

**Public Comments Received on Manufacturers' Advertising  
Plan for Groups A, B and C**

**As of October 26, 2017**

## **Comment 1**

**From:** [Lennett, David](#)  
**To:** [Thermostats@DTSC](#); [Avila, Renee@DTSC](#); [Brausch, Rick@DTSC](#)  
**Cc:** [Stephen Groner | SGA \(sgroner@sga-inc.net\)](#); [Ryan Kiscaden](#); [aventura@cleanwater.org](#); [Bill Allayaud](#)  
**Subject:** Comments on TRC Advertising Plan  
**Date:** Wednesday, October 25, 2017 9:37:55 AM  
**Attachments:** [Comments on TRC Advertising Plan.pdf](#)

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See attached.

DAVID LENNETT  
*Senior Attorney*

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## COMMENTS ON TRC'S ADVERTISING PLAN

The Natural Resources Defense Council, Clean Water Action, and the Environmental Working Group hereby submit our comments on the advertising plan submitted by the Thermostat Recycling Corporation (TRC), on behalf of the thermostat manufacturers.<sup>1</sup> We previously called for the development of a more comprehensive approach to program outreach effort because of the low level of program awareness among the public and key program participants.<sup>2</sup> In response, the California Department of Substances Control (DTSC) required TRC to submit the advertising plan.<sup>3</sup>

Given the short time frame for providing these comments, we focus on three elements of the plan: (1) the plan format and its implications for enforcement; (2) consideration of additional outreach mechanisms in addition to those specified in the plan; and (3) the metrics for evaluating the effectiveness of the advertising plan.

### Format of Plan Submission

The plan as submitted consists of a power point presentation. Accordingly, the plan is largely a series of bullet points heavily populated with industry terms and jargon undefined in the document itself. While the company which prepared the plan for TRC explained the terminology in a presentation on October 17, that level of detail is not in the submission itself. Moreover, important facets of the plan are either not yet developed or not included in the plan, such as the actual keywords or searches which form the cornerstone of the digital strategy, the ultimate location of the billboards, and effective messaging suggestions for the various platforms. We request that DTSC carefully consider whether what was submitted is sufficient for enforcement purposes, and in its decision on the plan, specify the elements of the plan to be included in TRC's quarterly progress reports, so that both DTSC and others can fully understand the details of the activities conducted and react accordingly.

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<sup>1</sup> See <http://www.dtsc.ca.gov/HazardousWaste/upload/TRC-Ad-Plan.pdf>.

<sup>2</sup> See <http://www.dtsc.ca.gov/HazardousWaste/upload/GroupBCComments-06272017.pdf>, comment 3.

<sup>3</sup> See <http://www.dtsc.ca.gov/HazardousWaste/upload/DTSCApprovalwModsGroupBC-08042017.pdf>, pp. 4-5.

## Media Not Considered or Not Recommended

While the advertising plan includes substantial digital online outreach, other communication elements that have been used in similar public education programs are missing and should be given further consideration. In its plan, TRC indicated it had considered but rejected radio and newspaper advertising.<sup>4</sup>

There are two shortcomings to this aspect of the plan. First, there are other media that warrant consideration and inclusion in the plan. Second, TRC failed to consider radio advertising on a more concentrated basis, or through public service ads.

First, we identify the other media warranting consideration:

1. Integration with Product Advertising - TRC members have vast advertising budgets to successfully sell their products, yet efforts to “market” collection programs have not been integrated into product sales efforts. Integration with product advertising is not only a cost-effective option (linked to regular advertising costs), it is a missed opportunity to educate the public on both the practical logistics of the program and to demonstrate a favorable image of social responsibility to consumers. A final TRC advertising campaign should prioritize integration of its collection program into product advertisement, with a particular focus on reaching people who are shopping for a thermostat replacement. As a practical matter, such advertising integration would result in at least periodic retailer weekly inserts ad placement (such as those distributed through Sunday newspapers or in the mail), and prominent ad placement on retailer websites, including under the “deals or promotions” portions of these sites.

2. Product Inserts – Informational inserts and/or postage paid mail-back envelopes included in new product packaging is a direct way to reach the targeted audience and optimize the behavior you are trying to encourage. This should be a priority part of the advertising plan.

3. Public Transit Advertising – Paid advertising on public transit systems can be an effective way of reaching target audiences, and will offer a longer opportunity for people to view the messages than the billboards proposed. This advertising can also be adapted to provide more targeted advice for people in geographic areas with known retail partners. It is conceivable that retailers may partially contribute to an ad campaign which encourages people to go to their stores.

