



A FAMILY COMPANY

Global Government Relations  
1667 K Street, NW, Suite 650  
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September 23, 2013

Clerk of the Board  
Air Resources Board  
1001 "I" Street  
Sacramento, CA 95814

(Via electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>)

Re: Proposed Amendments to the Aerosol Coating and Consumer Products Regulations –  
Version Released by ARB on August 7, 2013

Dear Members of the Air Resources Board:

S. C. Johnson & Son, Inc. (SC Johnson) appreciates this opportunity to provide written comments on the proposed 2013 amendments to the Aerosol Coating and Consumer Products Regulations released by the California Air Resources Board (ARB) and posted to the agency's website at <http://www.arb.ca.gov/regact/2013/cp2013/cp2013.htm> on Aug. 7, 2013. Our comments focus mainly on (i) key provisions of interest to SC Johnson in proposed amendments to the Aerosol Coating and Consumer Products Regulations; and (ii) ARB's commitment to conduct additional research to improve understanding of the air quality impacts of Low Vapor Pressure Volatile Organic Compounds (LVP-VOCs) used in consumer product formulations.

By way of background, SC Johnson is a family company dedicated to innovative, high-quality products, excellence in the workplace, and a long-term commitment to the environment and communities around the world in which we operate. Based in Racine, Wisconsin, our company is one of the world's leading manufacturers of household cleaning products and products for home storage, air care, pest control and shoe care. Among the well-known leading brands we market in the U.S. are: GLADE®, PLEDGE®, OFF!®, RAID®, SCRUBBING BUBBLES®, SHOUT®, WINDEX®, KIWI®, and ZIPLOC®. Founded 127 years ago, SC Johnson generates more than \$9 billion in annual sales, employs nearly 13,000 people globally, and sells products in virtually every country in the world.

#### Proposed Amendments to the Aerosol Coating Product Regulation

##### *a. Proposed MIR Limits for Certain Aerosol Coating Product Categories*

The proposed amendments specify new or lower reactivity limits for six "General Coatings" categories, including a proposed reactivity limit (g O<sub>3</sub>/g product) of 0.85 for Clear Coating and 0.80 for Flat Coating with an effective date of Jan. 1, 2017. ARB also proposes to

cap the reactivity limit for 23 “Specialty Coatings” categories, including a reactivity limit of 1.45 for vinyl/fabric/leather/plastic coating products, with an earlier effective date of Jan. 1, 2015

SC Johnson markets a water-based colorant spray and sealant product for decorating carpets and rugs under the Vecco™ brand that comes under the Clear and Flat Coating categories, and aerosol coating products for shoe and leather care under the KIWI® brand that fall under the Specialty Coatings category of vinyl/fabric/leather/plastic.

We are pleased to see that ARB’s August 2013 proposed reactivity limits for these categories are consistent with the June 27 staff draft proposal and that the Agency has not proposed to lower the limits any further. SC Johnson supports these proposed limits and respective effective dates, especially given that no product reformulation is required to meet the proposed Specialty Coating category MIR limits, in particular.

*b. Proposed New and Revised Definitions*

ARB has proposed a number of new or amended definitions in Sec. 94521 that will be essential to compliance by manufacturers whose products are covered under the Aerosol Coating Product Regulation and to the fair and efficient enforcement of the new limits by ARB staff. Proposed amendments to existing definitions that are of particular interest to SC Johnson are those related to “Clear Coating,” “Flat Coating,” “Product-Weighted MIR,” “Reactivity Limit,” and Vinyl/Fabric/Leather/Plastic Coating.” SC Johnson supports these proposed changes and believes they will bring about helpful clarification to these existing definitions.

New definitions of interest to SC Johnson are those related to “Fragrance,” “Pigment,” and “Resin.” The definition of “Fragrance” appears to be very consistent with the “Fragrance” definition contained in the Consumer Product Regulation. The inclusion of new definitions for “Extender,” “Pigment,” and “Resin” will add clarity to the regulation and where it applies. SC Johnson appreciates and supports the inclusion of these new definitions in the Aerosol Coating Regulation.

