



THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

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AGENDA: JUNE 10, 2003

June 4, 2003

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: TAKE BACK ORDINANCE ON ELECTRONIC WASTE AND SUPPORT OF
SENATE BILL 20

Members of the Board:

On April 8, 2003, your Board directed Public Works to return to your Board on this date with a draft ordinance and recommendations on how to implement a local electronics waste take-back ordinance. Public Works advised your Board that we would approach the city jurisdictions in the county to gauge their interest in adopting similar ordinances and solicit input from local retailers who might be affected by the proposed ordinance were it to be enacted.

Public Works has also reviewed the need to implement a local take-back ordinance. The need for this ordinance is based on the hazardous designation of cathode ray tubes (CRTs), the picture tubes in computer monitors and televisions, due to the five to eight pounds of lead in each device and the County's obligation to properly handle this material when discarded.

The County's electronics recycling program, in existence since January 2002, allows residents to submit one television or monitor per day at no cost, but charges \$18 for each additional unit. The proposed fees for 2003-04 reflect a need for increased program revenues and would charge \$10 or \$15 per unit, depending on the size of the unit. Although the program has greatly reduced landfill disposal of monitors and televisions, there is still a substantial amount of illegal dumping and at-home stockpiling of computer monitors and televisions. With the new fee structure, we expect to see an increase in illegal dumping on the roadside, at thrift stores, or hidden in loads destined for the landfill. In addition, the actual costs of recycling the units is higher than the proposed fees. In 2002, the County paid contractors approximately \$200,000 for processing discarded electronics through the recycling program, out of which approximately \$130,000 was spent to recycle cathode ray tubes. These significant recycling costs cannot be sustained over a long period of time without outside assistance.

The electronics industry can assist in solving the e-waste problem in two important ways. First, the industry has the ability to generate funds for the proper handling of discards at the

point of product sale, where it is more easily collected than at the point of discard. Second, the industry has control over materials used in manufacture and, if given incentives, could reduce the amount of hazardous materials in the product at the end of its useful life. By adoption of the Extended Producer Responsibility Principles for Electronics on January 15, 2002, your Board is on record as supporting the internalization of life cycle costs in the price of these products.

As no state or federal solution to the e-waste problem has yet emerged, potentially greater harm could result if your Board does not act on this matter. Since there are no electronics manufacturers in Santa Cruz County, the electronics retailers in this county and vendors who contract with the County are the industry's *de facto* agents, and are thus designated as responsible parties in the proposed ordinance.

Staff of the city jurisdictions discussed the proposed take-back ordinance at the Integrated Waste Management Local Task Force meeting on April 10, 2003, and the Task Force agreed to contact the city councils about the ordinance. To date, no city has taken action on this matter.

Local retailers of electronic products have been contacted in order to provide them with information about the proposed ordinance and its provisions that might affect them. The retailers contacted, including those in the unincorporated county and those who provided testimony to your Board on April 8, 2003, were invited to comment on the current draft language. All comments and testimony received to date from these stakeholders has been considered in the drafting of the proposed language.

A direct impact to the County from this ordinance would be through the procurement language. The possible effects of proposed language were discussed with the County departments which order the largest share of electronic equipment, Information Services Department, Health Services Agency, Human Resources Agency, and Department of Public Works, and with the General Services Department, which handles most of the purchasing. These departments realized that the ordinance's requirements on vendors could increase prices slightly, but they did not believe it would limit their ability to procure needed equipment. Setting the implementation date for the procurement provisions on July 1, 2004, the beginning of a fiscal year, would simplify any required adjustment in contractual arrangements.

A draft ordinance is attached for your review, along with a one page summary. This draft differs from the model ordinance which was presented to your Board on March 11, 2003, in the following significant ways:

1. The definitions have been modified so the take-back requirement applies to any electronic product that is deemed hazardous by the California Department of Toxic Substances Control, not just cathode ray tubes (CRTs). This change would allow products found to be hazardous after adoption of the ordinance to be included in its provisions without further action by your Board.
2. The take-back responsibility of retailers has been modified to correspond to the number of affected products they sell. This change will assure that small shops will not become the dumping ground for large quantities of e-waste.

