products designed for disposal; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers assume responsibility for management of non-hazardous and hazardous waste products and which has been shown to be effective; and

WHEREAS, when producers are responsible for ensuring their products are reused or recycled responsibly, and when health and environmental costs are included in the product price, there is an incentive to design products that are more durable, easier to repair and recycle, and less toxic; and

WHEREAS, EPR framework legislation establishes transparent and fair principles and procedures for applying EPR to categories of products for which improved design and management infrastructure is in the public interest; and

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WHEREAS, the Texas Product Stewardship Council (TXPSC) is an organization of Texas local governments working to speak with one voice in promoting transparent and fair EPR systems in Texas; and

WHEREAS, on March 31, 2008, the City of Plano incorporated EPR principals through establishing City Policy No. 330.006 Environmental Purchasing Policy into its product procurement practices to minimize waste, encourage recycling, reduce costs and protect the environment;

NOW, THEREFORE BE IT RESOLVED THE FOLLOWING:


1. The City of Plano urges the Texas Commission on Environmental Quality (TCEQ) and State Legislators to support legislation, policies and programs on Extended Producer Responsibility; and

2. The City of Plano supports the formation of a Texas Product Stewardship Council as an organization of Texas local governments working to speak with one voice in advocating transparent and fair EPR systems in Texas to shift waste management costs from local government to the producers of the product, and which will give producers the incentive to redesign products to make them less toxic and easier to reuse and recycle; and

3. The City of Plano will execute the attached letter of agreement marked as Exhibit "A" to actively support the goals of Texas Product Stewardship Council, and

4. The City of Plano encourages all manufacturers to share in the responsibility for eliminating waste through minimizing excess packaging, designing products for durability, reusability and the ability to be recycled; using recycled materials in the manufacture of new products; and providing financial support for collection, processing, recycling, or disposal of used materials.

DULY PASSED AND APPROVED this the 8th day of February, 2010.


Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

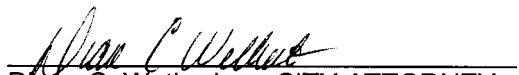

Diane C. Wetherbee, CITY ATTORNEY



Exhibit "A"

TEXAS PRODUCT STEWARDSHIP COUNCIL

Letter of Agreement

MISSION STATEMENT

To shift Texas' product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on Product Stewardship in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

DEFINITION OF PRODUCT STEWARDSHIP

Product Stewardship, or Extended Producer Responsibility (EPR), is a product-centered approach to environmental protection that calls on all those in the product life cycle – designers, manufacturers, retailers, servicers, resellers, disposers, disassemblers, users and waste managers – to share the responsibility and costs for reducing the adverse environmental impacts of products.

The greatest responsibility lies with the producers who have the most ability to affect the life cycle environmental impacts of the product through product design and marketing. Product stewardship holds producers liable for the costs of responsibly managing their products at end of life.

OBJECTIVES

The Texas Product Stewardship Council works to integrate the principles of product stewardship into the policy and economic structures of Texas. The objectives of the TXPSC are to:

1. Provide effective leadership on product stewardship initiatives in the state of Texas.
2. Educate elected officials and other decision makers on the benefits of product stewardship.
3. Develop and recommend product stewardship policies and educational tools to organizations, institutions, governments, the Texas state legislature and legislators.
4. Coordinate or participate in product stewardship initiatives locally, regionally and nationally.
5. Provide a forum for the exchange of information regarding existing and proposed EPR programs.

ORGANIZATION

TXPSC will operate initially (while investigating formation of a 501(c)(3) organization) as an unincorporated association and will be comprised of a General Council and Steering Committee.

Associate Members: Members of the TXPSC (General Council) consist of cities, counties or other local government bodies that:

- a) Provide funding and/or staff time to TXPSC activities and projects and commit staff time to attend TXPSC meetings.

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- b) Agree with and supports the TXPSC Mission and Objectives.
- c) Agree with the Mission of the TXPSC and the Framework Principles for Product Stewardship Policy (*see Appendix*)

Steering Committee Members: Members of the TXPSC Steering Committee make up the voting member body of the Council. The steering committee is limited to 15 people who represent local governments. Each local government represented on the Steering Committee will provide one official representative and receives one vote for decision-making purposes. Steering committee members must:

- a) Provide funding and/or staff time to TXPSC activities and projects and commit staff time to attend TXPSC meetings and
- b) Sign this Letter of Agreement.

