

January 23, 2012

Debbie Raphael, Director  
Department of Toxic Substances Control  
1001 I Street  
Sacramento, CA 95814-2828

**Subject: Comments on Green Chemistry Regulations and Take It Back Program Status**

Dear Director Raphael:

I am writing to provide input on the Department of Toxic Substances Control's (DTSC) Take it Back (TIB) Program to you in your new role as Director of DTSC, and, in particular, how Californians can benefit from the lessons provided by this voluntary program. We feel that the results of the TIB program make the case to have strong Extended Producer Responsibility authority maintained in the Green Chemistry Regulations.

I know you are familiar with the California Product Stewardship Council (CPSC) but as general background, 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. CPSC has supported the adoption of [125 local government resolutions](#) in support of product stewardship and is the leader in California education and outreach efforts on Extended Producer Responsibility (EPR). A complete [listing of our partners is attached](#).

The TIB program was developed in 2006 to help increase the visibility of new locations collecting universal waste in California and to encourage voluntary collection of universal waste by business and other entities in addition to local government. A website was created at CalRecycle <http://www.calrecycle.ca.gov/HomeHazWaste/Collection/Intake.asp> with a form for businesses who wanted to sign up to accept universal waste, which helped populate the "Electronic Products Management Directory" database at this website. While CalRecycle hosted the site, DTSC was to verify the information provided by businesses and send it to CalRecycle for inclusion in the database.

However, we and others have found that DTSC has not effectively verified or updated the location information submitted by businesses and, as a result, CalRecycle decided not to maintain the site's link to the TIB Program. It also seems that there is no activity with this partnership on DTSC's end, while some entities are still using the TIB logo. We have experienced this first-hand as we have tried to get information from DTSC staff on how to use the program to promote our battery and lamp collection projects in Del Norte County, San Gabriel Valley in Los Angeles, and Napa County.

Given that the DTSC website <http://www.dtsc.ca.gov/TIB/index.cfm> has a bad link for this program, and that DTSC staff are unable to answer questions about the program and who is responsible for it, we respectfully suggest that if the TIB network is no longer actively maintained, the program description be removed from the DTSC website.

We also request that DTSC work with CalRecycle staff to develop a final report outlining the goals and costs to setup and manage this voluntary take-back program, the results from the program in terms of new universal waste collection locations in California and public education to support them, and lessons learned from this program so the entire state can benefit from the program's experience.

As supporters of EPR, we are very grateful to the state for establishing a voluntary take-back program for universal waste and know that the results will provide solid data to use in determining what the cost/benefits are for future programs be they voluntary or mandatory. We need to summarize and publicize the findings of this publicly funded program so all stakeholders can benefit from the program results. **We also believe the findings will support the EPR portion of the Green Chemistry regulations and the need for a mandatory approach to take-back for some product types.**

Which leads us to our second issue; comments on the Green Chemistry regulations.

CPSC has met with the two previous directors of DTSC a total of four times to express our interest in preserving DTSC's authority to require a meaningful producer responsibility collection program for products banned from disposal. We have sent four letters dating back to July 2009 on our concerns and testified at hearings on subject, yet many of our comments are still not addressed in the latest version of the Informal Draft Regulations dated October 31, 2012.

The following are our key issues with the current draft regulations:

- 1) Section 69506.4 (a) (2) - Providing two years for the products to develop and implement a product stewardship program is too long and we recommend that be reduced to one year.
- 2) Section 69506.4 (a)(2)(A)(7) – Currently reads that the producers will outline their program performance measures but in a true EPR program the government sets the performance goals and the producers state how they will meet those goals.
- 3) Section 69506.4 (a)(2)(D). The current language required a report by the producers on the program only every two years, and typically, they are required annually and called “annual reports”. We believe it is reasonable and necessary to require annual reports as is required all over the world in EPR systems, especially for toxic products banned from disposal.
- 4) Section 69506.4 (a)(2)(D)(2)(d) – This section should be removed. There is not a single instance in the world that we are aware of that when a company that makes and distributes a product into the chain of commerce has no possibility of recovering it. That assumes that local governments and others could not possibly recover that product either which means that toxic products that cannot find safer substitutes are being sold knowing they will result in pollution.