3. Retailer take-back of hazardous electronics is established initially as a goal rather than a mandate, and it will remain voluntary if over several years an increasing level of compliance by retailers is achieved. If the compliance targets are not met, your Board could require compliance by all retailers.

While the ordinance would establish standards of responsibility for local retailers, its intent is not to mount an enforcement campaign on retailers. Rather, the ordinance puts restrictions on County procurement as the enforcement tool. This strategy will cause a minimum of impact on local retailers while placing the burden of compliance on the product manufacturers who seek volume sales to County government through the bid process.

An ordinance in this form can be implemented and enforced with minimal departmental resources. At the same time, this action by the County of Santa Cruz would be an effective step toward the realization of a state or national solution to the hazardous electronic waste problem by means of imposing long-term producer responsibility, a position your Board supported by Resolution No. 20-2002 on January 15, 2002.

Santa Cruz County is not alone in considering a local ordinance on hazardous electronic waste. Similar ordinances have already been introduced for consideration by the Cities of Los Angeles, Sunnyvale and Richmond. Ordinance language is being drafted by the City and County of San Francisco and the County of Sonoma. Several other cities are considering such an ordinance.

Public Works staff is convinced that the electronic waste problem is of such a magnitude that it will eventually be dealt with by state or federal legislation. Senator Byron Sher recently introduced Senate Bill (SB) 20 in the California Legislature to address this very issue. The current language in SB 20 would move us toward a statewide e-waste solution by establishing for consumers a convenient no-cost system for recycling collection and transportation of their discarded hazardous electronic products, assure environmentally sound handling of those materials, and provide accountability through meaningful recycling targets.

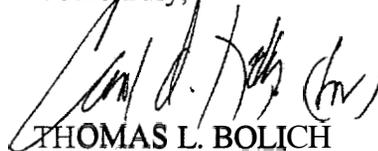
Public Works' analysis of SB 20 is that it would promote the producer responsibility for hazardous electronic products supported by our County. SB 20 would apply to all hazardous electronic devices, while proposed federal legislation (House of Representatives 1165 - Thompson) regarding electronic recycling programs only applies to CRTs. We believe that the current language of SB 20 could be stronger in one area. SB 20 specifies that it would not be implemented if federal legislation establishes a mandatory funded recycling program for cathode ray tube devices. Although cathode ray tubes are the only electronic devices currently listed in California as hazardous, we anticipate the California Department of Toxic Substances Control will designate additional electronic devices as hazardous in the near future. We therefore suggest modifying SB 20 to specify that it would remain in force unless federal legislation establishes a mandatory funded recycling program for any items designated as hazardous electronic devices.

SB 20 has already been endorsed by the California State Association of Counties, the League of California Cities, seven local government jurisdictions, and several solid waste haulers and environmental organizations. Its passage though not assured at this time would shorten the interim period during which our County's local ordinance would need to be in effect.

It is therefore recommended that Board of Supervisors take the following action:

- 1 Adopt in concept the attached ordinance adding Chapter 7.112 to the Santa Cruz County Code Relating to Disposal of Hazardous Electronic Devices and place it on the next available agenda for final adoption.
- 2 Adopt the attached resolution supporting the passage of Senate Bill 20.