SC Johnson notes with appreciation the inclusion of a new definition for “Antimicrobial Compound” as any ingredient added to an Aerosol Coating Product exclusively to prevent microbial growth or product spoilage. The inclusion of this definition is important for two reasons – (i) it recognizes that as water-based aerosol coating technology advances, the use of additives designed to inhibit microbial growth will increase; and (ii) the definition will provide additional clarity by proposing that compounds meeting the definition are not counted toward formulation’s product-weighted MIR content.

We are concerned, however, that confusion, as well as the risk of potential non-compliance, may result from the proposed wording of the term “Ingredient,” which is defined simply at section 94521(a)(40) as a component of an Aerosol Coating Product. SC Johnson recommends that ARB adopt a definition of “Ingredient” as being an intentionally added material in an Aerosol Coating Product. This clarification would help distinguish an “ingredient” from similar terms like “component” or “constituent” – terms that can include

numerous unintentional impurities that we believe should not be treated separately when calculating PWMIRs.

*c. Proposed Additions to Assignment of MIR Values*

SC Johnson appreciates that ARB has proposed two very important and useful additions to Sec. 94522, Reactivity Limits and Requirements for Aerosol Coating Products. The first occurs in proposed subsection (j) Assignment of Maximum Incremental Reactivity (MIR) Values and provides a much-needed default MIR value equal to that of 1,2,3-trimethylbenzene (Table Entry #440; MIR = 11.97) for compounds not specifically listed in ARB's table of MIR values for individual compounds (sec. 94700, Title 17, California Code of Regulations). The second addition, also in subsection (j), establishes a default MIR value of 0.0 for fragrance or an antimicrobial compound present in an aerosol coating product in an amount up to 0.25 percent by weight and a default value equivalent to the MIR value for terpinolene (Table Entry #382; MIR = 6.36) for fragrance in excess of 0.25 percent by weight.

These provisions will allow more flexibility in formulating products by allowing a wider range of raw materials to be used and allowing manufacturers to develop and commercialize water-based systems, which ultimately will provide environmental benefits through reduced VOC emissions. SCJ fully supports these proposed additions.

*d. Prohibition on Alternative Control Plans (ACPs)*

Minor proposed amendments at new subsection 94522(c) specify that Aerosol Coating Products cannot use ARB's Alternative Control Plan (ACP). As you may know, in 1995 SC Johnson became the first consumer product company to enter into an Alternative Control Plan with ARB and since that time we have gained significant experience working with ARB staff to maintain and update our ACP. Although resource-intensive for our company and ARB staff alike, we believe the ACP has evolved into a successful, innovative tool for achieving compliance with applicable VOC limits, and that ARB should consider expanding the current ACP program as a regulatory compliance option, especially as the agency continues to lower VOC and MIR limits for a variety of consumer products. We believe the ACP program can be revised to handle aerosol coatings subject to reactivity limits, just as it handles consumer products subject to mass-based percent VOC limits, and recommend that this provision be removed from the regulation in its entirety. Together with the Consumer Specialty Products Association (CSPA), of which SC Johnson is a member, we would be pleased to work with ARB staff to enhance and broaden the current ACP in a manner that provides additional flexible and verifiable compliance options without overburdening ARB staff resources.

Proposed Amendments to the Consumer Products Regulation

*a. Proposed Revised Definitions*

The amendments propose a number of revisions to existing definitions in the Consumer Products Regulation that are of interest to SC Johnson. For example, the definition of "Fabric Protectant" is amended to reflect a change in the title of the "Vinyl/Fabric/Leather/Plastic"

Specialty Coating category that has been proposed in amendments to the Aerosol Coating Product Regulation. SC Johnson supports this clarification. Similarly, we can support the proposed amendment to the definition of “Waterproofer,” which clarifies that aerosol waterproofing products are subject to the Aerosol Coating Product Regulation, not the Consumer Products Regulation.

