

REQUEST FOR APPROVAL

To: Scott Smithline
Director

From: Howard Levenson
Deputy Director, Materials Management and Local Assistance Division

Request Date: December 19, 2017

Decision Subject: Director Appointment of Carpet Stewardship Program Advisory Committee Members

Action By: December 28, 2017

Summary of Request:

The Product Stewardship for Carpet Law (Chapter 681, Statutes of 2010), as amended by Assembly Bill 1158 (Chu, Carpet Recycling, 2017), requires the Director of the Department of Resources Recycling and Recovery (CalRecycle) to appoint an Advisory Committee to provide comments and recommendations to a carpet stewardship organization or manufacturer on carpet stewardship plans, plan amendments, and annual reports. This Request for Approval presents staff recommendations for appointments to the Carpet Stewardship Program Advisory Committee.

Recommendation:

Staff recommend that the director appoint the individuals identified within this Request for Approval to serve as members of the Carpet Stewardship Program Advisory Committee per the Product Stewardship for Carpets Law.

Action:

To enable more efficient and manageable meetings while maintaining the balance of the statutorily required stakeholder categories, I have elected to appoint a smaller group to the Carpet Stewardship Program Advisory Committee. Taking into consideration comments received at the December 19, 2017 public meeting and to ensure broad representation of carpet manufacturers, I am also appointing one additional member who represents carpet manufacturers. Although smaller in number than the original staff recommendation, several appointees' experience and knowledge cover multiple stakeholder categories, and therefore offer thorough representation of the statutorily mandated categories. I hereby appoint the individuals identified below to serve as members of the Carpet Stewardship Program Advisory Committee per the Product Stewardship for Carpet Law. I also direct staff to post the Advisory Committee members on CalRecycle's website and to formally notify the appointees, as well as Carpet America Recovery Effort (CARE), of the appointments. Due to the timeline defined by AB 1158, it is my expectation that the Advisory Committee will promptly organize, appoint a chair(s), develop operational guidelines and share those with CalRecycle. Notwithstanding the smaller size of the Advisory Committee, I strongly recommend that the Advisory Committee implement an independent third-party facilitator, in order to ensure efficient process and timely communication.

Director Appointees to Carpet Stewardship Program Advisory Committee

1. Brent Whitener, Humboldt Waste Management Authority
2. Doug Kobold, Sacramento County Department of Waste Management and Recycling

3. Douglas Williams, Los Angeles Fiber Co.
4. Eric Nelson, Interface
5. Franco Rossi, Aquafil USA
6. Gail Brice, XT Green
7. Howard Sapper, Carpet Manufacturers Warehouse
8. Joanne Brasch, California Product Stewardship Council
9. Joe Yarbrough, The Carpet and Rug Institute
10. John Davis, Mojave Desert and Mountain Recycling Integrated Waste Management Joint Powers Authority
11. Kelly McBee, Californians Against Waste
12. Rachel Palopoli, Planet Recycling
13. Steve Belong, Carpet, Linoleum & Soft Tile Workers Local Union No. 12 District Council 16
14. Wes Nelson, GreenWaste Carpet Recycling
15. Speaker of the Assembly Appointee
16. Senate Committee on Rules Appointee

Dated: December 28, 2017



Scott Smithline
Director

Background Information:

Assembly Bill (AB) 2398 (Chapter 681, Statutes of 2010) established the first mandatory carpet stewardship program in the country (Public Resources Code [PRC] §42970), with the purpose of increasing the amount of postconsumer carpet that is diverted from landfills and recycled into secondary products or otherwise managed in a manner that is consistent with the state's hierarchy for waste management practices pursuant to PRC §40051. Under the law, carpet manufacturers, either independently or via a carpet stewardship organization, must prepare and submit a carpet recycling plan for CalRecycle approval; implement approved plans; pay a quarterly fee to CalRecycle for CalRecycle's costs to administer and enforce its responsibilities under the law; and report annually on program performance. CalRecycle must review and approve, disapprove, or conditionally approve carpet stewardship plans and amendments; post lists of carpet manufacturers participating under a stewardship plan; and review annual reports to evaluate compliance with the law.

In October 2017, AB 1158 (Carpet Recycling, Chapter 794, Statutes of 2017) was signed into law, which makes changes to the Product Stewardship for Carpets Law that will become effective January 1, 2018. Some of the key elements of AB 1158 include: the establishment of a recycling rate goal of 24% by January 1, 2020; the authority for CalRecycle to establish additional recycling rate and program goals and request information in order to evaluate the effectiveness of the program; the requirement that post-consumer carpet removed from state buildings be managed in a manner consistent with the law and revisions to state procurement manuals to require post-consumer content for carpet purchases; and other changes.

