

July 29, 2009

Maziar Movassaghi  
Acting Director, Dept of Toxic Substances Control  
1001 I St.  
Sacramento, CA 95814

## **RE: GREEN CHEMISTRY REGULATIONS DEVELOPMENT**

Dear Director Movassaghi:

On behalf of the California Product Stewardship Council (CPSC) I am writing to provide a recommendation on the development of the Green Chemistry regulations.

As you may know, CPSC is an organization of over 90 California local governments and hundreds of business partners, interested non-profits and individuals who are working towards a single mission: To shift California's product waste management system from one focused on government-funded and ratepayer-financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

Working toward that goal, CPSC supported the enabling Green Chemistry legislation AB 1879 because it provided DTSC with authority to require product take-back in Section 25253(b) 7:

*(7) Imposing requirements for the manufacturer to manage the product at the end of its useful life, including recycling or responsible disposal of the consumer product.*

The Department has already banned products like batteries, paint, and lamps from disposal which does nothing to improve recycling and puts a huge unfunded mandate on local governments to just figure it out. **We would like the Department to quickly consider all products that it banned from landfill disposal to be required to have a take-back program.** There is no need for lengthy analysis when the Department already made the determination that they are toxic. **Additionally, we request that no future disposal bans be imposed without the producer take-back requirement being exercised.**

We met with Maureen Gorsen twice and discussed this issue and at our last meeting she provided us hope that she would consider using universal wastes as the first test group of products to go through the analysis to determine if take-back was the answer.

To follow-up on this conversation, I spoke with Don Owen after Ms. Gorsen left DTSC and we submitted this comment in an e-mail on April 14<sup>th</sup>:

*When an alternatives analysis is performed and a chemical of concern is identified, if the product cannot be redesigned to eliminate the use of that chemical and it will continue to be sold in California, that situation would*

*automatically trigger the implementation of a mandatory stewardship program to be developed by those who sell the product into California.*

Not having heard what is happening towards this end, CPSC Board Chair Rob D'Arcy and I met with Peggy Harris and Evelia Rodriguez July 1, 2009 to discuss the status of the regulation development and were informed that our conversation with Ms. Gorsen had not been relayed and the general direction of the regulations was not focusing on the end of life issues. Therefore, they suggested we write to you and explain our position, hence this letter. We request that you strongly consider our positions above and **would also like to see the lifecycle analysis include cost to manage because the higher the cost to manage, the less likely it will be managed properly unless the producers take responsibility.**

As you know, local budgets are under extreme financial pressure and jurisdictions like Calaveras County have permanently laid-off HHW staff. In the future, there will be less taxpayer money available to ensure proper management of hazardous products and without a statewide take-back mandate for products banned from disposal, we know that many of them will be improperly handled.

We greatly appreciate the time your staff has spent with us as they have all been helpful and we look forward to working with you as the Department considers its options on how to move forward.

Our mantra is “no ban without a plan” and we are very serious about making sure that existing bans are fixed to have a concurrent plan to manage toxic products and that no more disposal bans are imposed without a comprehensive end of life management plan being prescribed.

We appreciate your consideration of our views and look forward to working with you and your staff on this very important mission to implement the Green Chemistry legislation.

Sincerely,



Heidi Sanborn, Executive Director

Cc: Peggy Harris, DTSC  
Don Owen, DTSC