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October 15, 2012

via electronic transmission

Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Attn: Ms. Lori Andreoni
Manager, Board Administration and Regulations Coordination Unit
<http://www.arb.ca.gov/lispub/comm/bclist.php>

Subject: Proposed Amendments to the California Consumer Products Regulation Pertaining to Automotive Windshield Washer Fluid Products; Board Agenda Item # 12-7-2

Dear Board Members:

The Consumer Specialty Products Association (CSPA)¹ appreciates the opportunity to offer comments on the California Air Resources Board (ARB) proposal to modify current regulatory requirements for the Automotive Windshield Washer Fluid (AWWF) product category.² In summary, ARB is proposing to expand the Type “A” area to include new areas of the State that are typically at higher elevations and experience freezing temperatures. In addition, ARB is proposing modifications intended to clarify the definition of the AWWF product category. For reasons detailed below, CSPA supports ARB’s proposed modifications.

1. ARB’s proposed modification to the definition of the AWWF product category enhances the overall clarity of the applicable regulatory requirements.

As a threshold matter, ARB’s carefully constructed definitions of product categories and other related terms are the central component of California’s complex and comprehensive Consumer Products Regulation.³ Thus, CSPA strongly supports ARB’s proposal to consolidate all

¹ CSPA is a voluntary, non-profit national trade association representing approximately 230 companies engaged in the manufacture, formulation, distribution, and sale of 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, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. Through its product stewardship program Product Care[®], and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety, sustainability and environmental impacts of their products.

² The proposed regulation is posted on the ARB’s website at: <http://www.arb.ca.gov/regact/2012/cp2012/cpappa.pdf>. Other relevant documents related to this proposed regulation are posted at: <http://www.arb.ca.gov/regact/2012/cp2012/cp2012.htm>.

³ See 17 CCR § 94508(a).

definitions pertaining to the AWWF in a single modified definition.⁴ This modification will enhance the overall clarity of the definition for this particular product category.

The current description of Type “A” area lists: (1) specific air basins that are defined in other sections of the California Code of Regulations, or (2) entire counties.⁵ The current reference to specified air basins is *not* readily comprehensible to the public and the regulated companies. Therefore, CSPA supports ARB’s proposal to include the names of the counties that comprise the air basins in the Type “A” area. CSPA agrees with ARB staff’s statement that “...county boundaries are more readily understood than are air basins boundaries.”⁶

CSPA also supports ARB’s proposal to use the U.S. Postal Service’s zip codes to identify the freezing regions of the State that are being added to the Type “A” area. CSPA agrees with the ARB staff’s conclusion that zip codes “...are commonly used and understood...and their use would provide a practical way for manufacturers, distributors, and retailers to manage the distribution and sale of AWWF products into the new Type ‘A’ areas.”⁷

2. ARB’s proposed modifications will promote public safety by expanding Type “A” area to include other parts of the state that routinely experience freezing temperatures.

During winter months, drivers in colder areas of California must contend with ice, snow and freezing road spray. The use of freeze-resistant pre-mixed (*i.e.*, ready-to-use) AWWF products enable drivers to maintain clear vision that is necessary to safely operate their vehicles. By expanding Type “A” area to include narrowly-defined additional parts of the state (identified by zip codes) that routinely experience freezing, the ARB will promote public safety by ensuring that drivers will be able to use freeze-resistant AWWF products.

3. ARB’s proposed modification to the labeling requirements for dilutable (*i.e.*, concentrated) AWWF products will improve safety for drivers who occasionally travel to areas of the state that experience freezing temperatures.

The proposed modification will allow product labels for dilutable (*i.e.*, concentrated) AWWF products to include instructions informing consumers that they may follow the dilution instructions for Type “A” area when traveling to regions of the State that experience freezing temperatures.⁸ CSPA supports this proposed revision since it will allow manufacturers to provide instructions on product labels that clearly communicate the fact that drivers may legally mix dilutable AWWF to a specified level and thereby ensure that the product will not freeze in the vehicle’s windshield washer reservoir.

⁴ Proposed Section 94508(a)(20).

⁵ See Table of Standards at 17 CCR § 94509(a).

⁶ ARB, “Staff Report: Initial Statement of Reasons, Proposed Amendments to the California Regulation for Reducing Emissions from Consumer Products Pertaining to Automotive Windshield Washer Fluid Products,” (Aug. 29, 2012) at Ch. 2 p. 16.

⁷ *Id.* at Ch. 2 p. 11.

⁸ Proposed Section 94509(b)(3)(C).

SUMMARY AND CONCLUSIONS

CSPA supports the proposed modifications to the regulatory requirements for the AWWF product category. In addition to promoting public safety, the proposed amendments clarify both the definition and the scope of the applicable regulatory requirements for this product category.

If you have any questions, please contact us at (202) 872-8110.

Respectfully submitted,



D. Douglas Fratz
Vice President, Scientific & Technical Affairs



Joseph T. Yost
Senior Director, Strategic Issues Advocacy



Kristin Power
Director, State Affairs – West Region

cc: Carla D. Takemoto, Chief, Area Source and Emissions Inventory Programs Branch, PTSD
Jose Gomez, Manager, Technical Development Section, Area Source and Emissions
Inventory Programs Branch, PTSD
Olufemi Olaluwoye, Air Pollution Specialist, Technical Development Section, Area Source
and Emissions Inventory Programs Branch, PTSD
CSPA Air Quality Special Committee and Automotive Products Task Force
Laurie E. Nelson, Randlett Nelson Madden Associates