

INITIAL STATEMENT OF REASONS

April, 2011

Title 14: **Natural Resources**

Division 7: **Department of Resources, Recycling and Recovery**

Chapter 11: **Product Stewardship**

Article 2: **Architectural Paint Recovery Program**

GENERAL COMMENTS APPLICABLE TO STATEMENT OF REASONS

The Architectural Paint Recovery Program mandated by Public Resources Code (PRC) section 48700 et seq. (Assembly Bill 1343, Huffman, 2010) requires a manufacturer of paint sold in this state, individually or through a paint stewardship organization, to submit a paint stewardship plan to the department. The plan would be required to contain specified elements, including a funding mechanism that provides sufficient funding to carry out the plan (such as administrative, operational, and capital costs of the plan), and the payment of fees to the department for its oversight and enforcement services. The department would be required within 90 days after receiving the plan to review and determine whether the plan complies with section 48702, and make a determination of whether or not to approve the plan.

A paint stewardship organization submitting a stewardship plan would be required to pay the department an annual administrative fee, as determined by the department. The department would set the fee at an amount that is adequate to cover the department's full costs of administering and enforcing the program, including any program development costs or regulatory costs incurred by the department prior to stewardship plans being submitted.

Each manufacturer of paint sold in the state, individually or through a stewardship organization, would be required to prepare and submit to the department an annual report describing the activities carried out pursuant to the stewardship plan.

Each manufacturer of architectural paint sold in the state, individually or through a stewardship organization, would be required to prepare and submit to the department an annual report describing the activities carried out pursuant to the paint stewardship plan.

SPECIFIC PURPOSE AND NECESSITY OF REGULATIONS

Section 18950. Purpose.

Section 18950 is necessary to clarify existing law and establish administrative procedures to efficiently and effectively implement the department's responsibilities under the law and to provide a uniform competitive business environment to all architectural paint manufacturers, retailers, and distributors pursuant to Section 48700 of the Public Resources Code.

§18951. Definitions.

Section 18951 is necessary as several technical and administrative terms appear in this chapter that require definitions to assure regulatory consistency and clarity.

Subsection (a)

Subsection (a) is necessary to clarify that the terms "must" or "shall" and "may" used in this article mean:

- (1) "Must" or "shall" means a provision is mandatory.
- (2) "May" means a provision is permissive.

(a) Subsection (b)

Subsection (b) is necessary to clarify that the term "Administrative fee" used in this chapter means the fee imposed by the department on the architectural paint manufacturer or stewardship organization in order to cover the costs of administering and enforcing the statute.

Subsection (c)

Subsection (c) is necessary to clarify that the term “Assessment” used in this chapter means the amount added to the purchase price of architectural paint sold in this state necessary to cover the cost of implementing a manufacturer or stewardship organization's paint stewardship plan. Recycled paint given away by government programs that filter or process postconsumer paint for free shall not be subject to the assessment as they are not offering the paint for sale.

Subsection (d)

Subsection (d) is necessary to clarify that the term “Brand” used in this chapter means a name, sign, symbol, slogan, or anything that is used to identify and distinguish a specific architectural paint product.

Subsection (e)

Subsection (e) is necessary to clarify that the term “collection” used in this chapter means any method by which a service provider receives postconsumer architectural paint from a consumer.

Subsection (f)

Subsection (f) is necessary to clarify that the term “operational costs” used in this chapter means the costs to operate a paint stewardship program, including, but not limited to, collection, transportation, processing, disposal, and education and outreach costs.

Subsection (g)

Subsection (g) is necessary to clarify that the term “Reporting period” used in this chapter means a consecutive 12-month period as specified in statute.

Subsection (h)

Subsection (h) is necessary to clarify that the term “service provider” used in this chapter means an entity, including, but not limited to, local household hazardous waste collection programs and retailers, that contracts with a manufacturer or stewardship organization to provide services including, but not limited to, collection, consolidation, transportation or processing of postconsumer architectural paint.

Subsection (i)

Subsection (i) is necessary to clarify that the term “Significant or Material Change” used in this chapter means any change in the architectural paint stewardship assessment previously approved by the department.

§18952. Submittals.

Subsection (a)

Subsection (a) sets forth that a corporate officer acting on behalf of a manufacturer or stewardship organization must register with the department and includes the process for registration. This subsection is necessary because it clarifies that the responsibility of submitting a paint stewardship plan is with the person in an organization who is held the most responsible for the actions of that organization. This subsection is also necessary as it explains the process of registration to a corporate officer.