4. Municipal/Utility Partnerships – As was discussed at the October 17<sup>th</sup> meeting, partnering with municipalities, utilities, transportation authorities, and other local entities can provide opportunities to educate the public on the why and how of proper mercury thermostat disposal. Again, we draw from efforts to promote proper disposal of batteries, paint, light bulbs, and pharmaceuticals, which have included street banners; messaging on buses, subways, and trains; utility bill (water and energy) inserts; and

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<sup>4</sup> See <http://www.dtsc.ca.gov/HazardousWaste/upload/TRC-Ad-Plan.pdf>, p. 13/60.

county/city websites.<sup>5</sup> As part of this effort, there should be a website where retail and other partners can go for information on the program, as well as materials they can replicate. Currently, TRC's website (<https://www.thermostat-recycle.org/statelaws/california>) does not do this, and we suggest Paint Care as a minimum starting point (<https://www.paintcare.org/paintcare-states/california/#/retailers>).

Second, we address the potential role for radio advertising. Other extended producer collection programs have taken advantage of radio as a means of advertising to people both on the job and on the road. While the large number of markets throughout the state is a limiting factor, paid advertising through a targeted approach can be both cost effective and valuable. Timing opportunities include advertising special collection events or local sales on products, while concentrating on the pilot programs provides a reasonable geographic focus.

In addition, and more generally, public service announcements could be broadcast by major networks and public radio throughout the state, providing wide reach at little or no cost. Finally, TRC might explore public radio or television sponsorships, such as Paint Care has done. Radio options should not, of course, be limited to English-only stations. At a minimum, they should include Spanish outlets, with other languages considered depending on local demographics.

### Plan Metrics

We have not commented on the details of what TRC has proposed within the advertising plan, except as described above to suggest additional elements of outreach and advertising above what TRC proposed. For the moment, we largely defer to the digital/online expertise of the advertising consultants regarding the conceptual and operational aspects of the specific internet-related activities covered by the plan.

However, our deference is conditional upon a robust element of the plan measuring its effectiveness, and this is where the TRC proposal is lacking. Essentially, TRC proposes to measure digital click through rates to determine whether people receiving the various online messages are motivated enough to learn more by going to and staying on the TRC website.<sup>6</sup> While this may help ascertain the effectiveness of the online messaging, it will not measure the penetration rate of the message modalities utilized or how effective the program has been in improving awareness within the public or target stakeholder groups generally. In other words, the proposed metrics will not inform DTSC or us whether the activities contemplated in the plan are sufficient by themselves to achieve the overall level of awareness needed.

In our view, we should know after the advertising plan has run its course whether the public (and target groups) are sufficiently aware of the collection program and know how to participate (or where to go to determine how to participate). Ideally, we should also

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<sup>5</sup> As indicated above, TRC should be pursuing both paid and free advertising on public transit systems.

<sup>6</sup> <http://www.dtsc.ca.gov/HazardousWaste/upload/TRC-Ad-Plan.pdf>, pp. 52-3/60.

determine the extent to which non-internet modalities (such as billboards, radio advertising, public transit ads, and/or hardware store inserts) increased awareness within the communities reached this way. The metrics should specifically address whether more public outreach is needed than what has been done, and whether non-internet modalities are needed to fill the awareness gap.

### Conclusion

We are mindful of the need to begin enhanced outreach efforts as soon as possible, therefore we believe TRC should immediately begin the components of the advertising plan proposed in its plan, with the caveats above regarding enforceability and progress reporting. However, DTSC should require that TRC provide a supplemental plan which addresses coordination with company product advertising, the other media identified in these comments, and improved metrics before the end of the calendar year.

Respectfully submitted,

David J. Lennett, Senior Attorney  
Natural Resources Defense Council

Andria Ventura, Toxics Program Manager  
Clean Water Action

Bill Allayaud, California Director of Government Affairs  
Environmental Working Group

## **Comment 2**



**From:** [Ryan Kiscaden](#)  
**To:** [Thermostats@DTSC](mailto:Thermostats@DTSC)  
**Subject:** RE: Mercury Thermostat Collection Program Manufacturers' Advertising Plan Public Notice  
**Date:** Wednesday, October 25, 2017 9:37:57 AM  
**Attachments:** [CA Consent Order - Advertising Component 10 25 2017.pdf](#)

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Hi Renee,

On behalf of the attached signatories, please find attached comments regarding the Manufacturer's Advertising Plan.

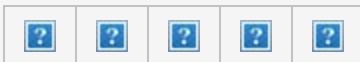
If you have any questions about these comments, please forward to Mark Kohorst with NEMA.

