



July 24, 2025

Ms. Zoe Heller
Director, CalRecycle
1001 I Street
Sacramento, CA 95814

Submitted via Public Comment Form

RE: Comments on Paint Stewardship Draft Proposed Regulations

Dear Director Heller:

On behalf of the Rural County Representatives of California (RCRC), we are pleased to provide comments on CalRecycle's draft proposed regulations to implement Assembly Bill 1526 and Senate Bill 1143. RCRC is an association of forty rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

Most of our member counties operate landfills, transfer stations, and/or household hazardous waste (HHW) collection facilities and take paint from consumers for proper recycling and disposal. Once implemented, these regulations are expected to provide significant cost savings to local HHW collection programs by expanding the scope of products included in the paint stewardship program.

Generally, our comments on the draft proposed regulations note the need for:

- More clarity on the definitions.
- A public review process for the stewardship plan.
- Alignment of references to "paint" and "paint products" in the annual reporting requirements.

Section 18951. Definitions

(h) "Graffiti remover" – The proposed definition inappropriately broadens the definition of "graffiti remover". Public Resources Code Section 48701 excludes graffiti removers from the definition of "aerosol coating product", so aerosol graffiti removers are not eligible for the paint stewardship program. At the same time, non-aerosol graffiti removers are still considered "paint removers" which are included in the definition of

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“Coating-related product” in Section 48701. To better align with statute and avoid improperly excluding some “paint removers” or “graffiti removers” from the program, the definition should be revised as follows:

(h) “Graffiti remover” means an aerosol coating product designed and labeled on the product’s packaging or on the manufacturer’s website to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish, from a variety of noncloth or nonfabric substrates.

(l) “Paint remover” – Limiting the definition of “paint remover” to only those products designed and labeled to strip or remove paint by chemical action limits the applicability of the term. Many paint removers may work by chemical action but also require manual scrubbing to properly remove paint. This definition should be revised as follows:

(l) “Paint remover” means any product designed and labeled on the product’s packaging or on the manufacturer’s website to strip or remove paints or other related coatings, ~~by chemical action~~, from a substrate without markedly affecting the substrate.

(n) “Pigment” – Some pigments might exhibit the characteristic of volatility, including those used in oil-based or alcohol-based paint and paint products. This definition should be revised as follows:

(n) “Pigment” means any nonvolatile ingredient of either natural or synthetic insoluble material added to a paint product to provide color, opacity, or corrosion inhibition.

(p) “Resin” – Some resins exhibit the characteristic of volatility, including lacquer and shellac. This definition should be revised as follows:

(p) “Resin” means any nonvolatile ingredient that comprises film-forming ingredients. Examples of resin ingredients include, but are not limited to, acrylic, alkyd, enamel, epoxy, lacquer, polyurethane, polyvinyl chloride, shellac, silicone, and polystyrene.

Section 18952. Document Submittals: Stewardship Plan, Annual Report, and Lists.

The proposed draft regulations lack clarity with respect to distribution and approval of the stewardship plan and previous plans.

Section 18952 (a)(2)(A) requires the immediate posting of the submitted plan to the organization's website. It is not clear how the public will be informed of this posting. The regulations should clarify how the public should be notified of this posting.

Section 18952 (a)(2)(A)(ii) only requires posting of the most recent stewardship plan. While previous plans can consume significant data, there should still be a repository of previous approved plans to allow for historical comparisons such as amounts and types of products collected, changes in approved sites and accessibility, educational program changes, etc. If the stewardship organization is not required to maintain older plans, CalRecycle should maintain those reports and make them publicly accessible. This section should be revised as follows:

(ii) The manufacturer or stewardship organization shall maintain ~~its most recent~~ annual reports on its internet website ~~until the following year's annual report is posted.~~

Section 18952.1. Document Approvals: Stewardship Plan and Annual Report.

There is no requirement that the public will be provided an opportunity to review and comment on the submitted stewardship plan before CalRecycle's approval. As proposed, the Organization will submit the plan to CalRecycle and post it online. CalRecycle then reviews and approves, disapproves, or provides conditional approval. It is not clear what opportunity will be provided for public review and feedback. This public review and comment process should be included in the regulations as follows:

(a) The department shall approve, disapprove, or conditionally approve a stewardship plan after allowing the public to review and comment on the submitted plan for at least two weeks prior to CalRecycle's determination of the plan.

Section 18953. Stewardship Plans (a)(3)(D)

The proposed regulations require the stewardship organization to:

(D) Provide a free dropoff and convenient collection system throughout the state, ensuring access to approved collection sites or events for consumers in each county, including but not limited to, rural areas. Include the proposed number, location, and type of approved collection sites located in the state.

Some rural programs that currently accept household hazardous waste have limited storage space. Current practice for management includes packaging proposed paint products in the same container as products that are not covered paint products. These programs will not have sufficient storage space to split the collected products into

two different containers and need the ability to commingle approved paint products and non-paint products into the same container. It would not be difficult to record a proportional amount of approved paint products in the container and use that ratio for calculating the amount of free management of the approved paint products. Not allowing for this accommodation could jeopardize the convenience of collection for small facilities. This accommodation is reasonable and necessary, as space-constrained sites will sometimes be those contemplated in Public Resources Code 48703.3 (b)'s requirement to coordinate with the "existing local household hazardous waste collection programs". The proposed regulations can address this issue through the following revisions to the section:

(D) Provide a free dropoff and convenient collection system throughout the state, ensuring access to approved collection sites or events for consumers in each county, including but not limited to, rural areas. Include the proposed number, location, ~~and~~ type of approved collection sites located in the state, and accommodations for facilitating collection at sites with limited storage area.

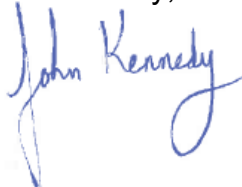
Section 18954. Annual Reports.

The proposed regulations should be consistent when referring to "paint products" in the annual reporting obligations. To illustrate the point, Section 18954 requires the report to include a description of each paint product but then refers to management of postconsumer paint. These are different terms and should be aligned to reduce confusion, as noted below:

Section 18954 (4)(B) ~~Description~~ A description of how each consumer of ~~architectural~~ a paint product in ~~California~~ the state had an opportunity to recycle and properly manage their postconsumer paint ~~products~~ on a state-wide through the manufacturer or stewardship organization's program, including the number, location, and type of approved collection ~~points~~ sites located in the state.

Thank you for your consideration of these comments. Please contact me at jkennedy@rcrcnet.org with any questions.

Sincerely,



JOHN KENNEDY
Senior Policy Advocate