

February 25, 2011

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**Subject: CPSC Carpet Product Stewardship Rulemaking Comments**

To Whom It May Concern:

The California Product Stewardship Council (CPSC) appreciates the opportunity to comment on the draft regulations for carpet stewardship. CPSC commends CalRecycle staff because it is obvious that there was a lot of effort and thought put into writing such a solid first draft.

Most of our comments are related to the importance of protecting and emphasizing the waste hierarchy in AB 939 – PRC Section 40051(a): 1) Source reduction, 2) Recycling and Composting, 3) Environmentally safe transformation and environmentally safe land disposal, at the discretion of the city or county.

These are our comments and suggested changes:

- 1) Section 18943 (a)3(A): Reorder 1-5 to emphasize the hierarchy:
  1. Increase the recyclability of carpets
  2. Incentivize the market growth of secondary products made from post-consumer carpets
  3. Increase the reuse of post-consumer carpets
  4. Increase the recycling of post-consumer carpets
  5. Increase the diversion of post-consumer carpets from landfills
- 2) Section 18943 (a)3(E): Remove the word “optional.” Source reduction is not optional in the law and should be reported on in the stewardship plan.
- 3) Section 18943 (a)4(B): This section is allowing concurrent implementation of options in the waste hierarchy instead of ensuring the investment of time and money in source reduction first, then recycling, and if that doesn’t work, then disposal. We suggest rewording this paragraph to:  
“Management of carpet through source reduction and reuse first, then recycling. For carpet that cannot be source reduced, reused or recycled, only then can carpet be directed to the options of alternative fuel, Waste-to-Energy, or incineration.”
- 4) Section 18943 (a)4(D): Amend the sentence to read: “Description of how each consumer that pays a carpet stewardship assessment, including those in rural areas, have access to a convenient

way to properly manage their post-consumer carpet.” We must ensure all of California’s residents who buy carpet and pay the fee have convenient access to the carpet management system.

- 5) Section 18943 (a)10(D): Add to the list of stakeholders “relevant non-government organizations, product stewardship organizations, and demolition or other contractors.”
- 6) Section 18944 (a)4(A): Add to this sentence that the stewardship program description shall include reporting on the “throughput and capacity of recycling facilities located in California.”
- 7) Section 18944 (a)5(A)4: Add to this sentence “source reduction” to read “Disposition, that is, amounts source reduced, reused, recycled, incinerated for energy recovery or disposed of in a landfill.”
- 8) Section 18944 (a)5(A): Reorder so that #7 becomes #5 and then reorder #6 to become #7. This is to again promote the waste hierarchy so increasing the recyclability of carpet is first before recycling and diversion.
- 9) Section 18944 (a)5(B)4: Add the words “and meaningful” to read: “Report demonstrates continuous and meaningful improvement toward achievement of goals.” This is to reiterate the language of AB 2397.
- 10) Section 18944 (a)5(B)6: Market Development. This section starts by stating “After four years of program implementation and annually thereafter, the manufacturer or stewardship organization shall include a description of possible market development activities to incentivize the market growth of secondary products made from post-consumer carpet.” We are unsure why this starts with “after four years of program implementation” and would like it to read “Every annual report submitted by the manufacturer or stewardship organization shall include a description of possible market development activities.”

Lastly, CPSC also agrees with the comments raised by Edgar & Associates at the carpet regulations hearing on February 22<sup>nd</sup> that it is critical to haulers and others who will be required to sort carpet that the carpet is labeled on the back by material type. We also concur with the comments on the importance of recycling carpet in California as a way to meet AB 32 goals to reduce green house gas emissions.

Thank you again for the opportunity to comment and considering our views.

Sincerely,



Heidi Sanborn, Executive Director