



# CPSC

California Product  
Stewardship Council SM

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[www.CalPSC.org](http://www.CalPSC.org)

January 5, 2009

Attention: Clerk of the Board  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Sent via fax: 916-322-3928

**SUBJECT: Draft Proposed Regulation Order, "Sales of Automotive Refrigerant in Small Containers" Division 3, Chapter 12, Halogenated Refrigerants**

To Whom It Concerns:

Thank you for the opportunity to provide comments on the draft proposed regulations regarding California's Air Resources Board (ARB) "Do-It-Yourself" (DIY) Small Aerosol Can Measure. The California Product Stewardship Council (CPSC) is a state-wide coalition of local governments and their associations, businesses and their associations, non-profits and individuals. CPSC's mission is 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 the public costs and drive improvements in product design that promotes environmental sustainability.

The CPSC recommends that ARB revise the proposed Regulation to support a robust Extended Producer Responsibility (EPR) system. The final regulation should require the manufacturers of these products to develop, underwrite and implement a take back system built on the Framework Principles of Product Stewardship (see attached).

As written, the draft policy framework is inconsistent not only with the CPSC's Guidelines and principles for implementation of EPR (see attached) but also the Extended Producer Responsibility (EPR) model recently adopted by the California Integrated Waste Management Board (CIWMB). Like the California Retailers Association, the CPSC firmly believes that State-imposed disposal bans do nothing to reduce the toxicity or total volume of waste and places an undue financial burden on retailers, haulers, recyclers and other entities in the product chain, including ratepayers.

As currently written, the proposed draft regulation outlines the requirements for a take-back program for DIY users of motor vehicle air conditioning (small volume) products in order to regulate the contents and incentivize return of unused portion of refrigerant for proper disposal. The CPSC respectfully requests consideration of the following comments and recommendations when developing the next iteration of the regulation:

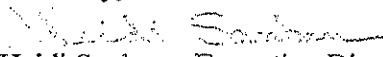
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1. Consider AB 2347 as a model for development of the Small Aerosol Can Measure legislation. Recently signed by the Governor, this law now requires manufacturers to engage in an EPR system for the safe recycling of their mercury-containing thermostats.
2. The draft regulations call for a consumer-paid deposit on the containers to be refunded when the container is returned in good condition within a specific time period. Include language that requires the retailers to notify customers that they are charging a \$10 deposit, and that they need to keep that receipt and return the item to the same retail location, within 90 days, for a refund.
3. Set the recovery rate target at 100% to accommodate a 100% disposal ban.
4. Address online purchases in the regulation, and ensure there are provisions to enforce the same regulations for out-of-state retailers as there are for California retailers.
5. Address the fact that a percentage of customers will lose their receipts. There needs to be a mechanism to handle those cans.
6. Include language that exempts can deposits from sales tax.

Thank you for the opportunity to comment on these draft regulations. If we can provide any additional information, please let me know.

Sincerely,

  
Heidi Sanborn, Executive Director  
California Product Stewardship Council

Enclosures: Who is CPSC?

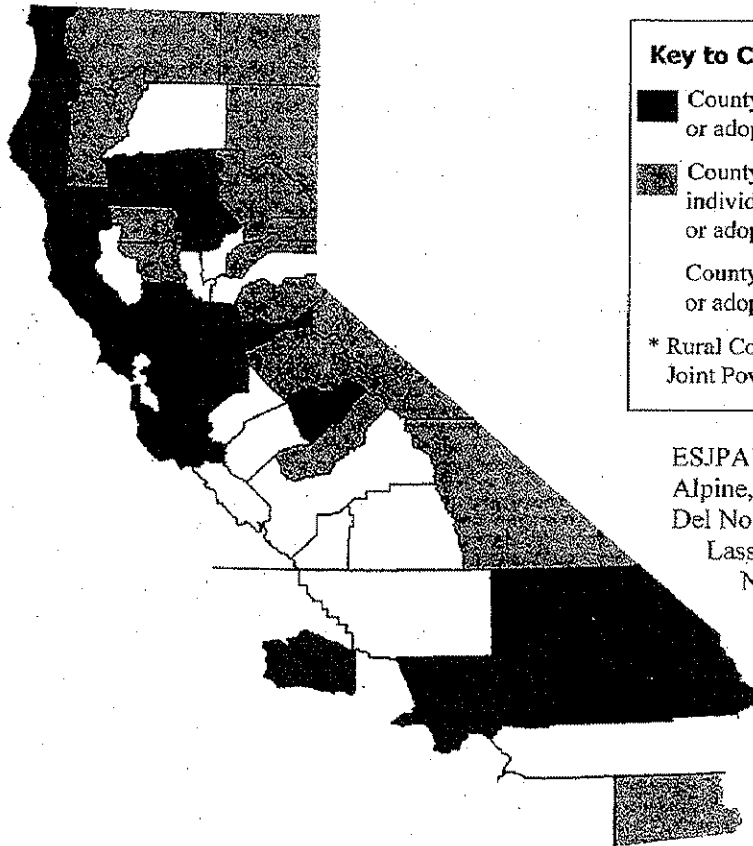


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## Who is CPSC?

