



# California Carpet Stewardship Program

An initiative of CARE: Carpet America Recovery Effort

April 30, 2020

## **CARE Response to Advisory Committee Recommendations related to the Carpet Stewardship Program Draft Contingency Plan**

CARE has carefully reviewed the comments and recommendations of the Advisory Committee. As required by the Product Stewardship for Carpets Law (Public Resources Code Section 42970 42983), CARE is providing a response to the recommendations generated by the Advisory Committee to CARE's Draft Contingency Plan at their web meeting of April 7, 2020.

The recommendations section of the Advisory Committee's letter dated April 17, 2020, Attachment 1, is reproduced below. CARE responses immediately follow each recommendation and are in **blue, bold**, 12-Point Ariel font. In all cases where recommendations have been adopted, appropriate language has been incorporated into the referenced sections of Contingency Plan and submitted to CalRecycle.



April 17, 2020

To: Bob Peoples, Exec. Director CARE and Ken DaRosa, Acting Director CalRecycle  
From: California Carpet Stewardship Advisory Committee (members listed below)

**Re: Advisory Committee Recommendations related to the CARE California Carpet Stewardship Program *Draft* Contingency Plan 3-31-20 (ADA)**

As required by the Product Stewardship for Carpets Law (Public Resources Code Section 42970 - 42983) as amended by the Governor's approval of AB 729, the California Carpet Stewardship Advisory Committee ("Advisory Committee") has received a copy of the "CARE California Carpet Stewardship Program *Draft* Contingency Plan" dated March 31, 2020. This is required pursuant to the amended Section 42979 that requires a carpet stewardship organization to include in the carpet stewardship plan a contingency plan should the carpet stewardship plan be revoked. The Advisory Committee received the Draft Contingency Plan 30 days before submittal to CalRecycle as required in Section 42972.1 (b).

Included in this letter are recommendations to CARE by the Advisory Committee based on the review of the "CARE California Carpet Stewardship Program *Draft* Contingency Plan" dated March 31, 2020 during a teleconference on April 7, 2020. As required in Section 42971.1 (c), to the extent feasible the Advisory Committee's recommendations are to be incorporated into the Contingency Plan by CARE before being submitted to CalRecycle. If CARE is unable to incorporate these recommendations, a written explanation must be provided to the Advisory Committee and CalRecycle.

### **California Carpet Stewardship Advisory Committee Members**

The Product Stewardship for Carpets Law (Public Resources Code Section 42970 - 42983), requires CalRecycle to appoint an Advisory Committee to provide recommendations to a carpet manufacturer or stewardship organization and to the department on carpet stewardship plans, plan amendments, and annual reports. An additional appointee to the Advisory Committee is also made by both the Senate Committee on Rules and the Speaker of the Assembly.

The Director of CalRecycle appointed the members to the California Carpet Stewardship Advisory Committee according to the general stakeholder categories recommended in the statute. The committee member from the Senate Committee on Rules and the Speaker of the Assembly have also been appointed.

**California Carpet Stewardship Advisory Committee Members**

<b>Committee Members</b>	<b>Organizations</b>	<b>Representing</b>
<b>DOUGLAS WILLIAMS</b>	<b>Los Angeles Fiber Co./ Reliance Carpet Cushion</b>	<b>Collection and sorting, processing and manufacturing</b>
<b>ERIC NELSON</b>	<b>Interface</b>	<b>Carpet Mills, Collection, processing &amp; recycling of carpet</b>
<b>FRANCO ROSSI</b>	<b>Aquafil USA</b>	<b>Processing &amp; recycling of carpet, Manufacturing</b>
<b>GAIL BRICE</b>	<b>XT Green, Inc.</b>	<b>Processing &amp; recycling of carpet</b>
<b>HOWARD SAPPER</b>	<b>Carpet Manufacturers Warehouse</b>	<b>Carpet Retailers</b>
<b>JOANNE BRASCH, Ph.D</b>	<b>CA Product Stewardship Council</b>	<b>Environmental Community</b>
<b>JOE YARBROUGH</b>	<b>The Carpet &amp; Rug Institute</b>	<b>Carpet Mills</b>
<b>JOHN DAVIS</b>	<b>Mojave Desert &amp; Mountain Recycling Integrated Waste Mgmt Joint Powers Authority</b>	<b>Local Government</b>
<b>JORGE OROZCO</b>	<b>SCOR Industries</b>	<b>Speaker of Assembly</b>
<b>NAT ISAAC</b>	<b>City of Los Angeles Environment and Sanitation</b>	<b>Local Government</b>
<b>RACHEL PALOPOLI</b>	<b>Planet Recycling</b>	<b>Carpet Collections/Sorting</b>
<b>ROBERT NUNEZ</b>	<b>Californians Against Waste</b>	<b>Environmental Community</b>
<b>STEVE BELONG</b>	<b>Carpet, Linoleum, &amp; Soft Tile Workers Local Union No. 12, District Council 16</b>	<b>Northern CA Floor Covering Finishing Trades Institute Joint Apprenticeship Training Committee</b>
<b>STEVE LANDRETH</b>	<b>ProSpectra Flooring</b>	<b>Senate Committee on Rules</b>
<b>WES NELSON</b>	<b>GreenWaste Carpet Recycling</b>	<b>Carpet Collections/Sorting</b>

