

From: Shivetts, Mary Ellen <shivetts@ppg.com>
Sent: Friday, September 02, 2011 5:24 AM
To: Paint Product Stewardship
Subject: Proposed Regulations for Architectural Paint Recovery Program
Attachments: 20110902081642697.pdf

September 2, 2011

Mr. Mark Leary, Acting Director
California Department of Resources, Recycling and Recovery
801 K Street, MS 19-01
Sacramento, CA 95814

RE: Proposed Regulations for Architectural Paint Recovery Program

Dear Mr. Leary:

PPG Industries, Inc. (PPG) is submitting comments on the above referenced California Department of Resources, Recycling and Recovery (CalRecycle) Regulations for Architectural Paint Recovery Program (herein after referred to as "Proposed Regulations"). PPG is a world leading coatings and specialty products and services company.

PPG supports the comments submitted by the American Coatings Association (ACA) and PaintCare. PPG believes the Proposed Regulations are well beyond the scope of CalRecycle's statutory authority and do not comport with the plain language and legislative intent of the underlying legislation. PPG stands ready and willing to implement a paint stewardship program in the state of California, and supported the legislation enabling such. However, PPG cannot support what appears to be the Agency's attempt to satisfy their own interest in putting in place a broad extended producer responsibility regulatory policy by which future products are measured.

The impetus for the program and the enabling legislation was a multi-state, multi-stakeholder dialogue facilitated by the Product Stewardship Institute entitled the Paint Product Stewardship Initiative. PPG participated in this dialogue and agreed to pursue the legislation in this regard because of the consensus agreements brought about by the dialogue with regard to extended producer responsibility. Thus, AB1343, the enabling legislation here, is very specific and is the basis for the program already being implemented in Oregon and that will be implemented in Connecticut. In fact, PPG is currently participating in PaintCare and the program is working well in Oregon, without the need for implementing regulations. Therefore, the legislation and ensuing statute provides ample plain language for CalRecycle to draft clear and reasonable regulations upon. CalRecycle's attempt to add additional requirements over and above what would have been supported in the underlying legislation cannot survive administrative or judicial scrutiny. In order to ensure that the residents of California receive the PaintCare program in a timely fashion, PPG urges CalRecycle to revise the Proposed Regulations based on ACA and PaintCare comments, removing superfluous, burdensome and costly additional requirements that the Proposed Regulations currently contain.

In advance, thank you for your prompt attention to these comments, as well as those from ACA, PaintCare and the California Paint Council. Please do not hesitate to contact me with any questions.

Sincerely,



Mary Ellen Shvetts

Manager of Product Stewardship, Regulatory Affairs, and Labeling for PPG Architectural Coatings/USCA