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**From:** Mary Pitto [mpitto@rcrcnet.org]  
**Sent:** Thursday, December 22, 2011 10:55 AM  
**To:** Paint Product Stewardship  
**Cc:** Mortensen, Carol; 'Howard.Levinson@calrecycle.gov'; Smyth, Brenda  
**Subject:** Proposed Regulation for the Architectural Paint Recovery  
**Attachments:** 122211.ltr.regs.paint.EPR.docx

Cynthia,

Pleased find attached, the ESJPA's comments on the Proposed Regulation for the Architectural Paint Recovery Program. I would like to thank you and all the CalRecycle staff for your work on this regulation. We look forward to a successful program!

Happy Holidays,

*Mary Pitto*

Regulatory Affairs Advocate  
Regional Council of Rural Counties  
(916) 447-4806

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**PROGRAM MANAGER** – MARY PITTO

December 22, 2011

Cynthia Dunn  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025

RE: Comments on Proposed Regulation for Architectural Paint Recovery Program

Dear Ms. Dunn:

On behalf of our twenty-two member counties, the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) would like to express our appreciation to the Department of Resources Recycling and Recovery (CalRecycle) for their efforts to develop regulations for product stewardship for Architectural Paint Recovery.

CalRecycle has proposed extensive revisions to the product stewardship plans to accommodate paint industry concerns. The ESJPA does not object to the changes with the exception of the removal of the requirement for collection points located in "each county." We believe failure to include the "each county" requirement sends a message that product stewardship is limited to only convenient options rather than a convenience for all participants and removal of this provision is not warranted.

However, that being said, the ESJPA members have appreciated PaintCare's extensive outreach efforts to date to discuss the proposed program with rural jurisdictions. There is an existing infrastructure within each California County that can continue to be used for paint collection and additional opportunities for new retail or other locations established. There have been no indications in our discussions with PaintCare that each county would not be provided some paint collection service.

Each California County has developed a Household Hazardous Waste Collection (HHW) program to fulfill the jurisdiction's requirements under the California Integrated Waste Management Act's, Household Hazardous Waste Element that can serve as a basis for paint collection sites. Fifty of California's 58 counties have either permanent HHW collection facilities or monthly availability for collection of HHW. The remaining counties have periodic collection events for all types of HHW, as well as ongoing locations for used oil or other recyclable hazardous wastes like latex paint. Retail outlets or solid waste facilities can also serve as collection sites. Establishment of a paint collection center would also provide those remaining counties with a basis for a more frequent HHW collection program for other hazardous wastes.

Assemblyman Huffman, the author of this legislation, indicated in an April 12, 2011 letter to CalRecycle that although manufacturers are not obligated to use existing HHW programs, the adopted infrastructure should be at least as convenient as local HHW programs. The letter also indicates that “there should be no expectation in the plan or funding demonstration that local governments/rate payers will continue to subsidize the collection of postconsumer paint.” The letter concluded the success of the program “will require that generators of used paint have convenient opportunities to recycle” and that “manufacturers can demonstrate to the Department stewardship plans with a sufficient level of collectors to meet the purposes of this chapter”. These statements clearly imply the expectation of a convenient program to all California paint consumers.

We realize the statute does not contain language to specifically require convenient opportunities in “each county” and the current proposed regulatory language requires a “description of how each consumer of architectural paint in California will have an opportunity to recycle and properly manage their unwanted architectural paint on a state-wide basis”, which includes all Californians.

We are committed and look forward to continue to work with CalRecycle staff, PaintCare, and our member counties throughout the implementation of these regulations and the Architectural Paint Recovery Program to ensure success of the program and convenient locations serve all areas of the state, particularly in each of our rural counties.

The ESJPA would like to express our support for the proposed regulatory package and gratitude to all the CalRecycle staff for their continued efforts to understand and address the rural county concerns. Thank you for your continued consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Pitto". The signature is fluid and cursive, with the first name "Mary" written in a larger, more prominent script than the last name "Pitto".

Mary Pitto  
ESJPA Program Manager

cc: ESJPA Board of Directors  
RCRC Board of Directors  
Caroll Mortensen, Director, CalRecycle  
Howard Levinson, Deputy Director, CalRecycle  
Brenda Smyth, Branch Chief, CalRecycle