Relative to this Request for Approval, AB 1158 requires the director of CalRecycle to appoint members to an Advisory Committee to make recommendations on carpet stewardship plans, plan amendments, and annual reports. The law provides the following direction regarding the Advisory Committee composition and duties:

Composition of Advisory Committee

PRC §42972.1(a) specifies that the Advisory Committee may be composed of, among others, individuals in the environmental community, the solid waste industry, and local government, public or private representatives involved in the collection, processing and recycling of carpet, and other interested parties. The director shall appoint one member who represents carpet manufacturers and at least one member who is a representative of either the Southern California Resilient Floor and Decorative Covering Crafts Joint Apprenticeship and Training Committee or the Northern California Floor Covering Finishing Trade Institute Joint Apprenticeship Training Committee. The Speaker of the Assembly and the Senate Committee on Rules shall each appoint one additional member to the Advisory Committee.

Duties of Advisory Committee

Pursuant to PRC §42972.1, the Advisory Committee shall:

- Receive a copy of carpet stewardship plans and amendments to plans no less than 30 days before a carpet stewardship organization or manufacturer submits a plan or amendment to the department.
- Receive a copy of carpet stewardship annual reports no less than 30 days before a carpet stewardship organization or manufacturer submits the annual report to the department.
- Provide comments and recommendations to carpet stewardship organizations or manufacturers and to the department based on review of the materials. To the extent feasible, recommendations

shall be incorporated into the carpet stewardship plan, amendments to the plan, or annual report before submitted to the department.

- A member of the Advisory Committee shall serve without compensation, but shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of his or her official duties.

Analysis:

Carpet Stewardship Program Advisory Committee Selection Process

At its October 17, 2017 monthly public meeting, CalRecycle announced that applications for the Carpet Stewardship Program Advisory Committee would be accepted through November 10, 2017. CalRecycle received 24 applications from individuals generally representing the following stakeholder categories¹ recommended in statute:

- Environmental community
- Solid waste industry
- Local government
- Public or private representatives involved in the collection, processing, and recycling of carpet
- Other interested parties
- Carpet manufacturer
- Joint Apprenticeship Training Committee (Southern or Northern California)

Applicants that did not clearly represent a statutorily-defined stakeholder category were evaluated as “other interested parties” (e.g., individuals representing consultant groups, retail businesses, former representatives involved in the collection/recycling industry, and similar groups).

Relative to the broad statutory guidance provided in PRC §42972.1, applicants were evaluated based on the information provided in their applications; skills and experience relative to the statutory duties; geographic spread/representation; and balanced representation of categories identified in statute.

Other considerations included, but were not limited to, whether or not the applicants possess experience serving on other advisory groups/committees; technical or general knowledge and experience in the California carpet recycling/solid waste/materials management industry; and/or knowledge of extended producer responsibility laws or similar systems.

In addition, staff carefully considered applicants who have direct decision-making authority within CARE. In the interest of fostering the independent nature of the Advisory Committee, staff are not recommending such applicants be appointed to the Carpet Stewardship Program Advisory Committee. An exception was made in the manufacturer category.

Staff recommend the director appoint the following individuals to the Carpet Stewardship Program Advisory Committee pursuant to Section 42972.1 of the Public Resources Code.

¹ Some applicants fit into multiple stakeholder categories.

Staff Recommendation of Carpet Stewardship Program Advisory Committee Members:

1. Brent Whitener, Humboldt Waste Management Authority
2. Carter Hallock, ReThink Green
3. Doug Kobold, Sacramento County Department of Waste Management and Recycling
4. Douglas Mancosh, Fiber Commercial Technologies/Fiberon/BB&S Treated Lumber of New England
5. Douglas Williams, Los Angeles Fiber Co.
6. Eric Nelson, Interface
7. Franco Rossi, Aquafil USA
8. Gail Brice, XT Green
9. Howard Sapper, Carpet Manufacturers Warehouse
10. Joanne Brasch, California Product Stewardship Council
11. John Davis, Mojave Desert and Mountain Recycling Integrated Waste Management Joint Powers Authority
12. Kelly McBee, Californians Against Waste
13. Mike Tinney, Tinney Associates
14. Rachel Palopoli, Planet Recycling
15. Rachel Ross, Tehama County Solid Waste Management Authority
16. Steve Belong, Carpet Linoleum and Soft Tile Workers Local Union No. 12, District Council 16
17. Wes Nelson, GreenWaste Carpet Recycling
18. Speaker of the Assembly Appointee
19. Senate Committee on Rules Appointee