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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

STRATEGIC POLICY DEVELOPMENT COMMITTEE

JOE SERNA JR., CALEPA BUILDING

COASTAL HEARING ROOM

1001 I STREET, 2ND FLOOR

SACRAMENTO, CALIFORNIA

WEDNESDAY, JANUARY 16, 2008

1:41 P.M.

JAMES F. PETERS, CSR, RPR
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APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chairperson

Mr. Wesley Chesbro

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliot Block, Chief Counsel

Mr. Mark de Bie, Chief, Permitting & LEA Support Division

Ms. Cynthia Dunn

Ms. Kathy Frevert

Mr. Howard Levenson, Director, Sustainability Programs

Mr. Jon Myers, Assistant Director, Office of Public Affairs

Mr. Ted Rauh, Director, Waste Compliance & Mitigation Program

ALSO PRESENT

Mr. Robert Gedert, City of Fresno, Recycling Operations

Ms. Beverly Kennedy, Ogilvy Public Relations

Mr. Bill Magavern, Sierra Club of California

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APPEARANCES CONTINUED

ALSO PRESENT

Ms. Debbie Raphael, City and County of San Francisco

Ms. Heidi Sanborn, Product Stewardship Council

Mr. Tim Smith, Council Member, City of Rohnert Park

Mr. Dave Tamayo, County of Sacramento, Storm Water Program

Mr. Peter Weiner, Paul, Hastings

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good afternoon. We should
3 probably get this show on the road.

4 Good afternoon. Welcome to the January 16th
5 afternoon meeting of the Strategic Policy Development
6 Committee.

7 There are agendas on the back table. If anyone
8 is interested in speaking on an item, please bring them to
9 Kristen and you'll have the opportunity to address them.

10 I'd like to remind everybody to put your cell
11 phones and pagers in the vibrate mode. And I need to do
12 that myself.

13 Kristen, call you call the roll.

14 COMMITTEE SECRETARY GARNER: Chesbro?

15 COMMITTEE MEMBER CHESBRO: Here.

16 COMMITTEE SECRETARY GARNER: Danzinger?

17 COMMITTEE MEMBER DANZINGER: Here.

18 COMMITTEE SECRETARY GARNER: Mulé?

19 COMMITTEE MEMBER MULÉ: Here.

20 COMMITTEE SECRETARY GARNER: Peace?

21 COMMITTEE MEMBER PEACE: Here.

22 COMMITTEE SECRETARY GARNER: Petersen?

23 COMMITTEE MEMBER PETERSEN: Here.

24 COMMITTEE SECRETARY GARNER: Brown?

25 CHAIRPERSON BROWN: Here

1 Any members have any ex partes to report?

2 COMMITTEE MEMBER PEACE: Yes, I spoke with
3 Michael Blumenthal from the Rubber Pavement Association.

4 CHAIRPERSON BROWN: Okay, Member Peace.

5 COMMITTEE MEMBER MULÉ: Earlier I spoke with Mr.
6 Blumenthal as well.

7 COMMITTEE MEMBER DANZINGER: Same here.

8 CHAIRPERSON BROWN: I had lunch with Mr. Eowan to
9 discuss agenda items not before us today. And I think
10 that's it.

11 Looks like everybody else is up to date.

12 Committee Items -- for your information,
13 Committee Items C and D, Board Items 10 and 11, will be
14 heard next Wednesday at the full Board meeting.

15 So we will go first to Agenda Item -- Committee
16 Item B and Board Item 9.

17 Howard.

18 Pardon. This is Jon Myers.

19 Sorry, Jon.

20 ASSISTANT DIRECTOR MYERS: Forget poor Jon. I
21 understand.

22 We're just so used to seeing Howard up here all
23 the time. He doesn't always get the limelight.

24 Good afternoon, Chair Brown, Committee members.
25 Jon Myers, Office of Public Affairs. Committee Item B,

1 Board Item 9, is presented to provide the Board members
2 with an update on the Board-initiated Consumer Attitude
3 and Behavior Study.

4 As you recall, the Board approved the scope of
5 work for this study in early 2007. The contract was
6 awarded to Ogilvy Public Relations to conduct. And Ogilvy
7 has worked with the research firm Gomez Research to
8 collect and provide the data you will hear this afternoon.

9 Here today from Ogilvy is Beverly Kennedy, who
10 will share the results of the study with you. I've asked
11 Beverly to provide the results and recommendations without
12 going into the actual mechanics of the study itself.
13 However, we would be happy to address what technical
14 aspects we can without having the research firm present.

15 There is information in this study that I'm sure
16 you've either suspected or already have an understanding
17 of, and there are some items that might be new or things
18 that you were unaware of. But when looked at
19 collectively, these results provide some great insight
20 into the needs and requirements of the public and how we
21 will better be able to meet those needs.

22 Following Beverly's presentation, I would like to
23 address how the findings from the study can be applied in
24 the next steps for the Office of Public Affairs.

25 And here's Beverly.

1 MS. KENNEDY: Good afternoon.

2 (Thereupon an overhead presentation was
3 Presented as follows.)

4 MS. KENNEDY: As Jon mentioned, as a part of the
5 multi-pronged contract that we all did, a component of
6 that was to go ahead and conduct a study statewide with
7 California residents. The purpose is before you, and it
8 was basically done to cover and understand recycling
9 habits and motivational factors.

10 We worked with Gomez Research to conduct this
11 study. And I'm going to review real quickly some
12 methodology here.

13 --o0o--

14 MS. KENNEDY: We had 822 surveys conducted
15 between September 14th and October 17th. You can see the
16 breakdown per language that was conducted. Overall there
17 was a margin of error, plus-minus 3 percent at the 95
18 percent confidence level. The methodology that was
19 utilized was random digit dialing and for the in-language
20 surveys it was a random list sample that was utilized.

21 There was additional demographic information
22 provided in the comprehensive report that I believe all of
23 you received. So I won't go into that.

24 --o0o--

25 MS. KENNEDY: There were several different key

1 findings. It was a ten-minute survey. And for ease sake,
2 we're going to go ahead and break them down to four
3 different categories that are listed before you. And,
4 again, the comprehensive study goes into a lot more
5 detail, but I'm just going to top line each of these.

6 --o0o--

7 MS. KENNEDY: So the first one, environmental
8 priorities and beliefs. As you can see, the number one
9 concern or priority for all Californians is air pollution
10 followed by global warming.

11 When we look at this in a little bit more
12 detail -- and I just want to point out the items in yellow
13 to the right are significant -- they're statistically
14 significant. So the difference between air pollution, for
15 example, and global warming or the difference between
16 global warming and water pollution versus toxic waste, for
17 example, those are significant.

18 One of the things when we looked into the data a
19 little bit closer was that for -- the individuals that are
20 most concerned about global warming were English-speaking
21 residents with a college education. So there are going to
22 be some nuances throughout here with regards to our
23 different audiences, and I just wanted to point that out.

24 --o0o--

25 MS. KENNEDY: So moving on with the issue of

1 global warming. Most Californians do believe that it is
2 real, at 85 percent. And most also believe that the
3 actions of individuals actually can have an impact.

4 Not shown on this chart but in some additional
5 findings that we were able to look at the study suggests
6 that Spanish-speaking residents were more likely to be
7 very concerned about this issue, at 70 percent, compared
8 to English-speaking residents at 56, and Chinese-speaking
9 residents at 38. But overall everybody believes that it's
10 real and they can have a difference.

11 --o0o--

12 MS. KENNEDY: So speaking of we can have a
13 difference and we can actually make an impact, what is it
14 that we can do? Seventy percent of the survey respondents
15 believed that recycling or waste reduction practices can
16 actually have an impact. And this chart goes into a
17 little bit more detail again about how much of an impact,
18 whether it's great, somewhat of an impact, little impact.
19 And, again, the chart shows the belief by the different
20 audiences that we were able to survey.

21 --o0o--

22 MS. KENNEDY: So moving on to awareness of
23 recycling and waste reduction practices, there are three
24 key findings here. And I don't think some of these are
25 going to be all that surprising.

1 Residents are more familiar with recycling than
2 waste reduction strategies. So the mantra, reduce, reuse,
3 recycle, you'll see a trend here. We probably need to go
4 back and focus a little bit more on the reduce, reuse than
5 the recycle.

6 But with regards to recycling -- and there'll be
7 some charts momentarily showing what they believe they can
8 recycle. But what's interesting is three-fourths of all
9 Californians are concerned, very concerned or somewhat
10 concerned, about the amount of waste that is produced in
11 California; yet they're not quite aware of what to do or
12 how they can help prevent waste themselves.

13 So, for example, some of the questions that we
14 asked was, you know: What practices do you undertake
15 yourself? Only one-third of Californians reuse food
16 containers, for example, or drink from water resources
17 other than plastic bottles. So, again, there seems to be
18 a little bit of a gap there.

19 Moving on to the second bullet point. Residents
20 are well informed about what kind of household waste can
21 be recycled, but this varies by language. I will show you
22 some charts that show this. But what popped out to us is
23 that Spanish-speaking residents are less informed about
24 E-waste, yard trimmings, and the way to go ahead and
25 dispose of paper products.

1 MS. KENNEDY: Moving on to what recycling items
2 within the household are they aware of. This was a
3 different type of question asked. So, again, first thing
4 that came to mind is "I need to recycle. That can help
5 reduce waste in landfills."

6 But when I asked what type of products, and some
7 of these were read to the respondents, this is what came
8 up.

9 So we have pretty good awareness levels with
10 regards to some of our key items. Again, what I'd like to
11 point out is the differences amongst the different
12 audiences. So from a statistically significant
13 standpoint, when we look at E-waste, yard trimmings,
14 magazines, talking about paper, at Spanish-speaking
15 residents, that would be considered statistically
16 significant. It's a little bit lower than everybody else.

17 --o0o--

18 MS. KENNEDY: So what are the habits?

19 Again, first bullet point, the majority of
20 residents regularly recycle key household items. What
21 should be noted though is these are the ones that they're
22 used to recycling. There's additional items that we need
23 to educate them about. And, granted, E-waste, you're not
24 going to be recycling that daily or weekly or even
25 monthly. But what we did find out was that 40 percent

1 don't regularly recycle plastic grocery bags, for example.

2 Only one-quarter of Californians are recycling as
3 much household waste as they could. So that means
4 everybody has room for improvement. And within this it
5 was English-speaking residents that were recycling 75
6 percent or more more often.

7 Not surprisingly, reasons for not recycling:
8 It's inconvenient or they don't have recycling bins. And
9 with regards to that, recycling rates are obviously
10 significantly higher among residents who do have bins.

11 When we surveyed everybody, again the 822
12 residents, 60 percent of those that lived in multi-family
13 houses had recycling bins compared to 83 percent that
14 lived in single-family homes. So there's a discrepancy
15 there. And then when we looked --

16 COMMITTEE MEMBER CHESBRO: Sixty or 16?

17 MS. KENNEDY: Sixty.

18 COMMITTEE MEMBER CHESBRO: Sixty. Really? I'm
19 surprised it's that high.

20 MS. KENNEY: That's of who we surveyed. So 60
21 percent had them, compared to 83 percent of single-family
22 homes.

23 COMMITTEE MEMBER PETERSEN: Are those bins that
24 they have inside their apartments or something downstairs
25 that they're using that the --

1 MS. KENNEDY: I'm not sure. I'd have to go back
2 and find out how the question was worded. That's a good
3 question.

4 And so then obviously not surprising in that,
5 what you're finding out is those people who have a medium
6 income that's higher or a higher medium income that live
7 in homes, college educated, are living in a place where
8 they actually have curbside recycling.

9 CHAIRPERSON BROWN: Do you have a geographic
10 breakdown of where these 844 were, so we know?

11 MS. KENNEDY: Yes. The way the sampling was
12 conducted was there was California prefixes. So we can go
13 back and do some cross-tabs.

14 --o0o--

15 MS. KENNEDY: Next chart shows reasons for not
16 recycling even more waste. So not surprisingly, the
17 reasons, you know, that come up -- we talked about not
18 having the bins, but that actually is ranked third. The
19 first is they have nothing else to recycle, which could or
20 could not be true, or it's messy and inconvenient for
21 them.

22 --o0o--

23 MS. KENNEDY: And this is just another example of
24 recycling rates, which goes to prove the point that if you
25 have curbside recycling, they're more likely to recycle

1 and to recycle more of your trash. So what this shows is
2 that, you know, 25 percent of your trash or more is going
3 to be recycled if you have recycling bins.

4 --o0o--

5 MS. KENNEDY: Okay. So switching topics a little
6 bit here. Hazardous waste disposal.

7 The good news is half of Californians probably
8 dispose their hazardous waste. The bad news is half
9 apparently aren't. And 39 percent taken to a site, but
10 with 11 percent actually having a hauler take the waste
11 away for them. And, again, this chart depicts how the
12 waste is collected based on the different audiences we
13 spoke to.