Subsection (a) (1)

Subsection (a) (1) specifies information that must be submitted to the department. This subsection is necessary to allow the department to verify the information submitted by a manufacturer or stewardship organization.

Subsection (a) (1) (A) through (H)

Subsections (a) (1) (A) through (H) specify information that must be submitted to the department. These subsections are necessary to allow the department to verify the information submitted by a manufacturer or stewardship organization and to follow-up with enforcement-related activities as necessary.

Subsection (a) (2)

Subsection (a) (2) specifies information that must be submitted to the department for each manufacturer participating in the stewardship organization. This subsection is necessary to allow the department to verify the information submitted by a stewardship organization and to follow-up with enforcement-related activities as necessary.

Subsection (a) (2) (A) through (H)

Subsections (a) (2) (A) through (H) are necessary to allow the department to verify the information submitted by a manufacturer or stewardship organization and to follow-up with enforcement-related activities as necessary.

Subsection (a) (3)

Subsection (a) (3) specifies that a list of covered brands must be submitted to the department. The department needs this to post at the department's website in order for retailers to identify which products may be sold in the state. This allows retailers to maintain compliance with the law.

Subsection (b)

Subsection (b) is necessary because it facilitates the retention of documents electronically for easier retrieval. This subsection is also necessary to ensure that complete and accurate information is submitted to the department.

Subsection (b) (1)

Subsection (b) (1) is necessary to ensure that plans are kept current and support compliance with the program. A change could lead to non-compliance, limiting the submitter from selling paint within California.

Subsection (b) (2) and subsections (b) (2) (A) through (K)

Subsection (b) (2) and subsections (b) (2) (A) through (K) are necessary to ensure that the information submitted in a stewardship plan is in a standardized form that will ensure consistency of future stewardship plan submittals and facilitate their review and use by the department and other stakeholders.

Subsection (b) (3)

Subsection (b) (3) is necessary to ensure that a manufacturer's financial, production, or sales data and information is made available to the public in a way that protects that manufacturer's confidential business information. Transparency is ensured by allowing the department to make the aforementioned information publically available if it is in summary form and not attributable to a specific manufacturer.

Subsection (c)

Subsection (c) sets forth that a corporate officer acting on behalf of a manufacturer or stewardship organization that is operating a paint stewardship program under a department-approved stewardship plan must submit the annual report to the department. This subsection is necessary because it clarifies that the responsibility for submitting a paint stewardship annual report is with the person in the organization who is held the most responsible for the actions of that organization.

Subsection (c) (1)

Subsection (c) (1) is necessary because it facilitates the retention of documents electronically for easier retrieval. This subsection is also necessary to ensure that complete and accurate information is submitted to the department.

Subsection (c) (2) and subsections (c) (2) (A) through (I)

Subsection (c) (2) and subsections (c) (2) (A) through (I) are necessary to ensure that the information submitted in an annual report is in a standardized form that will ensure consistency of future annual report submittals and facilitate their review and use by the department and other stakeholders.

§18953. Stewardship Plan Approval Criteria.

Subsection (a)

Subsection (a) is necessary to clarify what information the stewardship plan must contain and what criteria the department will use in evaluating the plan for approval or disapproval.

Subsection (a) (1)

Subsection (a) (1) specifies contact information that must be submitted to the department. This subsection is necessary to allow the department to verify the information submitted by a stewardship organization and make it easy to identify who is submitting the plan.

Subsection (a) (2)

Subsection (a) (2) is necessary to establish the scope of the stewardship plan and to clarify the criteria for approval of the stewardship plan as required in PRC section 48703.

Subsection (a) (3)

Subsection (a) (3) is necessary because by setting performance goals the purpose of the paint stewardship program can be realized. The department will use levels of statewide postconsumer paint collection at the time of plan submission as a minimum for the baseline collection rate, and will look for improvement of that collection rate.

Subsections (a) (3) (A) through (C)

Subsections (a) (3) (A) through (C) are necessary as a manufacturer or stewardship organization must align their program goals with the broadly-stated statutory program goals.

Subsection (a) (4)

Subsection (a) (4) is necessary because it requires a manufacturer or stewardship organization to consider the solid waste management hierarchy when developing their plans. Although paint is not a solid waste, the management hierarchy set forth in statute is consistent with the department's statutory solid waste management hierarchy, so it is appropriate to include here.

