
From: Robert Wendoll [Robert.Wendoll@DunnEdwards.com]
Sent: Wednesday, December 21, 2011 11:19 AM
To: Paint Product Stewardship
Cc: Karl Altergott; Dunn, Cynthia; Alison Keane; Marjaneh Zarrehparvar
Subject: Revised Draft Proposed Regulations for Architectural Paint Recovery Program
Attachments: DE Letter re CA Paint Recovery Program Regulations3.doc

Please find attached the comment letter of Dunn-Edwards Corporation.

Regards,

RWendoll

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Robert Wendoll | Director of Environmental Affairs

Dunn-Edwards Corporation

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December 21, 2011

Ms. Carol Mortensen, Director
California Department of Resources,
Recycling and Recovery
801 K Street, MS 19-01
Sacramento, CA 95814

RE: REVISED DRAFT PROPOSED REGULATIONS FOR ARCHITECTURAL
PAINT RECOVERY PROGRAM; SECOND 15-DAY COMMENT PERIOD

Dear Ms. Mortensen:

Dunn-Edwards Corporation is a California-based manufacturer and distributor of architectural coatings, serving the Southwestern United States. Our Main Office and 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. Also, 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 latest revised draft proposed regulations (dated December 7, 2011) for the architectural paint recovery program to be established pursuant to AB 1343. Dunn-Edwards supported AB 1343, and is committed to participating actively 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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Dunn-Edwards supports the comments submitted by PaintCare and the American Coatings Association (ACA). The draft proposed regulations continue to go well beyond the scope of CalRecycle's statutory authority, as the revisions made through the first two rounds of comments have not corrected this. We sincerely appreciate your efforts to work with ACA and PaintCare to craft compromise language to address our concerns, and we are pleased with the progress made to date. Nonetheless, two fundamental issues remain: (1) the additional mandatory requirements for the Annual Report, and (2) the lack of any notice and comment procedures for the administrative fees to be charged by CalRecycle. As these issues have not yet been appropriately addressed, we are unable to support the draft proposed regulations.

We hope that these last two remaining issues can be resolved through the current process, allowing the paint industry to bring the PaintCare program to California in a timely fashion. Consequently, Dunn-Edwards again urges CalRecycle to revise the draft proposed regulations in keeping with the plain language and legislative intent of AB 1343, consistent with the comments of PaintCare and the ACA.

Very truly yours,

DUNN-EDWARDS CORPORATION



Robert Wendoll
Director of Environmental Affairs

Cc: Karl Altergott
Cynthia Dunn
Alison Keane
Marjeneh Zarrehparvar