

November 1, 2010

Jeff Woled, Regulations Coordinator, Regulations Section
Department of Toxic Substances Control
PO Box 806
Sacramento, CA 95812-0806
Submitted via e-mail: gcregs@dtsc.ca.gov

Subject: Comments on Proposed Rulemaking for Safer Consumer Product Alternatives

Dear Mr. Woled:

The California Product Stewardship Council (CPSC) appreciates the opportunity to comment on the latest draft of the proposed regulations for safer consumer product alternatives. These rules are the key to the success of the Green Chemistry Initiative conducted by Cal/EPA. We supported the passage of AB 1879 and SB 509 because they put into statute for the first time the authority for the executive branch scientists to protect Californians from harmful chemicals in consumer products by giving the authority for DTSC to require product take-back. Previously, DTSC only was able to ban products from disposal without providing any plan or sustainable funding source for its management at End-Of-Life (EOL). These “bans without plans” did not solve pollution problems but put unfunded mandates on local governments without the resources to respond.

CPSC commends DTSC for addressing many of our previous comments into this version of the draft regulations. However, we believe that just two important but very minor improvements are essential to making this an effective program. CPSC asks that the following two edits clarify the regulations:

End of life management requirements clarifications.

- a) Section 69306.4 (a)(2) (E) 2. should be revised to delete the phrase “for recycling” because some end of life management programs might not recycle all collected products:
“2. The amount of products recovered ~~for recycling~~ over the same two-year period, by total tonnage.”
- b) Section 69306.4(a)(7) should be revised to include DTSC established program performance measures:
“7. Program performance measures established by DTSC for:”

We appreciate your consideration of these edits in the next draft of the regulations.

Sincerely,



Heidi Sanborn, Executive Director