**Ryan L. Kiscaden**

*Executive Director*

**D.** 267.513.1727 | **F.** 703.852.7202 | **C.** 571.302.0877

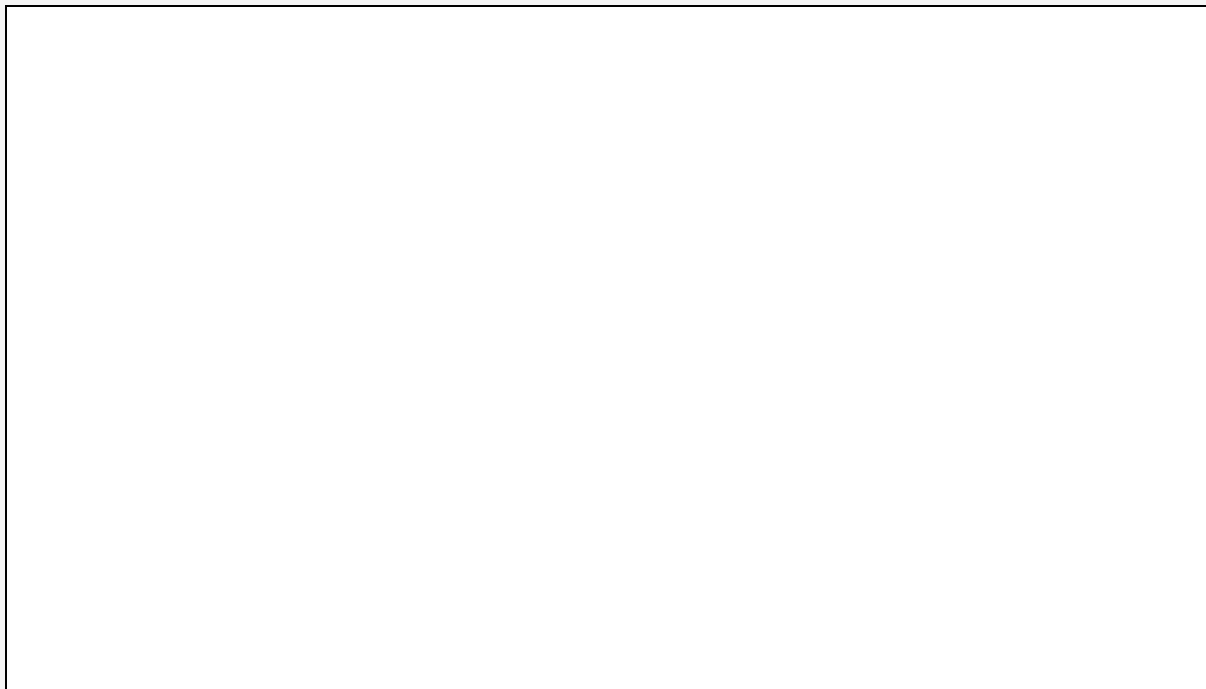
**Thermostat Recycling Corporation**



TRC is committed to sustainability. Click [here](#) to learn more.

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**From:** Department of Toxic Substances Control  
[<mailto:departmentoftoxicsubstancescontrol@dtsc.ccsend.com>] **On Behalf Of** Department of Toxic Substances Control  
**Sent:** Wednesday, October 11, 2017 7:07 PM  
**To:** TRC <[trc@thermostat-recycle.org](mailto:trc@thermostat-recycle.org)>  
**Subject:** Mercury Thermostat Collection Program Manufacturers' Advertising Plan Public Notice



**INVITATION FOR PUBLIC COMMENT  
Mercury Thermostat Collection Program**

**Manufacturers' Advertising Plan**

**Comment Period: October 11 – October 25, 2017**

The Department of Toxic Substances Control (DTSC) invites the public and interested stakeholders to review and comment on the "2017-2018 Approved California Outreach Plan Advertising Component." This plan was submitted on October 3, 2017 as required by DTSC in its approval letter for Group B & C Outreach and Pilot Projects with modifications. The plan is required to describe general awareness strategies to be used and promotion of various ongoing pilot projects, propose an advertising budget, and to coordinate advertising

between the multiple audiences identified in Exhibit A of the Consent Order.

**Relevant Documents:**

[2017-2018 Approved California Outreach Plan Advertising Component  
DTSC Approves TRC Group B & C Outreach and Pilot Project Plans with  
Modifications  
DTSC Executed Consent Order](#)

**HOW TO SUBMIT COMMENTS:** Please submit all written comments by email no later than 5:00 P.M.PST on October 25, 2017 to:

E-mail address: [Thermostats@dtsc.ca.gov](mailto:Thermostats@dtsc.ca.gov)

For additional information or for questions, you can refer to DTSC's website at: <http://www.dtsc.ca.gov/hazardouswaste/ThermostatCompliance.cfm> , or contact Renée Avila at [Renee.Avila@dtsc.ca.gov](mailto:Renee.Avila@dtsc.ca.gov).