SC Johnson also can support two other definition revisions: For insecticides, we have no objection to the proposed reorganizational change that would bring the various subcategories of “Insecticide” products under a single, unified definition for added clarity. Similarly, for air fresheners, we do not object to the proposed grouping of current subcategories of air freshener-related product definitions under a single “Air Freshener” definition encompassing “Double Phase Aerosol Air Freshener,” “Dual Purpose Air Freshener/Disinfectant,” and “Single Phase Aerosol Air Freshener.”

*b. Definition of General Purpose Cleaner*

In further reviewing the proposed revisions to the definition of “General Purpose Cleaner,” we respectfully recommend that ARB make a minor modification at the end of the proposed definition to indicate that General Purpose Cleaners do not include “Furniture Maintenance Products.” This exclusion would be in addition to “Single Purpose Cleaners” already referenced in the revised definition.

As currently defined, a “Furniture Maintenance Product” is a “wax, polish, conditioner, or any other product labeled for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors, and other furniture surfaces including but not limited to acrylics, ceramic, *plastics, stone surfaces, metal surfaces,* and fiberglass...” (Emphasis added). The proposed revised definition of “General Purpose Cleaner” says, in part, that a “General Purpose Cleaner” includes “products that clean kitchens, sinks, appliances, counters, walls, cabinets or floors and products that claim to clean a variety of similar surfaces such as *plastics, stone or metal...* (Emphasis added).” Because of the similarity of references to plastic, stone, and metal surfaces in the two definitions, we believe this minor modification will clarify the distinction between the two product categories, their respective VOC limits, and use patterns (i.e., while a Furniture Maintenance Product may also clean, by definition it cannot be a product designed *solely* for the purpose of cleaning).

Thus, the revised definition of “General Purpose Cleaner” at section 94508(a)(58)(B) that we recommend would read as follows, with the suggested addition in **bold face type**:

(B) for products manufactured on or after January 1, 2015: a product that is designed or labeled to clean hard surfaces in homes, garages, patios, commercial, or institutional environments. “General Purpose Cleaner” includes products that clean kitchens, sinks, appliances, counters, walls, cabinets or floors and products that claim to clean a variety of similar surfaces such as plastics, stone or metal. “General Purpose Cleaner” does not include “Single Purpose Cleaner” **or “Furniture Maintenance Product.”**

*c. Low Vapor Pressure VOCs (LVP-VOCs)*

SC Johnson fully supports ARB's intent to conduct additional research into the environmental fate of LVP-VOCs and commends the Board's recent decision to approve funding for two research proposals submitted by the University of California system related to evaluating the air quality impacts of LVP-VOCs. We also welcome the opportunity to partner with ARB staff to develop the necessary technical information that will allow the Agency to accurately assess the environmental fate and effects of LVP-VOCs and ultimately determine whether the current exemption in the Consumer Products Regulation should continue in its current form or if it should be modified in any way. Our scientists and formulators have significant experience and expertise in this area, as the vast majority of SC Johnson products are optimally formulated using LVP-VOCs, and we stand ready to work with ARB to improve understanding of the relationship between LVP-VOCs and ozone formation, and ensure that any regulatory decisions affecting the current LVP-VOC exemption is grounded in the best available science. To that end, we are looking forward to participating in the stakeholder Technical Advisory Group created by ARB as part of the overall LVP-VOC research effort.

In closing, SC Johnson appreciates the opportunity to provide comments on the ARB proposals for 2013 amendments to the Aerosol Coating and Consumer Products Regulations. We also appreciate the transparent process by which ARB has conducted this rulemaking, which has provided ample opportunity for stakeholder input and engagement through public workshops and direct interaction with industry trade associations and other representatives.

In addition to our comments, we encourage you to give full consideration to comments submitted by CSPA. We look forward to continuing to work cooperatively and collaboratively with ARB to improve air quality for all California residents in ways that are commercially and technologically feasible.

If you have any questions regarding our comments, please feel free to contact me directly at 202-331-1186 or by email at nrlevens@scj.com.

Sincerely,



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