Yours truly,



THOMAS L. BOLICH
Director of Public Works

TLB:JS:bbs

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

copy to: General Services Department
 Environmental Health
 Public Works Department

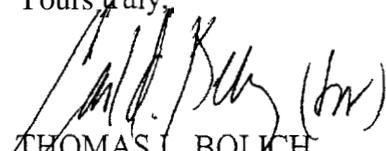
SANTA CRUZ COUNTY BOARD OF SUPERVISORS

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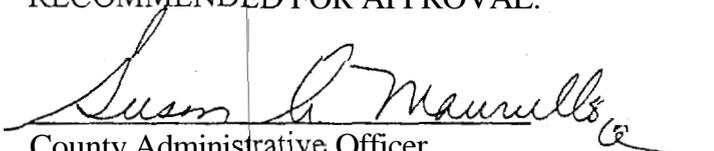


THOMAS L. BOLICH
Director of Public Works

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County Administrative Officer

Copy to: General Services Department
Environmental Health
Public Works Department

**Proposed E-Waste Take-Back Ordinance
for the
County of Santa Cruz**

SUMMARY

This ordinance would establish a goal that every retailer of electronic products in the unincorporated area of Santa Cruz County establish or arrange to be established a Consumer Take-Back System for accepting hazardous electronic products similar to those products they sell and equal in number to what they sell. At no cost to the consumer at the time of return, the Take-Back System must consist of at least one of the following options: product acceptance in-store, mail-back, pick-up, or convenient drop-off within the county.

At present the ordinance would apply only to televisions and computer monitors, due to the lead in these products' picture tubes. In the future the ordinance would cover other electronic devices which the state Department of Toxic Substances Control determines are also hazardous.

Retailers would need to help educate consumers about recovery, reuse and proper recycling of hazardous electronic scrap. Means would include labeling hazardous electronic devices and maintaining a toll-free telephone number and Internet website where consumers could obtain information on the no-cost take-back options. Retailers would be required to handle all hazardous scrap in an environmentally responsible manner, which would generally exclude overseas export.

Attainment of the Consumer Take-Back goal would initially be voluntary and remain so if 50% of the electronics retailers in the unincorporated county comply by July 1, 2004, and 75% by July 1, 2005. If these goals were not met, the Board of Supervisors could require retailers to comply with the Take-Back goals.

Vendors wishing to sell hazardous electronic products to the County of Santa Cruz would be required to have take-back options in place for any of their consumers in the county by July 1, 2004.

The ordinance would be repealed if a state or federal law establishes a comprehensive e-waste take-back program.

ORDINANCE NO. __**ORDINANCE ADDING CHAPTER 7.112 TO
THE SANTA CRUZ COUNTY CODE RELATING
TO DISPOSAL OF HAZARDOUS ELECTRONIC DEVICES**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by adding new Chapter 7.112 to read as follows:

Chapter 7.112**DISPOSAL OF HAZARDOUS ELECTRONIC DEVICES****Sections:**

- 7.112.010 Findings and intent.**
- 7.112.020 Definitions.**
- 7.112.030 Hazardous electronic device take-back requirements.**
- 7.112.040 Review of attainment of take back goals.**
- 7.112.050 Procurement language.**

7.112.010 Findings and intent.

The Board of Supervisors of the County of Santa Cruz finds and declares:

- A. Electronic scrap represents one of the fastest growing and most problematic components of California's waste stream.
- B. According to the US Environmental Protection Agency (US EPA), more than **4.6** million tons of appliances and consumer electronics were discarded in 2000.
- C. Due to the presence of toxic lead, mercury, and other hazardous and potentially hazardous materials in electronic waste, these products pose a particular threat to public health and the environment when improperly discarded.
- D. About 70% of the heavy metals, and 40% of the lead, found in US landfills come from electronic equipment discards, according to the US EPA.

E. Electronic products containing hazardous substances, such as the cathode ray tubes in most discarded computer monitors and television sets, must be managed and disposed of as hazardous waste, presenting a costly problem for local governments and nonprofit organizations such as Goodwill Industries and the Salvation Army.

F. A study by the National Safety Council suggests that three-quarters of all computers ever purchased in the United States remain stockpiled in storerooms, attics, garages, and basements.

G. A study conducted by the California Integrated Waste Management Board estimates that California households currently have more than 6 million obsolete computer monitors and television sets "stockpiled" in their homes.