Subsection (a) (5)

Subsection (a) (5) is necessary because it requires a manufacturer or stewardship organization to describe the system that they are proposing to properly manage postconsumer architectural paint.

Subsections (a) (5) (A) through (E)

Subsections (a) (5) (A) through (E) specify program information that must be included in a stewardship plan. This information is required to allow the department to verify that a stewardship program provides statewide coverage and manages postconsumer paint in a proper manner.

Subsection (a) (5) (A)

Subsection (a) (5) (A) is needed to inform the department of the methods that will be used for postconsumer architectural paint collection.

Subsection (a) (5) (B)

Subsection (a) (5) (B) is needed to inform the department how the postconsumer architectural collected will be managed.

Subsection (a) (5) (C)

Subsection (a) (5) (C) is needed to inform the department how the manufacturer or stewardship organization intends to inform and train their service providers on the proper management of postconsumer architectural paint.

Subsection (a) (5) (D)

Subsection (a) (5) (D) is needed to ensure that all residents of California who are paying the assessment are able to use the stewardship program that the assessment is funding.

Subsection (a) (5) (E)

Subsection (a) (5) (E) is needed to clarify that retailer participation as a collection site in a product stewardship program is voluntary on the part of the retailer, and that while manufacturers must attempt to establish an agreement with those retailers that wish to participate, any agreement formed must be mutually agreeable and reasonably feasible among all parties. This section will also ensure that the program's operational costs are taken into account during any negotiations.

Subsection (a) (6)

Subsection (a) (6) is necessary because the development of markets for collected materials will help to create more environmentally beneficial management of postconsumer paint and can help drive a successful program.

Subsection (a) (7)

Subsection (a) (7) sets forth criteria to be met when a manufacturer or stewardship organization describes their financing mechanism. Statute requires that the financing mechanism provides sufficient funding to recover, but not exceed, the cost of the paint stewardship program, including the administrative, operational, and capital costs of the plan. This subsection is necessary because a sound financing mechanism that adheres to sound accounting practices is essential for an effective paint stewardship program. This will also ensure that the residents of California are not overcharged for the services or that the fee is not used to gain a market advantage.

Subsection (a) (7) (A)

Subsection (a) (7) (A) is necessary because the manufacturer or stewardship organization must identify the amount of the assessment recommended to the department for approval.

Subsection (a) (7) (B)

Subsection (a) (7) (B) specifies a budget for the program that includes revenue estimates from the assessment, full program costs, and administrative costs. This subsection is necessary for the effective implementation of the program and to ensure that the residents of California are not over charged for the services. This subsection is also necessary as service payment to the department is a required element of the program.

Subsection (a) (7) (C)

Subsection (a) (7) (C) is necessary because statute requires that any funds not disbursed must put back into the program to reduce the costs of the program, including the assessment amount.

Subsection (a) (7) (D)

Subsection (a) (7) (D) is necessary because it clarifies that the manufacturer or stewardship organization is addressing all operational costs in its agreements with service providers and the overall program plan. These operational costs should include, but are not limited to, collection, transportation, processing, disposal, and education and outreach costs, as negotiated. Collection costs to be taken into consideration include, but are not limited to:

- Costs incurred as a result of accepting and/or handling postconsumer architectural paint received from consumers
- Costs incurred for the organization and management of single-day collection events
- Costs incurred by door-to-door collection programs

- Costs for the training of personnel on how to properly manage postconsumer architectural paint
- Capital costs necessary to ensure that postconsumer architectural paint is stored in accordance with all applicable regulations

Subsection (a) (7) (E)

Subsection (a) (7) (E) is necessary to implement an element of the paint stewardship program, namely auditing of the financial activities of the manufacturer or stewardship organization that are related to implementation of the plan.

Subsection (a) (7) (F)

Subsection (a) (7) (F) is necessary to prevent commingling of the funds and facilitate auditing of financial activities of stewardship organization or individual manufacturer.

Subsection (a) (8)

Subsection (a) (8) is necessary because education and outreach to consumers, contractors, and retailers is needed to help promote their participation in achieving the purposes of the stewardship plan. This subsection is also necessary as it requires a description of the methods of education and outreach to measure their effectiveness.

Subsection (a) (9)

Subsection (a) (9) is necessary because the methods of measuring attainment of goals determine the effectiveness of performance of the program. Information about the measurement methodology and assumptions used in the methodology must also be provided because these methods determine the accuracy of data obtained on program performance and this information can only be provided by the manufacturer or stewardship organization; the department does not have independent access to this information.

