



November 13, 2006

Clerk of the Board
California Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95812

Re: ARB Proposed Amendments to the Consumer Products Regulation (CONS-2) --
Rubber/Vinyl Protectant Category and Aerosol Coatings

Dear Clerk of the Board:

The National Paint and Coatings Association is a voluntary non-profit industry association, originally organized in 1888 and comprised today of some 400 members who are engaged in the manufacture and distribution of paint, coatings, adhesives, sealants, caulks and related products, including the raw materials suppliers to the industry. NPCA member companies collectively produce some 95% of the total dollar volume of architectural paints and industrial coatings produced in the United States. NPCA represents approximately 95% of the paint and coatings manufacturers who make spray paint for sale and use in the state of California as well as the rest of the country.

NPCA and its Spray Paint Manufacturers Committee are well known to CARB and its staff. Since the advent of regulatory activities specifically focusing on aerosol spray paint, NPCA's Spray Paint Manufacturers Committee has been a diligent advocate in the South Coast Air Quality Management District; in the Bay Area Air Quality Management District; and in the legislature when the California Clean Air Act was amended to grant the California Air Resources Board with sole authority to regulate aerosols.

NPCA's Spray Paint Manufacturers Committee testified in favor of the current aerosol coatings reactivity regulation, calling it a "win-win" for the industry, the agency and the people of California. In addition, the Spray Paint Manufacturers Committee was instrumental in talking with the United States Environmental Protection Agency and encouraging them to postpone any rulemaking activities relative to spray paints in light of the work being conducted by CARB at the time.



As you can see, anytime that there has been any regulatory activity in California or elsewhere that would affect the regulation of spray paint products, the Spray Paint Manufacturers Committee has participated in order to bring the manufacturers and formulators of these products into the debate.

While the proposed amendments to the Consumer Products regulation do not typically impact spray paint products, there is a significant overlap in the products that could be included in the Rubber/Vinyl Protectant (aerosol) category of the Consumer Products Regulation and the aerosol coatings products that are subject to the aerosol coatings regulation. Historically, aerosol coatings products have been, and continue to be, formulated to protect and beautify. Consequently, label claims made by these two types of products will be very similar.

In order to address this overlap, ARB staff have proposed amendments to the definition of Rubber/Vinyl Protectant and certain amendments to the Aerosol Coatings regulation. NPCA's Spray Paint Manufacturers Committee agrees that this overlap should be clarified; however, the language that was proposed in the Initial Staff Report does not clarify this overlap and could have been interpreted to be applicable to many products that are appropriately regulated as an aerosol coating, including clear aerosol coatings.

In subsequent discussions with ARB staff, we have agreed to an alternate strategy to address the Rubber/Vinyl Protectant and Aerosol Coatings overlap.

The alternate strategy is as follows:

1. ARB has agreed to withdraw the proposed amendments specifically relevant to the Rubber/Vinyl Protectant category and those proposed for the Aerosol Coatings regulation;
2. ARB staff has agreed to work with affected industry members to explore modified language that would eliminate any remaining overlap between the two regulations and insure that all products are properly categorized; and
3. Such "modified language" would be made available to the public for comment during a 15-day period of time.

Addressing the overlap issue under the 15-day comment period process is appropriate for the following reasons:

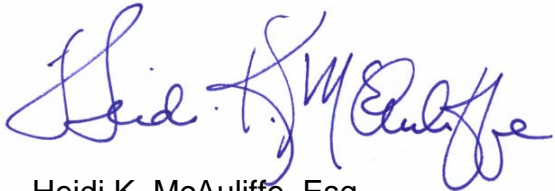
1. there will be sufficient time for this discussion under the 15-day comment process as ARB staff has indicated that they have up to one year to submit changes to the proposed language; and
2. interested manufacturers of these products will be aware and will make themselves available to work towards a reasonable solution for the industry.

In seeking a solution for this issue, ARB has been criticized for proceeding to the proposal stage without adequately surveying this category, analyzing the data and distributing it to the public, as is their common practice. NPCA believes that rulemaking activities must be predicated upon the reliable survey data that is distributed to the regulated community for review and comment. NPCA encourages the ARB staff to renew their commitment to this principle and if necessary during the 15-day comment period, to take steps to gather the requisite data regarding the Rubber/Vinyl Protectant category and any related aerosol coatings categories so that modified language can be supported by survey data.

As always, NPCA and its Spray Paint Manufacturers Committee is available to discuss this comment at your convenience. We urge you to consider this comment as the agency works to develop and finalize these amendments.

If you have any questions, do not hesitate to contact me.

Best regards,

A handwritten signature in blue ink, appearing to read "Heidi K. McAuliffe". The signature is fluid and cursive, with the first name "Heidi" and last name "McAuliffe" clearly legible.

Heidi K. McAuliffe, Esq.
Counsel, Government Affairs