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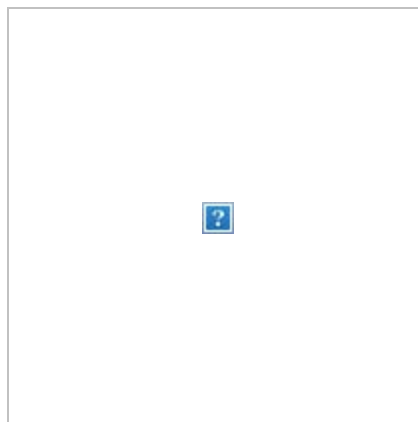
Department of Toxic Substances Control  
Sacramento, California 95814

Department of Toxic Substances Control | PO Box 806, Sacramento, CA 95812-0806

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October 25<sup>th</sup>, 2017

**VIA EMAIL**

Ms. Renee Avila  
Environmental Scientist  
Implementation Unit  
Policy and Program Support Division  
Hazardous Waste Management Program  
California Department of Toxic Substances Control  
PO Box 806  
Sacramento, CA 95812-0806

Dear Ms. Avila,

On October 3<sup>rd</sup> 2017, Thermostat Recycling Corporation filed an "Advertising Component" to an already approved Group B & C Plans on behalf of the 25 manufacturers who entered into the Consent Order. The advertising component submitted would be an enhancement to the approved Outreach Plan and adds advertising as a new component in that effort.

These components target general program awareness across all groups and geographies in California while also concurrently raising specific awareness to all audiences outlined in the consent order.

We, the undersigned support this filing because it;

- Significantly enhances already approved plans for outreach in California.
- Expands the territorial reach to the entire state.
- Includes strategies to increase marketing to Spanish speaking populations.
- Goes above and beyond TRC's unchanged program elements such as trade show exhibiting, maintenance of a website, direct mail, and use of Google AdWords campaigns.
- Deploys state of the art marketing technologies which will assess and measure campaigns, and deploy strategically with use of topic, behavior, existing ad networks, and location based information.
- Provides the greatest opportunity to increase the collection of mercury-containing thermostats in California.

For these reasons, the undersigned organizations support the TRC filing and urge DTSC to allow TRC to begin implementation without further delay.

If you have any questions about this filing, please contact Mark Kohorst at [Mar\\_Kohorst@nema.org](mailto:Mar_Kohorst@nema.org).

Sincerely,

Air Conditioning Contractors of America (ACCA)

*Todd Washam*

Air Conditioning, Heating and Refrigeration Institute (AHRI)

*Garrett McGuire*

Heating, Air-conditioning & Refrigeration Distributors International (HARDI)

*Jon Melchi*

National Electrical Manufacture Association (NEMA)

A handwritten signature in black ink, appearing to read 'Mark Kohorst', with a stylized flourish at the end.

*Mark Kohorst*

### **Comment 3**

**From:** [Amanda Nicholson](#)  
**To:** [Thermostats@DTSC](mailto:Thermostats@DTSC)  
**Cc:** [Scott Cassel](#); [Suna Bayrakal](#)  
**Subject:** PSI Comments on Manufacturers" Advertising Plan for Mercury Thermostat Collection Program  
**Date:** Wednesday, October 25, 2017 4:57:56 PM  
**Attachments:** [2017.10.25 PSI Comments on CA Mercury Thermostat Advertising Component.pdf](#)

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Dear Ms. Avila and the Department of Toxic Substances Control (DTSC):

Attached, please find comments from the Product Stewardship Institute (PSI) on the Thermostat Recycling Corporation's "2017-2018 Approved California Outreach Plan Advertising Component" for the Mercury Thermostat Collection Program. We would be happy to discuss our comments further, or answer any questions you may have.

Sincerely,  
Amanda Nicholson

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**Amanda Nicholson** | Director, Finance and Operations | Product Stewardship Institute, Inc. | Fiscal Sponsor of NYPSC and Mass Green Network

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October 25, 2017

Mr. Rick Brausch and Ms. Renee Avila  
California Department of Toxic Substances Control  
1001 "I" Street  
P.O. Box 806  
Sacramento, CA 95812-0806

**RE: Comments on 2017-2018 Approved California Outreach Plan Advertising Component**

Dear Mr. Brausch and Ms. Avila:

Thank you for the opportunity to submit comments on the "[2017-2018 Approved California Outreach Plan Advertising Component](#)" that was required by the California Department of Toxic Substances Control (DTSC) in its August 4, 2017 [approval letter for "Group B & C Outreach and Pilot Project Plans with modifications"](#) for the collection of mercury-added thermostats in California. PSI's recommendations to improve the Advertising Component fall into two general categories: audience/outreach and metrics/analysis.