H. It is further estimated that more than 10,000 computers become obsolete in California every day.

I. The current recycling infrastructure for electronic discards is weak, underfunded, and inconsistent.

J. The County of Santa Cruz recognizes that there is a cost associated with the proper and legal management of hazardous electronic scrap, and that this cost is the appropriate responsibility of the producers, retailers and consumers of hazardous electronics, and not local government, state government, or taxpayers.

K. To reduce the likelihood of illegal disposal of these hazardous materials, it is the intent of the County of Santa Cruz that any costs associated with the proper management of electronic scrap be internalized by the producers, retailers and consumers of hazardous electronics at or before the point of purchase, and not at the point of discard.

L. It is the intent of the County of Santa Cruz that the manufacturers of hazardous electronics, in working to meet the goals and objectives of this chapter, work cooperatively with each other in order to develop and promote a safe and effective electronics scrap recovery, reuse, and recycling system for California.

M. It is further the intent of the County of Santa Cruz that the producers of hazardous electronics reduce and ultimately phase out the use of hazardous materials in those products, to the extent feasible.

N. It is further the intent of the County of Santa Cruz that hazardous electronic devices be designed for extended life, repair, and reuse, to the greatest extent feasible.

O. It is further the intent of the County of Santa Cruz that electronic retail establishments provide for the safe, efficient and convenient take-back of similar products for which they offer for sale, distribution, lease or conveyance.

P. It is further the intent of the County of Santa Cruz that systems and procedures for the recovery of hazardous electronic scrap be at least as convenient to consumers as the existing sale and distribution of hazardous electronic devices to consumers.

Q. It is the intent of the County of Santa Cruz that retailers of hazardous electronics, in order to maintain the most convenient, cost effective, and consumer friendly recovery, reuse, and recycling system, be strongly encouraged to work in partnership with others in the hazardous electronic device retail industry to create and maintain a uniform and cooperative recovery system.

7.112.020 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

A. "Hazardous electronic device" means any consumer electronic product, component, or device that contains a cathode ray tube or any other element which contains lead, mercury, or any other persistent bioaccumulative toxin, and is designated as hazardous by the California Department of Toxic Substances Control, including, but not limited to, televisions, video monitors, and computer monitors.

B. "Hazardous electronic scrap" means a hazardous electronic device that has been discarded.

C. "Electronics retailer" shall mean all sales outlets, stores, shops, vehicles or other places of business located in the County which operate to sell, distribute, lease or convey hazardous electronic devices directly to the ultimate consumer.

D. "Equivalent electronic product" shall mean any consumer product, component, or device, regardless of its designation or non-designation as hazardous, that performs or provides the same or comparable function as a hazardous electronic device that has been discarded.

7.112.030 Hazardous electronic device take-back requirements.

It shall be a policy goal of Santa Cruz County that every electronics retailer within

the unincorporated area of the County of Santa Cruz shall:

A. Establish or arrange to be established a Consumer Take-Back System for accepting hazardous electronic devices similar to those hazardous electronic devices, sold, distributed, leased or otherwise conveyed to the public, including those items sold over the Internet, by the electronics retailer. The Consumer Take-Back System shall not impose a charge or any cost to the public at the time of return for the return of a hazardous electronic device. The Consumer Take-back System must consist of, but not be limited to, at least one of the following options:

1. Acceptance of a hazardous electronic device from any resident of the County of Santa Cruz at the site of purchase of said hazardous electronic device, regardless of purchase date, or, if the resident has purchased an equivalent electronic device within the previous 90 days, at the site of purchase of the equivalent product.

2. Mail-back of a hazardous electronic device to a registered electronic waste recycling facility for any consumer purchasing an equivalent electronic device from the electronics retailer in the previous 90 days.

3. Pick-up in the County of Santa Cruz of a hazardous electronic device from any consumer purchasing an equivalent electronic device from the electronics retailer in the previous 90 days.

4. Establishment and operation of a drop-off facility within the County of Santa Cruz accepting hazardous electronic scrap for reuse and/or recycling from any resident of County of Santa Cruz.