### CPSC Associated Counties (11/1/08)



#### Key to CPSC Associated Counties:

 County has either signed the CPSC pledge or adopted an EPR resolution

 County in ESJPA\* has not individually signed the CPSC pledge or adopted an EPR resolution

County has not signed the CPSC pledge or adopted an EPR resolution

\* Rural Counties' Environmental Services Joint Powers Authority (ESJPA)

ESJPA's 22 member counties are:

Alpine, Amador\*\*, Butte\*\*, Calaveras, Colusa, Del Norte\*\*, El Dorado, Glenn, Imperial, Inyo, Lassen, Madera, Mariposa\*\*, Modoc, Mono, Nevada, Plumas, Sierra, Siskiyou, Tehama\*\*, Trinity, Tuolumne.

*\*\*Note: ESJPA's participation in CPSC does not signal participation by each individual county member of the ESJPA. While several ESJPA members are bringing the CPSC pledge to their County Supervisors for approval, Amador, Butte, Del Norte, Mariposa and Tehama Counties are the only ESJPA member counties that have signed the pledge.*

### Local government agencies in the following jurisdictions are participating in the California Product Stewardship Council (11/1/08):

#### Counties (15)

- Alameda County
- Butte County
- Mariposa County
- Napa County
- Sacramento County
- San Bernardino County
- San Francisco County
- San Joaquin County
- San Mateo County
- Santa Barbara County
- Santa Clara County
- Santa Cruz County
- Solano County
- Tehama County
- Yolo County

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**California Product Stewardship Council**


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**Cities (38)**

- Amador City
- Burbank
- Chula Vista
- Covina
- Cupertino
- Diamond Bar
- Dixon
- Dublin
- El Cerrito
- Elk Grove
- Folsom
- Fresno
- Indian Wells
- Isleton
- La Verne
- Lemon Grove
- Los Altos Hills
- Los Gatos
- Monrovia
- Monte Sereno
- Morgan Hill
- Oakland
- Palo Alto
- Pasadena
- Rohnert Park
- Rio Vista
- Sacramento
- San Dimas
- San Francisco
- San Juan Capistrano
- San Joaquin
- San Jose
- Santa Cruz
- Santa Monica
- Sierra Madre
- Union City
- Vacaville
- Vernon

**Local Government Associations (26)**

- Amador County Integrated Solid Waste Management Agency
- Association of Bay Area Governments, Bay Area Hazardous Waste Management Facility Allocation Committee
- Association of Bay Area Governments (ABAG), SF Estuary Project
- Bay Area Clean Water Agencies
- Bay Area Stormwater Management Agencies Association
- California Council of Directors of Environmental Health (CCDEH)
- California Stormwater Quality Association
- Central Contra Costa Solid Waste Authority
- Contra Costa Clean Water Program
- Del Norte Solid Waste Management Authority
- East Bay Municipal Utility District
- Humboldt Waste Management Authority
- Los Angeles County Integrated Waste Management Task Force
- Los Angeles County Sanitation District
- Marin County Joint Powers Authority
- Mendocino Solid Waste Management Authority
- Mojave Desert and Mountain Recycling Authority
- Monterey Regional Waste Management District
- Napa County Environmental Management
- Rural Counties' Environmental Services Joint Powers Authority (ESJPA)  
(Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Imperial, Inyo, Lassen, Madera, Mariposa, Modoc, Mono, Nevada, Plumas, Sierra, Siskiyou, Tehama, Trinity, Tuolumne)
- Sacramento Business Environmental Resource Center
- Sacramento County Department of Water Resources
- Sacramento Regional County Sanitation District
- Santa Clara Valley, CLEAN South Bay
- Sonoma County Waste Management Agency
- West Valley Clean Water (Campbell, Los Gatos, Monte Serena, Saratoga)

**Partners (20)**

- Allied Waste, Daly City
- California Resource Connections Inc.
- CR&R Waste and Recycling Services
- Environmental Innovations
- Executive Communications
- Gill's Onions
- Grassroots Recycling Network
- Green Party of Los Angeles County
- Keep California Beautiful
- Long Beach Coalition for a Safe Environment
- Main Street Moms
- Marin Sanitary Service
- Pacific Recycling Solutions
- ReUse Arizona
- Reverse Logistics Association
- Sierra Club Napa
- Takayama Consulting
- Teleosis Institute
- Total Recycling Associates
- The Watershed Project

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