Voting members will be accepted at the beginning of each year, or at other times as agreed upon by the Steering Committee. Voting members shall be added to the formal list of members in the Letter of Agreement initially and at the beginning of each calendar year.

Nominations to the Steering Committee can be in the form of self-nomination or nomination of another council member. Steering Committee Members will be elected openly by the Steering Committee unless there are more nominees than vacancies, in which case the Chair will take a paper ballot vote.

Roles and Responsibilities of Steering Committee Members

The Steering Committee provides leadership to the Council, develops and recommends product stewardship policy, facilitates coordination with other product stewardship activities and broadly publicizes the concept of product stewardship. Steering Committee members will prepare a scope of work and budget at the beginning of each year.

Meetings: Steering Committee members will attend and participate (in person or by phone) in TXPSC Steering Committee meetings that are held at least monthly. In cases where steering committee members cannot attend the meetings, they should notify the Council Chair. Steering Committee members must participate in at least half the meetings held the previous year to retain standing on the Steering Committee. TXPSC meeting agendas are sent out for Steering Committee review in advance. All Steering Committee members shall review meeting minutes that are sent out after each meeting.

Projects: Propose, review, approve and participate in activities and projects conducted in the name of TXPSC.

Decision Making: The Steering Committee makes decisions by consensus. If consensus cannot be reached, a decision will be made by majority vote. Each Steering Committee Member will have one vote.

Chairperson: A Steering Committee chair will be elected at the beginning of each year. The Chair will represent TXPSC on general correspondence and communications. The Chairperson will coordinate the Steering Committee, assist Subcommittees, prepare agendas,

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convene meetings, record and disseminate meeting summaries, respond to inquiries, and initiate and shepherd TXPSC related projects.

Other Officers: At the discretion of the Steering Committee other officers maybe appointed and these positions usually consist of a vice-chair, secretary and treasurer as needed.

Executive Subcommittee: The Steering Committee may set up and delegate budget, administrative and related planning matters to an Executive Subcommittee. The Executive Subcommittee will normally consist of the appointed Officers. Once budgets and work plans are approved by the full Steering Committee, the Executive Subcommittee may authorize expenditures within the approved budget. Steering Committee input will be solicited on all substantive matters. On funding and policy decisions requiring immediate turnaround that cannot wait until the next full steering committee meeting, the Executive Subcommittee will set up a conference call, or solicit input by email from the steering committee.

PARTNERS: Partners are stakeholders (individuals or organizations other than local governments) that wish to be kept apprised of TXPSC initiatives through periodic email alerts, periodically attend TXPSC meetings and may participate in project subcommittee work. Any individual or non-local government organization that agrees with the Mission of the TXPSC and the Framework Principles (*Appendix A*) by signing a pledge is invited to be a Partner. Partners are non-voting participants but they can express their opinions or state their positions.

SUPPORTERS: Supporters are stakeholders (individuals or organizations) that wish to be kept apprised of TXPSC initiatives through periodic email alerts, periodically attend TXPSC meetings and may participate in project subcommittee work. Any individual or organization that supports the TXPSC mission is invited to be a Supporter.

PROJECT SUBCOMMITTEES: Project Subcommittees are comprised of representatives from government, businesses and nonprofit groups that focus their work on managing specific commodities or materials (such as mercury-containing products, electronic equipment or batteries) to encourage product stewardship within that particular sector, or that focus on cross-cutting issues or functions that advance the mission of the Council (such as education, purchasing policies, local initiatives, or framework legislation). Project Subcommittees will be coordinated by Steering Committee members. Subcommittees will meet independently of the Steering Committee and will provide updates on their activities and recommendations at regularly held Council meetings for review and action, if required.

FUNDING

Projects and activities that are conducted on behalf of the council may be funded directly by the participating agencies as appropriate. The Steering Committee may seek additional funding for project work, such as conferences, through grants and contributions.

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LOGOS AND CREDITS

The TXPSC logos and name shall be copyrighted and owned by TXPSC. Use of the name and logo shall be exclusively for official organization business unless licensed to Partners or other agencies for outside use.

