
From: Kimbra Andrews [kandrews@sjgov.org]
Sent: Monday, April 30, 2012 11:52 AM
To: Paint Product Stewardship
Cc: Heidi Sanborn (heidi@CalPSC.org); 'Donna Sneeringer' (donna@calpsc.org)
Subject: CPSC comments on Paint Regulations
Attachments: 2012_04_30 CPSC Paint Regulations comments.pdf

Good morning,

Please see attached letter from CPSC regarding the April 13, 2012 Paint Stewardship Regulations.

Thank you,

Kimbra Andrews

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April 30, 2012

Attention: Cynthia Dunn
Materials Management and Local Assistance Division
Department of Resources Recycling and Recovery (CalRecycle)
PO Box 4025
Sacramento, CA 95812-4025
paint@calrecycle.ca.gov

Subject: CPSC Comments on April 13, 2012 Paint Stewardship Regulations

Dear Ms. Dunn:

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

We previously provided oral comments, have attended every hearing and submitted comment letters on earlier draft regulations. We have consistently stated that it is imperative for all consumers who pay the fee to have access to recycle their paint. We also stated that CPSC supports streamlined rules that are clear and meet the intent of the law, while still providing enough clarity to ensure the ability of CalRecycle to enforce the rules.

While CPSC supports the regulations as currently drafted, we have two primary concerns:

1. We are concerned the language in Paragraph F of Subdivision 18953 (a)(3) does not hold true to the intent of the statute which specifies that any retailer may voluntarily participate as a paint collection point. As drafted, the proposed regulations may inadvertently set up a situation where some retailers gain a competitive advantage over others if PaintCare has license to limit retail collection points based on their location, as described in the proposed service level methodology in the Stewardship Plan. In our experience with pilot projects, it is clear that retailers offering paint collection gain an edge over their competitors by providing this added service. For example, if two retailers are located in the same service area and they both wish to provide paint take-back service, only one retailer may be allowed to serve as a collection point "pursuant to the paint stewardship program." The other retailer will have a competitive disadvantage, as it will not be allowed to provide the same collection service for its customers. Every retailer who sells paint must collect the fee to fund the paint stewardship program, therefore we believe every retailer must be given the equal opportunity to participate as a collection point.
2. Collaboration and coordination among PaintCare and municipal HHW collection programs are critical to a successful program. Section 18954 lacks specific details in the report to ensure effective coordination, such as specifying the location of each type of collection point (i.e., temporary events, permanent facilities, retail, etc.), and identifying each HHW Program and retailer that PaintCare coordinated with during the reporting period.

CPSC will continue to follow this program through implementation and for its duration to ensure it meets the expectations of our local governments and partners. This program will provide significant financial relief to local governments and ensure that millions more gallons of paint are recycled each year. We look forward to working with PaintCare and all the stakeholders to ensure successful program implementation.

We also want to thank CalRecycle staff and Executive Staff for working so hard to draft regulations that meet the needs of so many stakeholders, to ensure we have a successful paint stewardship program in California. We hope everyone works together to ensure the program starts as soon as possible.

Thank you again for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Kimbra Andrews". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kimbra Andrews, CPSC Board Secretary