CPSC
California Product Stewardship Council SM

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Clerk of the Board
Air Resources Board
1001 I Street
Sacramento, CA 95815

Submitted via Fax: (916) 322-3928

Re: Comments on Proposed Regulatory Language: Regulation for Small Containers of Automotive Refrigerant

The California Product Stewardship Council's Policy and Education Advisory Committee has reviewed the proposed language for the Air Resources Board's Small Containers of Automotive Refrigerant measure and has made the following recommendations:

Section 95366. Container Disposal or Destruction

(1) Collect a deposit from the consumer or charge the consumer's account for each small container of automotive refrigerant at the time of sale.

CPSC comment: Include language within this section that "requires retailers to notify customers that they are charging a $10 deposit, and they need to keep that receipt and return the item to the same retailer location, within 90 days, to **ensure** they can get a refund".

(2) The amount of deposit on each small container is initially set at $10, and can be increased in $5 increments as described in section 95367(d).

CPSC comment: Include language within this section that "the amount of deposit on each small container is exempt from sales tax."

(3) Return the deposit to the consumer, or credit the consumer's account when the consumer returns a used small container of automotive refrigerant to the retailer, provided that the consumer returns the used container of refrigerant to the retailer where purchased within 90 days of purchase, and submits proof of purchase (e.g., cash register receipt). A retailer may return the deposit at its discretion if more than 90 days have elapsed, the consumer does not have a receipt, or if the consumer returns the container to a location other than the place of purchase. A retailer must not return the deposit and must not accept any small containers of automotive refrigerant that have been breached or structurally compromised.

CPSC comment: The CPSC is pleased with the accommodation that, "retailers may return the deposit at its discretion if more than 90 days have elapsed, the consumer does not have the receipt, or if the consumer returns the container to a location other than the place of purchase."

These discretionary mechanisms address CPSC's concern that many consumers will lose or forget their receipt when considering return of the spent refrigerant container.

Section 95366. Container Deposit and Return Program Requirement

(1) Collect a deposit from the consumer or charge the consumer's account for each small container of automotive refrigerant at the time of sale.

CPSC comment: Include language within this section that "online purchases are included within this provision of collecting a deposit or charging the consumers' account for each small container of automotive refrigerant at the time of sale".

Thereby, there will be assurance that provisions have been made to enforce the same regulations for out-of-state retailers as there are for California retailers.

Section 95367. Recycling Reporting Requirements

(c) Between January 1, 2010 and September 30, 2011, the target return rate for containers is 90%. For the two year period beginning October 1, 2011, the target return rate for containers is 95%.

CPSC comment: Revise language to read, "Effective January 1, 2010, the target return rate for containers at 100% in order to accommodate the 100% disposal ban".

Thank you for considering these comments. If you have questions, please do not hesitate to contact me at (916) 485-7753 or via email to Heidi@calpsc.org

Sincerely,

Heidi Sanborn
Executive Director