I am happy to discuss any of these comments with you and we are very glad that EPR is a part of the green chemistry regulations in light of all the industry opposition even though the same companies operate in these systems all over the world. We are well aware of the many challenges in developing these regulations and greatly appreciate the efforts of the department to complete them in 2012. Thank you very much for your consideration.

Sincerely,



Heidi Sanborn, Executive Director



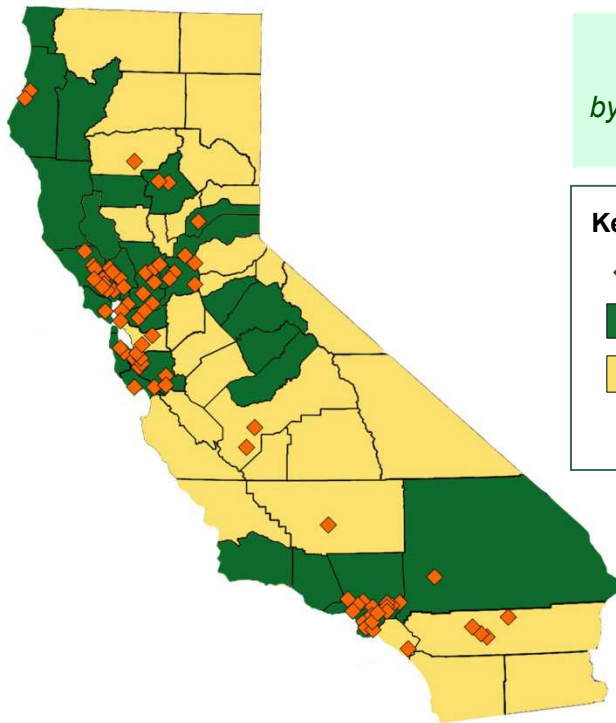
## Who is CPSC?

The California Product Stewardship Council (CPSC) is a coalition of local governments and their associations related to solid waste, recycling, resource conservation, environmental protection, water quality, and other cross-media issues (Associates).

In Partnership with non-government organizations (NGOs), businesses, and individuals (Partners) across California, CPSC has created a powerful network of people supporting product stewardship and extended producer responsibility (EPR).




## CPSC Associates

### Map of CPSC Associated Counties and Cities with EPR Resolutions



**As of October 24, 2011**  
**122 resolutions have been passed**  
by California local jurisdictions and organizations supporting product stewardship!

#### Key to Map:

-  City has passed an EPR resolution
-  County has individually passed an EPR resolution
-  County is a member of an association<sup>1</sup> that has passed an EPR resolution or policy statement, but has not individually passed an EPR resolution

<sup>1</sup> California State Association of Counties (CSAC) or Regional Council of Rural Counties' Environmental Services Joint Powers Authority (ESJPA)

## Local Government Agencies Participating by Pledge, Resolution or Funding

### 35 Counties: Board of Supervisors or Countywide Agencies

- |                |               |                  |            |
|----------------|---------------|------------------|------------|
| • Alameda*     | • Lake        | • Sacramento     | • Sonoma   |
| • Amador*      | • Los Angeles | • San Bernardino | • Tehama   |
| • Butte        | • Madera      | • San Diego*     | • Trinity  |
| • Calaveras    | • Marin*      | • San Francisco  | • Tuolumne |
| • Contra Costa | • Mariposa    | • San Joaquin*   | • Ventura  |
| • Del Norte*   | • Mendocino*  | • San Mateo      | • Yolo     |
| • Glenn        | • Monterey*   | • Santa Barbara* |            |
| • Humboldt     | • Napa        | • Santa Clara    |            |
| • Kern*        | • Nevada      | • Santa Cruz     |            |
|                | • Placer      | • Solano         |            |