## Advisory Committee Plan Review Meeting and Recommendations

The California Carpet Stewardship Advisory Committee met through a teleconference on April 7, 2020 to discuss the “CARE California Carpet Stewardship Program *Draft* Contingency Plan” dated March 31, 2020. All committee members attended the meeting except: Joe Yarbrough attended the beginning of the meeting but was unable to stay on the call and did not participate in the vote. Steve Landreth attended the meeting but was not able to vote on the final two motions votes. The committee chair Rachel Palopoli was not able to attend, Vice Chair Joanne Brasch chaired the meeting in her place.

A quorum was met. Members of the public also attended through the teleconference. The meeting was conducted in compliance with the Bagley-Keene Open Meeting Act (with minor modifications due to the coronavirus emergency).

The Committee recommendations from the April 7, 2020 meeting regarding the “CARE California Carpet Stewardship Program *Draft* Contingency Plan” are provided as Attachment 1. We hope there won’t be a need to implement the Contingency Plan, but should the situation arise, CalRecycle or designated party should continue to maintain appropriate communication with advisory committee pursuant to Section 42972.1 (b) and (c) of the Public Resources Code.

The committee looks forward to working with CARE and CalRecycle regarding the California Carpet Stewardship Program.

**Respectfully,**

*Joanne Brasch*

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Joanne Brasch Ph.D, Advisory Committee Vice Chair

4/17/20  
Date

Committee Members	Vote on the Letter
DOUGLAS WILLIAMS	Aye
ERIC NELSON	Aye
FRANCO ROSSI	Aye
GAIL BRICE	Aye
HOWARD SAPPER	Aye
JOANNE BRASCH, Ph.D	Aye
JOE YARBROUGH	Abstain
JOHN DAVIS	Aye
JORGE OROZCO	Aye
NAT ISAAC	Aye
RACHEL PALOPOLI	Abstain
ROBERT NUNEZ	Aye
STEVE BELONG	Aye
STEVE LANDRETH	Aye
WES NELSON	Aye

## Attachment 1

### California Carpet Stewardship Advisory Committee recommendations related to CARE California Carpet Stewardship Program Draft Contingency Plan” 3-31-20 (ADA)

**CARE responses to all motions are shown in bold, blue, 12-point Arial font.**

#### **Motion 1.0**

The Committee recommends that:

- a) Consistent language be used in specifying who the meetings will be held with, i.e. CalRecycle or their designated party(ies). **CARE agrees and has modified the document accordingly.**
- b) Consistent language be used for words previously defined from the law, approved Plan, and CalRecycle regulations e.g. Roll-up Plan, Plan Dashboard. **While this recommendation is not clear, CARE has tried to be consistent with the language of the statute.**
- c) All action items should have timeline information. **CARE has modified the document to reflect this recommendation where dates can be set or indicated they are to be determined by mutual agreement since not all dates can be set ahead of activation of the plan.**
- d) For records turned over, include all accounts receiving California public funds. **Unclear what “accounts” means. We assume it is the AB 2398 working bank account and bank Escrow account where mill deposits are deposited directly. There is no specific reference as to what is being referred to.**
- e) Under Grants, sub-section 2, strike the first sentence and replace the first word of the second sentence with “current.” **DONE**
- f) Under the Escrow section, add language from the Miscellaneous section specifying all unexpended funding and ongoing consumer assessments. **DONE**

Motion to Approve: Eric Nelson

Second: Jorge Orozco

Ayes (11): Eric Nelson, Franco Rossi, Gail Brice, Howard Sapper, Joanne Brasch, John Davis, Jorge Orozco, Nat Isaac, Robert Nunez, Steve Belong, Wes Nelson

Nays (2): Doug Williams, Steve Landreth Abstain (0): Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion passes**

### **Motion 2.0**

The Committee recommends that CARE will provide an organization chart for current staffing and contractors related to continuing the operation of the program and a timetable laying out the transition period and updates as requested by CalRecycle.

