

From: John Cupps [mailto:ja.cupps@hotmail.com]

Sent: Friday, October 25, 2013 10:48 AM

To: Paint Product Stewardship; Levenson, Howard; Smyth, Brenda; Dunn, Cynthia; Moore, Ty

Subject: Annual Report

Dear Sir/Madame:

These comments are being submitted specifically on the completeness determination that CalRecycle must make relative to the submittal of the PaintCare Annual Report. My name is John Cupps and I am an independent consultant that has several clients with an interest in this matter. Nonetheless, these comments reflect my own independent judgment and professional opinion and do not necessarily reflect the views of any particular client.

On their face, the results reported in the annual report could only be described as disappointing, if not alarming. The amount of paint reported as collected was low by any metric and the cost per gallon was excessive. In short, one could argue that based upon the information provided in the Annual

Report, the paint consumers of California have not gotten as reasonable level of service for the fees that they have paid for the management of leftover paint. To some extent, that reported result may simply reflect the inherent challenges associated with the implementation of a new program.

Nonetheless, I would respectfully submit that it is incumbent upon CalRecycle to exercise the full extent of its authority under both statute and regulation to determine that the Annual Report as submitted is incomplete and require that additional, more detailed information and explanations be submitted. Such information is critically necessary to evaluate the cost/effectiveness of the implementation of this program and potentially identify any corrective measures.

Specifically, I would recommend that CalRecycle request the following additional information:

- A detailed explanation on how the amount of paint collected was derived, including specifically identification of any "conversion factors" (i.e. gallons per cubic yard collection tubs) and how that factor was determined. Based upon information obtained from the Oregon DEQ, some of my clients and my own independent analysis, it appears to me that there may be serious problems with this accuracy of this data.
- The amount of paint collected at each retail location, any contracted HHW facilities, or through contracts with the HHW service providers. I would note that information on the amount of paint collected at each retail location was provided in the attached 2012 Oregon Annual Report (Table 5, Page 13).
- A far more detail breakdown and explanation of the various program and overhead cost elements.

Regards,

John Cupps