All projects undertaken on behalf of the TXPSC shall use the TXPSC logo on project materials.

General Correspondence: The TXPSC name and logo will be used on all general correspondence. "Official" TXPSC letterhead will be used. The Council Chair (or in his/her absence the Vice Chair) will sign letters.

Project Materials: All materials developed in coordination with and on behalf of the TXPSC shall display the TXPSC logo and mission statement or an approved Tagline that synthesizes the Mission statement.

Agencies that fund a portion of specific projects and materials on behalf of the TXPSC will be credited using the following language (agency logos may also be displayed):
This product was funded by agency and agency, members of the TXPSC.

LETTER OF AGREEMENT

This Letter of Agreement shall be reviewed and revised as necessary at the beginning of each calendar year by the Steering Committee. New members to the Steering Committee may be added at this time. Letters of Agreement will be signed by the appropriate representative of each government entity participating on the Steering Committee.

Signed:

Signature

Name, Title Date

Organization

Appendix: Framework Principles for Product Stewardship Policy

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APPENDIX

Framework Principles for Product Stewardship Policy

The following principles are intended to guide development of product stewardship policies and legislation that governs multiple products. It is primarily aimed at state legislation but is also intended as a guide for local and federal policy.

1. Producer Responsibility

- 1.1 All producers selling a covered product into the State are responsible for designing managing, and financing a stewardship program that addresses the lifecycle impacts of their products including end-of-life management.
- 1.2 Producers have flexibility to meet these responsibilities by offering their own plan or participating in a plan with others.
- 1.3 In addressing end-of-life management, all stewardship programs must finance the collection, transportation, and responsible reuse, recycling or disposition of covered products. Stewardship programs must:
 - Cover the costs of new, historic and orphan covered products.
 - Provide convenient collection for consumers throughout the State.
- 1.4 Costs for product waste management are shifted from taxpayers and ratepayers to producers and users.
- 1.5 Programs are operated by producers with minimum government involvement.

2. Shared Responsibilities

- 2.1 Retailers only sell covered products from producers who are in compliance with stewardship requirements.
- 2.2 State and local governments work with producers and retailers on educating the public about the stewardship programs.
- 2.3 Consumers are responsible for using return systems set up by producers or their agents.

3. Governance

- 3.1 Government sets goals and performance standards following consultation with stakeholders. All programs within a product category are accountable to the same goals and performance standards.

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- 3.2 Government allows producers the flexibility to determine the most cost effective means of achieving the goals and performance standards.
- 3.3 Government is responsible for ensuring a level playing field by enforcing requirements that all producers in a product category participate in a stewardship program as a condition for selling their product in the jurisdiction.
- 3.4 Product categories required to have stewardship programs are selected using the process and priorities set out in framework legislation.
- 3.5 Government is responsible for ensuring transparency and accountability of stewardship programs. Producers are accountable to both government and consumers for disclosing environmental outcomes.

4. Financing

- 4.1 Producers finance their stewardship programs as a general cost of doing business, through cost internalization or by recovering costs through arrangements with their distributors and retailers. End of life fees are not allowed.

5. Environmental Protection

- 5.1 Framework legislation should address environmental product design, including source reduction, recyclability and reducing toxicity of covered products.
- 5.2 Framework legislation requires that stewardship programs ensure that all products covered by the stewardship program are managed in an environmentally sound manner.
- 5.3 Stewardship programs must be consistent with other State sustainability legislation, including those that address greenhouse gas reduction and the waste management hierarchy.
- 5.4 Stewardship programs include reporting on the final disposition, (i.e., reuse, recycling, disposal) of products handled by the stewardship program, including any products or materials exported for processing.

Northwest Product Stewardship Council www.productstewardship.net Adopted May 19, 2008
California Product Stewardship Council www.calpsc.org Adopted June 4, 2008
Vermont Product Stewardship Council www.vtpsc.org Adopted November 6, 2008
British Columbia Product Stewardship Council www.bcproductstewardship.org Adopted Dec. 9, 2008
Texas Product Stewardship Council www.txpsc.org Adopted January 30, 2009
NYS Assoc. for Solid Waste Management www.newyorkwaste.org Adopted March 11, 2009
Developed with support from **Product Policy Institute** www.productpolicy.org