Subsection (a) (10)

Subsection (a) (10) is necessary because consultation with stakeholders and consideration of existing infrastructure will lead to development of a stewardship plan that is more realistic and has minimal negative impact on the stakeholders.

Subsection (a) (11) (A)

Subsection (a) (11) (A) is necessary because auditing the financial activities of a manufacturer or stewardship organization related to the implementation of the stewardship plan will ensure that funds are disbursed solely for the implementation of the program.

Subsection (a) (11) (B)

Subsection (a) (11) (B) is necessary because it provides the option of an independent audit of the non-financial activities of a stewardship organization or an individual manufacturer related to the implementation of the stewardship plan to ensure that non-financial activities are consistent with what a stewardship organization has reported in a plan. An independent audit of the non-financial information can also offer an additional layer of program transparency.

Subsection (a) (11) (B) (1.)

Subsection (a) (11) (B) (1.) provides the option for a manufacturer or stewardship organization to report on how the postconsumer architectural paint was managed in accordance with the stewardship plan.

Subsection (a) (11) (B) (2.)

Subsection (a) (11) (B) (2.) provides the option for a manufacturer or stewardship organization to report on how the total amount of architectural paint sold and collected, and, if applicable, the recovery rate compared to what was reported in the annual report.

Section §18954. Annual Report Compliance Criteria.

Subsection (a)

Subsection (a) is necessary because it allows the department, through its oversight authority, to evaluate the overall effectiveness of the Architectural Paint Recovery Program, while providing the regulated community with a consistent statewide set of standards for meeting the reporting requirements of PRC section 42976.

Subsection (a) (1)

Subsection (a) (1) is necessary to allow the department to verify the information submitted by a manufacturer or stewardship organization.

Subsection (a) (2)

Subsection (a) (2) is necessary because it provides a summary of the evaluation of the effectiveness of the stewardship plan, and anticipated steps, if needed, to improve performance.

Subsection (a) (3)

Subsection (a) (3) is necessary because for the effectiveness of the overall recycling and recovery program in California, the program must accept and manage all postconsumer architectural paint.

Subsection (a) (4)

Subsection (a) (4) is necessary because it requires manufacturers or stewardship organizations to describe the system that they are implementing to properly manage postconsumer architectural paint.

Subsections (a) (4) (A) through (E)

Subsections (a) (4) (A) through (E) specify details about the stewardship program infrastructure and elements that must be included in an annual report. This information

is required to ensure that a stewardship program is providing statewide coverage and managing postconsumer paint in a proper manner. This is also required to ensure that the program has addressed all operational costs.

Subsection (a) (5)

Subsection (a) (5) specifies goals and activities based on the stewardship plan. It requires the measurement of goals from a baseline and a description of the achievement of those goals. This subsection is necessary because the purpose of the paint stewardship program is realized by achieving the goals laid out in a stewardship plan.

Subsection (a) (5) (A) through (G)

Subsection (a) (5) (A) through (G) are necessary because they describe the nature of the goals that will be used to assess the stewardship program. Facility names and addresses and estimated volumes for each disposition method are necessary to ensure that the postconsumer paint is managed properly, as household hazardous waste facilities often maintain liability for materials that they collect. The department's previous experience with electronic waste has also shown a need for the department to track the ultimate disposition of potentially hazardous wastes.

Subsection (a) (5) (A)

Subsection (a) (5) (A) is needed to ensure that the department is aware of how much architectural paint is sold. This information will aid the department's budgetary oversight role.

Subsection (a) (5) (B)

Subsection (a) (5) (B) is needed to inform the department how much postconsumer architectural collected was collected by the stewardship program, and will help the department to evaluate the program's success.

Subsection (a) (5) (C)

Subsection (a) (5) (C) is needed to inform the department how the manufacturer or stewardship organization is managing the postconsumer architectural paint received. Facility names and addresses and estimated volumes for each disposition method are necessary to ensure that the postconsumer paint is managed properly, as household hazardous waste facilities often maintain liability for materials that they collect. Disposition volumes may be reported in aggregate, estimated form and do not require information to be broken down by jurisdiction. The department's previous experience with electronic waste has also shown a need for the department to track the ultimate disposition of potentially hazardous wastes.

Subsection (a) (5) (D)

Subsection (a) (5) (D) is needed to inform the department of the total program implementation costs.

