



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

## Department of Toxic Substances Control

Barbara A. Lee, Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



**Edmund G. Brown Jr.**  
Governor

December 22, 2017

Mr. Stephen Groner  
Thermostat Recycling Corporation Project Manager  
S. Groner Associates, Inc.  
100 W. Broadway, Suite 290  
Long Beach, California 90802

### MERCURY THERMOSTAT CONSENT ORDER – DATED FEBRUARY 10, 2016, INADEQUATE ADVERTISING PLAN

Dear Mr. Groner:

The Department of Toxic Substances Control (DTSC) has completed its review of the Thermostat Recycling Corporation's (TRC) "2017-2018 Approved California Outreach Plan Advertising Component" (Component). The Component was prepared by the Gillespie Group and submitted by TRC on behalf of the Consent Order signatory manufacturers (Respondents), in response to DTSC's approval letter dated August 4, 2017 (Approval Letter). DTSC has determined the Component does not meet DTSC's modification requirements as described in the Approval Letter.

The format of the Component was in a presentation format and DTSC does not consider this a plan, but a series of proposals without any logistical information. Since the outreach and pilot projects have been phased, DTSC required in the Approval Letter, the Respondents to use general advertising strategies to coordinate outreach and ongoing pilot projects, and to raise general awareness of the collection program. The Respondents hired an advertising agency to develop various advertising strategies that ignores current outreach and on-going pilot projects. DTSC is requiring the Respondents to submit an Advertising Plan that meets the following requirements:

- A plan of advertising strategies that will be used to coordinate outreach and on-going pilot projects, and to raise general awareness of the collection program. The plan will also include a proposed advertising budget. DTSC strongly recommends the plan to be in a manuscript format with a level of detail showing how TRC plans to: 1) coordinate the multiple outreach and on-going pilot projects

with advertising, 2) raise general awareness of the collection program statewide with general advertising strategies 3) implement advertising strategies during the traditional calendar year, 4) use data collected from outreach efforts, previous correspondence from DTSC and past annual reports as a basis for selecting advertising strategies.

- The plan must include metrics that will measure the awareness of the population. DTSC suggests that low awareness population be treated with additional advertising strategies.
- TRC will include media affidavits, as described by the Gillespie Group during discussions, of advertising strategies in the quarterly reports to DTSC.
- Any industry terminology used in the plan shall be defined in an appendix section of the plan.
- Includes incorporating waste management municipalities, sanitation municipalities, transportation authorities, utilities and other local entities to partner and further educate the public and raise general awareness of the TRC mercury thermostat collection program.
- Includes public transit advertising for consumers to participate in ongoing pilot projects or the collection program.

On October 17 and on November 16, 2017 DTSC hosted TRC, the Gillespie Group and the environmental community to discuss the contents of the Component. During the Component discussions, you stressed that the Respondents are financially constrained to implement radio, newspaper, mail back envelopes in product packaging, or explore any other advertising to be conducted by the Respondents' individual product advertising divisions. These self-imposed limitations result in a decision to implement a selective statewide digital advertising strategies to raise general program awareness.

Since the February 10, 2016 execution of the Consent Order, the Respondents have submitted plans that were disapproved by DTSC because they did not meet the requirements described in the Consent Order or were submitted as incomplete. With an opportunity to submit an Advertising Plan that could describe aggressive general awareness advertising to coordinate outreach and pilot project efforts, the Respondents instead relied on self-imposed limitations. Constricting these limitations further with the limited capabilities of TRC, the decisions made on advertising strategies in the Component did not meet DTSC's requirements in the Approval Letter. DTSC strongly recommends the Respondents take into consideration the public comments received from the environmental community and incorporate those public comments into the Advertising Plan.

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The Respondents must submit an Advertising Plan by January 22, 2018. If you have any questions regarding this letter please contact Ms. Renée Avila at [Renee.Avila@dtsc.ca.gov](mailto:Renee.Avila@dtsc.ca.gov) or at (916) 322-4819.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Valetti Lang', with a large loop at the end.

Ms. Valetti Lang, Chief  
Research and Policy Development Branch  
Hazardous Waste Management Program  
Department of Toxic Substances Control

cc: See next page.

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cc: Mr. Ryan Kiscaden  
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