B. Maintain a toll-free telephone number and Internet website where consumers can obtain information on the no-cost opportunities within the County of Santa Cruz for returning hazardous electronic scrap for reuse or recycling.

C. Label hazardous electronic devices as hazardous with information on no-cost take-back opportunities and a toll-free telephone number and internet web site.

D. Create and maintain a public education program to promote the recovery and reuse and recycling of hazardous electronic scrap.

E. Ensure that each unit of hazardous electronic scrap is properly collected and reused or recycled in a responsible manner that fully protects human health and the environment, and that documentation supporting such claim is maintained and submitted,

as required by the California Department of Toxic Substances Control. Proper handling of hazardous electronic scrap does not include export to facilities that do not meet California and United States worker health and safety, and environmental standards.

F. This Chapter shall become subject to repeal if a State or Federal law, or combination of State or Federal laws, takes effect and if the Board of Supervisors finds that said laws do all of the following:

1. Establish a program for the collection, recycling, and proper disposal of hazardous electronic devices that is applicable to all hazardous electronic devices sold.
2. Provide revenue to the state and/or local jurisdictions to support the collection, recycling and proper disposal of hazardous electronic devices, in amounts that are sufficient for proper collection, recycling and disposal.
3. Require hazardous electronic device manufacturers, retailers, handlers, processors, and recyclers to dispose of those devices in a manner that is in compliance with all applicable federal, state, and local laws regulations and ordinances, and prohibit the devices from being exported for processing and/or disposal in a manner that poses a significant risk to the public health or the environment.

7.112.040 Review of attainment of take back goals

A. The County of Santa Cruz shall encourage the establishment, on a voluntary basis, of a hazardous electronic device take-back system by each electronics retailer as described in Section 7.112.030 prior to July 1, 2004.

B. Within ninety days after July 1, 2004, the county public works director shall report to the board of supervisors concerning the degree to which the policy goal established by Section 7.112.030 has been attained. Upon a finding by the board of supervisors that the goal has not been attained by at least 50% of the electronics retailers as defined by Section 7.112.020(C), the requirements contained in Section 7.112.030 shall apply. The finding required by this section shall be based upon the report called for in Section 7.112.040(A), after a public hearing.

C. Within ninety days after July 1, 2005, if voluntary compliance with Section 7.112.030 is still in effect, the county public works director shall report to the board of supervisors concerning the degree to which the policy goal established by Section 7.112.030 has been attained. Upon a finding by the board of supervisors that the goal has not been attained by at least 75% of the electronics retailers as defined by Section

7.112.020(C), the Board of Supervisors shall determine if the requirements contained in Section 7.1 12.030 shall apply. The finding required by this section shall be based upon the report required in this subsection, after a public hearing.

7.112.050 Procurement language.

A. Any prospective bidder of hazardous electronic devices, materials, or supplies to the County of Santa Cruz shall certify in writing that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for the procurement, will take back hazardous electronic scrap at no cost to consumers according to Section 7.1 12.030. Failure to provide the certification shall render the prospective bidder and its agents, subsidiaries, partners, joint venturers, and subcontractors ineligible to bid on the procurement.

B. The bid solicitation documents shall specify that the prospective bidder is required to cooperate fully in providing reasonable access to its records and documents that evidence their compliance with this section.

C. Any firm awarded a contract by the County of Santa Cruz that is found to be in violation of this section is subject to the following sanctions:

1. The contract shall be voided immediately.
2. The contractor becomes ineligible to bid on any County of Santa Cruz contract for a minimum period of three years.

