

**Public Comments Received on Manufacturers' Draft Outreach and Pilot Project Plans
for Group B Participants**

As of February 24, 2017

Comment 1

From: Lennett, David
To: Thermostats@DTSC
Cc: [Avila, Renee@DTSC](mailto:Avila,Renee@DTSC); [Brusch, Rick@DTSC](mailto:Brusch,Rick@DTSC); aventura@cleanwater.org
Subject: Comments on TRC Group B Outreach Plan
Date: Monday, February 13, 2017 11:41:57 AM
Attachments: [Comments on TRC February 2017 Group B Plan.pdf](#)

See attached.

DAVID LENNETT
Senior Attorney

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February 13, 2017

Renee Avila
Department of Toxic Substances Control
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814-2828

Re: COMMENTS ON TRC GROUP B OUTREACH AND PILOT PLAN

Dear Ms. Avila,

The Natural Resources Defense Council and Clean Water Action reviewed TRC's Group B Outreach and Pilot Plan, dated February 7, 2017 (hereafter referred to as "The Group B Plan"), and find it grossly inadequate. The Group B Plan should be rejected outright for the reasons specified below:

1. The Group B Plan does not address three of the four audiences in Group B proposed by TRC in its August 8, 2016 Outreach Plan, as approved by DTSC on October 7, 2016.
2. The only (arguably) substantive portion of The Group B Plan targets utilities, and for this audience, insufficient details are provided because the necessary scoping was not conducted. TRC merely proposes to engage the major electric utilities in California and an associated trade association, without specificity as to when and how, and what it would do thereafter. TRC indicates it will report on the meeting outcomes in June 2017. In essence, TRC proposes to provide in June what it should have provided already. Moreover, TRC now seeks five months to perform what it previously agreed to do in two months (November and December 2016). Clearly, TRC and its member companies are not taking their legal obligations seriously.
3. DTSC should vigorously pursue enforcement action against TRC member companies for violation of the Consent Decree and its October 7 approval letter. TRC failed to submit a Group B Outreach and Pilot Plan for the four audiences required, and also failed to conduct scoping activities for the Group B audiences in the months before, as embodied in TRC's approved Outreach Plan of August 8, 2016 (pp. 4-6, 19-22).¹

Sincerely,

David J. Lennett, Senior Attorney
Natural Resources Defense Council

Andria Ventura, Toxics Program Manager
Clean Water Action

¹ In the Group B Plan, TRC refers to "scoping activities to date", but provides absolutely no information on outreach to three of the target audiences, and for the utilities, only refers to phone calls with one electric utility. TRC's admission that only "initial contacts" were made with "several" electric utilities, and that substantive meetings and teleconferences are not yet conducted (Group B Plan, p. 5) further demonstrates the violation. DTSC can only conclude virtually no scoping activities were conducted, and respond accordingly.

Comment 2

From: Ryan Kiscaden
To: Thermostats@DTSC
Subject: Group B Outreach and Pilot Plan Stakeholder Comments
Date: Wednesday, February 22, 2017 12:53:57 PM
Attachments: [CA Consent Order - Group B Coalition Signatures.pdf](#)

To whom it may concern,

On behalf of the attached signatories, please find a letter with comments regarding Group B – Outreach and Pilot Plan.

Any questions regarding this submission, please let me know.

Regards,

Ryan L Kiscaden

Executive Director

Thermostat Recycling Corporation

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[Website](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

*Please note, TRC offices have moved (as of 12/1/2016) to 500 Office Center Drive – Suite 400, Fort Washington, PA 19034.

February 22nd, 2017

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. Avilla,

On February 7, the Thermostat Recycling Corporation filed a "Group B Outreach & Pilot Plan for the Collection of Mercury-Containing Thermostats in California" on behalf of the 25 manufacturers who entered into the Consent Order. Group B participants include Utility Companies, Local Building Departments, School Districts, and Universities and Colleges.

The following organizations support the filing of TRC because this proposal will;

- Increase the collection of mercury-containing thermostats in California focusing resources on the audience most likely to come into contact with mercury-containing thermostats
- Increase engagement in California to ensure collected mercury-containing thermostats are returned to TRC
- Ensure the placement of additional bins with entities that collect mercury-containing thermostats through a comprehensive statewide effort focused on the electric utilities and their partners
- Develop materials and engagement tools to increase program participation and mercury-containing thermostat collection in California via this audience
- Engage existing partners throughout the State to promote the broadest understanding of TRC's collection program, as a means of increasing program participation, collecting mercury-containing thermostats and returning mercury-containing thermostat bins to TRC

For these reasons, the undersigned organizations support the TRC filing.

Sincerely,

Air Conditioning Contractors of America (ACCA)
Todd Washam

Air Conditioning and Refrigeration Institute (AHRI)
Garrett McGuire

Heating, Air Conditioning & Refrigeration Distributors International (HARDI)
Jon Melchi

National Electrical Manufacturers Association (NEMA)
Kyle Pitsor

R.E. Michel Company, LLC
Gene Winters