



California Integrated Waste Management Board



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July 21, 2005

Patrick T. Brewer
Director, Government Affairs
Lexmark International, Inc.
740 West New Circle Road
Lexington, Kentucky 40550

Dear Mr. Brewer:

Thank you for your response to our letter dated May 23, 2005, regarding an effort by the California Integrated Waste Management Board (CIWMB) and the Department of General Services (DGS) to establish an environmentally preferable product (EPP) standard for printer and duplication cartridges. Your comments and suggestions were informative and helpful. In your letter dated June 27, 2005, you offered a number of suggestions and posed several questions. In an effort to continue our dialogue, I have the following responses.

I. Objective of the Effort

The objective of the effort is to establish an EPP printer cartridge standard using the four benchmarks offered in our letter to the Interested Parties dated May 23, 2005, as a basis for determining an EPP cartridge. Within the context of these four benchmarks, it is envisioned that an EPP designated printer cartridge would be assembled in a manner that would be protective of human health and the environment and ease pressure on disposal options. This can be achieved any number of ways including by reducing air and water emissions and lowering product toxicity, being energy efficient and using recycled content material, remanufacturing for reuse and having a "material take back system". Hopefully, this can be accomplished by using an environmental management system based on ISO 14001.

II. The Effect of EPP Designation

As stated in our letter to the Interested Parties dated May 23, 2005, "the CIWMB and DGS have joined forces with other state agencies to form the EPP Task Force. Through the work of the EPP Task Force, the State is beginning to increase its purchases of EPPs due to the many benefits such purchases offer." The effect of EPP designation would be to allow state and local agencies to easily identify and purchase such products in preference to products not designated as EPPs.

California Environmental Protection Agency

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III. Workshop

It is our intention to schedule conference calls and/or workshops at any time during this process as needed. To-date most of our respondents have not requested such workshops, however, we will review future requests for workshops and schedule them accordingly.

IV. The Scope of the EPP Standard

We agree that the scope of the standard should include those products that California state or local agencies purchase on contract. Currently, these products include printer and duplication cartridges, such as toner and inkjet cartridges. These cartridges consist of both black and colored cartridges. Since the focus of this standard is on the cartridge's container and not on the cartridge's content, and the containers within each duplication and printer category, i.e., toner and inkjet appear similar, therefore, we feel that the scope of the standard should contain both black and colored cartridges for toner and inkjet printers.

V. California Public Contract Code Benchmarks

We feel that it is within the Board's authority to define an EPP print cartridge. However, we will seek legal advice in this matter.

The four benchmarks, offered in our letter to the Interested Parties dated May 23, 2005, "provide an easy and effective benchmark to readily identify EPP cartridges." We realize that these benchmarks will need further definition and clarification. To this end we agree to adopt the definition of "Recycled product", "Postconsumer material", and "Secondary material" contained in Section 12200 of the California Public Contract Code (PCC). Therefore, the language of the benchmark labeled 2 of our letter to the Interested Parties dated May 23, 2005, will be revised accordingly. PCC Section 12200 defines "Recycled product", "Postconsumer material", and "Secondary material" in the following manner:

"Recycled product" means all materials, goods, and supplies, no less than 50 percent of the total weight of which consists of secondary and postconsumer material with not less than 10 percent of its total weight consisting of postconsumer material. A recycled product shall include any product that could have been disposed of as solid waste having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of its form.

"Postconsumer material" means a finished material that would have been disposed of as a solid waste, having completed its life cycle as a consumer item, and does not include manufacturing wastes.

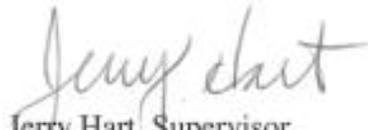
"Secondary material" means fragments of finished products or finished products of a manufacturing process that has converted a resource into a commodity of real economic value, and includes postconsumer material, but does not include excess virgin resources of the manufacturing process.

With respect to your suggestions regarding the PCC Section 12156 referenced in benchmarks labeled 1, 3 and 4 of our letter to the Interested Parties dated May 23, 2005, we feel that these benchmarks serve as a basis for determining an EPP cartridge and would require legislation to change and is therefore beyond the scope of this effort. However, we realize that these benchmarks will need further clarification.

I would like to thank you again for responding to our letter with helpful comments and suggestions. I look forward to continuing our dialogue and working together towards establishing an environmentally preferable standard for printer cartridges.

If you have any questions or comments, please contact Mr. Fareed Ferhut at fferhut@ciwmb.ca.gov or (916) 341-6482.

Sincerely,



Jerry Hart, Supervisor
Buy Recycled Section

Cc: Patty Wohl, CIWMB
Bill Orr, CIWMB
Fareed Ferhut, CIWMB