D. The provisions of Section 71 12.050, relating to procurement, will take effect on July 1, 2004.

SECTION II

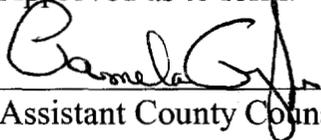
This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 2003, by the Board of Supervisors of the County of Santa **Cruz** by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Attest: _____
Clerk of the Board

Board of Supervisors, Chairperson

Approved as to form:


Assistant County Counsel



For Immediate Release Contact:

June 4, 2003 Mark Murray (916) 443-5422

Luke Breit (916) 446-7638

E-Waste Recycling Legislation passes State Senate: Measure Would Require Producers to Establish "Free and Convenient" Collection System

Sacramento -- Legislation requiring electronics manufacturers to establish a "Free and Convenient" recycling system for old computers, TVs and other hazardous electronic devices passed the California State Senate today on a 24 to 13 and moved along to the Assembly.

Senate Bill 20, by Senator Byron Sher, was introduced to address the growing public health and environmental threat posed by toxic electronics. The California Department of Toxic Substances Control has determined that computer monitors, televisions, fluorescent lamps, and other electronic devices contain hazardous levels of lead, mercury and other toxic materials, and their disposal in solid waste landfills is therefore prohibited.

Sponsored by Californians Against Waste (CAW), the state's largest recycling advocacy organization, SB 20 is the second legislative attempt to deal with the growing crisis. Last year's bill, **SB 1523**, was vetoed by the Governor after a full-court press against the bill by industry lobbyists. However, the Governor declared in his veto message that he was prepared to support legislation that developed a program similar to one already established by the European Union, in which companies have "cradle-to-grave" responsibility for any electronic products deemed hazardous by authorities.

Senator Sher wrote SB 20 to establish just such a program.

New data compiled by the California Integrated Waste Management Board (CIWMB) through a statewide survey indicate what a serious and growing problem e-waste is becoming.

"More than 6 million of these obsolete and hazardous devices are stockpiled in people's homes. On top of that more than 10,000 of these TVs and computers become obsolete, stockpiled everyday. The cost to California taxpayers under the present non-system could be as high as \$1.4 billion over the next five years," said Mark Murray, CAW's Executive Director. "It is illegal to dispose of these items in a landfill, so either the companies develop a recycling program or we're going to have illegal dumps springing up across the state. Local governments simply cannot afford to pay for it any longer.

"We share the belief of our European Union friends that those who profit from these items should have the responsibility for their end-life too," Murray said.

Compounding the problem is that over 80 percent of electronic waste reputedly being recycled in the U.S. is actually being exported to developing countries like China and India where large family-owned businesses, some employing as many as 100,000 extremely low-wage earners, dismantle the e-waste by hand in unsafe and unhealthy conditions. Entire

villages have been turned into computer and TV dumps and the water has become so polluted that it has to be trucked in from miles away. Such exports have been banned by China, but a porous border has reportedly allowed the dangerous commerce to continue unabated.

““SB 20 absolutely prohibits any California e-waste included in this program from being exported anywhere where the standards for dealing with it are lower than California’s,”” Murray said. ““We cannot solve our problem by creating an even larger crisis for developing nations that are ill-equipped to deal with it.””

Under the bill, every manufacturer of a hazardous electronic device sold in the state must establish and implement a system, certified by the **CIWMB**, for the collection, handling, transportation, processing, recovery, reuse and recycling of the e-waste that results from the hazardous electronic devices sold by that manufacturer. By 2010, the program must result in at least 90 percent of all devices sold in the state being diverted into the program.

As an alternative to implementing a plan, manufacturers may remit to the **CIWMB** a fee on each of the devices sold, equal to the net cost of collecting, processing, and recycling the device.

The bill also prohibits state agencies from entering into procurement agreements with any manufacturer not in compliance with the new law.

SB 20 is supported by a broad coalition of local governments, environmental organizations, organized labor, private recyclers and waste haulers, and non-profit recyclers and thrifts (Goodwills). The measure is opposed by most electronics manufacturers, with the exception of Hewlett Packard, which is currently neutral.

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Jessica Fiedor

Californians Against Waste
926 J Street, Suite 606
Sacramento, CA 95814
(916) 443-5422
(916) 443-3912 fax

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

RESOLUTION SUPPORTING THE PASSAGE OF SENATE BILL 20.

