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April 6, 2011

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

Dear Mr. Leary:

**RECOMMENDATIONS FOR REVIEWING ARCHITECTURAL PAINT STEWARDSHIP PLANS REQUIRED BY ASSEMBLY BILL 1343 (HUFFMAN, 2010)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), in conjunction with the County of Los Angeles (County), the County Sanitation Districts of Los Angeles County (CSD) and the City of Los Angeles (City), would like to offer the recommendations presented herein to the Department of Resources Recycling and Recovery (CalRecycle) for consideration when reviewing architectural paint stewardship plans required pursuant to Assembly Bill 1343 (Chapter 420, 2010 statutes). These recommendations reflect collective knowledge gained from the combined experience in successfully administering the largest and most extensive Household Hazardous Waste Collection Program (HHWCP) in the United States.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Since the late 1980's, various Citywide and Countywide HHWCPs have been implemented to provide residents in Los Angeles County with an environmentally safe means and location to manage their household hazardous waste (HHW). Currently, the City operates six permanent collection centers, and the County operates the Antelope

Valley Environmental Collection Center in Palmdale. Additionally, the County (jointly with CSD) and the City conduct mobile collection events (Roundups). The County expends over \$5 million annually on administering and managing waste from the Roundups alone, averaging nearly \$100,000 per event. This physical, financial, and administrative burden is currently shouldered by local governments and thus paid for by the general tax-paying public.

Of the HHW collected by the HHWCPs administered by the City and the County, architectural paint is both the most voluminous and expensive material to properly manage due to limited markets and its inherent toxicity. As a result close to \$2.5 million is expended annually by the City and County, combined, to properly manage approximately 5 million pounds of collected architectural paint. AB 1343's establishment of a product stewardship program for architectural paint is meant to reduce the end-of-life management costs for paint and mitigate the environmental impacts of its disposal. As such, the Task Force supported the bill's passage and believes it represents the formulation of a new strategy for postconsumer paint management in California, which necessitates the paint industry taking ownership of the end-of-life responsibility for their product.

As enacted, AB 1343 requires a product stewardship organization to formulate an architectural paint stewardship plan that develops and implements a recovery program that reduces the generation, promotes the reuse, and manages the end-of-life of postconsumer architectural paint in an environmentally sound fashion including collection, transportation, processing, and disposal. AB 1343 also states the plan shall address the coordination of the recovery program with existing HHWCPs as much as is "reasonably feasible and mutually agreeable." As such, we expect CalRecycle to safeguard the interests of cities, counties, and other appropriate stakeholders involved should the plan not fully account for all costs burdening existing paint collection entities.

Accordingly, the Task Force would like to present the following recommendations for use by CalRecycle when reviewing architectural paint stewardship plans. The intent of these recommendations is to minimize local governments' involvement and expenditures in collection and management of paint while decreasing costs to California residents and reducing their exposure to liabilities associated with paint collection and management.

Any Paint Stewardship Plan submitted to CalRecycle for review/approval should include the following:

1. Fair-share funding allocations to HHWCPs for costs incurred from the management of postconsumer architectural paint. Local governments currently fund the administration, advertisement, and collection/transportation/treatment/disposal elements of HHWCPs that collect postconsumer architectural paint.

Even though a stewardship plan will likely include provision to absorb the costs associated with the collection and management of architectural paint, local governments sponsoring HHWCPs must also be reimbursed for their associated administration and advertisement costs. This would preclude local governments from having to finance paint advertisement and administration from HHWCP budgets. Specifically, reimbursements to local governments should be based on collection, transportation, treatment, and disposal and a percentage of the administration, advertisement, and fixed costs attributed to the paint management of the HHWCP.

2. A comprehensive, statewide advertising campaign focused on educating the public on appropriate paint management options. The campaign should additionally target those residents without access to the internet. Publicly administered and/or operated HHWCPs should not be mentioned as ultimate management options to minimize the flow of paint to HHW collection events. The goal is to change the public's behavior of identifying HHWCPs as paint disposal locations and direct them to the new paint management (collection, recycling, treatment and disposal) infrastructure created by the paint industry. In addition, HHWCPs must be able to impose participation restrictions to control costs and address space and capacity constraints.
3. Region- or city-specific outreach strategies since a statewide advertising campaign may not provide the region- or city-specific information necessary for the public to correctly identify the most convenient location.
4. Assurances of outreach to retail locations soliciting participation in the take-back program including asking for reasons for non-participation, which will assist the product stewardship organization in developing strategies aimed at increasing retailer participation.
5. A description of any coordination issues of the architectural paint stewardship program with existing HHWCPs including an explanation of what is not mutually agreeable between the programs.

Additionally, the Task Force would like to present the following general recommendations for developing the architectural paint stewardship plan:

1. The State Legislature in concert with CalRecycle should give consideration to future program expansion that includes paint-related substances (i.e. Turpentine, paint stripper, rust remover, paint thinner, varnish, etc.) to better accommodate and simplify HHW take-back for the public. This approach has proven successful at increasing participation rates and overall satisfaction in existing paint stewardship programs.

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2. CalRecycle should provide support for emerging recycled paint markets and paint reuse programs through the Recycling Market Development Zone Loan Program.

We appreciate your consideration of these recommendations in the development of Paint Stewardship Plan's review tools. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147 or [mikemohajer@yahoo.com](mailto:mikemohajer@yahoo.com).

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Council Member, City of Rosemead

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cc: CalRecycle (Howard Levenson, Cara Morgan, Brenda Smyth)  
California State Association of Counties  
League of California Cities  
California Product Stewardship Council  
Each Member of the County of Los Angeles Board of Supervisors  
Each City Mayor and City Manager in Los Angeles County  
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Gateway Cities Council of Governments  
Each City Recycling Coordinator in Los Angeles County  
Each Member of the Los Angeles County Integrated Waste Management Task Force