Subsection (a) (5) (E)

Subsection (a) (5) (E) is needed to inform the department about the funding mechanism. This evaluation will help the department to understand the effectiveness of the mechanism.

Subsection (a) (5) (F)

Subsection (a) (5) (F) is needed to inform the department of the efforts that the manufacturer or stewardship organization has made to reach the goal(s) set for increasing the reuse of postconsumer paint.

Subsection (a) (5) (G)

Subsection (a) (5) (G) is needed to inform the department of the efforts that the manufacturer or stewardship organization has made to increase the recyclability of postconsumer paint.

Subsection (a) (6)

Subsection (a) (6) acknowledges that the development of markets for collected materials will help to create more environmentally beneficial management of postconsumer paint and can help drive a successful program. Manufacturers and stewardship organizations are not required to report on this section if it does not apply to their program.

Subsection (a) (7)

Subsection (a) (7) sets forth a funding mechanism that provides sufficient funding to recover, but not exceed, the cost of the paint stewardship program, including the administrative, operational, and capital costs of the plan. This subsection is necessary because a sound financing mechanism is essential for promoting the collection of paint and establishing an effective paint stewardship program. This subsection is also necessary because any changes in the amount of the paint stewardship assessment will impact the implementation of the plan and must be approved by the department prior to implementation.

Subsections (a) (7) (A) through (K)

Subsections (a) (7) (A) through (K) are necessary because the data provided is needed to determine of the effectiveness of the plan and ensure the fee is adequate to cover the costs of implementing the plan.

Subsection (a) (8)

Subsection (a) (8) is necessary because education and outreach to consumers, contractors, and retailers help promote their participation in achieving the purposes of the paint stewardship plan. This subsection is also necessary as it requires a description of the methods used to measure the effectiveness of education and outreach efforts.

Subsections (a) (8) (A) through (D)

Subsections (a) (8) (A) through (D) are necessary because they describe the types of education and outreach materials that may be used to promote the paint stewardship program. Subsections (a) (8) (A) through (C) repeat statute and are included here for reference and so that the department may readily verify a manufacturer or stewardship organization's compliance with statute.

Subsection (a) (9) (A)

Subsection (a) (9) (A) is necessary because auditing the financial activities of a manufacturer or stewardship organization related to the implementation of the stewardship plan will ensure that funds are disbursed solely for the implementation of the program.

Subsections (a) (9) (A) (1) through (4)

Subsections (a) (9) (A) (1) through (4) are necessary to allow the department to perform follow-up actions based on the financial audit, if needed. These actions will assist in the department's oversight role.

Subsection (a) (9) (B)

Subsection (a) (9) (B) allows manufacturers or stewardship organizations the option to provide independent verification of certain program data and management practices described in the annual report and allows the department and other stakeholders access to this information. This additional level of verification and transparency allows the department and other stakeholders to determine whether or not the program is reaching its goals.

Subsections (a) (9) (B) (1) and (2)

Subsections (a) (9) (B) (1) and (2) are necessary to allow manufacturers and stewardship organizations the option to provide independent verification of how the postconsumer architectural paint was managed in accordance with the stewardship plan

and the total amount of architectural paint sold and collected, and, if applicable, the recovery rate, as described in the annual report.

§ 18955. Civil Penalties.

Section 18945 is necessary to specify that the department may impose civil penalties for violation of the law and to describe what entities would be subject to those penalties. In order to have an effective program and to maintain a level playing field for all participants, the department must effectively enforce the law. These civil penalties are necessary for the enforcement of the law.

Subsection (a)

Subsection (a) is necessary to describe which manufacturers and stewardship organizations are subject to penalties under the law, and to specify that manufacturers are individually subject to civil penalties if their stewardship organization fails to comply. As previously stated [18951(c)], recycled paint given away by government programs that filter or process postconsumer paint for free shall not be subject to the assessment as they are not offering the paint for sale.

Subsection (b)

Subsection (b) clarifies that if a manufacturer has supplied true and accurate information, the manufacturer is not subject to penalties for any violations of the law caused by a stewardship organization failing to report true and accurate information. This is to prevent the manufacturer from being subject to a penalty as the result of another party's non-compliant actions.

Subsection (c)

Subsection (c) clarifies that if a stewardship organization is found to be in violation of the law for submitting false or misleading information, it is not subject to penalties if it can demonstrate the false or misleading information came from a manufacturer. This is

to prevent the stewardship organization from being subject to a penalty as the result of another party's non-compliant actions.

