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December 22, 2011

Cynthia Dunn
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812

Dear Ms. Dunn:

COMMENTS ON THE REVISED PROPOSED REGULATIONS FOR THE ARCHITECTURAL PAINT RECOVERY PROGRAM DATED DECEMBER 7, 2011, REQUIRED BY ASSEMBLY BILL 1343 (HUFFMAN, 2010)

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force, in conjunction with the County of Los Angeles (County), the Sanitation Districts of Los Angeles County, and the City of Los Angeles (City), would like to thank CalRecycle in considering some of our comments submitted in a letter dated October 25, 2011. The Task Force in coordination with the listed agencies would like to take the opportunity to once again stress the key elements of an effective stewardship program necessary to improve services and maximize benefits to the public and the environment. The group would appreciate for CalRecycle to again consider these following important elements before the regulations are made final.

1. **Convenience to Consumers** - Consistent with the EPR Framework, the program must be designed to ensure system effectiveness through maximized convenience to consumers and set minimum recovery rates to measure program performance. As written, the proposed regulations do not directly address this element.

Please note that while existing infrastructure may be considered in the development of the plan, such as an existing local government program, it also must reflect, as AB 1343 recognizes, that existing infrastructure is not sufficient or convenient enough to capture a significant portion of the postconsumer architectural paint (only about five percent of all households currently participate in the local government programs).

2. ***Collaboration with Local Governments*** - Consistent with the EPR Framework, it is important for CalRecycle to collaborate with agencies, internal and external, to effectively address cross-media and cross-organizational issues when considering approval of product stewardship plans. Consequently, provisions need to be incorporated into CalRecycle's review and approval process to allow and consider local government input prior to approval of the stewardship plan by allowing local governments a 30-day opportunity to review and comment on the plan.
3. ***Manufacturer Responsibility and Local Government Participation*** - Consistent with CalRecycle's EPR Framework, an effective stewardship program must be designed to provide financial relief to local governments and require minimal local government involvement.

Since one of the key objectives of AB 1343 is to reduce costs to local governments and shift the responsibility to manufacturers and consumers, existing local government programs should not be relied upon without proper compensation to the local government programs for all the costs incurred in the collection of postconsumer paint. If a local jurisdiction chooses to participate in the program, its operation costs including administration at minimum must be covered. We recommend that the Regulations be revised to address and establish a reimbursement cost structures for local jurisdictions and also, include a transitional goal to relieve local governments from the burden of collecting architectural paint.

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We appreciate your consideration of these comments and concerns in the development of the Final Regulations for the Architectural Paint Recovery Program. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147 or 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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Enc.

cc: CalRecycle (Caroll Mortensen, 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
City of Los Angeles Bureau of Sanitation (Enrique Zaldivar, Alex Helou,
Karen Coca)
County Sanitation Districts of Los Angeles County (Steve Maguin, Grace Chan,
Chris Salomon)
County of Los Angeles Department of Public Works (Pat Proano)
League of California Cities, Los Angeles County Division
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
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