14 --o0o--

15 MS. KENNEDY: So the key findings on the
16 hazardous waste though is that when we did the survey,
17 one-third of the respondents say that they did the
18 hazardous waste, and then another 15 percent say that they
19 didn't know what it was. So our conclusion is that for
20 the one-third that reported that they did not have any
21 waste, we don't think they really understood what
22 hazardous waste is. And that became clear with the 15
23 percent that were actually asked the question, said, "I
24 don't know." So those figures could be even larger.

25 When we looked at what will make them go ahead

1 and dispose of their hazardous waste, it's all about
2 convenience. Financial incentives aren't the clear
3 motivator. Eighty percent were more motivated by
4 convenience, 56 by an incentive -- a financial incentive.

5 --o0o--

6 MS. KENNEDY: And this is just another look at
7 the reasons for not taking their hazardous waste in. So
8 this question was asked of those who decided just to throw
9 it out with the regular trash. Said they don't know where
10 to go, they don't have the time, or they don't think it's
11 worthwhile.

12 And that actually came true with the recycling
13 items as well, going back a little bit. Oftentimes they
14 didn't recycle more products because they didn't think it
15 was worthwhile. So if they only had one newspaper or one,
16 you know, can that week, they didn't think it was
17 worthwhile to do. But you add that over time and that
18 ends up being a lot of waste.

19 --o0o--

20 MS. KENNEDY: So, in conclusion, there are five
21 recommendations that came out of this study. I know Jon's
22 going to talk a little bit about this later on.

23 The first one though is to increase public
24 outreach to promote waste reduction and reuse. I
25 mentioned this earlier. But reduce, reuse, recycle,

1 recycle seems to be more at the forefront. We need to
2 particularly focus on the first two further.

3 People do not obviously understand what household
4 hazardous waste is based on this data. Some more
5 education needs to be done about what constitutes that and
6 where they can go. And they need to make it convenient.
7 We talked about importance of convenience. I think that
8 goes across the board, and I think the Board's quite
9 acquire of that. People want to do the right thing, but
10 it needs to fit into their lifestyle.

11 The fourth item, support efforts to make
12 recycling available to multi-family households. I know
13 that is easier said than done. But I think that's really
14 clear on the data. And we'll go back and we can pull some
15 cross-tabs and look at that even further.

16 And, lastly, the reason I was pointing out some
17 of the information with regards to the different audience
18 segments is we did see some real discrepancies about how
19 they like to receive their information and what they
20 believe and what they know to do amongst our different
21 audiences. So a further review of that I think is
22 important. And then comprehensive outreach efforts
23 targeting our multi-cultural audiences throughout
24 California will be imperative.

25 ASSISTANT DIRECTOR MYERS: Okay. Thank you,

1 Beverly.

2 At this point we could take any questions if
3 you'd like, or I can move on to the remainder of my
4 presentation.

5 CHAIRPERSON BROWN: Anybody want to?

6 ASSISTANT DIRECTOR MYERS: Keep going?

7 CHAIRPERSON BROWN: Proceed.

8 COMMITTEE MEMBER PETERSEN: I have one question.

9 ASSISTANT DIRECTOR MYERS: Certainly.

10 COMMITTEE MEMBER PETERSEN: This was just a -- we
11 did a survey. We didn't do any focus groups to correlate,
12 did we?

13 ASSISTANT DIRECTOR MYERS: No.

14 COMMITTEE MEMBER PETERSEN: Okay.

15 ASSISTANT DIRECTOR MYERS: This study has already
16 begun to play a pretty significant role with the Public
17 Affairs Office, as it has created a baseline for which OPA
18 and the Board can work from, which is also the goal of
19 Strategic Directive 11.1.

20 Beverly discussed the recommendations made by
21 Ogilvy, and I agree with these recommendations. The
22 findings in the study demonstrate a bigger picture,
23 however, for our outreach and education efforts.

24 Some of the primary concepts that we've gotten
25 out of this study in the Public Affairs Office was first

1 really trying to make that link between waste reduction
2 and recycling to climate change, with an emphasis more on
3 the waste reduction side at this point, not just of
4 recycling. At first, in taking a look at the study, I
5 thought maybe we were getting that mixed message about
6 what recycling is and people were mixing waste reduction
7 and recycling. We hear it quite often, people that reduce
8 and reuse think of themselves as recycling, not making a
9 difference between the two.

10 However, in taking a look at the questionnaire
11 and how it was formed, there actually is a big gap between
12 recycling efforts and then waste reduction efforts. So
13 we'd like to place a little more emphasis on the actual
14 waste reduction efforts that can be made.

15 To that effect, you know, we'd like to start
16 looking to promote some of the "buy recycled" campaigns
17 that -- or "buy recycled" efforts that we have and the
18 buying less, meaning the packaging and other options.

19 In the case I just described, buying recycled
20 products, which is a really low hanging fruit on the
21 efforts tree, only received 6 percent of the overall
22 mention. So there is just a lack of education out there
23 on that or awareness.

24 Some of the other efforts that we want to start
25 taking a look at is working closer with the LAMD group,

1 our Local Assistance Market Development group, and the
2 local jurisdictions to start looking to promote and
3 develop some of the curbside recycling opportunities, as
4 well as taking a look at some of the multi-family
5 opportunities -- recycling opportunities. The study makes
6 a strong link to the fact that consumers aren't recycling
7 when it's not convenient. Not a shocker. But it does
8 demonstrate the need to make recycling as easy and
9 convenient as possible, as Beverly had said.

10 We also want to do some more education on
11 consumer -- to the consumers and residents on household
12 hazardous waste -- Beverly talked a little about that --
13 more about what it is, where to go to get rid of it. I
14 was concerned in some of the responses such as 46 percent
15 responding that they don't have any type of this kind of
16 waste -- the hazardous waste and another 11 percent
17 stating that it goes out with the regular trash.
18 Obviously we need to education on what is considered
19 hazardous waste and the effects it can have on the
20 environment.

21 Another big effort that this really demonstrated
22 was the need to get out there in multiple languages,
23 Spanish being the primary; that, you know, we have the
24 opportunity now at the Board with some of our information
25 officers, one information officer in particular who's been

1 doing a great job at translating information and getting
2 out there and working with some of the Hispanic media
3 markets. So it's starting, but we would like to start
4 taking a stronger emphasis on this.

5 And then, lastly, we really need to get back to a
6 basic message, as Beverly described, the reduce, reuse,
7 recycle. It's shown in the study that consumers are still
8 focused on bottles, cans, and newspapers. This basic
9 messaging is going to play a big part in OPA's efforts in
10 the future.

11 These are a few of my top concerns or focuses
12 that have come from the survey:

13 Overall it has shown me that there is a need and
14 a push to get back to some of our basic messaging, which
15 has already begun in the Public Affairs Office.

16 This study has helped shape the role and future
17 efforts of our outreach programs. And we have already
18 begun working on the creation of an outreach work plan
19 that is a comprehensive plan of all the Board's public
20 outreach efforts.

21 This plan is currently being developed with the
22 assistance of program staff, executive staff, and our
23 Executive Director. And my goal is to be able to discuss
24 the OPA work plan with all of you next week when we
25 present Item 11 and Strategic Directive 11.1.

1 However, I'd be happy to talk about any of the
2 questions you might have from the study at this point.

3 Madam Chair?

4 CHAIRPERSON BROWN: Thank you, Jon and Beverly.
5 Member Chesbro.

6 COMMITTEE MEMBER CHESBRO: One of the most
7 striking findings is the level of public awareness and
8 concern with regards to global warming.

9 And I presume since it's not in here that you
10 didn't ask the question. But one that we need to concern
11 ourself with is to what extent the public understands the
12 connection. Because people do think of smoke stacks and
13 we know they think of tailpipes. But whether we've had
14 any -- whether the education level on global warming has
15 gotten to the -- penetrated the issue of -- or the other
16 way around, I guess -- whether or not recycling and waste
17 reduction has penetrated the public's awareness of global
18 warming.

19 One presentation I saw when I was back at
20 National Recycling Congress in Denver, they did conduct an
21 extensive survey of public opinion and had some -- and
22 that was one of the things that they explored. And you
23 might -- and I think it's publicly available -- you might
24 examine that to try to explore this question a little bit
25 about what it is that we would need to do to help the

1 public understand. Because I think if they're that
2 motivated at the percentage level, which is, you know,
3 near unanimity -- it's amazing to me a vast majority of
4 the public is concerned about it -- the stronger that we
5 could make that linkage it seems like could be part of our
6 success at elevating public participation.

7 ASSISTANT DIRECTOR MYERS: And I'm just going
8 back real quick to I think it was the first slide that
9 Beverly had shown -- sorry, it's not the first slide, but
10 it's in there -- that one of the questions did show that
11 recycling does have a great impact on the --

12 COMMITTEE MEMBER CHESBRO: Okay. I missed it.

13 COMMITTEE MEMBER DANZINGER: Yeah, I was --

14 COMMITTEE MEMBER CHESBRO: I missed it.

15 COMMITTEE MEMBER DANZINGER: I was going to say
16 that the thing that stuck out most to me in the entire
17 report and the poll is -- you have it on -- I don't know
18 what page this is.

19 MS. KENNEDY: Slide 7?

20 COMMITTEE MEMBER DANZINGER: It looks like it's
21 page --

22 MS. KENNEDY: Is it slide 7?

23 COMMITTEE MEMBER DANZINGER: -- Roman numeral 3,
24 where it says -- and this is how you word it. It
25 basically says that about eight out of every ten reported

1 that they believe practicing recycling and waste reduction
2 has a great impact or some impact on climate change.

3 And so my question was: Yeah, how much did that
4 dig down? I haven't had a chance to read the cross-tabs.
5 But how much that dig down? Because to me that reads like
6 we've got a great number of people out there who have
7 already begun to embrace this realization that there is
8 some connection between those two activities. And so
9 let's leverage that and run with it.

10 MS. KENNEDY: I don't think it could have dug
11 deeper. Again, we were confined to about ten minutes.
12 But I think -- there are some national studies that we've
13 reviewed and I know there have been studies done in San
14 Francisco. So we'd be more than happy to go back and
15 compile just a more comprehensive approach from secondary
16 research.

17 COMMITTEE MEMBER DANZINGER: Yeah, I mean I
18 agree, that's the most important finding of this study. I
19 think there's a lot of stuff in here that reinforces what
20 we knew, you know, particularly the sequencing of, you
21 know, recycle, reduce, reuse, which we've flipped in the
22 vernacular. But it's not really reflected in practices
23 out there. And there are huge behavioral and attitude
24 gaps out there. You referred to a couple of them. I
25 would say another one is that people love having bins out

1 in front of their house to put all their recyclables and
2 their green waste, but they don't want anything that
3 processes that material anywhere near them. I would
4 consider that a gap in attitude and behavior that I would
5 love to see closed.

6 But I want to thank you for the study, because I
7 love these things. Because I think as an organization we
8 might need this a little less than other organizations,
9 because -- you know, if I could spout some parochial pride
10 on the part of all of us, I think our strong, open and
11 ongoing engagement with our stakeholders and people
12 everywhere tends to keep us sort of, you know, cognizant
13 of what's happening. But this is an excellent tool to
14 help us as an organization keep from getting insulated and
15 understand what people are thinking out there.

16 And I appreciate your reference to focus groups,
17 Gary. I don't know if that was sort of your way of saying
18 that's something that we ought to do as well, but I would
19 certainly echo that. I think that's important.

20 One of the things in here obviously that was
21 troubling, I mean one of the most disturbing trends I
22 think, you know, in such a modern time and place as we
23 are, that -- and one distinction of modernity is, you
24 know, the absolute abhorrence of class distinctions that
25 are negative. And there are huge class distinctions that

1 are again echoed in this study and this poll among folks
2 with respect to, you know, just -- you know, just those
3 distinctions that remain in recycling awareness and
4 interest and practices. And so, yeah, I do think we need
5 to redouble our efforts in that regard.

6 And I don't know, you know, when "don't know"
7 means "don't care." But I would love to know how much of
8 that is there, because that puts a different angle on what
9 we need to do. I mean sometimes we make the presumption
10 we just need to spread our public education; let's just
11 make it available everywhere and all we have to do is
12 reach people, you know, with a placard or this or that,
13 and we're going to -- but I think in some cases it may
14 take more persuasiveness and just more effort in that
15 regard.

16 I like your reference to "buy recycled," and
17 that, you know, I think -- you know, I think "buy
18 recycled" is going to be driven more institutionally in
19 the big purchasers and stuff. I think that was reflected
20 here.

21 But, again, thanks again for this. This I think
22 will be really useful as we continue. But, again, the
23 climate connection is really, really great the way that
24 it's referenced in here and --

25 ASSISTANT DIRECTOR MYERS: Yeah. And it was key

1 for us, and that's why I made it one of my number one
2 bullets to -- and I've been talking about it for awhile.
3 And this just kind of reinforces that, that we're going to
4 make that tie even stronger, and to focus more on the
5 waste reduction. As you see, recycling is already on the
6 minds, but that we're not making that tie that waste
7 reduction is --

8 COMMITTEE MEMBER DANZINGER: And just how many
9 more people we can get involved in just conventional stuff
10 that people can do every day, because they now realize
11 that they can -- it has this additional benefit of climate
12 change, because it's hitting it at the simplest level
13 where we can build numbers.