Subsection (d)

Subsection (d) is necessary to describe which retailers are subject to penalties under the law.

§ 18955.1. Amount of Civil Penalties and Administrative Penalty Schedule.

Subsections (a) (1) (A) through (C)

Subsections (a) (1) (A) through (C) are needed to explain how the Base Penalty Table I identifies and categorizes various types of violations subject to civil penalties for stewardship organizations and manufacturers.

Base Penalty Table I is necessary because it identifies the various types of violations subject to civil penalties for stewardship organizations and manufacturers. It also describes the severity level of each violation. The department needs to identify violations that impede proper implementation of or negatively affect the program.

Subsections (a) (2) (A) through (C)

Subsections (a) (2) (A) through (C) are needed to explain how the Base Penalty Table II identifies and categorizes various types of violations subject to civil penalties for retailers.

Base Penalty Table II is necessary because it identifies the various types of violations subject to civil penalties for retailers. It also describes the severity level of each violation. The department needs to identify violations that impede proper implementation of or negatively affect the program.

Subsections (b) (1) through (3)

Subsections (b) (1) through (3) are necessary to establish the base penalty range within which the department may set a penalty amount.

Subsection (c)

Subsection (c) is necessary to describe how the department will determine the final penalty amount for violations.

§ 18955.2. Criteria to Impose a Civil Penalty.

Subsections (a) through (k)

Subsections (a) through (k) describe the various factors that the department may take into consideration when determining the amount of a civil penalty. This is necessary to inform the public of what elements will come into consideration when the department is setting penalty amounts.

§ 18955.3 Procedure for Imposing Civil Penalties.

Subsection (a)

Subsection (a) describes the procedures for administering civil penalties. This is necessary as it informs the public of the due process that is to be followed.

Subsections (b) (1) through (3)

Subsections (b) (1) through (3) describe how entities may be informed of actions taken against them for civil penalties under the law. This is necessary as it describes an element of due process to be followed.

Subsection (c)

Subsection (c) describes how civil penalties are to be imposed. This is necessary as it informs the public of the due process that is to be followed.

§18956. Record Keeping Requirements

Subsection (a)

Subsection (a) sets forth that manufacturers and retailers will be required to compile, maintain, and make records available to the department to demonstrate compliance with the Architectural Paint Recovery Program. Since the manufacturers and retailers are subject to enforcement from the department, this section is necessary to provide clear, statewide standards regarding recordkeeping for the regulated community. This section is also necessary to ensure that specific data are maintained by manufacturers and retailers that will allow the department to evaluate the overall effectiveness of the Architectural Paint Recovery Program.

Subsections (a) (1) through (4)

Subsections (a) (1) through (4) outline specific records that retailers must maintain. This is necessary to ensure that data necessary for the department to evaluate the overall effectiveness of the Architectural Paint Recovery program are maintained.

Subsection (b)

Subsection (b) specifies that manufacturers and retailers must give the department access to their facilities, operations, and any relevant records upon request and retain records for three years after the submission of the plan and annual report required by this article. This subsection is necessary to demonstrate compliance with the Architectural Paint Recovery Program.

Subsections (c) and (d)

Subsections (c) and (d) are necessary to ensure the department is given access to all the information it needs to be able to evaluate compliance with, and the overall effectiveness of PRC section 48700 et seq.

Subsection (e)

Subsection (e) is necessary to enforce the requirement of this article.

§18957. Proprietary, Confidential, or Trade Secret Information.

Section 18957 is necessary to make clear to manufacturers, stewardship organizations, and retailers that data and information that is confidential, proprietary, or a trade secret will be handled appropriately by the department and will not be released to the public or any competitor. This subsection refers to the department's existing process for handling and maintenance of confidential, proprietary, or trade secret information.

§18958. Service Payments to Department of Resources Recycling and Recovery.

Subsection (a)

Subsection (a) is necessary as it specifies the sources of information that the department will use to estimate the cost it will incur to administer and enforce the requirements of this chapter for the next fiscal year.

Subsection (b)

Subsection (b) is necessary to specify the person responsible for approving the fee charged for each stewardship plan for the full cost of administering and enforcing the plan.

Subsection (c)

Subsection (c) is necessary to specify how the cost will be shared by different entities to avoid creating an unfair advantage.

Subsection (d)

Subsection (d) is necessary to ensure that payments received by the department are in a timely manner, and that the department has adequate funds to administer the plan.