\* Countywide agency other than Board of Supervisors

## 96 City & Town Councils

- Albany
- Amador City
- Apple Valley
- Arcata
- Arvin
- Belmont
- Burbank
- Calabasas
- Calistoga
- Carson
- Chico
- Chula Vista
- Claremont
- Cloverdale
- Corning
- Cotati
- Covina
- Cupertino
- Davis
- Diamond Bar
- Dixon
- Duarte
- Dublin
- El Cerrito
- Elk Grove
- Eureka
- Fairfield
- Folsom
- Fort Bragg
- Fortuna
- Fresno
- Glendale
- Healdsburg
- Hillsborough
- Huntington Park
- Indian Wells
- Larkspur
- La Puente
- La Quinta
- La Verne
- Lemon Grove
- Lincoln
- Los Altos Hills
- Los Angeles
- Los Gatos
- Lynwood
- Millbrae
- Monrovia
- Monte Sereno
- Morgan Hill
- Mountain View
- Napa
- Nevada City
- Oakland
- Palm Desert
- Palm Springs
- Palo Alto
- Paradise
- Pasadena
- Petaluma
- Pittsburg
- Rio Vista
- Rohnert Park
- Rosemead
- Roseville
- Sacramento
- San Dimas
- San Joaquin
- San Jose
- San Juan Capistrano
- Santa Clara
- Santa Cruz
- Santa Monica
- Santa Rosa
- Sebastopol
- Sierra Madre
- Signal Hill
- Sonoma
- South Gate
- St. Helena
- Stockton
- Sunnyvale
- Thousand Oaks
- Torrance
- Union City
- Vacaville
- Vallejo
- Ventura
- Vernon
- Walnut Creek
- West Hollywood
- West Sacramento
- Windsor
- Winters
- Woodland
- Yountville

## 36 Local Government Associations

- Association of Bay Area Governments (ABAG)
  - Bay Area Hazardous Waste Management Facility Allocation Committee
  - San Francisco Estuary Project
- Bay Area Clean Water Agencies
- Bay Area Stormwater Mgmt. Agencies
- California Council of Directors of Environmental Health (CCDEH)
- California State Association of Counties
- California Stormwater Quality Association
- Central Contra Costa County Solid Waste Authority
- Central Contra Costa Sanitation District
- Coachella Valley Association of Governments
- Contra Costa Clean Water Program
- Delta Diablo Sanitation District
- East Bay Municipal Utility District
- Fresno Council of Governments
- League of California Cities
- Los Angeles County Integrated Waste Mgmt. Task Force
- Mojave Desert and Mountain Recycling Authority
- Napa County Upper Valley Waste Mgmt. Agency
- Rural Counties' Environmental Services JPA (ESJPA)
- Sacramento Business Environmental Resource Center
- Sacramento County Dept. of Waste Mgmt. and Recycling
- Sacramento County Dept. of Water Resources
- Sacramento County Stormwater Quality Program
- Sacramento Regional County Sanitation District
- San Gabriel Valley Council of Governments
- Santa Clara County Recycling and Waste Reduction Commission
- Santa Clara Valley, CLEAN South Bay
- Santa Clara Valley Urban Runoff Pollution Prevention Program
- Santa Clara Valley Water District
- South Bayside Waste Management Authority
- Southern California Association of Governments
- Solid Waste Association of North America (SWANA)
- Tamalpais Community Services District
- West Contra Costa Integrated Waste Mgmt. Authority
- Western Placer Waste Mgmt. Authority
- West Valley Clean Water (Campbell, Los Gatos, Monte Sereno, Saratoga)

**CPSC Business Partners**



**Platinum Partners**  
\$10,000 or more

- Recology
- Republic Services



**Gold Partners**  
\$5,000 - \$9,999

- California Resource Recovery Association
- Product Policy Institute



**Silver Partners**  
\$2,500 - \$4,999

- Amazon Environmental, Inc.
- CalRecycle\*
- F&H Office Systems
- Marin Sanitary Service
- Nortech Waste LLC
- Waste Management Inc.