WHEREAS, Senate Bill 20 has been introduced into the California State Senate by Senator Byron Sher; and,

WHEREAS, SB 20 would establish for consumers a convenient no-cost system for recycling collection and transportation of their discarded hazardous electronic products, assure environmentally sound reuse, processing and recycling of discarded products, and provide accountability through meaningful recycling targets; and,

WHEREAS, SB 20, through its assignment to the manufacturer of ultimate responsibility for discarded hazardous electronic products, would provide an incentive for manufacturers to minimize the use of hazardous materials in their products; and,

WHEREAS, electronic discards are an increasing problem, with more than 10,000 computers becoming obsolete in California everyday, as estimated by the California Integrated Waste Management Board; and,

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

WHEREAS, the State of California Department of Toxic Substances Control has determined that discarded cathode ray tubes, such as those found in televisions and computer monitors, are hazardous materials and therefore prohibited from municipal landfill, increasing concerns regarding proper disposal, cost and liability; and,

WHEREAS, the State of California Department of Toxic Substances Control is continuing to test additional electronic products to determine whether or not they also are hazardous and should be prohibited from municipal landfill; and,

WHEREAS, the County of Santa Cruz Board of Supervisors is on record, by Resolution No. 20-2002, dated January 15, 2002, in support of the principle of long-term producer responsibility, which would foster the development of sustainable design and recovery of electronic equipment by shifting the burden of responsibility for disposal 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, in the absence of state or federal legislation to address the problem of hazardous electronic product discards, the County of Santa Cruz is actively considering a local ordinance to require sellers and manufacturers to take back computers and other electronic equipment at no additional charge or fully fund a free and convenient recovery system as an interim measure until such state or federal legislation is enacted.

NOW, THEREFORE BE IT **RESOLVED**, that the County of Santa Cruz Board of Supervisors hereby supports the passage of Senate Bill 20; and,

BE IT FURTHER RESOLVED, that the County of Santa Cruz supports language in SB 20 to specify that it remains in force unless federal legislation mirrors SB 20 in establishing a mandatory funded recycling program for all hazardous electronic devices, rather than just for cathode ray tube devices.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this ____ day of _____, 2003, by the following vote:

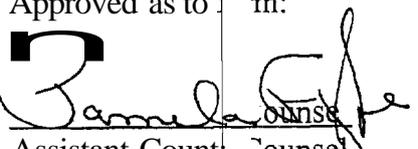
AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of said Board-

ATTEST: _____
Clerk said Board

Approved as to form:

Assistant County Counsel

Distribution: nator Byron Sher
 nator Bruce McPherson
 Assemblymember John Laird
 Assemblymember Simon Salinas
 Californians Against Waste
 Public Works Department
 County Counsel

takebackordb.w 1



Grey Wolf Computer Systems

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Santa Cruz, CA 95062

phone (831) 476-1524
fax (831) 476-8973

E-mail: admin@greywolfcomputers.com
URL: <http://www.greywolfcomputers.com>

June 6, 2003

To: Santa Cruz County Board of Supervisors
From: Michael Gardner, Owner, Grey Wolf Computer Systems, Santa Cruz, CA
Re: Proposed E-Waste Take-Back Ordinance

I am submitting this letter to reiterate my opposition to this ordinance. At the **April 8, 2003** Supervisor's meeting, other retail owners and I voiced a number of concerns about this ordinance. Unfortunately, virtually none of those concerns were addressed in this draft. It is especially alarming that the ordinance only applies to the "unincorporated area of Santa Cruz County" and would obviously give a significant financial advantage to competitor businesses with incorporated boundaries, resulting in a severe inhibition to fairly compete in the County.

