

September 8, 2011

Department of Resources Recycling and Recovery
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Subject: CPSC Comments on Proposed Paint Product Stewardship Regulation

To Whom It May Concern:

The California Product Stewardship Council (CPSC) appreciates the opportunity to comment on the proposed regulations for paint stewardship which are intended to implement AB 1343, now in statute.

We previously provided oral comments at the workshop March 10, 2011 on the draft regulations. We stated that overall, we were very pleased with the regulations and made three suggested changes to add haulers to the list of stakeholders, edits to the market development section, and discussion of container management, and all of those suggestions have been incorporated to our satisfaction. Therefore, we wish to simply thank the CalRecycle staff for accepting those recommendations and also for starting with an informal comment period to allow more time for all the stakeholders to provide input.

We also want to reiterate one point made in our original comments relating to Section 18953 (a)5(D): CPSC supports the Regional Council of Rural Counties (RCRC) in ensuring that all consumers that pay a fee have access to recycle their paint. The current language does meet that test and we will defer to RCRC if there are any proposed changes to the existing language as to what meets their needs.

After reviewing the comment letters submitted by other stakeholders, we wish to make two additional comments:

1. We support the retailers in their comments regarding elimination of any duplicative reporting and that penalties need not be increased beyond those outlined in the legislation.
2. There were several comments made by other stakeholders that the regulations had gone beyond CalRecycle's legal authority and were overly burdensome and costly to implement. CPSC generally supports streamlined rules that are clear and meet the intent of the law while still providing enough clarity to ensure the ability to enforce the rules. Many of the comments are legal questions, therefore, we defer to the legal staff and their opinion as to what level of detail is needed and understand if certain sections of the regulations must be amended or removed.

Lastly, it is important to recognize that this is the first time CalRecycle staff and the California stakeholders have developed a regulations package to implement producer responsibility legislation. California is only the second state to pass paint stewardship legislation and we look forward to working with all the stakeholders to ensure it works. California needs solutions to its waste problems and the cost of paint management is higher than almost any other product because of the volume. We know it is

not a perfect Extended Producer Responsibility model, but it will provide great financial relief to local governments and ensure that millions more gallons of paint are recycled each year. We hope everyone works together to ensure the program starts on time July 1, 2012.

Thank you again for the opportunity to comment.

Sincerely,



Heidi Sanborn, Executive Director