



# California Integrated Waste Management Board



an C. Lloyd, Ph.D.  
Secretary for  
Environmental  
Protection

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Arnold Schwarzenegger  
Governor

November 17, 2005

Patricia A. Calkins  
Vice President, Environment, Health & Safety  
Xerox Corporation  
800 Phillips Road, 0105-70C  
Webster, New York 14580

Dear Ms. Calkins:

Thank you for your response to our letter dated September 19, 2005, regarding an effort by the California Integrated Waste Management Board (CIWMB) and the Department of General Services (DGS) to establish an environmentally preferable product (EPP) standard for printer and duplication cartridges. Your comments and suggestions were informative and helpful. In your letter dated October 10, 2005, you offered a number of suggestions. In an effort to continue our dialogue, I have the following responses.

## I. Definition of the Toner Cartridge

We would like to adopt your recommendation to clarify the definition for toner cartridge and propose the following language:

A cartridge for printing and duplication is a cartridge that is comprised of two or more of the following:

Photo sensor, photo development unit, and toner container filled with toner.

Such a cartridge may be used in electro photographic printers, copiers, facsimilie, and multifunctional devices.

This definition would exclude the toner containers covered by the rigid plastic packaging container law.

## II. Waste-to-energy conversion

We continue to believe that in keeping with the California Integrated Waste Management Board's waste management hierarchy, it is preferred that the recovered material be recycled to a higher use, such as postconsumer plastic back into cartridges or durable consumer products. Furthermore, under current statute, Section 40180 of Public Resources Code, material sent to a waste-to-energy facility does not qualify as recycling.

## III. Certification

An efficient and enforceable self-certification system shall be used by the cartridge suppliers to identify those cartridge models that are designated as EPP printer and duplication cartridges. It is the intent of this standard to make it as easy as possible for potential buyers and contractors to discern an EPP cartridge from a non EPP cartridge. Self-certification

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by the supplier must be made in writing under penalty of perjury and be auditable and verifiable. As an alternative form of certification, vendors may choose to use any existing means of marketing to promote their EPP cartridge models to the state and local agencies such as a product label, catalogue or Web site description or advertisement that clearly state, that the product meets the requirements of the California EPP standard . Vendors shall provide written certification upon request from purchasers as stipulated in their bid packages and/or purchase contracts.

Since diversion of cartridges from the solid waste stream is one of the major goals of the EPP standard, compliance with the relevant collection rate threshold shall be maintained for the duration of a contract in order to substantiate an EPP claim for a cartridge model.

Vendors shall certify in writing that any environmental claims they make concerning their products are consistent with the Federal Trade Commission's Guidelines for the Use of Environmental Marketing Terms as stipulated in part 260 – Guides for the Use of Environmental Marketing Claims.

Once the standard is established, purchasers, as part of their normal business practices, may enter into contract with vendors and request EPP cartridges if they so desire. The requirements of the EPP standard for printer and duplication cartridge can be incorporated into the contract as an element of the specification in the contractual agreement between vendors and purchasers.

#### IV. Procurement

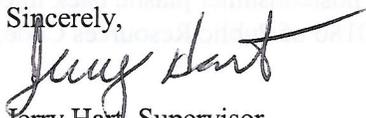
This standard would in no way limit or prevent any entity from buying or leasing any product or equipment they wanted. This effort is intended to provide a standard whereby purchasers who wanted to purchase EPP cartridges could determine which cartridges were EPP and which were not. We envision circumstances where a lessee may require EPP cartridges as part of a new lease agreement. This is solely at the discretion of the lessee.

In our previous correspondences with you we had indicated that CIWMB staff would schedule conference calls and/or workshops at any time during the process as needed. Based on our communications with you and other interested parties over the past six months, we feel that we have achieved consensus on major aspects of the EPP standard for printer and duplication cartridges. Therefore, it is time to bring all of the stakeholders together to discuss the outstanding issues and finalize the standard. Consequently, we have scheduled a workshop for Monday, December 12, 2005 at our Cal-EPA building at 10<sup>th</sup> and I Street in Sacramento. The meeting will be held in the Conference Room 230, 2<sup>nd</sup> floor from 1:00 p.m. to 4:00 p.m. We ask you to respond via e-mail to Mr. Fareed Ferhut at [fferhut@ciwmb.ca.gov](mailto:fferhut@ciwmb.ca.gov) and indicate whether you will attend this workshop.

I would like to thank you again for responding to our letter with helpful comments and suggestions. I look forward to continuing our dialogue and working together towards establishing an environmentally preferable standard for printer and duplication cartridges. We will be sending out our next letter to the interested parties on November 17, 2005, and would like to encourage you to continue your assistance in this effort.

If you have any questions or comments, please contact Mr. Fareed Ferhut at [fferhut@ciwmb.ca.gov](mailto:fferhut@ciwmb.ca.gov) or (916) 341-6482. I hope to see you at the workshop.

Sincerely,



Jerry Hart, Supervisor  
Buy Recycled Section

Cc: Bill Orr, CIWMB  
Fareed Ferhut, CIWMB  
Anne Stocum