14 ASSISTANT DIRECTOR MYERS: And I certainly like
15 the idea of doing the focus groups. We've been doing
16 focus groups with some of our other campaigns. The
17 3,000-mile myth, while it wasn't focused on these kind of
18 questions and this effort, things do come out of those
19 focus groups that we learn. So it's kind of unofficial,
20 but in the back of our minds we're learning things in
21 those kind of focus groups; and we've done it with tire
22 sustainability and in bringing materials out there to make
23 sure that we've got the right materials and messaging. So
24 we're learning a lot from that round too.

25 But we can certainly, you know, take a look at

1 doing some focus groups on some of these issues.

2 CHAIRPERSON BROWN: Go ahead.

3 COMMITTEE MEMBER PEACE: And I was just going to
4 say I was glad to see that there are people that are
5 making that link between global warming and recycling.

6 I wonder if there's anything we can do because of
7 the climate change initiative to work more with DOC.
8 Because all the little stickers you see in the windows and
9 the ads that you hear on TV it says, "Recycle. It's good
10 for the bottle, good for the can." I mean could we get
11 them to go one step further and say it's good for reducing
12 global warming or good for the environment? You know,
13 go -- is there any way maybe to try to get them to go one
14 step further?

15 ASSISTANT DIRECTOR MYERS: We've talked about it.
16 We're working with DOC right now on a web portal, a --
17 it's going to be an encompassing website, recycled dot CA
18 dot Gov, where people can go. And it's supposed to be the
19 everything recycled kind of site.

20 But one of the benefits of working with DOC on
21 this site is that we're able to work on messaging with
22 them. And it's kind of getting them beyond just bottles
23 and cans. And that's one of the things I stated in my
24 comments, was that, you know, our efforts are going to
25 focus on educating on it's beyond bottles, cans, and

1 newspapers.

2 We actually played with an advertisement the
3 other day we're working on. And you've seen the DOC ads,
4 "It's good for the bottle, it's good for the can." We
5 took that a step further, and "It's good for the bottle,
6 good for the can, good for the tires, good for the
7 electronic waste, good for the" -- and we've named just
8 about a couple hundred different items, and it all goes
9 down. It's just a neat visual when you take a look at it
10 that there are so many other items out there to be
11 recycled.

12 So we'll keep working on those kind of efforts
13 and bring something back to you.

14 COMMITTEE MEMBER PEACE: Yeah, I know there's
15 probably only so much you can say in one ad. I mean the
16 latest radio thing I heard was the guy saying, "Oh, I put
17 a recycling container in my kitchen, you know, next to the
18 trash. And I had a party. And when people came over,
19 they asked me where do I put, you know, which thing?" And
20 the guy says, "Well, you put your trash on the left and
21 recycles on the right, because recycling is right and it's
22 right for the bottle and it's right for the can." And
23 that was kind of the end of the message. And I know
24 that's what they deal with, but it kind of leaves people
25 thinking maybe bottle and cans were the only thing you

1 should put in your recycle in your kitchen. So I was
2 actually really glad to see from the survey that most
3 people do think they should be recycling their junk mail
4 and their newspapers and their --

5 ASSISTANT DIRECTOR MYERS: Not to the extent we
6 would like to see, but yeah.

7 COMMITTEE MEMBER PEACE: -- and the other things,
8 the cardboard and the other things.

9 ASSISTANT DIRECTOR MYERS: And next week when
10 we're discussing the strategic directives and OPA work
11 plan, we'll talk about that a little bit more on some of
12 these efforts and what we can be doing.

13 COMMITTEE MEMBER PETERSEN: I have a question.

14 This 70 percent of Californians don't know who we
15 are.

16 ASSISTANT DIRECTOR MYERS: I was wondering if
17 that one was going to come up.

18 COMMITTEE MEMBER PETERSEN: It's coming up.

19 So we have a branding problem here.

20 COMMITTEE MEMBER DANZINGER: Name change --

21 COMMITTEE MEMBER PETERSEN: And so --

22 CHAIRPERSON BROWN: Well, but what we were
23 talking about down here is how much does DOC have to get
24 their name out there and how much do we have to get our
25 message out there.

1 ASSISTANT DIRECTOR MYERS: Well, I almost
2 responded to Ms. Peace about, yeah, that's what a \$10
3 million budget gets you.

4 COMMITTEE MEMBER PETERSEN: That's right. So --

5 COMMITTEE MEMBER CHESBRO: Well, the answer to
6 that question is no where near as humbling as being a
7 state legislator or being -- having the public asked
8 whether they had a positive or a negative about -- so it
9 could be worse, Gary.

10 (Laughter.)

11 CHAIRPERSON BROWN: It's not personal.

12 Is it like a hundred percent?

13 COMMITTEE MEMBER PETERSEN: So --

14 COMMITTEE MEMBER CHESBRO: I won't quote that
15 number, but it's --

16 COMMITTEE MEMBER PETERSEN: So our branding issue
17 and who we are. And then the collective work between what
18 we do and DOC. Do you see formulating a game plan with
19 them, reducing focus groups and stuff, orchestrating a
20 statewide campaign together? Is that something you're
21 thinking about?

22 ASSISTANT DIRECTOR MYERS: It's something that --
23 I mean we've talked about it. But I don't think we've
24 ever moved forward in doing that. If it's time -- you
25 know, again, that's something -- when we're talking next

1 week about the work plan, if that's -- and something that
2 comes up in the off-site, if that's a direction we'd like
3 to go, I'd be more than willing to pursue that, because,
4 you know, there's \$10 million dollars sitting there I'd
5 love to tap into.

6 COMMITTEE MEMBER PETERSEN: Let's go use some of
7 it.

8 ASSISTANT DIRECTOR MYERS: Certainly.

9 COMMITTEE MEMBER PETERSEN: Okay.

10 COMMITTEE MEMBER DANZINGER: Gary, what do you
11 think about taking just \$2 million, buying a 30-second ad
12 on the Super Bowl that's really well done that ties
13 climate change and recycling?

14 COMMITTEE MEMBER PETERSEN: It's grand. It's
15 just -- we have to have a tag line for plastics. That'd
16 be fine with me.

17 COMMITTEE MEMBER DANZINGER: Just spitballing. I
18 just want to throw something out.

19 (Laughter.)

20 CHAIRPERSON BROWN: Any other --

21 COMMITTEE MEMBER PEACE: It seems like the whole
22 climate change initiative and everything that's happening
23 at the state level, that they should -- they could somehow
24 be encouraged to say it's not only good for the bottle and
25 good for the can, but it's good for reducing global

1 warming and stuff also.

2 But I had one other comment on the household
3 hazardous waste on your Recommendation No. 2, where it
4 says increase public awareness about what constitutes
5 household hazardous waste. On the one hand, the kind of
6 things I get from my waste company never really tell me
7 what household hazardous waste is. Because it tells me to
8 recycle my ink cartridges and how to conserve water, but
9 it doesn't tell me at all what household hazardous waste
10 is. But I know some jurisdictions do better than others.

11 But one thing I think we have to be careful of is
12 that local jurisdictions are already -- I don't know how
13 much they would like this recommendation, because they are
14 already so overburdened with household hazardous -- the
15 cost of household hazardous waste. And from what I
16 understand, some jurisdictions it costs a million dollars
17 and they're only taking in like 5 percent of what they
18 could take in. So if they were taking in more, what kind
19 of burden that's going to be on the local jurisdictions to
20 take more household hazardous waste, since we don't have
21 any sort of EPR right now. I'm just wondering, maybe we
22 have to -- you know, how careful do we have to be about
23 trying to get the message out on household hazardous
24 waste? Are there jurisdictions prepared to take on the
25 extra burden of dealing with it?

1 ASSISTANT DIRECTOR MYERS: There's a few ways I
2 could answer that. And the one that pops to my mind first
3 is, you know, what's the option to hold back on educating
4 on what household hazardous waste is and let them throw it
5 away in the regular trash because we don't want to
6 overburden the locals? Or do we educate and start working
7 with the locals so that we can address the need of taking
8 in all this HHW?

9 COMMITTEE MEMBER PEACE: Right. Obviously
10 there's going to be a balance there --

11 ASSISTANT DIRECTOR MYERS: Right.

12 COMMITTEE MEMBER PEACE: -- so where to we have
13 to --

14 ASSISTANT DIRECTOR MYERS: And actually it's one
15 of the things that we can talk about next week in this
16 work plan, because there's an approach that Public Affairs
17 will be taking on when we're addressing all our outreach
18 efforts. And a lot of that has to deal with poor Howard
19 here and working with the LAMD group and how we're going
20 to start reaching out to the local jurisdictions. And we
21 could address that.

22 CHAIRPERSON BROWN: Thank you, Jon. Any other?

23 Beverly, thank you very much. Great study. I
24 think we've got some next steps identified that we'd like
25 to continue to dig a little bit deeper.

1 And, Jon, thank you.

2 Good job.

3 Okay. Which Member Peace's comments lead us
4 right into the next agenda item, which is Consideration of
5 Revisions to the Extended Producer Responsibility
6 Framework.

7 And I think Howard is up for that one.

8 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: Thank
9 you, Madam Chair and good afternoon, Board members. I'll
10 stall for 30 seconds while we get folks up here. But I'm
11 Howard Levenson with the Sustainability Program.

12 I'll go ahead and open this up before we get the
13 presentation going.

14 Can you take that down, please.

15 (Thereupon an overhead presentation was
16 Presented as follows.)

17 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: Well,
18 we can go ahead.

19 Okay. We're ready.

20 CHAIRPERSON BROWN: I'm sorry. I was waiting for
21 you to stall for five minutes, but --

22 (Laughter.)

23 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: It
24 was a quick stall.

25 Well, this item, Madam Chair and Board members,

1 seeks your consideration of revisions to the EPR
2 framework. As you know, last September the Board adopted
3 the framework as an overall policy priority to guide
4 proposals for statutory authority. You also directed
5 staff at that time to engage in further discussion with
6 stakeholders about the framework and to return to you with
7 any suggested revisions.

8 Staff has indeed engaged in such discussions,
9 primarily at our November workshop with stakeholders, but
10 also in separate conversations with representatives of
11 local governments, retailers, and producers.

12 The 20-page -- 20-plus-page attachment in the
13 item I think is testimony to the great work staff has done
14 to listen to stakeholders, coalesce their many comments
15 into something that you can see in major themes, and
16 provide staff responses in some proposed revisions. So I
17 want to thank Kathy, Cynthia, Robert and Renee Lawver,
18 along with Brenda, for all the work that they put into
19 doing that.

20 So today we are seeking a couple things. First,
21 we're seeking your consideration of staff's proposed
22 revisions to the framework as published in the agenda
23 item. And Kathy's going to walk you through those in a
24 moment.

25 We believe that these revisions will add

1 clarity -- further clarity to the framework and address
2 many, although certainly not all, of the stakeholder
3 concerns, but without changing the fundamental approach of
4 the framework adopted by the Board last September.

5 You know also that we received two letters
6 yesterday afternoon -- or yesterday morning and afternoon,
7 along with an Email late last week. Some of the comments
8 in those letters concern the definition of EPR and who's
9 responsible in a shared stewardship program, and others
10 proposed various changes to some of the different sections
11 in the framework.

12 Despite getting the two letters at virtually the
13 last minute, staff did its best last night and this
14 morning to put together a handout summarizing the comments
15 and providing at least an initial staff response. And you
16 should have hard copies of those on your desk, and there's
17 copies in the back for the public.

18 So as a result of those comments we will be
19 proposing a couple of additional revisions beyond what was
20 already published in BAWDS. And, again, Kathy will walk
21 you through those.

22 However, I would like to offer my personal
23 opinion here, that, in general, I think the Board and
24 staff have developed a framework that does a good job of
25 balancing multiple interests. I'm concerned that given

1 the wide range of perspectives on this topic, if we start
2 proposing too many additional revisions, we're simply
3 going to invite counter-proposals to those potential
4 revisions. And as the Board noted in September, this
5 framework is intended to be a guide. We fully expect a
6 lot of wordsmithing and negotiating to go on if and when
7 legislation is introduced and throughout the entire
8 legislative and any subsequent regulatory processes.

9 I'll get off my soapbox for now.

10 Beyond seeking your consideration of proposed
11 revisions, we're also seeking your direction to engage in
12 several additional activities related to EPR. In
13 September you already directed us to do some more work on
14 product selection criteria, and we are planning to do that
15 midyear or so.

16 In addition, based on some of the comments at the
17 workshop in November and associated conversations, we
18 think that it would benefit the Board and stakeholders to
19 continue to do two things: First of all, to continue
20 discussions with stakeholders on selected aspects of EPR
21 implementation, not the entire framework but some key
22 issues, such as how to ensure that EPR programs maintain a
23 level playing field with respect to imports. And there
24 are probably a couple of other issues as well.

25 We also think it would be beneficial for the

1 Board to hold an educational forum or workshop this spring
2 where we could hear from representatives, both private and
3 public, who are involved in implementing EPR programs
4 elsewhere in the country and around the world, so that we
5 all could get firsthand information about the pros and
6 cons of implementing different programs.

