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**From:** Teresa Bui [teresabui@cawrecycles.org]  
**Sent:** Friday, September 09, 2011 11:18 AM  
**To:** Dunn, Cynthia; Ferhut, Faridoon  
**Cc:** Mark Murray  
**Subject:** RE: Paint EPR Regulation Formal Comment  
**Attachments:** CAW comment letter Carpet Regulation Sept 2011.doc

Cynthia and Fareed,

Attached are CAW's comments on carpet and paint regulations. Thanks.

Teresa

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**From:** Dunn, Cynthia [mailto:Cynthia.Dunn@CalRecycle.ca.gov]  
**Sent:** Friday, September 09, 2011 10:51 AM  
**To:** Teresa Bui  
**Subject:** Paint EPR Regulation Formal Comment

Hi Teresa:

Thank you for your input at yesterday's paint public hearing. Can you send me something in writing in the next hour or so?

**Cynthia Dunn**

California Department of Resources Recycling and Recovery (CalRecycle)  
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# Californians Against Waste

Conserving Resources. Preventing Pollution. Protecting the Environment.

September 8, 2011

Fareed Ferhut  
MMLA Division, CalRecycle  
P.O. Box 4025  
Sacramento, CA 95812-4025

## **Re: Comments for Carpet Regulation**

Dear Mr. Ferhut,

We appreciate the Department's efforts in preparing the Carpet Stewardship Regulations and are generally supportive. However, we are strongly opposed to the inclusion of language equating carpet 'waste-to-energy' (CAAF) to diversion and continue to oppose any funding for CAAF.

The purpose of AB 2398 is to support and increase recycling of carpet in California, and funding should reflect this. According to Section 42970: "*The purpose of this chapter is to increase the amount of postconsumer carpet that is diverted from landfill **and** recycled into secondary products...*" Subsidizing the use of carpet as fuel is not consistent with this intent.

While we recognize that not all carpet can be recycled, this program should not incentivize the burning of carpet, which does not have the resource conservation benefits of recycling. There is already a financial benefit for recyclers and manufacturers to use CAAF because they do not have to pay landfill tipping fees and have a cheap source of boiler fuel, and California should not be further subsidizing this practice as part of the carpet stewardship program.

Furthermore, while California cannot dictate the goals currently being negotiated in the MOU, California can be a leader in recycling through state regulation by providing incentive payments that are focused on recycling, not subsidizing the burning of carpet. There is nothing that would preclude someone from using CAAF, but there should not be any financial reimbursement for doing so.

We urge the Department to implement AB 2398 as intended and strike all provisions of the regulation that provide incentive payments to CAAF. We look forward to working with you and your colleagues on the successful implementation of this important program.

Sincerely,

Teresa Bui  
Policy Associate

cc: Howard Levenson  
Kathy Frevert