



ENGINEERED FOR LIFE

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October 10, 2014

By email: Pauline.Batarseh@dtsc.ca.gov

and

US Registered Mail – Return Receipt Requested

Pauline Batarseh, Chief
Policy Implementation Branch
Policy and Program Support Division
Hazardous Waste Management Program
State of California Department of Toxic Substances
1001 I Street
Sacramento, California 95812-0806

Subject: Summary of Violations dated July 3, 2014 regarding mercury thermostat recycling

Dear Ms. Batarseh:

This letter is being submitted to DTSC in response to a notice of violation subject to the agency investigation exemption from disclosure to the public pursuant to the California Public Records Act, Government Code § 6254(f).

Thank you for extending the deadline for the written response from ITT Corporation (“ITT”). ITT appreciates the opportunity to discuss this matter with DTSC and explore possibilities for the business community to work together with the agency to improve recycling of mercury-added thermostats in California.

Below is a summary of the main issues of concern to ITT which I shared on a conference call with your colleagues Messrs. Diebert, Sullivan and West on October 2, 2014.

*October 10, 2014 Letter from ITT Corporation to Ms. Batarseh of DTSC
Re: Summary of Violations dated July 3, 2014 regarding mercury thermostat recycling*

ITT is a member of Thermostat Recycling Corporation (“TRC”) TRC is a national non-profit product stewardship organization which collects and recycles mercury-added thermostats. Most states have no legal requirements mandating collection and recycling mercury-added thermostats. ITT ceased manufacturing mercury-added thermostats with the “ITT General Controls” brand approximately 20 years ago. Given the expected useful life of such products, very few could still be in service and potentially available for recycling. Since 2009, TRC has recycled fewer than 2,000 mercury-added thermostats labeled with the “ITT General Controls” brand throughout the United States – of which approximately 500 were collected in California. ITT General Controls” branded thermostats represent less than one percent of the devices collected and recycled by TRC on an annual basis nationwide. ITT’s voluntary membership affiliation with TRC in and of itself does not support DTSC’s assertion that ITT is in violation the California Mercury Thermostat Collection Act.

DTSC’s Review dated August 25, 2014 of the TRC 2013 Annual Report as the Basis for the Notice of Violation It is unclear why DTSC issued a notice of violation eight weeks prior to the review of the TRC 2013 Annual Report for California. I understand that other members of TRC will be submitting a detailed response to DTSC with regard to certain misstatements and misunderstandings in the August 25th document. ITT requests an explanation of why DTSC does not include the collection and recycling of mercury-added thermostats outside of the TRC program towards the annual collection rate performance requirement. ITT wants to know how many “ITT General Controls” branded devices are collected and recycled in California by licensed universal waste vendors and government-sponsored household hazardous waste (“HHW”) programs each year. ITT has been unable to obtain this information independently and requests that DTSC take steps to regularly collect such data from the HHW programs and the waste management industry.

History of ITT General Controls General Controls Co. was merged into International Telephone and Telegraph in 1963. In 1996, the General Controls business was sold to three related companies – Automatic Switch Company (a Delaware Corporation), ASCOLECTRIC Limited (a Canadian Provincial Ontario corporation), and ASCOTECH, S.A. de. CV. (a Mexican corporation) (together referred to as “ASCO”). Products manufactured by ASCO thereafter were not branded “ITT General Controls.” Because this 1996 agreement contains trade secret and confidential business information, the disclosure of which may competitively harm the parties thereto and/or their successors-in-interest, and/or allow third parties to derive independent economic value from an unauthorized disclosure, I have not submitted it with this letter. If DTSC wants to review the 1996 document, we can discuss how to do so while protecting trade secrets and confidential business information.

Conclusion ITT is a former owner of a business that manufactured mercury-added thermostats. That business was sold in 1996. None of the current ITT businesses manufactured mercury-added thermostats after the State of California banned the sale of such products in 2006. None of the current ITT businesses sell any thermostats today.

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ITT respectfully requests that the State of California withdraw the notice of violation of the California Mercury Thermostat Collection Act and acknowledge that ITT is not subject to enforcement thereunder.

Thank you for your consideration of this information. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Fern Fleischer Daves". The signature is written in black ink and is positioned above the printed name.

Fern Fleischer Daves

cc: Mr. Donn Diebert, DTSC