Audience/Outreach

The Audience Targeting section of the plan specifies that the campaign will provide broad targeting as well as target key audiences, including those in Exhibit A of the [Consent Order](#) such as HVAC and general contractors, demolition contractors, local building departments, retailers, HHW facilities, utilities, schools, universities/colleges, hotels/motels, property managers, etc. We recommend adding housing authorities as a critical target audience. The document also needs to specify how advertising will be coordinated between the multiple audiences as required by DTSC. The Messaging slides, which indicate "Based on the results of audience testing, messaging vary (sic) depending on the targets," are not specific enough to allow an evaluation of potential effectiveness.

While the Media Detail sections of the Advertising Component provide useful information on TRC's ad targeting strategy (e.g., by behavior, location, brand, ad networks, etc.), we also recommend targeting residents and others who have searched for local government and/or HHW sites online. PSI's experience with mercury thermostat collection in other states indicates that local government websites are an important and frequently used information source for raising awareness and finding local mercury thermostat collection locations. In the Advertising Component, the Thermostat Recycling Corporation (TRC) considered advertising through radio and local/regional newspapers but did not recommend this approach. However, use of local community knowledge to promote the program (which may include suggestions of local radio and/or newspapers) can yield improved collection results. PSI has found that residents in smaller communities often rely on their local media sources for information (e.g., local radio and newspapers). We therefore argue that these sources should be incorporated into the plan. Another strategy to consider is engaging retail collection locations to advertise in local papers.

*Product Stewardship Institute, Inc. • 29 Stanhope Street • 3rd Floor • Boston, MA 02116  
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### Metrics/Analysis

Program performance should ultimately be tied to the number of mercury thermostats collected. While media reporting metrics that are proposed may provide one indication of audience engagement, the critical indicator of promotion and program effectiveness will be changes in the level of mercury thermostat collection. We agree with the proposal to use website reporting metrics to reallocate dollars to better performing platforms and revise messaging. However, TRC should also reallocate efforts and funds to those California regions not experiencing collection increases. Furthermore, TRC should evaluate progress at the end of each media flight to identify and implement improvements in outreach and collection in the subsequent flights. This aligns with guidance stated in DTSC's Approval of Group B & C Outreach and Pilot Projects with Modifications letter of August 4, 2017 that "encourages TRC to not constrain itself to only those activities it has proposed that may have been offered at a time when it had incomplete or insufficient information. TRC should operate in a way that remains responsive and adaptive to new information and areas of focus that it may not have anticipated at the time it developed its plans."

From our extensive work with PSI's government members in states with mercury thermostat extended producer responsibility (EPR) laws, we have found that few existing programs have parameters against which to gauge success and that TRC annual reports provide data but little analysis. To improve this, TRC must analyze how outreach and improved collection infrastructure correlates with collection data and program effectiveness. The Outreach and Pilot Projects that TRC is conducting in California as part of the Consent Order present a critical opportunity to examine this correlation and gain new insights that will help substantially improve mercury thermostat collection programs nationwide, programs which have seen declining collections in recent years. This need for improved evaluation is consistent with DTSC's "Approval of Group B & C Outreach and Pilot Projects with Modifications" letter of August 4, 2017, which states that "the purpose is not outreach for outreach's sake, or pilot projects for pilot projects' sake, but is ultimately for TRC's program to collect as many mercury containing thermostats as possible."

PSI is a national non-profit organization comprised of 47 state environmental agency members, hundreds of local government members, and 100 corporate, academic, non-U.S. government, and organizational partners that work to reduce the health and environmental impacts of consumer products. Our organization has worked with thermostat manufacturers, retailers, government agencies, HVAC and demolition contractors, wholesalers, and environmental groups to increase the collection and recycling of mercury thermostats over the past decade. In fact, PSI established a model thermostat EPR bill in 2006 that serves as the basis for the 13 existing state thermostat EPR laws. We applaud the efforts of the California DTSC and thermostat manufacturers to increase mercury thermostat recycling in California and to provide lessons learned that will help other states improve their programs and increase the diversion of mercury thermostats from inappropriate disposal.

Sincerely,



Suna Bayrakal  
Senior Advisor, Policy & Programs