7 So those are two areas we'd seek your direction
8 in today.

9 So with those summary -- or introductory
10 comments, I'd like to turn it over to Kathy Frevert to my
11 left, who will be making the staff presentation today.

12 MS. FREVERT: Okay. Thank you.

13 Kathy Frevert, Senior Integrated Waste Management
14 Specialist in the Sustainability Program. Good afternoon,
15 Madam Chair and members of the Board.

16 As Howard noted, last September the Board adopted
17 the EPR framework as an overall policy priority to guide
18 proposals for statutory authority. And it directed staff
19 to engage in four activities:

20 Seek additional input from the broad stakeholder
21 community on the framework and the developmental proposals
22 for statutory change and return to the Board for further
23 refinement. That's the focus of the agenda item today.
24 And I'll get back to it in a minute.

25 The second thing was to continue existing

1 voluntary product stewardship initiatives. And existing
2 initiatives have continued, notably the Board's signing of
3 the Paint Products Stewardship Initiative Memorandum of
4 Understanding.

5 Conduct further research was a third item.

6 And then the fourth was to convene an advisory
7 committee to further examine the proposed methodology and
8 determine and prioritize products for future new product
9 stewardship programs for consideration by the Board. And
10 as discussed last September, the staff is first focusing
11 on those first three activities before engaging in this
12 one.

13 So now back to our main focus for today, which is
14 the EPR framework.

15 I'm going to cover the process that staff used to
16 revise the framework, highlight some of the more
17 significant changes to it, and then end with options and
18 staff recommendation.

19 So the Board directed staff to seek input from
20 the broad stakeholder community. And this was
21 accomplished through a consultation workshop on the EPR
22 framework held on November 14th, 2007, and a concerted
23 effort to outreach to stakeholders who had not
24 participated in previous public meetings.

25 In preparation for this stakeholder consultation

1 workshop we reached stakeholders by phone, individual
2 Emails, as well as Email announcements through our list
3 serve, and then meetings with interested stakeholders
4 including one with the California Chamber of Commerce.

5 Over half the attendees at the consultation
6 workshop represented private sector interests. And then
7 at the workshop, staff went through each of the framework
8 elements and took comments and suggested revisions.

9 We captured the comments at the workshop,
10 compiled them into a document that we shared with
11 attendees. To these comments we made a few minor
12 corrections, which were provided by the attendees, and
13 then incorporated a few new written comments that were
14 submitted after the workshop. Staff then organized all
15 these comments into main themes and prepared responses
16 that are summarized in Attachment 2.

17 Now I'd like you to direct your attention to the
18 EPR framework, which is Attachment 1, and highlight
19 several of the more significant changes that are proposed
20 based on stakeholder input.

21 Some perceive that the EPR framework is a
22 one-size-fits-all approach, although staff and Board have
23 consistently indicated that the framework offers a great
24 deal of flexibility. To clarify, the staff proposes
25 revised language on pages 1, 3, 6 and 11 to better

1 emphasize that the purpose and contents of product
2 stewardship plans would be customized for each product or
3 product category.

4 Each plan would have certain provisions that must
5 be addressed, like goals, fees or cost structures,
6 administration reporting, while allowing flexibility in
7 how the provisions are implemented.

8 Some stakeholders expressed confusion about our
9 definition of EPR. This was in part because there were
10 two spots in the framework that seemed to provide a
11 definition. To resolve this, staff proposes removing the
12 introductory statement on EPR in the "goals" section on
13 page 2, which was being confused with the formal
14 definition of EPR found in the "definitions" section. So
15 this would result in one definition of EPR located in the
16 "definitions" section on page 4.

17 Staff received a comment last week from the
18 California Retailers Association that pointed out a
19 weakness of the current definition of EPR found on page 4.
20 To remove any doubt as to what stakeholder group has
21 primary responsibility, staff would like to propose a
22 refinement. And this is going to appear on the screen
23 here.

24 The word "greatest" would be replaced by
25 "primary". And to avoid anyone from only using the first

1 sentence in our two-sentence definition, staff would like
2 to make a punctuation change so it is one sentence.

3 Then yesterday we received a set of comments from
4 the California Product Stewardship Council that offered
5 another definition. It's similar in content to the
6 California Retailers Association comments and definition
7 but quite a bit longer.

8 So there is a spectrum of thought on EPR, from
9 producers are totally and only responsible to everyone has
10 equal and shared responsibility. Staff's approach has
11 been and remains in the middle of this, a definition that
12 recognizes shared responsibility, but that primary
13 responsibility lies with the producer, who makes design
14 and marketing decisions.

15 As framed, EPR is a shared responsibility
16 approach, but it is not equal responsibility. The primary
17 responsibility lies with the producer or brand owner, as
18 mentioned before. Some producers raise questions
19 regarding how other entities would be involved. In
20 response to stakeholders' concerns, staff proposes revised
21 language to better emphasize shared responsibility in the
22 roles and responsibility descriptions on page 7 and 9.

23 At the same time staff recognizes that this issue
24 may need additional work, and responsibilities may be
25 further refined in regulatory development stages.

1 In this framework document, we don't require
2 specific roles for retailers and local governments, as has
3 been suggested by some. And these would vary
4 significantly product by product. The framework allows
5 for negotiations among stakeholders and our market-based
6 economy to sort out these relationships, so we keep the
7 flexibility in.

8 There are quite a few comments about how the
9 Board is going to address environmental trade-offs. For
10 example, one product may have desirable energy savings and
11 undesirable added toxic substances, while another product
12 may have desirable high post-consumer recycled content and
13 undesirable air emissions. So determining what
14 constitutes a cradle-to-cradle net environmental benefit
15 requires analysis beyond our typical domain of material
16 composition and solid waste diversion.

17 Staff proposes to revise the framework on page 3
18 and 8 to call for the Board to collaborate with agencies,
19 internal and external, to address what we refer to as
20 cross-media and cross-organizational issues.

21 Some stakeholders believe we are overemphasizing
22 a possibilities for green design. Staff agrees that
23 existing EPR programs appear to fall short in terms of
24 their impact on green design, at least from what we have
25 seen so far. And while recognizing that all products are

1 not amenable to design changes, there is ample room for
2 improvement. So one way to further encourage green design
3 is to offer incentives. Staff believes it is possible to
4 incentivize design changes through product stewardship
5 programs by providing exemptions for products that conform
6 to certain standards. And it is possible to include green
7 design criteria into such standards on a
8 product-by-product basis. So staff added language
9 allowing for incentives to be incorporated into the
10 framework. And that's product stewardship programs on
11 pages 8 and 10.

12 Several stakeholders expressed in a concern about
13 imported products that they would not be incorporated into
14 EPR systems, although the definition of producer already
15 covers imports. Staff agrees that establishing a level
16 playing field is very important, and proposes on page 10
17 that there'd be an advisory committee or work group that
18 addresses this topic along with other implementation
19 issues.

20 And in response to a request for information on
21 what product selection might entail once a framework is in
22 place, we added a section on page 11, product/product
23 categories covered, to convey possible product selection
24 criteria. However, the final version would be described
25 within the regulatory process following enactment of

1 statute.

2 Staff received very valuable comments and truly
3 appreciate all those who participated in the process.
4 Some of you may be here today or listening in. We thank
5 you. And the EPR framework is a better document, thanks
6 to your input. And it will serve as a worthy guide and
7 helpful resource.

8 Staff offers three options to the Board.

9 Option 1, which is the staff recommendation, has
10 three parts to it. And I'm going to present and discuss
11 each part separately.

12 Part 1 is: "Adopt the revised EPR framework as
13 an overall policy priority to guide proposals to seek
14 statutory authority." This should look familiar. It was
15 in the September 2007 resolution. I've discussed the
16 highlights of the proposed revisions. And in a minute
17 we'll go over more about some of the additional comments
18 that we received yesterday, which are in strike-out and
19 underline in Attachment 1.

20 Part 2 directs staff to continue working with
21 stakeholders to research, analyze, and solicit input on a
22 few selected implementation issues that are associated
23 with the product stewardship plans, issues that would
24 ultimately be addressed in regulations developed pursuant
25 to any EPR legislation.

1 So as noted in the agenda item, several issues
2 stood out at the workshop. Staff was able to address most
3 of them in the proposed framework revision. However, some
4 would benefit by working with stakeholders to obtain more
5 in-depth input and analysis.

6 So topics to explore include: How to ensure that
7 implementation applies equally to imported products. How
8 to ensure involvement of all relevant stakeholders. What
9 incentives could be used to advance green design and other
10 topics for effective implementation?

11 And then Part 3 of Option 1 directs staff to hold
12 an educational workshop to demonstrate the practical
13 implementation of existing EPR programs. And Howard
14 mentioned this earlier. We believe that an educational
15 workshop focused on how existing EPR programs work could
16 be of great benefit. It would -- the purpose would be to
17 provide a demonstration of how EPR is working elsewhere,
18 so we can learn together how we can make California's
19 programs better. Such an event would bring in outside
20 experts, both private and public.

21 And, furthermore, we would like to invite
22 producers and other stakeholders to work with us in
23 shaping the workshops so we can best address their
24 questions.

25 Option 2 is the same as Option 1 but without the

1 direction for staff to hold educational workshop on the
2 implementation of EPR.

3 And then Option 3 is do not adopt the revised EPR
4 framework and direct staff to further action.

5 So staff recommends Option 1 and the approval of
6 Resolution No. 2008-15.

7 Now, do we -- so we have this handout that was
8 provided to you that has -- this is the document we
9 whipped up today.

10 And I'm not going to go over each item in here.
11 The first one I did discuss previously with this
12 definition. And this is the one we've worked on.

13 Excuse me. You can see in here the definitions
14 that were provided to us.

15 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: Just
16 in terms of logistics, what --

17 CHAIRPERSON BROWN: I was just going to ask you
18 for clarification. So the attachment that we got today is
19 new comments subsequent to what was part of the agenda
20 item; but some of them have already been incorporated in
21 your presentation or have not?

22 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: No.
23 So what you have -- what Kathy's presentation was up to
24 now is on the published item.

25 And what we'd like to do is walk you through some

1 of the major comments and potential revisions. To the
2 extent that you agree with those, then we would go ahead
3 and revise the item. And we could report back to you next
4 week for any final decisions on that.

5 MS. FREVERT: Okay. So I'm trying to decipher
6 here --

7 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: And,
8 again, since we just got these really yesterday, this is
9 just an initial stab at which ones do we think are really
10 worth encompassing in the framework at this point. So,
11 you know, we're seeking your direction here as well. This
12 is just trying to be responsive to the comments.

13 COMMITTEE MEMBER MULÉ: I appreciate you putting
14 this together on such a short timeline. And I'm going
15 through it in -- anyway, why don't you just proceed.
16 Thank you.

17 MS. FREVERT: Yeah, the first ones deal with a
18 definition. So this is what we have as our definition.
19 So I think I'll just kind of cruise through it and point
20 out what we're having as suggested changes. And then we
21 can have discussion.

22 So if you turn to page -- if you guys see
23 anything I'm missing, because I'm kind of doing -- yeah,
24 page 4, let's start on the top of page 4.

25 So in one case there's a proposal -- a suggestion

1 to change a "may" to a "will" and, you know, we suggest
2 "should".

3 The third item down there's a slight word change
4 here, and we concur with that change. The third one
5 down --

6 CHAIRPERSON BROWN: Okay. Let me just ask you,
7 are you skipping ones that you don't agree with? I just
8 want to keep up with where you're going and go one at a
9 time. So if you go from comment one all the way
10 through -- I mean we're not going to have a chance to sit
11 here and read all of your staff comments. So those we'll
12 have to go back and read subsequent to this meeting. But
13 for purposes of going through it, if you could just go one
14 at a time, not 1 3, 5 starting page 4, because we're going
15 to lose -- I'm going to lose track.

16 So let's start on page 1 with Retailers
17 Association. You've already shown us the new definition.
18 So it looks like you've taken that as part of her comment.

19 MS. FREVERT: Right. So first comment on page 1
20 we're proposing the language that you see on the screen.
21 And that would apply to the second comment.

22 CHAIRPERSON BROWN: Okay. And the third comment?

23 MS. FREVERT: And --

24 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: And
25 let's make sure we're all -- when we say third comment,

1 we're going to identify from Heidi Sanborn regarding page
2 4, lines 153 to 159, so we're all on the same page. So
3 let's do that for each comment.

4 MS. FREVERT: Okay. On this one, we are not
5 making a change.

6 So the top of page 3, from Mark Kohorst. We have
7 discussion here, but we do not have a change. Is that
8 enough, to just --

9 COMMITTEE MEMBER MULÉ: If we could just sit
10 tight here. We don't have enough copies up front, so
11 we're going to get some made.

12 CHAIRPERSON BROWN: I need one more handout for
13 up here.

14 COMMITTEE MEMBER MULÉ: Oh, there they are.

15 CHAIRPERSON BROWN: Thank you.

16 Okay. Go ahead.

17 MS. FREVERT: Okay. On the page 3, Mark Kohorst
18 comment. This touches on shared responsibility, so
19 there's some discussion here. So we provide an
20 explanation, but there isn't a change that's being
21 recommended.