**CARE has met the statutory requirements of AB 729 with this Contingency Plan. The statute does not call for documentation of current activity/staffing and CARE pointed out this would likely be quite different in the future. CARE does not support this recommendation and refers the Advisory Committee to annual reports where such information is already recorded.**

Motion to Approve: John Davis    Second: Eric Nelson

Ayes (11): Doug Williams, Eric Nelson, Franco Rossi, Gail Brice, Joanne Brasch, John Davis, Jorge Orozco, Nat Isaac, Robert Nunez, Steve Belong, Wes Nelson

Nays (2): Howard Sapper, Steve Landreth,

Abstain (0):                    Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion passes**

### **Motion 3.0**

The Committee recommends that the excerpt of relevant statutory requirements provided on page 15 be referenced in the Introduction and rather than just state “CARE believes ...”, they should cite the specific section of the plan that applies.

**No response required**

Motion to Approve: Gail Brice            Second: Joanne Brasch

Ayes (4): Gail Brice, Joanne Brasch, Nat Isaac, Robert Nunez,

Nays (9): Doug Williams, Eric Nelson, Franco Rossi, Howard Sapper, John Davis, Jorge Orozco, Steve Belong, Steve Landreth, Wes Nelson

Abstain (0):                    Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion does not pass.**

#### **Motion 4.0**

The Committee recommends that the reference to 45 days in the Timing section (Item 3a on page 3) be removed and replaced with “at CalRecycle or its designee’s request.”

**DONE**

Motion to Approve: John Davis    Second: Steve Landreth

Ayes (11): Eric Nelson, Franco Rossi, Gail Brice, Joanne Brasch, John Davis, Jorge Orozco, Nat Isaac, Robert Nunez, Steve Belong, Steve Landreth, Wes Nelson

Nays (2): Doug Williams, Howard Sapper

Abstain (0):                  Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion passes**

#### **Motion 5.0**

The Committee recommends that the Contingency Plan include the option to work with CalRecycle to establish the authority to accept or reject the transfer of contracts.

**DONE Current contracts allow for transfer from CARE to another CSO or CalRecycle.**

Motion to Approve: Joanne Brasch                  Second: Franco Rossi

Ayes (9): Eric Nelson, Franco Rossi, Gail Brice, Joanne Brasch, John Davis, Jorge Orozco, Robert Nunez, Steve Belong, Wes Nelson,

Nays (4): Doug Williams, Howard Sapper, Nat Isaac. Steve Landreth

Abstain (0):                  Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion passes**

### **Motion 6.0**

The Committee recommends striking the last sentence under the section of Documentation, subsection A on page 5. CARE should report from the last Annual Report until the time they are no longer running the program as the Stewardship Organization. **From the time of termination (post transition period) for program responsibilities, CARE will consider availability by negotiated contract, including compensation, to provide any information or support necessary for a new or replacing Stewardship Organization to complete an annual report.**

Motion to Approve: John Davis    Second: Howard Sapper

Ayes (13): Doug Williams, Eric Nelson, Franco Rossi, Gail Brice, Howard Sapper, Joanne Brasch, John Davis, Jorge Orozco, Nat Isaac, Robert Nunez, Steve Belong, Steve Landreth, Wes Nelson

Nays (0):

Abstain (0):                  Absent (1): Rachel Palopoli Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion passes**

### **Motion 7.0**

The Committee recommends that for any new contracts, language should be added to allow CARE to amend all contracts to allow for the transfer of agreements to a new or replacing Stewardship Organization. **DONE After legal consultation, current contracts are transferrable.**

Motion to Approve: Nat Isaac    Second: Howard Sapper

Ayes (13): Doug Williams, Eric Nelson, Franco Rossi, Gail Brice, Howard Sapper, Joanne Brasch, John Davis, Jorge Orozco, Nat Isaac, Robert Nunez, Steve Belong, Steve Landreth, Wes Nelson,

