



October 30, 2006

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

Subject: Consumer Products Regulation - Rubber and Vinyl Protectant Definition

Dear Clerk of the Board:

Sherwin-Williams Diversified Brands (S-W DBD) appreciates the opportunity to comment on the proposed changes to the Rubber and Vinyl Protectant category definition. Representatives from S-W DBD were present and involved throughout the current Consumer Product Regulation development process.

According to the Technical Support Document (TSD) released September 29, 2006 for the CONS-2 Rulemaking, the proposed change is an effort to clarify and correct ambiguity in the existing definition. The current definition uses the word "and" instead of "and/or" which creates confusion for products such as tire protectant that are only used on one type of substrate.

Although this seems like a simple change, in fact, it is very complicated and the necessary due diligence to make such a change has not been performed. The proposed definition would result in some very serious market consequences. It has been proposed without proper data gathering or significant industry involvement, and the basis for this change was not communicated to all affected parties. As a matter of record, this category was excluded from the 2003 survey used for this rulemaking. It was specifically proposed for the 2005 survey to be used in the next rulemaking involving aerosol coatings. Some of the aerosol coatings companies are not involved in the current consumer product negotiation and would be completely blindsided by this change.

Staff indicated in the TSD that a voluntary early survey was conducted. The data from that survey was not shared with industry. The proposed definition would cause numerous aerosol coatings currently regulated under the aerosol coatings regulation to be inappropriately pulled into the rubber/vinyl protectant category. The limited early survey could not have been sufficient to gauge the impact of such a change. S-W DBD is the largest manufacturer of aerosol coatings in the country. Our aerosol coatings were not included in the early survey. However, recent communication with staff indicates they will be seriously impacted by the proposed change.

There is a significant difference between products designed merely to protect and products designed to coat. Although the end result is similar, products containing resin or pigment originally designed as aerosol coatings should not be subject to the rubber/vinyl category merely due to their application on certain types of substrates.

It is with great concern that we request this proposed definition change be postponed until such time that it can be adequately investigated and properly developed.

Your time and consideration of our input is much appreciated. If you have any questions or need further information please call me anytime at 216-332-1473.

Best regards,

A handwritten signature in black ink, appearing to read "Gregory L. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gregory L. Johnson  
Director Legislative Affairs  
Sherwin-Williams Diversified Brands

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