22 COMMITTEE MEMBER MULÉ: So you're not making any
23 changes based on this comment, correct?

24 MS. FREVERT: No, we're not. I'm just focusing
25 on where there is a change in the framework.

1 The second comment -- oh, let's see. Yeah, on
2 the second comment by Mark Kohorst, we have dealt with
3 that in the framework with respect to the cross-media,
4 cross-organizational issues, because that's touching on
5 the need to look at trade-offs. So that we have covered
6 already in the framework. So there's no change there.

7 Okay. On page 4, Heidi Sanborn, page 1, line 21,
8 we suggest using -- there's a suggestion to change the
9 word "may" to "will". And we propose the word "should".

10 COMMITTEE MEMBER MULÉ: Agree.

11 CHAIRPERSON BROWN: Okay.

12 MS. FREVERT: The Heidi Sanborn, page 3, policy
13 goals. Staff concurs with the change. And this is
14 slightly stronger language than what is in the existing
15 document, but it's consistent with it.

16 Heidi Sanborn, page 3, producer responsibility.
17 In this one there's a -- lines 100 to 101 there's a
18 suggestion here to insert "written" in terms of written
19 consent or negotiated agreement. And we prefer not to
20 include this change, because we believe it can be dealt
21 with best at the regulatory stage. And we need to
22 consider the impacts to enforcement and oversight.

23 So no change on that one.

24 Heidi Sanborn, page 4, rules and responsibility.
25 On this it refers back to the definitions, where we -- we

1 see it as a shared responsibility. So no change on that.

2 Heidi Sanborn, page 6, system effectiveness,
3 lines 241 to 243. We propose no change. We included this
4 redundancy to help emphasize flexibility.

5 Heidi Sanborn, page 6, informational, lines 252
6 to 254. Here we propose including the first underline
7 part but not the second one.

8 So everyone should be at the top of page 5 now.

9 So Heidi Sanborn, page 8, system effectiveness,
10 lines 304 to 310. This one deals with the concept of
11 offering an exemption. And we propose no change. There's
12 a question here about, well, how would you go about this?
13 And the exemption criteria would have to be defined in
14 regulations and then approved by the Board. So it would
15 be dealt with at that time. We want to keep the door open
16 to look at incentives.

17 Page 8 -- Heidi Sanborn, page 8, lines 322 to
18 326. There's no change proposed here. Any legislative
19 proposal, the substance and timing of -- there's a request
20 here that we develop legislative proposal for
21 incorporating EPR in state agency purchasing. And so our
22 thoughts on that are any legislative proposal is strictly
23 confidential and that the framework is not the place to
24 add that language.

25 Heidi Sanborn, page 9, local government

1 responsibility. Staff proposes using the suggested
2 changes, but with slight modification so it fits the style
3 of the document better.

4 Heidi Sanborn, page 9, dealing with haulers and
5 recyclers responsibility. Oh, this was the same kind of
6 edit that we have above, and so it's to keep the sections
7 consistent. And that one we do accept with just a slight
8 modification so that it fits the style of the document.

9 Heidi Sanborn, page 10. This is one where
10 there's request to turn a "should" into "shall". And this
11 one we disagree with. The framework is a guidance
12 document, and these are presenting staff's suggestions.
13 So at this point no changes planned.

14 Heidi Sanborn, page 10, governance. This deals
15 with deleting the reference to product exemptions. And as
16 mentioned before, we want to keep that door open. It
17 seems like there was some confusion about -- when we talk
18 about exemptions, are we talking about a whole product
19 category or are we talking about an individual producer
20 being able to exempt their product because it meets
21 certain criteria? We mean the latter, and so we're going
22 to add some clarifying language on that.

23 Heidi Sanborn, page 10, governance, line 410.
24 This was one to change a "may" to a "shall". And this is
25 one where we plan on keeping it "may".

1 And Heidi Sanborn, page 11, product categories.
2 Let's see. Oh, this is the one about when we list the
3 product criteria, to make it clear that it's not being
4 weighted. And so we agree that this can be added.

5 And then Heidi Sanborn, page 11, on the product
6 category covered. This offers some more specific language
7 dealing with toxicity. And we defer this to the process
8 for developing product selection methodology, keeping in
9 mind that the framework is a guidance document.

10 And that's similar to our response on the next
11 one, and final one, Heidi Sanborn, page 11. And this
12 deals with adding greenhouse gas emission impacts. And we
13 would defer that also to the product selection
14 methodology.

15 And just a note, that in our "goals" section we
16 talk about life cycle analysis -- or the life cycle
17 benefits. And we do refer to greenhouse gas emissions as
18 part of those.

19 CHAIRPERSON BROWN: Thank you, Kathy, for walking
20 through that line by line for me, and for all the work in
21 disseminating this information on such a short, short
22 timeline. So we certainly appreciate it.

23 Before we go any further, we have a couple of
24 people -- are there any questions on either the original
25 agenda item as presented or on the attachment at this

1 time?

2 COMMITTEE MEMBER MULÉ: I'm just not sure if I
3 have the current Attachment 1. But --

4 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: You
5 do, which is in the item. And what we would have to do
6 subsequent to your direction today is -- because we didn't
7 give you the exact language from this handout, we didn't
8 have time to -- so we would revise Attachment 1, publish
9 it in BAWDS tomorrow or the next day, depending how
10 quickly, and then bring it to you next week for any final
11 determinations.

12 COMMITTEE MEMBER MULÉ: Well, it's great work.
13 Thank you.

14 COMMITTEE MEMBER PEACE: I guess I just have a
15 couple questions. One on page 5 of Attachment 1, where it
16 says, "a stewardship organization is a corporation." Is
17 that what most product stewardship organizations are?
18 Will they all be corporations?

19 Page 5 under "Stewardship Organization." It
20 says, "Stewardship organization is a corporation." Is
21 that how they usually are? I don't know. Maybe they are
22 all corporations. Is there ever a time when they wouldn't
23 be a corporation? Is that too --

24 MS. DUNN: Hi. Cynthia Dunn.

25 It's my understanding that they are. But I don't

1 know that they need to be. So I can check into that and
2 then provide you with that information next week.

3 COMMITTEE MEMBER PEACE: Okay. And also, maybe
4 you went over this change. I was trying to follow, and I
5 can't say that I followed everything. But on page 9 of
6 Attachment 1 where -- if you just look at all the
7 different ones -- actually start on page 8, it says,
8 "General California State Government responsibility." And
9 under that there's a section for financial. And then
10 Local Government Responsibility, there is not a section
11 for financial. There is one for haulers and collectors.
12 There is one for recyclers and dismantlers.

13 MS. FREVERT: You know, that actually was part of
14 the comments we received from --

15 COMMITTEE MEMBER PEACE: -- from Heidi -- from
16 Heidi Sanborn?

17 MS. FREVERT: From Heidi, yeah. And that is one
18 that we do have as an addition.

19 COMMITTEE MEMBER PEACE: Okay. I'm sorry if I
20 missed that. But I think that is important that it be in
21 there.

22 MS. FREVERT: Yeah.

23 COMMITTEE MEMBER PEACE: Yeah, those are the only
24 I guess changes I had comments on, other than the lines
25 304 through 310. I guess I'm still kind of queasy about

1 that whole section being added in for exemptions.

2 Do we have any idea if the product stewardship
3 things that going on in the European Union, do they have
4 something in there for exemptions, or do we know? Does
5 anybody here know?

6 MS. FREVERT: In terms of a
7 product-design-related exemptions, that I don't know.
8 They have exemptions for other aspects. If you were to,
9 you know, do a word search for the word "exemption," it
10 does appear in some of their documents. But I don't know
11 off the top of my head what the --

12 COMMITTEE MEMBER PEACE: Same thing, products
13 that conform to special environmental criteria. I'm
14 trying to think, who's going to develop that product, you
15 know, special environmental criteria?

16 MS. FREVERT: See, if you think of something like
17 EP, which we have for computers, that's an example of a
18 concerted national, international effort to develop
19 criteria that's being used to evaluate products. And then
20 if they meet certain qualification standards, then they're
21 so recognized. So it would be a way to incorporate some
22 of the environmental standards.

23 Now, you may not just want to do that standard.
24 It may not be enough. You'd have to add other components
25 to it. But the green design component could conceivably

1 be some of these existing national or international-based
2 standards.

3 COMMITTEE MEMBER PEACE: I guess my first thought
4 is, okay, who's going to develop them? And is there going
5 to be a fight over what's what? And could it take
6 forever?

7 MS. FREVERT: You know, it depends product by --

8 COMMITTEE MEMBER PEACE: Could it then open up --
9 could it open up loopholes?

10 MS. FREVERT: It's by product by product.

11 COMMITTEE MEMBER PEACE: Could it be all these
12 things are crossing my mind?

13 MS. FREVERT: What you find available varies a
14 lot product by product. And so you would have to -- it
15 would depend on the product category that's selected. And
16 then you'd have to go see what's out there. And having
17 this as an option could be a real driver. You know, if
18 you knew you had that as a door open, and a group of
19 manufacturers might think, "Yeah, let's go develop our
20 green product standards with green design elements in it."
21 So we have this option. So that's how it could be an
22 incentive.

23 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON:

24 Again, as Kathy mentioned, this would -- it would
25 be an option within any particular product category.

1 Once -- if all this is enacted and we have regulations in
2 place, and we come back to you after a product selection
3 criteria and we say, "We have Product Category A," we
4 could offer to you that one option would be to include an
5 exemption pathway. Some other products we may not feel
6 that that's warranted because there are no standards or
7 it's not going to achieve the goals that we think are
8 needed.

9 So it's just simply an option at this point.

10 CHAIRPERSON BROWN: Maximum flexibility.

11 Any other questions before we take speakers?

12 First speaker is Peter Weiner. Wine

13 MR. WEINER: Both these work?

14 CHAIRPERSON BROWN: Probably. Just make sure
15 that the green light is on and you're good to go.

16 MR. WEINER: The yellow and the red lights are
17 on. They still work.

18 Thank you, Madam Chair and members of the Board.
19 Peter Weiner with Paul, Hastings.

20 First of all, I'd like to express a lot of
21 appreciation to staff for a real careful job in responding
22 to the comments that we and many, many other people made.
23 And I would like to talk for a couple of seconds about
24 some of the responses they made to comments we made simply
25 to acknowledge or comment further.

1 I think my feeling is that staff did a good job
2 in responding to the issue of cross-media evaluation. I'm
3 delighted at that.

4 I think they've done a good job in talking about
5 flexibility. I'll get more to that later.

6 I very much appreciate their reinstating curbside
7 as an option. I think it's important.

8 On a couple of other issues I have slight
9 quibbles and just want to express them before I get to the
10 main thrust of my comments. And, that is, that they said
11 that if a program is covered by other programs or other
12 laws, its score would be lower in terms of product
13 selection. And I suggest to you that given that we are in
14 what some might call on era of limits financially, that it
15 might be useful to say, "If somebody else is covering it,
16 we don't," rather than "Its score is lower and we're going
17 to have some other program for it." So I do think that
18 that's an issue.

19 We now have Oscar, the Grouch, in the California
20 Take It Back Program. We have little bags for spent CFLs
21 that are being distributed through this California Take It
22 Back Program, all dealing with recycling CFLs. This is
23 administered by the Department of Toxic Substances
24 Control. It's a fledgling program. Let's see if it
25 works. But it's there. And if that kind of thing works,

1 then it seems to me that the Board has important things to
2 do where it would not be duplicating other programs.

3 And I know that you have ties to DTSC and can get
4 more information on that issue.

5 The real issue that I want to talk about today is
6 the one that seems to come up again and again which has to
7 do with shared responsibility versus solely looking at
8 manufacturers. I would agree with Kathy and staff
9 generally that manufacturers do have the primary
10 responsibility for product design and marketing.

11 The question is whether they should have the only
12 responsibility for all of the extended life of a product.
13 Your staff says no. I agree.

14 Then the question is how do we make -- what do we
15 say in terms of the real world? The real world is one of
16 shared responsibility. EPR is a concept. It's popular.
17 It's one thrust that local governments and others have
18 used to take some of the cost away from local government.
19 But there are other ways to do it.

20 I, as you may know, represent one of the lamp
21 manufacturers, Osram Sylvania. And what we've been
22 finding in the Take It Back Program and others is that
23 many people are stepping up. PG&E ran a take-back program
24 in one county and is going forward now in a much larger
25 county, Santa Clara. WalMart, Home depot, all of them

1 have stepped up. And it can be for market reasons, it can
2 be for environmental responsibility reasons. There are a
3 lot of reasons that people do this. And at this point
4 their efforts, those of Sylvania and other lamp
5 manufacturers, are voluntary. So we know that.

6 The question is: Where are we going with it?
7 And if the real world is one where shared responsibility
8 is not only a reality but also a potential to build upon,
9 then I think we need to do that. My concern and my fear
10 is that at the moment in your document, while you talk
11 about shared responsibility, the only place that you talk
12 about requirements are on producers in a very narrow
13 definition.

