



**THE #1 CHOICE OF
PAINTING PROFESSIONALS®**

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October 25, 2011

Ms. Cynthia Dunn
Materials Management and Local Assistance Division
California Department of Resources, Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95814-4025

**RE: REVISED PROPOSED REGULATIONS FOR THE CALIFORNIA
ARCHITECTURAL PAINT RECOVERY PROGRAM**

Dear Ms. Dunn:

Dunn-Edwards Corporation is a California-based manufacturer and distributor of architectural coatings, serving the Southwestern United States. Our Main Office & Factory Complex, as well as a majority of our retail outlets, are located in California, where we provide good jobs for more than 1,300 people directly and contribute indirectly to the livelihoods of thousands more professional painting contractors and maintenance staff painters. Dunn-Edwards paint and coatings are frequently specified for use on public buildings, including federal, state, county and municipal facilities, in addition to residential, commercial, institutional and industrial structures of all kinds. Dunn-Edwards is one of the few paint companies to offer a recycled latex paint product, our RECOVER brand.

This letter is to provide our comments on the revised draft proposed regulations for the architectural paint recovery program to be established pursuant to AB 1343. Dunn-Edwards supported AB 1343, and is committed to actively participating in the California paint stewardship program that will be implemented by PaintCare, which is currently operating the successful Oregon paint stewardship program.

Although Dunn-Edwards does not distribute paint in Oregon, we have been involved with the program there because I have been an active participant in the national Paint Product Stewardship Initiative and Karl Altergott, president of Dunn-Edwards, sits on the Board of Directors of PaintCare. We believe that the success of the Oregon program – and the future success of the California program – depends on operating as efficiently as possible, keeping costs and administrative burdens to the absolute minimum that is consistent with fully achieving program goals.

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Unfortunately, the revised proposed regulations as currently drafted would impede, rather than facilitate, program efficiency. Especially troubling is that the draft regulations exceed, by a wide margin, the scope of authority granted to the Department under the plain language and clear legislative intent of AB 1343. This was the case with the first draft regulations, and the current revisions not only fail to correct the defects of the first draft but add more elements that were either not contemplated in the legislation or were contemplated and specifically rejected. It appears that CalRecycle is using this rulemaking as an opportunity to incorporate features of its EPR policy into the paint recovery program – as it attempted and failed to do during the legislative process.

Dunn-Edwards strongly supports the analyses and recommendations submitted by and on behalf of both PaintCare and the American Coatings Association with respect to the revised draft regulations, and also with respect to the first draft regulations since the core issues identified earlier have not been addressed or resolved in the revised draft regulations. We urge the Department to further revise the draft regulations as currently and previously suggested to remove unnecessary, costly, burdensome, and excessively punitive components.

Thank you for your consideration of our comments, and the comments submitted by PaintCare and the American Coatings Association. We look forward to working with the Department on improving the draft regulations and launching a successful paint stewardship program to benefit the citizens and environment of California.

If you have any questions concerning this letter, or need more information, please feel free to call me at (323) 826-2663.

Very truly yours,

DUNN-EDWARDS CORPORATION



Robert Wendoll
Director of Environmental Affairs

Cc: Karl Altergott
Alison Keane
Marjeneh Zarrehparvar