

Deft Comment Letter on California Paint Care RegulationsFrom:  
Chuck Ray [ChuckR@deftfinishes.com]  
Sent: Wednesday, August 31, 2011 8:22 AM  
To: Paint Product Stewardship  
Subject: Deft Comment Letter on California Paint Care  
Regulations  
Attachments: DEFT COMMENT LTR 08-31-2011.pdf

<<DEFT COMMENT LTR 08-31-2011.pdf>>

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August 31, 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:

Deft 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"). Deft is a California based paint manufacturer that supplies wood finishes, industrial maintenance coatings, commercial and military aerospace coatings, and general industrial coatings throughout the United States and internationally. Deft has manufacturing facilities in Irvine, California and Alliance, Ohio.

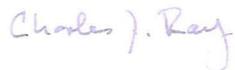
Deft supports the comments submitted by the American Coatings Association (ACA) and PaintCare. It concurs with ACA that the Proposed Regulations are well beyond the scope of CalRecycle's statutory authority and do not agree with the plain language and intent of the underlying legislation. Deft stands ready and willing to implement a paint stewardship program in the state of California, and supported the legislation enabling such. However, Deft cannot support what appears to be the Agency's attempt to broaden producer responsibility by regulatory policy alone.

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. Deft supported this dialogue as well as the subsequent legislation because of the resultant scope of extended producer responsibility. Thus, AB1343, the enabling legislation here, is very specific and is the basis for the program already implemented in Oregon and that will be implemented in Connecticut. Deft is currently a participant in the Oregon program run

without supplemental regulation. 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 is 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, Deft 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,



Charles J. Ray, Ph.D.  
Vice President, Technical Director