
From: Lorraine Segala [lmsegala@gmail.com]
Sent: Monday, September 05, 2011 11:00 AM
To: Paint Product Stewardship; Leary, Mark; Dunn, Cynthia; Wang, Emily
Subject: Final Comments on CalRecycle Proposed Paint Regulations.pdf
Attachments: Amazonpaintcomments.pdf

Attached, please find comments submitted by Amazon Environmental, Inc.
on the Proposed Paint Regulations implementing AB1343.



AMAZON
environmental inc.

September 5, 2011

Mr. Mark Leary
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,

Amazon Environmental, Inc. (AEI) would like to make the following comments on the proposed Regulations concerning the Architectural Paint Recovery Program.

AEI has recycled paints and manufactured alternative products from leftover latex paints since 1993. We are in fact named in Assembly Bill No. 1343 as a paint recycler 1 (i).

AEI has been an active participant in and supporter of the Product Stewardship Paint Project National Dialogue since its inception in 2003.

We have been a supporter of AB 1343 and look forward to the implementation the provisions of the bill in California.

AB 1343 and the proposed regulations repeatedly refer to the materials being collected as “Architectural paints” or “postconsumer architectural paints”, not solid wastes. We agree with this definition.

A precedent is set by California Health and Safety Code 25217 (2) “Any **latex paint** that is accepted as **recyclable** by the location and which is later discovered to be nonrecyclable shall be deemed to be a waste generated at the location where this discovery is made and this **latex paint** shall be managed as a waste in accordance with this chapter”

Latex paint recyclers have the ability to reuse and recycle all of the high quality paint received, thus it is the “nonrecyclables” that should be of primary concern of the regulations and the applicability of the “Solid Waste Management Hierarchy”.

Household Hazardous Waste Programs in California routinely put many varieties of hazardous materials on reuse or materials exchange shelves for the public to take the materials without their being designated as a solid or hazardous waste.

Thus the proposed regulations reinforce the concept that the materials to be collected are viable materials or products, and may be reusable or recyclable, and therefore not considered to be “solid waste”. This is supported by existing legislation and regulations concerning the recycling of latex paints and reuse and materials exchange programs in the state,

We suggest that the sections of the proposed regulations referring to the “Solid Waste Management Hierarchy: 18952 (b) (D) and 18953 (a) (4) be applied solely to those materials that are to be designated as “solid waste”. The final disposition of all architectural coatings should be accounted for in the plan and report, but PRC Section 45001 should be aggressively applied only to materials that are solid wastes.

If the manufacturer or stewardship organization is to accept and manage all applicable architectural paints then it may be helpful for the regulation to specify that the manufacturer or stewardship organization is steward or owner of the collected materials.

This approach will increase the number of possible collection sites, and further allow the collected paints can be picked up or delivered to any designated facility for recycling. If the recycling facility determines the materials cannot be reused or recycled, then they may be designated, as solid waste and Public Resource Code section 40051 will apply.

If the materials collected are designated as solid wastes, then the oil-based materials may be considered “hazardous wastes”, and this will greatly and significantly affect the viability of potential collection sites. This would contravene the stated intent of PRC sections 48700, 48701 and 48702.

Sincerely,

Lorraine Segala
CEO
Amazon Environmental, Inc.

cc: Cynthia Dunn
Emily Wang