
From: Georgina Sikorski [gsikorski@carpetrecovery.org]
Sent: Monday, September 05, 2011 3:04 PM
To: Frevert, Kathy
Cc: Ferhut, Faridoo; Frank Hurd
Subject: Additional Comments on Proposed Product Stewardship for Carpet Regulations
Attachments: AB2398CommentII.doc

Attached please find additional comments on the Proposed Product Stewardship for Carpet Regulations. Thank you.

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CARPETAMERICARECOVERYEFFORT SM
*Developing market-based solutions for the recycling and reuse of
post-consumer carpet*

Mark Leary, Acting Director
Department of Resources, Recycling and Recovery (CalRecycle)
801 K Street, MS 19-01
Sacramento, CA 95814

Re: California Code of Regulations, Title 14, Division 7, Chapter 11, Article 1 commencing with section 18940.

September 4, 2011

Dear Mr. Leary,

On behalf of the Carpet America Recovery Effort (CARE), I am respectfully submitting comments to the Proposed Product Stewardship for Carpet Regulations (March 16, 2011).

The Carpet America Recovery Effort (CARE) is a nationwide, voluntary, 501(c) 3 non-profit organization. CARE began as a result of a Memorandum of Understanding (MOU), signed by the carpet industry, federal and state government representatives and entrepreneurs, in 2002. The mission of CARE is to divert and recycle carpet from the landfill. CARE has over 360 members, including carpet collectors and other entrepreneurs, carpet manufacturers, carpet dealers/retailers, government representatives, NGOs, and other interested parties. Many of our members reside in the state of California.

AB 2398 Chapter 20 Section 42971 has provided:

Until April 1, 2015, CARE shall be the sole carpet stewardship organization pursuant to subparagraph (A) of paragraph (1) of AB 2398.

Summary Comments: CARE submitted comments to CalRecycle on August 12, 2011. Since that time, CARE received additional comments from participants in the CARE Carpet Stewardship Plan, and is submitting comments on behalf of those participants.

Page 1/ Line 20: Clarify that Administrative fee means payments from the carpet assessment to the department.

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

(b) "Administrative fee" means payments from the manufacturer or stewardship organization to the department that cover the costs of its administrative, oversight, and enforcement services necessary for manufacturers or stewardship organizations to effectively implement carpet stewardship plans.

Recommended Change

“Administrative fee” means payments from the carpet assessment to the department that cover the costs of its administrative, oversight, and enforcement services necessary for manufacturers or stewardship organizations to effectively implement carpet stewardship plans. The administrative fee will be processed through the manufacturer or stewardship organization.

Page 6/ Line 27: Capitalize Carpet as Alternative Fuel (CAAF)

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

....through carpet as alternative fuel, Waste-to-Energy, and incineration

Recommended Change

....through Carpet As Alternative Fuel, Waste-to-Energy, and incineration

Page 4/ Line 3: Remove the statement on Page 4/ Line 3. AB 2398 provides for civil, not criminal penalties.

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

“A hard copy signed by a corporate officer of a manufacturer or stewardship organization, under the penalty of perjury, must also be submitted to the department. “

Recommended Change

Remove the statement on Page 4/Line 3.

Page 6/ Line 1: Remove the word “numeric’. Not all of the goals are numeric goals.

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

(A) Numeric performance goals and a description of how program goals will be achieved for the following categories:

Recommended Change

(A) Performance goals and a description of how program goals will be achieved for the following categories:

Page 6 /Lines 19-27: Return to the statute language from Section 42972.a.3

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

(4) Solid Waste Management Hierarchy. Describe:

(A) Proposed measures that will enable the management of post-consumer carpet in a manner consistent with the state’s solid waste management hierarchy pursuant to PRC Section 40051 and demonstrate that over time source reduction, reuse, and recycling will increase, over environmentally safe transformation and land disposal.

(B) Management of carpet through source reduction, reuse and recycling must be greater than, and grow at a higher rate than the management of carpet through carpet as alternative fuel, Waste-to-Energy, and incineration.

Recommended Change:

(3) Describe proposed measures that will enable the management of postconsumer carpet in a manner consistent with the state's solid waste management hierarchy, including, but not limited to, source reduction, source separation and processing to segregate and recover recyclable materials, and environmentally safe management of materials that cannot feasibly be recycled.

Page 7/ Line 1: "Types of destination" is unclear. What are "destinations"?

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

(B) Types of destinations for reuse and recycling activities, processing and/or disposal by product type.

Recommended Change:

(B) Types of reuse and recycling activities, processing and/or disposal by product type.

Page 7/ Line 14: The terms 'conveniently' and 'properly' are unclear. Strike these terms from the sentence.

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have an opportunity to conveniently and properly manage their post-consumer carpet.

Recommended Change:

Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have an opportunity to manage their post-consumer carpet.

Page 10/ Line 30: Clarify that data are specific to post-consumer carpet diverted from California landfills.

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

(B) Information on goals shall be accompanied by supporting information covering, but not be limited to the following topics:

1. Description of the measurement methodology, assumptions, conversion factors, and data sources.

2. Data are California-specific.

Recommended Change:

(B) Information on goals shall be accompanied by supporting information covering, but not be limited to the following topics:

1. Description of the measurement methodology, assumptions, conversion factors, and data sources.

2. Data are specific to post-consumer carpet diverted from California landfills.

Page 18/ Line7: Change immediate to 'reasonable and timely'

Current Statement in Proposed Product Stewardship for Carpet Regulations (March 16, 2011):

(b) Provide the department with immediate access to its facilities, operations,...

Recommended Change:

Provide the department with reasonable and timely access to its facilities, operations...

Thank you very much for considering these comments. We urge CalRecycle to incorporate these revisions in the final Product Stewardship for Carpet Regulations. Inclusion of these changes will insure that all effected stakeholders will implement the law fairly and consistently, in order to meet the requirements for compliance.

Sincerely,

Georgina W Sikorski

Georgina W Sikorski, Executive Director

Carpet America Recovery Effort (CARE)

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