14 And I do have a letter to file with you today --
15 I brought 15 of them, I don't know if that's enough and I
16 don't know who to give them to at the moment so that you
17 can each have one -- where we've set that forth in greater
18 detail.

19 We think that what you want to do is encourage
20 the exact kind of flexibility in negotiations you're
21 talking about and that the comments that we don't want to
22 require -- that staff have made and their response to
23 comments that we don't want to require those negotiations,
24 or we don't want to try to regulate too many people, we
25 only want to regulate the producers, is a step backward.

1 Because what it does is it tells all those people who are
2 coming forward voluntarily at the moment because they know
3 otherwise, that things could happen in a bad way, "Oh, you
4 don't have to do anything at all. You who are haulers or
5 retailers or consumers, for that matter, you don't have to
6 worry about this, because some big brother that may be a
7 corporation is going to take care of it for you." That's
8 not true, number 1, and it's not a good way for us to work
9 this out, number 2.

10 So what we would like to do is suggest that we
11 not provide the disincentive for the Home Depots and the
12 WalMarts and others who are now stepping up, that we not
13 provide a disincentive to PG&E, which is talking to the
14 PUC, I gather, about -- I'm not so sure, but I'm told --
15 about using public goods charge money to help with
16 recycling as well as to help send out and subsidize CFLs.
17 That's just one product category, obviously. That's one
18 I'm most familiar with. But I don't want to provide a
19 disincentive to all of those folks to come to the table.

20 And what I'm worried about at the moment is that
21 we have the inconsistency in the document which talks
22 about requirements on producers, producers have to
23 negotiate or try to negotiate, but there's no requirement
24 that anybody else do so. And instead, I think we can
25 write this in a way that talks about shared responsibility

1 in a way that still puts the primary responsibility on
2 producers for design and marketing decisions. That's what
3 they do. And it's a very important part of the puzzle,
4 but it's not the only part.

5 And whoever eventually pays for things, like the
6 actual recycling of things, which is another issue, what
7 we can say is that producers, the manufacturers of things
8 like CFLs, as opposed to television sets, for example, or
9 computers, are not going to be real good necessarily at
10 setting up big stores to take these things back, because
11 that's not how they're sold.

12 And so each product does require a flexible and
13 customization of the EPR that's you're talking about. We
14 totally agree. We would just like to try to get there in
15 a way that does that.

16 I didn't think that I was going to do it today
17 because I thought we were a little bit earlier in the
18 process than I can obviously see that we are. But what we
19 did do is a red line -- or actually we could call it green
20 line proposal with the document that doesn't address
21 anything except this issue of shared responsibility. And
22 what I'd like to do, if I can give it Cynthia or Kathy.
23 And we'll send it electronically as well today.

24 But it's an idea. Obviously staff has final
25 discretion to do whatever they want with it. But we'd

1 like to try to make the document consistent in talking
2 about producers as having a primary responsibility for
3 certain things, but not to say that no one else has any.

4 Thank you very much. Appreciate it.

5 If there are any questions, I'd be glad to answer
6 them.

7 Thank you.

8 CHAIRPERSON BROWN: Thank you, Peter.

9 Any questions?

10 COMMITTEE MEMBER CHESBRO: My only comment, not
11 just to Peter but to the various comments we're receiving,
12 is that, while I certainly hope that our framework is the
13 primary influence on how legislation is specifically
14 drafted, it should be very clear to everyone -- and I know
15 Peter knows this, and I know how he knows it, I think
16 everyone knows it -- that this is the beginning of a
17 process where the actual specific word-by-word, exactly
18 who's responsible for what kinds of details are going to
19 be worked out in the legislative process. So, you know, I
20 think it would be a mistake for us to get too hung up on
21 perfection at this point rather than having something that
22 sort of sends a broad message in a framework, which is
23 what it is, it's a framework, and then understanding that
24 all of you will have a place at the table in the
25 legislative process when and if legislation emerges --

1 certainly I hope when than if -- to influence the
2 specifics.

3 CHAIRPERSON BROWN: Thank you.

4 COMMITTEE MEMBER DANZINGER: Thank you.

5 CHAIRPERSON BROWN: Okay. Next speaker is Dave
6 Tamayo. And I apologize if I said that a little bit off.

7 MR. TAMAYO: Well, thank you very much. You said
8 it perfectly actually.

9 My name is Dave Tamayo. I'm an environmental
10 specialist with the County of Sacramento Storm Water
11 Program. And I'm here today in general to support the
12 direction that your Board is taking in showing real
13 leadership in developing the EPR framework. I think
14 you're headed in the right direction.

15 We very much support the concept of having the
16 manufacturers have the primary responsibility for
17 establishing systems that really work to keep -- to ensure
18 the proper disposal or recycling or reuse of these
19 products that we're concerned with here.

20 And I'm hoping that in the end you keep that
21 focus. We really believe that even within that focus,
22 there's lots and lots of flexibility; that it actually
23 creates many incentives for other people to help develop a
24 statewide system for proper handling of these materials.

25 And also I want to say that we also support the

1 Consumer Products Stewardship Council's recommendations
2 that were submitted to you in their letter on January
3 15th. We think that those suggestions help improve the
4 framework, make it stronger, make it clearer, and in
5 general help the framework to better achieve the overall
6 policy goal.

7 And I wanted to take just a little bit of time to
8 explain to you why a storm water program is here talking
9 to you about a solid waste issue. One of our primary
10 pollutants of concern, based largely on human health
11 concerns, is mercury. We actually have a permit issued by
12 your -- one of your sister agencies, the Regional Water
13 Quality Control Board, that directs us to identify sources
14 of mercury that occur right here in Sacramento County.
15 And it specifically identifies fluorescent lamps as
16 something that we need to investigate a way to effectively
17 and better control their disposal and increase the amount
18 of proper disposal.

19 Looking into that issue, in talking with our
20 Solid Waste Department, we found that there's a very low
21 percentage of mercury lamps in our county that are
22 properly disposed of.

23 Almost a 100 percent certainty that the rest of
24 those are either going in the trash and being broken on
25 the way to the dump or they're being disposed of in some

1 other illegal way, maybe being broken and dumped in a
2 roadside ditch somewhere.

3 Looking at the low rate of recycling but the high
4 cost of recycling all of the lamps that are available --
5 and keep in mind that only 2 percent of the household
6 hazardous waste that are generated in the county are
7 actually properly disposed of through our household
8 hazardous waste system, it's very clear that we can't
9 really handle it with a county household hazardous waste
10 disposal site.

11 We can't ask people to -- we could ask people to
12 drive across the county. And we only have two sites in
13 the county. They still cost us \$2 million a year. If we
14 ask people to put them in the trunk of their car and drive
15 them there, it wouldn't be convenient enough for them to
16 actually participate. So there really is no practical way
17 for us to take responsibility for getting those lamps out
18 of the trash and out of the solid waste stream, that
19 actually is another pathway to storm water, it's another
20 pathway to wastewater as well, and eventually a
21 contributor to public health problems in Lake Natoma, the
22 American River, and a lot of the tributaries of the Delta
23 and the Delta itself, as well as the Bay. We have similar
24 problems with water quality agencies throughout northern
25 California.

1 And we see that this type of approach is the best
2 way to get an effective program. It's the best way to
3 assign and distribute the economic impacts of proper
4 disposal. And it's what's going to get us there. So
5 that's why we're supporting it.

6 And so, once again, we thank you very much for
7 this opportunity to speak to you today and also for your
8 leadership in this arena.

9 Good afternoon.

10 CHAIRPERSON BROWN: Thank you, Dave.

11 Our next speaker, Tim Smith from the Sonoma
12 County Waste Management Authority.

13 MR. SMITH: Thank you very much.

14 I see a red light, but perhaps it's still
15 working.

16 Thank you, Madam Chair and members of the Board
17 and the staff. I'd like to first introduce myself. Tim
18 Smith. I'm a council member of the City of Rohnert Park.
19 I'm also Chair of the Sonoma County Waste Management
20 Agency.

21 I would like to digress briefly and say that at
22 the agency meeting we had this morning, Kaoru Cruz and
23 Pamela Kelley attended, which we very much appreciate.
24 And they said they will be coming to future meetings as
25 well to coordinate. And that's very -- we're very

1 grateful for that. We're also grateful that Board Member
2 Chesbro came to our November meeting.

3 I had some prepared remarks, but I'm going to
4 digress a little bit further and respond to some of the
5 others.

6 Flexibility is a great idea. But we don't want
7 to be too flexible. The analogy I will use is a pretzel.
8 A pretzel bends upon itself and really gets nowhere. But
9 there's also other kinds of pretzels. There are stick
10 pretzels that actually move in one direction. So we need
11 to move forward. It can be flexible. I don't mind if the
12 pretzel bends a little bit on the way, but it needs to get
13 to where we need to go and not to keep talking in circles.
14 I believe 2008 is a year that we can get a lot done.

15 I'm here on behalf of the Sonoma County Waste
16 Management Agency and the Rohnert Park City Council to
17 support the California Product Stewardship Council letter
18 that was submitted yesterday by Heidi Sanborn.

19 I also wanted to briefly read from a letter that
20 the City of Rohnert Park sent to our legislators, our
21 Senator and our Assembly Member, and a copy went to the
22 Governor, a large portion of which had to do with extended
23 producer responsibility.

24 In 2008 there are likely to be significant
25 legislative opportunities to further extended producer

1 responsibility goals. With state and local finances
2 severely strained, it needs to be acknowledged that
3 government does not have the resources or capacity to
4 effectively manage toxic waste products. Rate payers and
5 taxpayers should not be funding the management of products
6 at their end of life as a subsidy to their manufacturers,
7 thus enabling the continued production of products that
8 are designed for disposal.

9 The California Integrated Waste Management Board
10 has adopted its Strategic Directive 5 to promote
11 environmental sustainability through safe product
12 stewardship. The Association of Bay Area Governments and
13 Sonoma County Waste Management Agency are organizations to
14 which the City of Rohnert Park belongs. They have
15 strongly endorsed extended producer responsibility as
16 important policy goals. We look forward to your support
17 of legislation in 2008 to further effectuate these
18 policies on a statewide basis.

19 I thank you very much. I believe others will be
20 speaking more directly about the letter.

21 I appreciate your time.

22 COMMITTEE MEMBER CHESBRO: Can I ask a question,
23 Madam Chair?

24 CHAIRPERSON BROWN: Of course.

25 COMMITTEE MEMBER CHESBRO: You didn't mention,

1 and maybe it's premature to mention, some potential for
2 local action with regards to this subject. I don't know
3 if you --

4 MR. SMITH: Well, I'd be happy to do that in a
5 sense. We were at the November 14th meeting -- I was at
6 the November 14th meeting when we mentioned that
7 specifically. The Sonoma County Waste Management Agency
8 has adopted an extended producer responsibility
9 implementation plan. We adopted it in January of 2007,
10 over a year ago, hoping that something would happen in
11 2007. And we appreciate the directive.

12 We are prepared to act unilaterally if need be.
13 We would prefer not to. There are 58 counties. I would
14 think that most producers would prefer there to be a
15 signal set of rules, and we're willing to adapt to those.
16 But at today's meeting it was very clear that all nine
17 cities in Sonoma County and the County of Sonoma are
18 prepared to move forward if need be.

19 So I -- in given this opportunity, I will
20 actually say that I believe this is a perfectly purple
21 opportunity, because if you are blue, you can be green
22 about this, and if you are red, you can be fiscally
23 responsible.

24 And from my perspective, the Legislature in a
25 tough budget year is going to want to get some things

1 done. And I believe the Governor will as well.

2 And this is something we can do without
3 significant state expenditures or perhaps saving the state
4 and local government money by assigning the responsibility
5 appropriately.

6 COMMITTEE MEMBER CHESBRO: You're saying that if
7 you're red, you'd be happy that it might help us get in
8 the black?

9 MR. SMITH: Exactly. Well done from a former
10 budget chair.

11 Thank you very much. I appreciate the question.

12 CHAIRPERSON BROWN: Thank you, Councilman.

13 Our next speaker is Heidi Sanborn.

14 MS. SANBORN: Good afternoon. And I apologize --

15 CHAIRPERSON BROWN: Didn't you already say what
16 you already were going to say?

17 MS. SANBORN: No, I feel so bad.

18 CHAIRPERSON BROWN: I mean there was like 15 of
19 the 17 comments were from Heidi Sanborn.

20 MS. SANBORN: I keep reading my name. And I'm
21 like stop saying my name.

22 CHAIRPERSON BROWN: We're always happy to see
23 you. But how much more can you say?

24 MS. SANBORN: I feel so bad. I absolutely owe
25 you all chocolate for having to take all these comments so

1 late --

2 CHAIRPERSON BROWN: We take it.

3 MS. SANBORN: -- and for listening to my name
4 being repeated so many times. I really apologize.

5 But we had a lot of comments and a lot of members
6 of Product Stewardship Council talked several times on
7 several conference calls. And it took a lot of time to
8 kind of boil them all down and make sense. And we really
9 wanted them to be thoughtful. So hopefully it showed.

