

**Public Comments Received on Manufacturers' Outreach and
Pilot Project Plans for Group B & C**

As of June 27, 2017

Comment 1

From: Marisa Hull
To: Thermostats@DTSC
Subject: Comments on DTSC Mercury Thermostat TRC Group B & C Plan for Outreach and Pilot Plan
Date: Thursday, June 22, 2017 3:13:18 PM
Attachments: [CMTA - DTSC - Mercury Thermostat TRC Letter.pdf](#)

To Whom It May Concern:

Please see the attached Letter Supporting TRC Group B & C Plan for Outreach and Pilot Plan.

Thank you,

Marisa
Assistant to Shaina Brown

Marisa Melendez-Hull

Legislative Assistant

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June 22, 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 June 6th, the Thermostat Recycling Corporation filed a "Group B & C Plan Addressing Outreach & Pilot Plans for the Collection of Mercury-Containing Thermostats in California" on behalf of the 25 manufacturers who entered into the Consent Order. Targeted audiences include Utility Companies, Local Building Departments, School Districts, Universities/Colleges, property management companies with multi-family housing developments, property management companies of commercial/industrial properties, hotel/motel managers and maintenance companies.

The California Manufacturers & Technology Association supports the filing of TRC because this proposal will:

- Increase the collection of mercury-containing thermostats in California focusing resources on the audiences most likely to come into contact with mercury-containing thermostats
- Ensure the placement of additional bins with entities that may collect mercury-containing thermostats through a comprehensive effort
- Develop materials and engagement tools to increase program participation and mercury-containing thermostat collection in California via these audiences
- Test both non-monetary and monetary incentives

For these reasons, CMTA supports the TRC filing and urges DTSC to approve the plans as written without further delay. For any questions regarding this letter, please contact Shaina Brown at sbrown@cmta.net.

Respectfully,

A handwritten signature in black ink, appearing to read "SBrown".

Shaina Brown
Policy Director
California Manufacturers & Technology Association

Comment 2

From: Ryan Kiscaden
To: Thermostats@DTSC
Cc: "[Kohorst, Mark](#)"
Subject: Public Comments on TRC's Group B&C Pilot and Outreach Plan
Date: Friday, June 23, 2017 5:15:08 AM
Attachments: [image](#)
[CA Consent Order - Group B & C Coalition Signatures.pdf](#)

Hi Renee,

On behalf of the undersigned to the attached letter, please find attached public comments on TRC's recently submitted Group B&C Pilot and Outreach Plan. If you have any questions about this, please direct them to Mark Kohorst with NEMA (Mar_Kohorst@nema.org).

Regards,

Ryan L Kiscaden

Executive Director

Thermostat Recycling Corporation

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

June 23rd, 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 June 6th, the Thermostat Recycling Corporation filed a "Group B & C Plan addressing Outreach & Pilot Plans for the Collection of Mercury-Containing Thermostats in California" on behalf of the 25 manufacturers who entered into the Consent Order. Targeted audiences include Utility Companies, Local Building Departments, School Districts, Universities/Colleges, property management companies with multi-family housing developments, property management companies of commercial/industrial properties, hotel/motel managers and maintenance companies.

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

- Provide the greatest opportunity to increase the collection of mercury-containing thermostats in California focusing resources on the audiences most likely to come into contact with mercury-containing thermostats
- Ensure the placement of additional bins with entities that may collect mercury-containing thermostats through a comprehensive effort
- Develop materials and engagement tools to increase program participation and mercury-containing thermostat collection in California via these audiences
- Test both non-monetary and monetary incentives

For these reasons, the undersigned organizations support the TRC filing and urge DTSC to approve the plans as written without further delay.

If you have any questions about this filing, please contact Mark Kohorst at Mark_Kohorst@nema.org.

Sincerely,

Air Conditioning Contractors of America (ACCA)
Todd Washam

Air Conditioning, Heating and Refrigeration Institute (AHRI)
Garrett McGuire

Call2Recycle, Inc.



Carl Smith

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

Institute of Heating and Air Conditioning Industries, Inc. (IHACI)
Susie Evans

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

United Refrigeration, Inc.

A handwritten signature in black ink, appearing to read 'Rich Rosen', with a long horizontal line extending to the right.

Rich Rosen

Comment 3

From: Lennett, David
To: Thermostats@DTSC; [Avila, Renee@DTSC](mailto:Avila_Renee@DTSC); [Brusch, Rick@DTSC](mailto:Brusch_Rick@DTSC)
Cc: aventura@cleanwater.org
Subject: Comments on TRC Group B and C Outreach/Pilot Plans
Date: Friday, June 23, 2017 8:43:11 AM
Attachments: [Comments on TRC Group B and C Outreach-Pilot Plans.pdf](#)

See attached.

DAVID LENNETT
Senior Attorney

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COMMENTS ON TRC'S GROUP B AND C OUTREACH AND PILOT PLANS

Outreach Plan

1. Lack of awareness regarding mercury thermostats generally, and the TRC collection program specifically, remains a fundamental shortcoming of the program as demonstrated by the Group B and C interview responses. While TRC provides a small number of activities intended to reach the public and stakeholders through established non-internet channels, such as utility bill inserts, the thrust of the outreach plan does not substantially improve the situation. There is a lot about finding the right message, but not enough about delivering the message to where it needs to go.
2. The timeline apparently contains errors, since the tactic numbers in the timeline do not match the plan text (i.e., school districts have three tactics, but only two are on the timeline). A corrected timeline is required before DTSC can approve the plan.
3. The proposed outreach and pilot plan metrics sometimes include the number of entities contacted. This value should be specified in the plans themselves, as a concrete action item, with a date certain for when the contacts should be completed. It is not a program metric.
4. Since both school districts and universities concentrate their renovation and maintenance activities when students are not present, the timelines for these two groups should be similar, with the school district activities expedited to be consistent with the universities. In addition, if school districts are provided with bins, there needs

to be an outreach strategy aimed at follow-up related to bin returns, since these bins may be there for years.

