

November 3, 2010

State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
ATTN: Ms. Jeanine Townsend, Clerk to the Board
Submitted via e-mail: commentletters@waterboards.ca.gov

Subject: Comment Letter – Policy for Controlling Trash in Waters of the State

Dear Ms. Townsend and Board Members:

On behalf of the California Product Stewardship Council (CPSC), I am writing to provide comments on the State Water Resources Control Board (State Water Board)'s proposed State Water Quality Control Policy for Controlling Trash in Waters of the State (Trash Policy).

CPSC is a California based non-profit comprised of businesses, local governments and their associations, individuals and others working with product manufacturers and partnering with them to encourage a stewardship approach to product management. Product stewardship is when the producer designs, funds, and operates collection and end-of-life management systems for their products or implements design changes to reduce the lifecycle impacts of that product or package.

The State Water Board has been tasked with an essential statewide role in preventing and controlling pollution and CPSC supports the development of a statewide trash policy. However, we are concerned that the current proposal misses the key issue of true source control which is the most cost-effective management tool. The following identifies CPSC's three primary comments and concerns with the proposed policy:

1. **Primary Focus Should be on True Source Control** - True trash source control is more cost-effective than building and maintaining trash control devices on every storm drain system. Working on true source control will also engage the people, organizations and corporations that are most essential for identifying and implementing creative and practical product design changes to reduce the trash water pollution problem. The old adage is true: an ounce of prevention is worth a pound of cure.

Example of True Source Control - SB 346 signed into law in September 2010 provides an example of true source control for the primary source of copper impairing water sources throughout the state. SB 346 requires brake pad manufacturers to reduce the use of copper to no more than 5 percent by 2021 and no more than 0.5 percent by 2025. A large percentage of copper pollution comes from brake pads therefore, the true source control is to reduce or eliminate the source of the copper. Instead of simply mandating it, the water pollution organizations collaborated with industry to identify a policy that all could agree on and SB 346 was a result of

those discussions. The same logic can be applied to other pollutants of the state's waters including trash.

2. **Accurate Data on Source and Composition of Trash** – CPSC believes it is the proper role of the State Water Board to sponsor research to better understand the litter problem leading to trash in the waters of California. This includes identifying what products are found in the water such as plastic bags, bottle caps, preproduction plastic pellets, takeout food containers, cigarette butts, beverage containers, etc... After having a clear understanding of what litter is in the water, the source of that litter must be determined to evaluate what can be done as true source control such as requiring the use of alternative, less polluting or biodegradable wrappers and containers, or implementing a product stewardship approach for product packaging as was outlined as a recommendation by the Ocean Protection Council (OPC) resolution adopted April 23, 2009.
3. **Extended Producer Responsibility (EPR)/Product Stewardship For Packaging** – Per the OPC recommendation to implement an EPR approach for packaging in California, the State Water Board needs to work in collaboration with CalRecycle and other appropriate state agencies to discuss the potential of statewide EPR packaging legislation that fully funds the end-of-life management of packaging and products that become ocean litter. The State Water Board in consultation with the other state agencies should initiate true trash source control by working with manufacturers and users of items that end up becoming sources of trash in the state's waterways. Such collaboration should identify alternatives for reducing priority litter and implement solutions that would be most effective at reducing litter at the source.

We hope that the State Water Board will take these comments into consideration. The State Water Board is at an important juncture on trash policy and CPSC encourages the state to look for a comprehensive and effective way to achieve true source control for trash by conducting the necessary research, collaborating with manufacturers and other stakeholders, and promoting projects and needed legislation to protect California's water quality. A true source control approach will also protect taxpayers and ratepayers from overly expensive and ineffective back-end "clean-up" approaches.

CPSC is ready to assist the State Water Board as it develops the policy to control trash in state waters as it relates to EPR for packaging and other products found in water. Please do not hesitate to call on our expertise as the policy is developed.

Sincerely,



Heidi Sanborn
Executive Director

Attachments:

Who is CPSC
Framework Principles for Product Stewardship Policy