10 But we do appreciate staff's response very much.
11 And we know that this is just a guidance document. And we
12 have really -- at least from my perspective from what I've
13 heard today, it doesn't seem like there's anything that
14 we're going to die on the sword for.

15 The only thing that we would just caution about
16 particularly is the exemption. Because we just don't want
17 products that are designed for just ultimate disposal.
18 That will have to be managed by local government to get an
19 exemption, because local government will still have to
20 manage it, still pay the money to have to deal with those
21 products. So even if it's less toxic, it's still a burden
22 on the taxpayer and the rate payer. So that's just
23 something we'd like you to consider as you go forward.

24 And we really appreciate all the time and energy
25 that was spent by staff.

1 And I did have letters here from RCRC. And I
2 believe you've also received a letter today from Craig
3 Hempel in the City of Burbank. And that's for the
4 comment.

5 So thank you very much.

6 CHAIRPERSON BROWN: And you know I was kidding.

7 MS. SANBORN: I know.

8 CHAIRPERSON BROWN: We always like having you
9 here. Of course, we welcome all comments and
10 participation. And I'd just like to give you a hard time.

11 Our next speaker is Robert Gedert.

12 MR. GEDERT: Madam Chair and members of the Board
13 and the staff. I'm Robert Gedert representing the City of
14 Fresno as the Chief of Recycling Operations.

15 And I'm here at the request of our city council
16 to remind the Board of our support of producer
17 responsibility. We support the CPSC's comments through
18 Heidi, and have been a participant in the organization and
19 responding to the EPR framework. We support the
20 direction. And we thank the staff of the CIWMB for
21 working hard on this issue.

22 Our city council approved a resolution on
23 producer responsibility in June of 2007. And I believe I
24 submitted the statement to the Board back in November.

25 In December, I reported to our city council on a

1 six-month update of our Fresno green activities. I'm
2 Co-chair of the Fresno Green Committee. And we were there
3 presenting an update on our activities of greening the
4 city government's activities as well as city residents'
5 activities.

6 And at the question and answer period, three of
7 our council members brought up product stewardship. And
8 they feel very strongly that there is a very strong sense
9 over the history of product development of "don't worry
10 about the product, the local governments can handle the
11 disposal." And there is a very strong feeling of our city
12 council, and it was emphasized in December, that I bring
13 this forward to you, that the city governments believe in
14 shared responsibility but believe that an unfair financial
15 burden is placed upon local governments. If a product
16 carries a toxin or is toxic to the environment for proper
17 disposal, local governments generally pick up a majority
18 of the fare of the expense. And our council's concerned
19 about that.

20 I would like to just note a statement in the
21 resolution, that the council recommends that the state and
22 congressional delegations should introduce and pass
23 legislation which shifts the burden of managing discarded
24 products containing toxic material from local governments
25 to the producers of those products.

1 I'd also like to note that of our city council --
2 seven members of our city council, six of them are
3 business operators and one of them is a college professor.
4 So these are business operators that are saying that it is
5 businesses' responsibility to manage and control what
6 they're producing for the consumer market.

7 And so I want to emphasize we believe there is a
8 shared responsibility, but there is a concern on the
9 financial burden on local governments.

10 Thank you for your attention on this issue.

11 CHAIRPERSON BROWN: Thank you. Thank you for
12 being here.

13 Have you contacted your local legislators as
14 well?

15 Okay. Tim mentioned that specifically. We just
16 want to make sure that we're pursuing the legislative
17 process as well on all fronts.

18 Our next speaker, Debbie Raphael from San
19 Francisco.

20 MS. RAPHAEL: Good afternoon, Board members and
21 staff. And I do want to say thank you to staff. I know
22 what it feels like to get comments at the last minute and
23 then have to scramble. And you did a yeoman's job of
24 doing that. I am very impressed.

25 After listening to the outreach presentation and

1 the last hour or so, I wanted to share with you two
2 real-life experiences from the trenches that happened to
3 me today -- yesterday and today, because I think they
4 really point out some of challenges we have as local
5 government.

6 This morning, I got a really irate call from a
7 resident who wanted to sell his house, had a trunk-load
8 and a carload of paint and all sorts of things. And he
9 knew we had a facility, and so he drove down there and it
10 was closed, because it's not open on Wednesdays. So he
11 calls me up and just is so -- "I'm trying to do the right
12 thing. What's wrong with you people in local government?
13 Why can't you make it convenient for us?"

14 And so when I heard the outreach people say the
15 biggest barrier is convenient -- and I have to tell you
16 that's not a surprise. We've been hearing that for 15
17 years. And I think about San Francisco and I think, well,
18 gee, I think we're pretty convenient relatively speaking.
19 We have a facility open three days a week. We have 120
20 drop-off sites. We'll even come to your home for free,
21 it's part of the garbage rates, and pick it up if you make
22 an appointment. And I explained that all to this
23 gentleman. And it wasn't convenient enough for him,
24 because in that moment he couldn't go and return it to
25 where he bought it.

1 So I think that speaks to the fact that no matter
2 how much money we pour into outreach -- and, belief me,
3 many of us don't do outreach intentionally, because we
4 can't handle it -- and no matter how much we try with our
5 resources to make it convenient, it's not going to happen.
6 For 15 years we've tried this model, and I still have
7 irate residents.

8 All right. So that's -- it's never going to work
9 with the model of increased convenience on our own.

10 Second story I have has to do with a whole new
11 solid waste issue that is coming across my desk -
12 synthetic turf. It's hot. Every soccer mom, every group
13 wants their playing field to be -- is that a bomb ticking?

14 (Laughter.)

15 MS. RAPHAEL: That's the synthetic turf
16 manufacturers putting me on a timer.

17 Everybody wants synthetic turf, and because these
18 fields are full of potholes, and there's lots of reasons
19 to do it and there's lots of challenges.

20 From our perspective, we've done a lot of work
21 looking at the toxicity. We're actually not that worried
22 about the toxicity of the crumb rubber. What we're really
23 worried about is what happens when they're done with it.
24 Because now in a community where we have a zero-waste
25 goal, 15 years from now we're going to have a million

1 pounds of unrecyclable material with no place to go.
2 Because every manufacturer we called to see if we could
3 make purchasing specs that would make them take it back,
4 they gave us a complete blank stare. They hadn't even
5 thought about it.

6 And this is a material that's made of completely
7 recyclable constituents. It's got crumb rubber, silica
8 sand, and PET plastic. But because it's mixed together
9 and they have no thought about designing it for end of
10 life, we're stuck with a million pounds that has to go to
11 the landfill.

12 So whatever framework we do, it's got to be
13 flexible enough and quick enough, somehow give the power
14 to you guys to add new subject categories. Because when I
15 look at those criteria, I think, "Well, where would
16 synthetic turf fall in those?" And it's just -- so I
17 don't know the answer, and I'm willing to work with you.
18 But I'm just giving you a real-life example today. I've
19 got to figure out what to do. Are we going to buy it or
20 are we not going to buy it? And it's all about
21 end-of-life challenge.

22 So my last comment is really a question, because,
23 like Board Member Peace, I'm really confused by the
24 exemption piece, and I'm hoping staff can help me
25 understand. What I'm holding here is a report that's

1 going to be released tomorrow. It's a green chemistry
2 report. It was commissioned by Cal EPA to the University
3 of California. It's a follow-up report. And it is
4 chock-full of references to EPR. So, thank you, Cynthia,
5 for reviewing their text.

6 But what this shows is that many, many bodies are
7 paying attention to EPR and it's infiltrating itself
8 everywhere. And the folks at UC Berkeley who had never
9 heard of this now get it, and they see that it's part of
10 their green chemistry. So I'm really sympathetic to the
11 comment that EPR doesn't necessarily lead to greener
12 product design.

13 But I'm wondering if staff can give me an example
14 where an exemption -- where a redesign would lead to an
15 exemption that meant they didn't have to participate in
16 end-of-life management. I really -- I can't think of an
17 example, so I'm having a hard time understanding why we
18 need it. I mean I understand you want flexibility. But
19 can you give me an example?

20 CHAIRPERSON BROWN: Well, and I don't know
21 whether there's an example, but you actually talked
22 yourself into probably your own answer. There isn't a
23 specific product, but there isn't one that wouldn't
24 necessarily until we start picking product selection
25 methodology.

1 And from my perspective, Debbie, I don't want to
2 say that there isn't a product because I don't know if
3 there is.

4 MS. RAPHAEL: I see. Okay.

5 CHAIRPERSON BROWN: So by leaving something like
6 an exemption, it doesn't mean that it will be granted ever
7 in the lifetime of EPR. But if we don't have it there,
8 then we couldn't, if there were something that it's like,
9 wow --

10 MS. RAPHAEL: Didn't even think about it.

11 CHAIRPERSON BROWN: -- synthetic turf. We've
12 actually got a manufacturer, because you asked the
13 question, that is going to design some sort of technology
14 to separate those materials out and remake new
15 manufactured turf or put it into a playground surface
16 instead of a turf surface, or something.

17 But I think, you know -- thank you for the
18 thought process, because I think it now gets us to a
19 thought process maybe that we hadn't even gotten to. But
20 I think you talked yourself into an answer, I think, is
21 that we need the flexibility because we don't know if
22 there's ever going to be a product out there that could be
23 redesigned.

24 MS. RAPHAEL: Fair enough. And I put exemptions
25 language in almost everything I do, because -- for that

1 reason.

2 CHAIRPERSON BROWN: But I think having it there
3 doesn't necessarily mean we'll ever use it. But maybe
4 it's the light at the end of tunnel for a manufacturer
5 that says, "Hey, we have this opportunity. Let's see if
6 we can redesign a product for full recyclability that
7 would exempt it." You know, maybe it's a hundred percent
8 recyclable paint that can be recycled or reused or, you
9 know, somehow -- I mean who knows.

10 MS. RAPHAEL: All right. So I can't -- yeah, I
11 can't think of an example now, but I'm certainly open --
12 as long as it's not a loophole, you know, to --

13 CHAIRPERSON BROWN: Yeah. Well, and I don't
14 think that it says, or we should make sure that it doesn't
15 say, that that's an option on every product category. I
16 think it's something that can be granted if -- you know,
17 at the Board's discretion or if it meets certain criteria
18 or something criteria based.

19 MS. RAPHAEL: Sounds good. Thank you very much.

20 And thank you all. You're a wonderful group.

21 CHAIRPERSON BROWN: Thank you.

22 Do you, Howard, Kathy, want to add?

23 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: I
24 think you said it perfectly, Madam Chair. We will relook
25 at that language tomorrow, and just to see -- make sure

1 that --

2 CHAIRPERSON BROWN: Not a loophole but -- yeah.

3 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON:

4 Exactly.

5 CHAIRPERSON BROWN: The pretzel thing. Tim's

6 pretzel.

7 Thank you, Debbie, for being here.

8 We do have one more speaker. And that's Bill

9 Magavern.

10 MR. MAGAVERN: Thanks. Bill Magavern with Sierra

11 Club California, here to support your adoption of this

12 framework. And I think this is really one of the most

13 important initiatives that this Board is engaged in.

14 As you know, diversion rates have gone up,

15 largely because of the efforts of this Board and the local

16 governments. But at the same time, we're landfilling just

17 as much trash as we were before. And I think a greater

18 percentage of that trash increasingly is coming from

19 products. And the manufacturers are really allowed to

20 just inflict those costs on the rest of us without any

21 consequence. And I think what you're doing now is the

22 beginning of a process to change that and have those

23 producers be responsible.

24 And I really agree with Debbie's comments. The

25 solutions need to be convenient and free for the consumer

1 or they're not going to work.

2 I like the idea of having the educational
3 workshop, as long as it doesn't slow down the process of
4 really acting on this framework, because clearly we need
5 action and it's got to take the form of legislation. And
6 as I think the Chair was alluding to just recently, we all
7 need to really make the Legislature a lot more aware of
8 this issue. And that's going to be a major effort. I
9 know, you know, nobody's kidding themselves about how
10 difficult it's going to be.

11 I was glad to hear there seems to be some
12 connection between this process and the green chemistry
13 process. I think too often even entities that are located
14 in this building proceed on their separate tracks. And I
15 really think there's a lot of -- a lot of overlap between
16 producer responsibility and green chemistry. And cradle
17 to cradle is one of the four goals of the green chemistry
18 process. I think that together there's a lot more
19 strength than if those were to proceed separately.

20 There's been some really good discussion of the
21 exemption language. What appeals to me about that
22 provision is that it would be I think a strong incentive
23 for the manufacturers, that if you design something so
24 well on the front end, that you actually would be, just by
25 doing that, taking care of your responsibility on the back

1 end.

2 But I do definitely share the cautions that you
3 don't want it to become a loophole, don't want to set the
4 bar too low and allow for green washing. But I know that
5 your intent would be to avoid that.

6 So I'm very happy to see this moving forward, and
7 I really think it's an opportunity for California to
8 provide a model for the rest of the country.

9 Thanks.

10 CHAIRPERSON BROWN: Thank you very much, Bill,
11 for your comments.

12 Any Board members, questions, comments?

13 COMMITTEE MEMBER MULÉ: Madam Chair, from a
14 process standpoint again, Howard, would you mind going
15 over that?

16 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: Sure.

