



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

September 27, 2012

Catherine M. Crispi, Ph.D.
UCLA Cancer Prevention & Control Research
Fielding School of Public Health
Jonsson Comprehensive Cancer Center
650 Charles Young Drive South
A2-125 CHS, Box 956900
Los Angeles, California 90095-6900

PEER REVIEW OF PROPOSED ADOPTION OF SURVEY APPROACH AND METHODOLOGY TO ESTIMATE MERCURY THERMOSTATS BECOMING WASTE IN CALIFORNIA

Dear Professor Crispi:

The California Department of Toxic Substances Control (DTSC) is developing regulations to implement the Mercury Thermostat Collection Act of 2008. As part of this rulemaking, DTSC is required to develop "...a methodology for ... [calculating] ... the number of out-of-service mercury-added thermostats becoming waste annually." DTSC proposes to use the results of a study of California households and businesses as the basis for this methodology. The study is summarized in Attachment 1 and laid out in greater detail in Attachment 4. DTSC is requesting external peer review of the study's general approach and methodology

My letter today is intended to initiate the next phase of the external review – the actual review itself. Enclosed with this letter are the following:

- The September 17, 2012 request for external reviewers, signed by me, including eight attachments:
 1. Background and Rationale for DTSC's Methodology for Estimating the Number of Out-of-Service Mercury-Added Thermostats Becoming Waste Annually.
 2. Description of Scientific Conclusions to be addressed by Peer Reviewers.

3. List of Project Participants.
 4. *Mercury-Containing Thermostats: Estimating Inventory and Flow from Existing Buildings, Technical Approach Summary.*, Skumatz Economic Research Associates, Inc., March 1, 2009.
 5. *Mercury-Containing Thermostats: Estimating Inventory and Flow from Existing Residential & Commercial Buildings.* Skumatz Economic Research Associates, Inc., December 28, 2009.
 6. Watson, Taylor, *Mathematical Model Estimating Thermostats in Commercial Buildings, Final Report.* King County, Washington Local Hazardous Waste Program. June 2006.
 7. *Mercury Thermostat Collection Act of 2008* (AB 2347, Ruskin; stats. 2008, ch. 572).
 8. Draft Regulations: *Mercury Thermostat Collection and Performance Requirements.* Department of Toxic Substances Control, August 7, 2012.
- *Supplement to Cal/EPA External Scientific Peer Review Guidelines – “Exhibit F” in Cal/EPA Interagency Agreement with University of California.* Gerald W. Bowes, Ph.D., January 7, 2009.

Comments on the foregoing:

1. You have been sent the request letter during the solicitation process for reviewer candidates conducted by the University of California.
2. Attachment 2 (Description of Scientific Conclusions to be addressed by Peer Reviewers) provides focus for the review. I ask that you address all topics, as expertise allows, in the order listed.
3. The January 7, 2009 supplement provides guidance to ensure the review is kept confidential through its course. The Supplement notes that reviewers are under no obligation to discuss their comments with third-parties after reviews have been submitted. We recommend they do not. All outside parties are provided opportunities to address a proposed regulatory action through a well-defined regulatory process. Please direct third-party inquiries to me.

Please return your review directly to me. Questions about the review, or review material, should be for clarification, in writing—email is fine—and addressed to me. My responses will also be in writing. Please do not contact the State Water Resources Control Board. All of this information will be posted on DTSC's program website and on the State and Regional Water Board's Scientific Peer Review website.

Catherine M. Crispi, Ph.D.
September 27, 2012
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My sincere thanks for accepting this review assignment. I would appreciate your completed review by November 3, 2012. My contact information is kpalmer@dtsc.ca.gov or 916-445-2625.

Sincerely,



Karl Palmer, Chief
Toxics in Products Branch
Office of Pollution Prevention and Green Technology
Department of Toxic Substances Control

Attachments

cc: Gerald Bowes, Ph.D.
Supervising Staff Toxicologist
Office of Research, Planning and Performance
State Water Resources Control Board
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Sacramento, CA 95812-0100

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September 27, 2012

Nicholas P. Jewell, Ph.D.
Professor of Biostatistics and Statistics
School of Public Health
University of California, Berkeley
108 Hazel Lane
Piedmont, California 94611

PEER REVIEW OF PROPOSED ADOPTION OF SURVEY APPROACH AND METHODOLOGY TO ESTIMATE MERCURY THERMOSTATS BECOMING WASTE IN CALIFORNIA

Dear Professor Jewell:

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Nicholas P. Jewell, Ph.D.
September 27, 2012
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Sincerely,



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