

From: Madelyn K. Harding [mkharding@sherwin.com]
Sent: Thursday, September 01, 2011 8:35 AM
To: Paint Product Stewardship
Subject: Proposed Regulations for Architectural Paint Recovery Program
Attachments: Letter on CA Paint Recycle.pdf

To Mr. Mark Leary, Acting Director of California Department of Resources, Recycling and Recovery,

Attached please find the comments of The Sherwin-Williams Company on the Proposed Regulations for Architectural Paint Recovery Program.

Thank you for your prompt attention to these comments, as well as the comments from ACA, PaintCare and the California Paint Council. Please do not hesitate to contact me with any questions.

John Gerulis, Vice President
Corporate Environmental, Health, & Regulatory Services
The Sherwin-Williams Company
Cleveland, OH 44115
216-566-2239
jjgerulis@sherwin.com

This message, including attachments, is confidential and may be privileged. If you are not an intended recipient, please notify the sender immediately by return e-mail, then delete and destroy the original message and all copies. You should not copy, forward and/or disclose this message, in whole or in part, without permission of the sender.



SHERWIN-WILLIAMS.

John J. Gerulis
Vice President
Environmental, Health &
Regulatory Affairs
Phone: 216-566-2239
Fax: 216-566-2730
E-mail: jjgerulis@sherwin.com

September 5, 2011

Mr. Mark Leary, Acting Director
California Department of Resources,
Recycling and Recovery
801 K Street, MS 19-01
Sacramento, CA 95814

RE: Proposed Regulations for Architectural Paint Recovery Program

Dear Mr. Leary:

The Sherwin-Williams Company is submitting comments on the above referenced California Department of Resources, Recycling and Recovery (CalRecycle) Regulations for Architectural Paint Recovery Program (herein after referred to as "Proposed Regulations").

Sherwin-Williams is one of largest paint manufacturers in the world, with sales of almost \$8 billion annually. We manufacture and distribute well-known, nationally branded products like Dutch Boy® and Pratt & Lambert® paints, Minwax® interior wood finishing products, Krylon® aerosol paints, Thompson's® WaterSeal® exterior waterproofing products, Purdy® paint brushes and rollers and Dupli-Color® automotive specialty products, as well as selling Sherwin-Williams® branded paints and stains exclusively through company owned stores. In addition to these well known coatings, we provide industrial coatings to a significant number of factories, plants, and shops directly, as well as through the large network of company owned stores, of which over 145 are located within the State of California. In addition, we have production facilities throughout the world, including two within the State of California, and employ over 1080 people within the State.

Sherwin-Williams' commitment to product stewardship was recently recognized by the US Environmental Protection Agency. On June 20, 2011, US EPA presented to Sherwin-Williams, a Presidential Green Chemistry Challenge Award for our development and implementation of an innovative water-based acrylic alkyd technology. This Award recognizes chemical technologies that use chemistry for source reduction and that prevent the formation of any hazardous substance in any chemical product or process. This is an especially noteworthy award for product stewardship activities, since source reduction is the highest tier of the risk management hierarchy described in the Pollution Prevention Act of 1990.



Mark Leary, Acting Director
CA DRRR
Sacramento, CA 95814

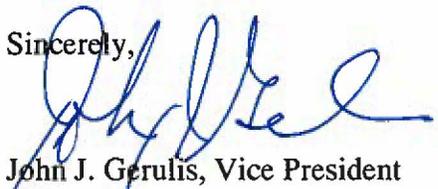
September 5, 2011

Sherwin-Williams supports the comments submitted by the American Coatings Association (ACA) and PaintCare. Sherwin-Williams believes the Proposed Regulations are well beyond the scope of CalRecycle's statutory authority and do not comport with the plain language and legislative intent of the underlying legislation. Sherwin-Williams stands ready and willing to implement a paint stewardship program in the state of California, and supported the legislation enabling such. However, Sherwin-Williams cannot support what appears to be the Agency's attempt to satisfy their own interest in putting in place a broad extended producer responsibility regulatory policy by which future products are measured.

The impetus for the program and the enabling legislation was a multi-state, multi-stakeholder dialogue facilitated by the Product Stewardship Institute entitled the Paint Product Stewardship Initiative. Sherwin-Williams participated in this dialogue and agreed to pursue the legislation in this regard because of the consensus agreements brought about by the dialogue with regard to extended producer responsibility. Thus, AB1343, the enabling legislation here, is very specific and is the basis for the program already being implemented in Oregon and that will be implemented in Connecticut. In fact, Sherwin-Williams is currently participating in PaintCare and the program is working well in Oregon, without the need for implementing regulations. Therefore, the legislation and ensuing statute provides ample plain language for CalRecycle to draft clear and reasonable regulations upon. CalRecycle's attempt to add additional requirements over and above what would have been supported in the underlying legislation cannot survive administrative or judicial scrutiny. In order to ensure that the residents of California receive the PaintCare program in a timely fashion, Sherwin-Williams urges CalRecycle to revise the Proposed Regulations based on ACA and PaintCare comments, removing superfluous, burdensome and costly additional requirements that the Proposed Regulations currently contain.

In advance, thank you for your prompt attention to these comments, as well as those from ACA, PaintCare and the California Paint Council. Please do not hesitate to contact me with any questions.

Sincerely,



John J. Gerulis, Vice President
Corporate Environmental, Health and Regulatory Services