17 COMMITTEE MEMBER MULÉ: Thank you. To make sure
18 we're all of the same thinking.

19 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON:

20 Here's what I will plan to do. Tomorrow we will
21 go ahead and make some additional revisions based on the
22 handout we did today. We will include that handout as
23 well as a new attachment, so that it's available for
24 everyone to see.

25 I think, given the review process, and then we'll

1 need to coordinate with Tracy, we would hope to publish --
2 have this published live on Friday if we could get
3 through -- get it all done tomorrow in terms of the
4 review. And then next week we would come back to you with
5 a very abbreviated presentation just to go over the
6 wording changes that we've made and see if there's any
7 additional changes that you wish to make, and seek your
8 consideration and then direction on the other activities.

9 CHAIRPERSON BROWN: That's it?

10 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: Does
11 that sound right?

12 CHAIRPERSON BROWN: Um-hmm. That's it?

13 Great.

14 Thank you all very, very much. Team EPR has done
15 a great job.

16 COMMITTEE MEMBER CHESBRO: Just to be absolutely
17 clear. This will be then an agenda item at the Board
18 meeting next week for consideration?

19 CHAIRPERSON BROWN: It will be on the agenda.

20 COMMITTEE MEMBER CHESBRO: For consideration?

21 CHAIRPERSON BROWN: Yeah, for consideration,
22 exactly.

23 Thank you, Howard.

24 SUSTAINABILITY PROGRAMS DIRECTOR LEVENSON: Thank
25 you. And thanks to staff.

1 CHAIRPERSON BROWN: And thank you, everybody in
2 the audience who was here to lend support and comment.

3 The next item on our agenda today is -- actually
4 if we could take a five-minute break, since it's 3:30.

5 We'll take a quick break and come back in five to
6 seven minutes for the rulemaking calendar.

7 (Thereupon a recess was taken.)

8 CHAIRPERSON BROWN: I think we need to recall the
9 roll, Kristen. We're going to reconvene this meeting
10 and -- or I can just note that everybody's present.

11 Everybody's present.

12 Elliot, you want to -- I think you're leading the
13 item.

14 CHIEF COUNSEL BLOCK: I am.

15 Thank you, Madam Chair. Elliot Block from the
16 Legal Office. And I'm here to present Agenda Item No. 13,
17 Consideration of the 2008 Rulemaking Calendar. I will be
18 brief, given the long day we've had already so far.

19 As many of you know, this is an annual
20 requirement for the Board and all state agencies to
21 prepare an annual rulemaking calendar. It's designed to
22 list the regulations that we are hoping to adopt over the
23 coming year.

24 The list that you have before you has been
25 compiled with the help of regulation coordinators

1 throughout the Board, who in turn have compiled it from
2 talking to their various staffs that they work with as to
3 what we see for the coming year.

4 Very briefly, the 2007 calendar, last year's
5 calendar, had 16 rulemaking packages on it, 12 of which
6 are being carried over. Three were approved last year.
7 One we are proposing to remove for the time being. And
8 those three -- those packages are listed on page 2 of the
9 agenda item. Excuse me.

10 The 2008 calendar, the proposed calendar before
11 you, has 19 rulemaking packages, which include 7
12 rulemaking packages that we're proposing to add to the
13 list. And those are listed on page 3 of the item.

14 Just briefly talking about the rulemaking
15 calendar. The Board is not bound by the projected dates
16 in the calendar. We may add new packages during the year
17 that were not reasonably anticipated. Emergency
18 regulations are not required to be listed if an emergency
19 happens during the coming year. And, in fact, we have in
20 the past added regulations where necessary.

21 This year we're doing something a little
22 different with this agenda item because one of the
23 strategic directives involves a regulation review by the
24 Board. So Ted and/or his staff are going to be talking to
25 you just briefly about the regulation review that they're

1 doing. But I wanted to take a moment and see if any of
2 you had any questions about particular items on the
3 rulemaking calendar. We do have staff here to answer
4 those. We could do that now or we could let Ted and his
5 staff go ahead and come back if you had any questions.

6 CHAIRPERSON BROWN: Anybody have any specific
7 questions before we go to the presentation?

8 COMMITTEE MEMBER CHESBRO: I have a general
9 question. And actually maybe the counsel's not the right
10 one to ask. Maybe I should hold that.

11 Well, let me ask it. And then if you want to
12 answer as part of the presentation, that would be fine.

13 I note that there's a schedule for each of the
14 proposals. But has -- I assume there's been a staff
15 analysis and it's assumed -- because I mean there's more
16 regulation packages that are proposed to be considered
17 this year than there were last year. Staff analysis says
18 that we can get all of this done, or would some of it --
19 would there be prioritizing would go on if there was a
20 sense that that was not the case?

21 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR

22 RAUH: This is Ted Rauh with the Waste Compliance and
23 Mitigation Program.

24 At least with respect to the regulations in
25 our -- in the program I'm responsible for, there will be

1 two prioritizations:

2 One, some of the regulation packages already
3 listed, the Board has already given direction that we
4 proceed or they're in response to legislative directives,
5 so those obviously have the highest priority.

6 The second is the 8.4 review. And we'll be
7 talking about that in a moment. But basically once that's
8 completed for the five packages, we'd be discussing with
9 you the priority for those based on the review that we
10 complete.

11 And then some of the items in the regulatory
12 calendar are really placeholders and they're there in the
13 event that something comes up during the year that you
14 find is a high priority or that we identify as a priority
15 and take to you for sort of a reprioritization --

16 COMMITTEE MEMBER CHESBRO: So your answer is it
17 depends?

18 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR
19 RAUH: It depends. I was -- you know, you got me there.
20 It depends.

21 Shall I go ahead with the 8.4 presentation at
22 this point?

23 What I'd like to do is just quickly summarize
24 that for you. And then we have Bobby Garcia here from
25 staff, who completed the review at this stage, and also

1 Mark de Bie, who can respond to any questions about the
2 specifics of the regulations. Howard Levenson is here of
3 course to answer any questions about those in his program
4 as well.

5 Eight point four requires that the Board look at
6 its regulatory program from the perspectives of: Is it up
7 to date? Are the latest technologies in a particular area
8 effectively being covered within the regulatory program?
9 Is the science -- or has the science improved in such a
10 fashion that the current regulatory structure is not
11 responsive to existing science? And, finally, markets --
12 whether the regulatory program might be in some way
13 affecting in a negative sense the markets that we're
14 trying to influence with our program.

15 In looking at the review we of course would find
16 a number of our regulations that might not stack up to
17 that particular set of criteria. So that was one of the
18 factors in our screening that led us to not choose those
19 to bring forward today.

20 We also found that some regulations are either in
21 the process of a regulatory program or just recently
22 completed one. So those became a lower priority as well.

23 And, finally, we took a look at the strategic
24 directives the Board has given staff and made sure that
25 those regulations that would directly relate to strategic

1 directives, for example, those that are working in the 6.0
2 area on organics, regulations that might affect our
3 ability to achieve that 50 percent reduction, certainly
4 would need to be those that were given consideration --
5 high consideration in the review.

6 As a result of that, with respect to the
7 regulatory programs I am responsible for, we came up with
8 five that we are proposing to complete the comprehensive
9 8.4 review for and then come forward to you with
10 recommendations for regulatory development.

11 Those five are:

12 Alternative daily cover. And as you know, the
13 sustainability program is also looking at alternative
14 daily cover policies, so it makes sense to work those two
15 efforts in a conjoined fashion so that we can implement
16 the policy through regulation as appropriate.

17 The second is composting for food waste. We see
18 an increase in that area. We want to make sure our
19 regulatory program is enhancing that capability and not
20 detracting from it.

21 The third area is in the composting area for
22 beneficial use as it relates to agriculture. We're
23 finding again here that there are examples where there's a
24 conflict between effective composting activity and
25 beneficial use. We want to make sure that's very clear in

1 everyone's mind from a regulatory standpoint.

2 The fourth area is also in composting. It has to
3 do with the tiered limitations and how they affect
4 agricultural composting and the ability to store and
5 appropriately compost -- is appropriate given the
6 seasonability factors and other factors in the agriculture
7 area.

8 And the fifth area is the three-part test. And,
9 again, we need to look at the science and the current
10 state of composting and/or other waste management
11 activities and making sure that the three-part test is
12 effective as a protector of both the environment and
13 public health.

14 So those are the five areas that we would be
15 suggesting we complete a more exhaustive 8.4 review on,
16 and then come back to you with specific proposals for
17 regulatory --

18 COMMITTEE MEMBER CHESBRO: Okay. So I asked the
19 broad question. Let me ask the specific question.

20 Where in the priorities do you -- have you
21 envisioned the adjustments -- potential adjustments to
22 the -- consideration of the adjustments to the composting
23 regs?

24 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR
25 RAUH: Well, at this point, with your approval today, we

1 would proceed with the full evaluation of all five of
2 these on a simultaneous basis, and then be coming back
3 with our findings as quickly as we can.

4 COMMITTEE MEMBER CHESBRO: Okay. Well, my point
5 of view would be to -- if it appeared we couldn't do it
6 all, to not allow those compost regs to get bogged down,
7 you know, to make sure that they're kept near the front of
8 the line. That's my own personal opinion about what we
9 ought to be prioritizing them.

10 CHAIRPERSON BROWN: So the more specific question
11 is, do you have the staff resources to do all five
12 simultaneously, or do you need to -- do you need the Board
13 to prioritize?

14 PERMITTING & LEA SUPPORT DIVISION CHIEF de BIE:
15 Mark de Bie to weigh in a little bit.

16 Just to be clear, what we're proposing is a list
17 of five priority items to review. Once the review is
18 done, then we'll determine which ones should be revised
19 relative to regulations. The review could say, hey, these
20 are solid and we don't need to touch them or there's just
21 a minor piece that needs to be addressed.

22 So we can't really open up a reg process and look
23 at the science and look at the market and look at the
24 technologies all in one. It would be way too complicated.

25 So our intent is to review them, as Ted said, as

1 a package. There's a lot of synergies between them, a lot
2 of studies that in one area will complement another area.
3 Get a good solid-based relative to science market impacts
4 and those sorts of things, and then potentially bring that
5 back then to the Board and say, "Based on this review,
6 here are the ones that we now want to open up a rulemaking
7 relative to."

8 CHAIRPERSON BROWN: Yeah. We missed the rough
9 timeline. About how long would it take for the review
10 phase? Do we know that yet?

11 PERMITTING & LEA SUPPORT DIVISION CHIEF de BIE:
12 The attachment relative to this is Attachment 2.
13 We're saying midyear.

14 CHAIRPERSON BROWN: Okay. Great. Thank you.
15 I think that answers everything.

16 Is that it?

17 WASTE COMPLIANCE & MITIGATION PROGRAM DIRECTOR
18 RAUH: That's sufficient.

19 CHAIRPERSON BROWN: Is that the whole ball of
20 wax? No wonder we've garnered such a huge audience
21 interest in this area.

22 (Laughter.)

23 CHAIRPERSON BROWN: The Georges -- I was
24 overwhelmed by the fact that the entire audience, George
25 and George -- anybody want to speak to any relevant

1 rulemaking item?

2 Fight on. I'll go with that one.

3 Do we need to adopt the resolution related to the
4 rule making calendar?

5 CHIEF COUNSEL BLOCK: Yes. We do have a
6 resolution that we'd be looking for the Committee to
7 recommend --

8 CHAIRPERSON BROWN: Any final comments, questions
9 from members of the Board?

10 Can I have a motion on 2008-13.

11 COMMITTEE MEMBER MULÉ: Madam Chair, I'd like to
12 move Resolution 2008-13.

13 COMMITTEE MEMBER PEACE: Second.

14 CHAIRPERSON BROWN: It's been moved by Member
15 Mulé and seconded by Member Piece.

16 Kristen, can you call the roll?

17 COMMITTEE SECRETARY GARNER: Chesbro?

18 COMMITTEE MEMBER CHESBRO: Aye.

19 COMMITTEE SECRETARY GARNER: Danzinger?

20 COMMITTEE MEMBER DANZINGER: Aye.

21 COMMITTEE SECRETARY GARNER: Mulé?

22 COMMITTEE MEMBER MULÉ: Aye.

23 COMMITTEE SECRETARY GARNER: Peace?

24 COMMITTEE MEMBER PEACE: Aye.

25 COMMITTEE SECRETARY GARNER: Petersen?

1 COMMITTEE MEMBER PETERSEN: Aye.

2 COMMITTEE SECRETARY GARNER: Brown?

3 CHAIRPERSON BROWN: Aye.

4 I think that exhausts the calendar for today.

5 Nothing said about the members.

6 Thank you all very much.

7 See you all next week.

8 (Thereupon the California Integrated Waste

9 Management Board, Strategic Policy Development

10 Committee meeting adjourned at 3:50 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Strategic Policy Development Committee meeting was
8 reported in shorthand by me, James F. Peters, a Certified
9 Shorthand Reporter of the State of California, and
10 thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 31st day of January, 2008.

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JAMES F. PETERS, CSR, RPR

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Certified Shorthand Reporter

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