Nays (0):

Abstain (0):                  Absent (1): Rachel Palopoli Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion passes**



**Motion 8.0**

The Committee recommends that action item A under the Confidential Business Information (CBI) section on page 8 be amended to include a provision that all parties will honor the CBI. **DONE**

Motion to Approve: Howard Sapper      Second: Steve Landreth

Ayes (13): Doug Williams, Eric Nelson, Franco Rossi, Gail Brice, Howard Sapper, Joanne Brasch, John Davis, Jorge Orozco, Nat Isaac, Robert Nunez, Steve Belong, Steve Landreth, Wes Nelson,

Nays (0):

Abstain (0):                  Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion passes**

**Motion 9.0**

The Committee recommends that on page 10, an item e should be added to the action items that requires turning over all education/outreach materials and databases produced and created with public funds to the CalRecycle designated party. **DONE**

Motion to Approve: Howard Sapper      Second: Wes Nelson

Ayes (13): Doug Williams, Eric Nelson, Franco Rossi, Gail Brice, Howard Sapper, Joanne Brasch, John Davis, Jorge Orozco, Nat Isaac, Robert Nunez, Steve Belong, Steve Landreth, Wes Nelson,

Nays (0):

Abstain (0):                  Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (1) Joe Yarbrough

**The motion passes**

### **Motion 10.0**

The Committee recommends that CalRecycle should carefully consider accepting the language under the action items listed under the Models Section as the CCM model is an integral part of running the program. **No response required**

Motion to Approve: John Davis    Second: Gail Brice

Ayes (6): Eric Nelson, Gail Brice, Joanne Brasch, John Davis, Nat Isaac, Robert Nunez

Nays (6): Doug Williams, Franco Rossi, Howard Sapper, Jorge Orozco, Steve Belong, Wes Nelson

Abstain (0):                    Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (2) Joe Yarbrough, Steve Landreth

**The motion did not pass**

### **Motion 11.0**

The Committee recommends that under action item A, on page 12, add “and SJM and copies of all three applicable software should be turned over to the designated party.”

**The basic SJM model of calculating subsidies will be included. CARE has maintained since the beginning of our model work that the CCM was an existing CARE tool and is the proprietary property of CARE. It has been offered to the Model Team for use as a free service of CARE to aid and inform the understanding of the CA subsidy program. If CalRecycle wishes a cost conversion model like that developed by CARE, they may request CARE undertake such an effort. To firmly remove any ambiguity CARE will initiate an annual \$6,000 per year, non-refundable license fee for access to this tool by the Model Team to support the CA Program. This non-exclusive license will go into effect July 1, 2020 and be billed annually. Such a license does not include transfer of intellectual property or a copy of the underlying programming or user interface or output which reminds the property of CARE.**

Motion to Approve: Howard Sapper                    Second: John Davis

Ayes (12): Doug Williams, Eric Nelson, Franco Rossi, Gail Brice, Howard Sapper, Joanne Brasch, John Davis, Jorge Orozco, Nat Isaac, Robert Nunez, Steve Belong, Wes Nelson,

Nays (0):

Abstain (0):                      Absent (1): Rachel Palopoli

Attended meeting, but Absent for vote: (2) Joe Yarbrough, Steve Landreth

### **The motion passes**

**PLEASE NOTE: The technical protocol for this online, video meeting was for all committee members, as well as the CARE Executive Director and CA Program Director, to be unmuted and practice self-muting. The meeting leader (Advisory Committee Vice-Chair Joanne Brasch) elected to override this agreed on protocol and mute the CARE Executive Director and CA Program Director. On a critical discussion regarding models, repeated requests to unmute were ignored until after the vote was taken. Only then did Ms. Brasch say, “Oh, it looks like Bob Peoples wants to say something.” As a result, the committee was deprived of relevant and critical information that may have affected the vote. The conduct of ignoring repeated attempts of Dr. Peoples to be unmuted is just the latest in an on-going series of unprofessional behaviors, is disruptive to the public process and does not serve the people of California, CalRecycle, the Advisory Committee or CARE well. It undermines CARE’s important work as delegated to it by the California Legislature. CARE formally requests that CalRecycle take immediate action to investigate this incident and prevent this from happening again.**