**Bronze Partners**  
\$500 - \$2,499

- Acrylatex Coatings and Paint
- California Paint Recycling, Inc.
- California Waste Solutions
- Clean Harbors Environmental Services, Inc.
- Ecology Action
- Johnson's Environmental Products
- Peninsula Packaging Company
- PerfPower Corporation
- PSC Environmental Services
- Rinauro Consulting
- SEI Solid Waste
- Visions Paint Recycling, Inc.
- Zanker Disposal and Recycling



\* CalRecycle has not signed the CPSC Pledge, since this would be inappropriate for a State agency, but is a partner of CPSC.



## Green Partners

### \$1 - \$499

- Business Waste Mgmt. Consulting
- Edgar & Associates
- I2I Innovation To Industry
- MKM Environmental
- Pinerworks Architecture & Building Group
- Sierra Club - Solano
- SLV Recycling Redemption Centers
- TDC Environmental
- The Carpet Recyclers

## Supporters

- A Green Plan
- Abbey Flooring
- Aces Waste Services
- Ag Plastics & Innovations
- Allied Waste, Daly City
- B&J Towing
- Buda\*Star
- Burbank Green Alliance
- BuyGreen
- California Dream Week
- California Resource Connections Inc.
- Capital Ideas Development Corp., Inc.
- Capitol City Automotive, Inc.
- Center for Environmental Health
- Clean Water Action
- Concord Disposal Service
- Condor Earth Technologies
- CR&R Waste and Recycling Services
- Davis Farmer's Market
- Discovery Bay Disposal Service
- Ecology Center
- EcoMom Alliance
- Eco-Stream Sustainability Consulting
- Electronics Take Back Coalition
- Environmental Alternatives Consulting
- Environmental Defense Fund
- Environmental Innovations
- Executive Communications
- Folsom EcoHousing
- General Environmental Management, Inc.
- Gill's Onions
- Going Green Radio Program
- Good News Reuse
- Grassroots Recycling Network
- Greenleaf Project Management
- Green Party of Los Angeles County
- Green Purchasing Institute
- Green Sangha
- GreenWaste Recovery, Inc.
- Hollinger & Associates, Inc.
- Interagan Technology Group
- Jason Grant Consulting
- Kaiser Chemical Dependency
- Keep California Beautiful
- L2 Environmental
- Leadership Institute for Ecology & the Economy
- Long Beach Coalition for a Safe Environment
- Main Street Moms
- Mediaplanet
- Mt. Diablo Recycling
- Napa Recycling & Waste Services
- NBI Sustainable Work Environments
- NewLevel Group, LLC
- North Bay Corp./Redwood Empire Disposal
- Northern Recycling & Waste Services
- Oakley Disposal Service
- Pacific Ag Commodities Corporation
- Pacific Recycling Solutions
- Pegasus Building Services
- Pena's Disposal Incorporated
- Pittsburg Disposal Service
- Plastic Pollution Coalition
- Reel Green Media
- Remediation Earth
- Rent-A-Green Box
- Reusable Packaging Association
- Reuse Alliance, California Chapter
- ReUse Arizona
- Reverse Logistics Association
- Rick Mauck and Associates
- Rio Vista Sanitation Service
- S. Groner Associates (SGA)
- San Diego Convention & Visitors Bureau
- Science for Environmental Excellence Dedicated to Sustainability (SEEDS)
- Sempiterno Solutions LLC
- Sierra Club - Bay Area
- Sierra Club - Canada
- Sierra Club - Napa
- Sierra Club - Zero Waste Committee
- Sierra Cost Management
- Silicon Valley Toxics Coalition
- Special Waste Associates
- State Agency Recycling Coordinator's Comm
- Supply Brothers, Inc.
- Sustain LA
- Sustainable Napa County
- Sustainable San Rafael
- Takayama Consulting
- Teleosis Institute
- TerraCycle
- The Altum Group
- The Future 500
- The JBC Groups, LLC
- The Watershed Project
- Total Recycling Associates
- Waste Management of Orange County
- YCC International
- Yuba Environmental Science Charter Academy