5. The outreach plan for utilities must encompass a bigger consumer campaign than contemplated in the plan, since public awareness is so low and the retailer collection activities thus far are extremely limited. The utility outreach component should be viewed as part of an overall consumer awareness set of activities, with more delivery mechanisms and more frequent use of the mechanisms. Utility inserts are one good idea in this direction, but store flyers and other mechanisms must also be employed. See the pilot plan comments below about the need for coordinating the retailer and utility activities.

6. We note that commercial property management companies sometimes have their own HVAC specialty staff, so they would not be using contractors for thermostat replacements. There does not appear to be any outreach tactic aimed at such companies, particularly the larger firms, including providing bins as needed.

Pilot Plan

1. The objectives of the pilot plans are too narrowly construed as research projects. Given the current program performance deficit, the pilot objectives must include improving program performance as soon as possible, and substantially increasing mercury thermostat collections.

2. The prioritization process outlined in the pilot plan suffers from three serious shortcomings. First, as presented the discussion is too vague on important details, such as what this practically means on the ground. Of course, activities must start somewhere, but the plan lacks critical details on whether and when the proposed activities will expand from the “initial” target areas. Second, the criteria are too limiting in that they exclude housing construction in the 1980s, and do not include areas of active renovation. Third, the criteria are misguided in some cases, such as for the utility sector where the most important criteria are whether the utility program covers thermostats and the size of the program (see additional discussion below). DTSC must carefully review and specify the timing and scope for expanding the pilots in any approved plan.

3. For schools/community colleges, and for the utility programs, the proposed target criteria for the monetary incentive pilots are misguided. In the case of schools, all Prop 39 grantees should be contacted as soon as possible for inclusion in the pilot, regardless of location. If any narrowing of the group is made, it should be based upon whether the building renovations will include thermostat replacement. All thermostat

removal grantees should be part of the pilot, unless TRC can determine there are no mercury thermostats in the buildings to be touched by the grant. Any preference in ordering should be based upon the size of the project. DTSC should also consider whether the timetable for this pilot can be expedited to capture the summer 2017 renovation activity.

Similarly, for the utilities, all utilities offering thermostat replacement as part of their program should be part of the pilot, with any preference in timing based upon the size of the program. Again, the plan should specify the number of entities contacted within each category according to a timetable, thus # entities contacted should be a plan requirement, not a metric. In addition, TRC should promote thermostat replacement with utilities that do not currently have a thermostat replacement program as a means of realizing energy savings and changing out mercury thermostats simultaneously.

There is an intersection between the retailer pilot and the utility pilot that requires additional consideration and coordination to be successful. In some cases, the utility merely provides a rebate or other incentive, leaving the homeowner responsible for actual replacement. It is unclear from the pilot description how TRC expects these thermostats will be collected, and the mechanism for delivering the monetary incentive. Unfortunately, given the scope of the existing retailer pilot, it is highly unlikely consumers can access the program through that mechanism.

As we stated previously in other comments, the retailer pilot as currently sized and funded is virtually useless in most respects. The utility pilot presents an opportunity to set relevant priorities for retailer collection expansion, matching priority cities with activity in utility thermostat replacement programs. DTSC should begin connecting the dots between the Group A and Group B/C activities, and considering how to maximize the effectiveness of all the work underway and planned.

4. The proposed monetary incentive pilot for property managers lacks sufficient details with regard to the scope of the pilot over time. There is no specificity provided as to initial target areas, or the timetable and scope of expansion beyond the initial target areas. Moreover, if property managers can take advantage of utility rebate plans, the utility programs may present a better target area for priority action, though this needs to be coupled with general property manager and consumer education on the need to dispose of mercury thermostats appropriately in order to succeed. Similarly, the plan should specify the number of entities that will be minimally contacted within each category according to a timetable, thus # entities contacted should be a plan requirement, not a metric.

5. As discussed above, a cornerstone problem with the TRC program is lack of public awareness, in large part because TRC is not devoting sufficient resources to getting the

message out to consumers and all other stakeholder groups. The interview responses provided in the plans confirm the lack of awareness among important stakeholder groups. Accordingly, the emphasis in the pilot plan on identifying the best messaging text misses the point, since perfecting the text is secondary when no one sees the message in the first place. We have no objection to testing various messages per se, but we fear the amount of time contemplated for this, coupled with no details on when and how this information will be applied by TRC, will mean another year of ineffective outreach, including for Group A.

Conclusion

Given the record of decreasing program results over the past two years, the continuing failure to meet regulatory requirements, and the ongoing lack of resources devoted to this effort, DTSC should request additional enhancements to the Group B and C plans, as specified in these comments.

Respectfully submitted,

David J. Lennett, Senior Attorney
Natural Resources Defense Council

Andria Ventura, Toxics Program Manager
Clean Water Action

Sejal Choksi-Chugh, Executive Director and Baykeeper
San Francisco Baykeeper

Bill Allayaud, California Director of Government Affairs
Environmental Working Group

Nick Lapis, Advocacy Director
Californians Against Waste

Sherri Norris, Executive Director
California Indian Environmental Alliance

Stiv J. Wilson, Campaigns Director
The Story Of Stuff Project

Susan JunFish, Director
Parents for a Safe Environment

Rachel L. Gibson, Director, Safer Chemicals
Health Care Without Harm, US and Canada

Leslie Mintz Tamminen, Ocean Program Director
Seventh Generation Advisors