

April 22, 2013

DTSC
Office of Legislation and Regulatory Policy
P. O. Box 806
Sacramento, CA 95812-0806
Submitted via e-mail to: gcregs@dtsc.ca.gov

RE: CPSC Comments on Draft Regulations for Safer Consumer Product Alternatives

Dear Director Raphael:

The California Product Stewardship Council (CPSC) is an organization of local governments and businesses from all parts of California who have come together to support a transition to producer responsibility for managing discarded products. California local governments have now passed 133 resolutions supporting producer responsibility, representing sixty-three percent of the state's population. The stream of products requiring special end-of-life management is growing every year. Many products sold have hazardous constituents and require special handling in order to reduce contamination to storm water, sewer systems and the natural environment that are very expensive to properly manage or remediate. We support the development of regulations that would promote the re-design of these problem products.

The U.S. Environmental Protection Agency (EPA) data establishes that 75% of the municipal waste stream is made up of products and packaging. Significant and growing shares of these products contain hazardous constituents, and are banned from the landfill at the end of their useful life. Local government household hazardous waste (HHW) programs have borne the burden of managing these products for many years. Because the HHW programs around the state are identified as the primary collection mechanism, substantial infrastructure and funding are necessary to collect and manage these wasted materials. The implementation of this program should provide substantial cost savings to local government agencies that currently manage these hazardous products at end-of-life.

Thank you for being receptive to our comments dated February 25, 2013, on the previous version of the regulations, to ensure the program sufficiently captures HHW products and the manufacturer's end-of-life management plans allow for public stakeholder input.

We strongly support the proposed regulations, and urge DTSC to move forward with implementation of the Safer Consumer Product Regulations.

However, in order to ensure the end-of-life management programs established under these regulations are effective and transparent, we urge DTSC to address the following issues during the implementation process:

- (1) In order to ensure the end-of-life management programs have meaningful and reasonable performance goals, we urge the Department to ultimately establish the performance goals, in consultation with the manufacturers or stewardship organizations and affected stakeholders. With any product stewardship program, the performance goals should be established by the State, and the manufacturers/stewardship organizations identify how to attain the performance goals in their stewardship plans, and report on their progress annually.
- (2) In order to support resource conservation and highest and best use of materials, the end-of-life management programs should support the waste management hierarchy, and encourage source reduction activities as well as beneficial use (e.g., energy recovery) of any hazardous materials which cannot be reused or recycled.

- (3) In order to ensure full transparency, we strongly suggest the Department conduct annual reviews of the independent financial audits of the end-of-life management programs, to make certain that funds raised to implement these stewardship programs are not used to fund litigation against the State.

The time is here for California to meld the best elements of current programs and become a world leader in creating producer responsibility systems that drive green design and add to California's leadership as a wellspring of industrial innovation for sustainability. We look forward to working with you as the Safer Consumer Product Regulations are implemented in California!

Thank you for your consideration.

Sincerely,



California Product Stewardship Council

Enclosure: Who is CPSC Fact Sheet