

August 25, 2008

via e-mail

California Air Resources Board  
1001 I Street  
Sacramento, California 95814  
Attn: Alexa Malik, Clerk of the Board  
<http://www.arb.ca.gov/lispub/comm/bclist.php>

Subject: 15-Day Notice of Public Availability of Modified Text for the Public Hearing to Consider Proposed Amendments to the California Consumer Products Regulation<sup>1</sup>

Dear Honorable Board Members:

The Consumer Specialty Products Association (CSPA or the Association)<sup>2</sup> appreciates the opportunity to provide final comments on the California Air Resources Board's (ARB's) 15-Day Notice of Public Availability of Modified Text for the Public Hearing to Consider Proposed Amendments to the California Consumer Products Regulation. This document was released on August 12, 2008, pursuant to the Public Hearing held on June 26, as well as final Board Resolution 08-30. CSPA's comments relate solely to the new Modified Text and Board Resolution, and supplement the Association's comprehensive written comments submitted on June 23, as well as the testimony of CSPA representatives at the ARB's June 26<sup>th</sup> Public Hearing.

### Comments

CSPA supports the Modified Text for the Proposed Amendments released on August 12, 2008. In the following sections, we will provide comment only on the modifications that have the most direct impact on CSPA member companies' products.

1. CSPA Supports the ARB Decision to Delete the Proposed Definition for the Term "Not for Retail Sale."

The apparent intent of the proposed definition of the term "Not for Retail Sale" was to clarify (but not change) the use of this term in the definitions for at least two product categories."<sup>3</sup>

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<sup>1</sup> The full text of the modified text of the modifications to the regulations originally proposed in the Staff Report released on May 9, 2008, is posted on ARB's website at: <http://www.arb.ca.gov/regact/2008/cp2008/cpmods.pdf>.

<sup>2</sup> CSPA is a voluntary, non-profit national trade association representing approximately 250 companies engaged in the manufacture, formulation, distribution, and sale of consumer specialty products for household, institutional, commercial and industrial use. CSPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, industrial and automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. These products are formulated and packaged in many forms and are generally marketed nationally.

<sup>3</sup> See Cal. Code Regs. Title 17, Subchapter 8.5, Article 4, § 94508(a).

CSPA believes that it is critically important for ARB to clearly identify which products are subject to California's very stringent VOC limits. Precise and unambiguous regulatory provisions benefit both ARB and the regulated entities.

Thus, CSPA supports the ARB's decision to withdraw the original proposed definition. In written comments CSPA filed on June 23, the Association presents pragmatic recommendations for producing clear demarcations for the products that ARB considers to be subject to the applicable VOC limits. CSPA commits to continue working cooperatively with ARB staff and the other stakeholders to develop a regulatory language that removes any potential ambiguity as to whether the ARB's regulatory provisions apply to specific products.

2. CSPA Supports ARB's Action to Clarify the Definition of the Term "Floor Maintenance Product."<sup>4</sup>

The modification to the definition for this product category removes any potential ambiguity as to applicable regulatory limits. During the past 20 years, ARB staff has done a commendable job developing a comprehensive set of precise definitions to ensure that no product is inadvertently subject to more than one VOC limit or more than one set of regulations. In this case, the modification makes it unambiguously clear that the Floor Maintenance Product category is subject to provisions of the Consumer Products Regulation. CSPA strongly believes that this type of clarity is necessary for companies to fully comply with ARB's comprehensive regulatory requirements.

3. CSPA Supports ARB's Action Clarifying the Applicability of the Regulatory Limit for the "Motor Vehicle Wash" Product Category.

The modification to the Motor Vehicle Wash Product category in the Table of Standards<sup>5</sup> unambiguously conveys ARB's intent that the stringent new VOC limit applies only to the non-aerosol form of this particular product category. CSPA strongly believes that this modification is both reasonable and necessary; accordingly, we support the ARB's action on this issue.

### **Conclusion**

CSPA thoroughly reviewed the Board Resolution and Modified Text issued subsequent to the June 26<sup>th</sup> Board Hearing and believes that it is consistent with the Board instructions to staff at the Hearing. Therefore, CSPA supports all of the modifications released for 15-day public comment.

CSPA appreciates the opportunity to comment on these important proposed regulatory changes to the California Consumer Products Regulation. CSPA commends the ARB staff's exemplary efforts to ensure that all interested parties had an opportunity to participate in this open and transparent public effort to develop amendments to California's very comprehensive Consumer

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<sup>4</sup> Cal. Code Regs. Title 17, Subchapter 8.5, Article 4, § 94508(a)(58).

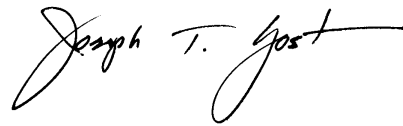
<sup>5</sup> *Id.* at § 94509(a).

Products Regulation. Please contact us any time if you have questions regarding issues raised in these comments.

Respectfully submitted,



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