

October 26, 2006

Stoner

Clerk of the Board
Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, California 95812

Subject: Rubber & Vinyl Protectant Definition Change

Dear Clerk of the Board,

Stoner is small, family-owned business located in Lancaster County, Pennsylvania. Stoner is the largest supplier in the United States of specialty lubricants for processing of plastics and other molded materials. In other markets, which include automotive care and electronics cleaning, Stoner is a niche player and highly competitive with larger companies.

Stoner has been working with the ARB staff for approximately two years on this issue. Stoner has a product that will be substantially affected by this proposed change. Our product is More Shine™ Long Lasting Tire Coating. This is a tire coating and currently subject to the Aerosol Coating regulation. This product contains a resin and produces a continuous film.

Tire Coatings are Not Tire Dressings

Tire coatings are a relatively new type of product that has evolved since the introduction of the original tire dressings in the 1990's. Tire coatings are products that coat the tire with a continuous, flexible film to provide a satin or high gloss finish. ARB staff states that tire dressings were to be considered in the Rubber and Vinyl definition originally. Tire coatings are uniquely different from typical tire dressings. The Air Resources Board Initial Statement of Reasons for Proposed Amendments to the California Consumer Products Regulation dated June 6, 1997 describes tire dressings. In reviewing the document from 1997, which addresses Rubber and Vinyl Protectants, there are subtle differences in the reasoning used to regulate specific products. On August 25, 2006, staff released definitions and reasoning for the changes. Staff explained that the proposed definition would clarify that a product that protects either rubber or vinyl solely is covered. Staff further writes that tire coatings qualify as Rubber & Vinyl Protectants. This last statement is in error. The 1997 document states that "Tire Dressings" are included in the Rubber & Vinyl Protectant" category. Tire Dressings are defined as "products designed and labeled to clean **and** shine automobile tires..." Aerosol tire coatings do not claim to (nor do they) clean the tire. Tire coatings are only meant to coat the surface of the tire.

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Through further review of the 1997 document, it appears that the purpose of the products (to be regulated as protectants) is to alter the physical composition of the substrate, either rubber or vinyl. This document states that these products are intended "to extend the life" and "to revitalize the appearance". The protectant products, as stated in the document, replace components in the substrate which become inactive over time. The document goes on to state that the protectants "restore gloss and oils lost to evaporation". In further making this point, the document states that if a surface is particularly sun-faded, it is sometimes beneficial to apply the protectant and allow it to sit on the substrate overnight, and then to buff it the next day in order to provide extra protection. This statement implies an absorption-like activity as well as a change to the composition of the substrate. Throughout the document, there are references to replacing oils, renewing substrates, and restoring flexibility.

Additionally, there is no mention of resins of any kind in the document. The formulation section in the document describes the active ingredients as "these active ingredients include silicone oil which remains on the surface to provide a shiny appearance; plasticizers which restores the flexibility of plastic as it ages, protects vinyl against premature cracking and drying; and UV protectants to provide protection from the sun's UV rays." Use of resins was not mentioned.

In summary, the apparent intent of the Rubber & Vinyl Protectant regulation is to include products which perform any of the following characteristics -- protect, shine, clean, renew, restore, revitalize, enhance gloss, rejuvenate. More importantly, there seems to be intent that the regulated products somehow alter the product substrate via absorption of the compounds in the product. Therefore, aerosol tire coatings are a different product than was intended to be regulated. Aerosol tire coatings do protect and enhance the appearance of the substrate. However, an aerosol tire coating does not clean, revitalize, rejuvenate, or restore the substrate. Aerosol tire coatings simply coat the surface of the tire.

Lack of Due Process

ARB has not fully assessed the impact of this proposed change. While ARB staff performed a small survey of these products from some marketers, the large entire industry was not notified or surveyed. Furthermore, no results relating to VOC emissions, sales weighted averages of products, and financial impact to companies was ever released on the supplemental survey that the staff performed. This is not the typical open and transparent process that ARB uses to adopt regulations.

Inconsistencies of Technical Support Document

The definition proposed is inconsistent with the Technical Support document. The definition removes the word "plastics"; however, the Technical Support Document references the word "plastic" several times. The word "plastic" should be removed to clarify the issue and is supported by the 1997 document which did not originally support the addition of the word "plastic".

Conclusion

Aerosol tire coatings are not tire dressings, thus tire coatings should be regulated as aerosol coatings. ARB has not released information to support their position on this proposed change. The inconsistencies between the definition and the Technical Support Document need to be corrected to provide clear reasoning for this change.

Due to the concerns stated above, ARB staff should defer this action until a new survey is completed. This will allow for an informed decision to be made.

Thank you for your time and your consideration of this issue.

Sincerely,



Harry Zechman
Technology Manager

- cc: Robert D. Fletcher, P.E., Division Chief, Stationary Source Division
- Robert D. Barham, Ph.D., Assistant Division Chief, Stationary Source Division
- Janette M. Brooks, Chief, Air Quality Measures Branch, Stationary Source Division
- David Mallory, Manager, Measures Development, Stationary Source Division