This ordinance begins with a list of alarming statistics about the **quantity** and substance of e-waste finding its way into our landfills that can only be characterized as the "shock and awe" section of the ordinance. Anyone reading these statistics should be alarmed. The Board's intent, as I understand it, is to propose a reasonable solution to an overwhelming e-waste problem that **is** rapidly approaching disastrous proportions. Some may argue we're already there. It has been my contention that the concern here should be the overwhelming **amount** of e-waste that is finding its way into our landfills and how to effectively address that *as* an issue. I don't read anything in this ordinance that really outlines a plan to reduce the quantity of monitors and televisions going to the dump, but seems more focused on who takes responsibility and who'll pay the dump fee. The ordinance insinuates that the average consumer won't pay the fee, let alone go to the effort, to dispose of CRTs appropriately. So, in an effort to compensate for consumer apathy, the Board of Supervisors, or more accurately Supervisor Wormhoudt, wants retailers to foot the bill for this **lack** of motivation.

It is important to distinguish between recycling and disposal. This ordinance **is** 100% about disposal and 0% about recycling. Sure, there are some rhetorical statements about 'educating consumers' and 'establishing effective recycling', but nothing of substance about how to accomplish a realistic reduction in e-waste. The ordinance **makes an** interesting point when stating that the "cost associated...is the appropriate responsibility of the producers, retailers, and consumers", yet seems intent on placing the bulk of this responsibility on retailers alone, at least financially. The ordinance goes so far as to suggest that if the consumer isn't motivated to bring the devices to a retailer for recycling perhaps the retailer should provide a pick-up program. There **is** another suggestion that local retailers are the "industry's de facto agents". Does the Board really mean to characterize my repair shop as the responsible agent for electronics manufacturers and their products?

The ordinance goes on to put the industry on notice that the County of Santa Cruz demands they develop environmentally friendly electronic components. Simply putting that desire into a county ordinance won't make it so. The idea that there are environmentally sound alternatives in the manufacture of computer components is not very realistic, given current technology. The computer

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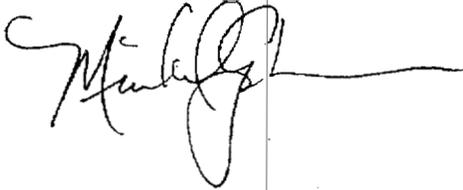
component manufacturing industry is, by nature, an environmental disaster. You can believe all you want that 'when producers have to take responsibility for spent products, they make them less hazardous' but you can bet the **only** reason Reynolds Aluminum recycles cans is because there's profit in it. I think the fundamental issue **is** really the costs associated with refurbishing or recycling used computer equipment versus the cost of new computer components. This is why effective recycling programs aren't already in place. Add to this the fact that there is no "used" computer market and you have the ingredients for **just this type** of e-waste scenario. It is also alarming that an open invitation to add items to the list of components retailers would be responsible for is included. What happens when the State of California, or the federal government for that matter, decides to expand the list of hazardous waste to include components that can't be recycled? As I **asked** in April, does the Board really mean to insinuate that you have *so* little regard for small business in *this* county that you would intentionally create an ordinance with such an overwhelming potential to financially cripple us? I hope not.

Now, that leaves the question of *reasonable* alternatives. Incentives are, by **far**, the best way to ensure participation, whether you're talking about consumers or businesses. Incentives to the consumer will make them more apt to recycle appropriately. Incentives to retailers will make them more apt to participate in a 'take-back program, however it manifests. Incentives to manufacturers may make them look seriously at the problem. The County of Santa Cruz can probably establish incentives for the first two but manufacturers will be difficult to bring onboard.

This 'Take-Back' ordinance **is** designed to do two things and only two things.... assign responsibility for the e-waste problem and decide who'll foot the bill. Why not put forth the same amount of effort in finding some workable solutions to the e-waste problem? Why not work *with* the industry instead of drawing a line and choosing sides? It is my contention that this ordinance does not have any clear goal in mind and is simply reactionary and ill-conceived. I urge the Board to put this aside until a realistic plan is presented that will have a beneficial effect on the amount of e-waste going to the landfill.

Regards,

Michael Gardner

A handwritten signature in black ink, appearing to read 'Michael Gardner', with a long horizontal flourish extending to the right.