

**COALITION FOR CLEAN AIR
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ASIAN COMMUNITIES FOR REPRODUCTIVE JUSTICE
ENVIRONMENT CALIFORNIA
CENTER FOR PUBLIC ENVIRONMENTAL OVERSIGHT
BAY AREA HEALTHY 880 COMMUNITIES-SL
NATURAL RESOURCES DEFENSE COUNCIL
AMERICAN LUNG ASSOCIATION IN CALIFORNIA
ENVIRONMENT NOW * SIERRA CLUB CALIFORNIA
TRI-VALLEY CARES * WOMEN'S VOICES FOR THE EARTH
GREEN SCHOOLS INITIATIVE
SIERRA CLUB—ANGELES CHAPTER * EARTH DAY L.A.
REGIONAL ASTHMA MANAGEMENT AND PREVENTION/
COMMUNITY ACTION TO FIGHT ASTHMA
INSTITUTO DE EDUCACIÓN POPULAR DEL SUR DE
CALIFORNIA
COMMUNITIES FOR A BETTER ENVIRONMENT
CALIFORNIA HEALTHY NAIL SALON COLLABORATIVE
TEENS TURNING GREEN**

September 24, 2009

Mary Nichols
Chairman
California Air Resources Board
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95812

Via e-mail

Re: 2009 Consumer Products Regulation Amendments

Dear Chairman Nichols:

We, the cosigners, are writing to comment on the revised proposal for categories to be considered in the September 2009 Consumer Products Regulation Amendments.

We applaud your agency's efforts to reduce emissions of volatile organic compounds (VOCs) from consumer products and commend your staff for listening to CARB board members' orders to help protect the health of California residents, consumers and workers.

We would like to highlight the following items from the most recent draft proposal.

MULTI-PURPOSE SOLVENT AND PAINT THINNER VOC LIMITS:

Staff has proposed a reduction of Multi-purpose Solvent and Paint Thinner VOC limits in two parts: Tier 1: 30% VOC limit by 12/31/2010; Tier 2: 3% VOC limit by 12/31/2013. Staff estimates that excluding SCAQMD's Rule 1143 reductions, this regulation will achieve a total of 14.7+ tons per day (tpd) VOC reductions by 2013. We are very hopeful about the estimated reductions from this regulation, but are concerned about the disparity with the SCAQMD's Rule 1143 implementation dates.

We strongly encourage CARB to align the VOC limit implementation date for multi-purpose solvents closer to Rule 1143, setting 2012 as the implementation timeline. Our main reasons for this request are as follows:

1. The majority of the total volume of multi-purpose solvents and paint thinners is used for cleaning purposes, not thinning.
2. We are concerned that, as a result, products labeled as paint thinners will be inappropriately being used as multi-purpose solvents.
3. SCAQMD staff has conducted an extensive technology review of research on alternative products and found 164 that would meet the 3% VOC limit. These products are already available and 102 are certified under SCAQMD's Certified Clean-Air Solvents Program.

We believe that by aligning the effective date for multi-purpose solvents closer to that of Rule 1143, CARB will reduce the health impacts associated with the misuse of these products, and will achieve VOC reductions one year earlier.

PROPOSED NEW SUBSECTION 94509(U):

We also want to express our strong support to the proposed new subsection 94509(u), which would prohibit perchloroethylene, methylene chloride and trichloroethylene on multi-purpose solvents and paint thinners.

GLOBAL WARMING EMISSIONS FROM CONSUMER PRODUCTS:

We are very supportive of staff's efforts to look at global warming emissions from consumer products. Many of these consumer products and their ingredients contribute directly and indirectly to the GHG emissions. Prohibiting chemical compounds with high Global Warming Potential (GWP) value is a great start. We want to also encourage your agency to consider addressing other products and their ingredients and make California the first state to officially take steps to reduce our Global Warming foot print from consumer products.

PROPOSED EXEMPTION OF ARTIST'S SOLVENT/THINNER SOLD IN CONTAINERS OF 32 FL. OZ. OR LESS:

We are concerned about staff's proposal to exempt artist's solvent/thinner sold in containers of up to 32 fl. oz. We feel this exemption is not necessary, and will continue to expose people to these dangerous chemicals. However, if staff thinks an exemption for this type of products is absolutely necessary, we suggest that it is a temporary exemption of small size paint thinners sold in containers of 8 fl. oz. or less.

CONSUMER PRODUCTS REGULATION IN 2010:

Staff mentioned there will be another regulation process for the Consumer Products category in 2010. Staff has not shared details about the regulation, but according to their estimates, this regulation may help the state achieve an additional 5-8 tons per day (tpd) of VOC emissions reductions. We are hopeful staff will also include the following pending regulations, some of which were ordered by the Board members in 2008.

1. JANITORIAL PRODUCTS:

During the June 2008 Board meeting, the Board instructed staff to regulate this category. Although staff has been working to compile data for possible VOC limits in cleaning products, and to allow for the peer review exposure scenarios reflecting the potential for increased use of certain toxic low vapor pressure solvents, it has been more than one year since the decision was made by the Board. We encourage you to direct staff to look at the information shared by the SCAQMD. CARB will be able to move forward with this regulation at a faster and less expensive manner.

As you may have learned, SCAQMD researched possible VOC reductions in a broad category of janitorial cleaning products. The SCAQMD's Clean Air Certification Program has already tested more than 50 cleaners able to meet the 1% VOC limit, which are cost-competitive and do not contain the compounds under review at OEHHA. However, if staff is concerned that industry may reformulate using those toxic low vapor pressure solvents, we urge you to direct staff to prohibit them. Alternatively, consideration should be made to remove the exemption for low vapor pressure solvents. These solvents eventually evaporate and ultimately contribute to VOC emissions.

2. METHYLENE CHLORIDE IN PAINT REMOVERS OR STRIPPERS:

Staff has evaluated the products reported in the 2006 survey of Paint Removers and Strippers to reduce VOC emissions and ban the use of methylene chloride. Since 1/1/2005, the VOC limit for these products has been 50% by weight. Methylene chloride, however, is the most common ingredient; it is used by more than 50% of reported products, with concentrations ranging between 17 and 93% by weight. CARB staff is evaluating several potential alternatives (benzyl alcohol, dibasic esters and dimethyl sulfoxide) to move forward with a safe ban of methylene chloride. We commend this work and are very hopeful about the possibility of regulating this chemical.

3. DRY-CLEAN ONLY SPOT REMOVERS:

Staff is evaluating the findings from its 2008 survey for the use of dry-clean only spot removers. Seven companies reported 48 products with VOC content ranging from less than 1% to 100%. Although CARB calculates 0.16 tpd of VOC emissions, the survey confirmed our concerns that Trichloroethylene was the most common VOC reported. CARB is evaluating the feasibility of reducing VOCs and TACs from formulations in these products. We hope staff will draft a proposal to remove the exemptions that prevent them from regulating dry cleaning only spot removers and include them in the 2010 Consumer Products rulemaking processes.

4. NAIL COATINGS EXPOSURE ASSESSMENT:

Staff is evaluating the feasibility of regulating xylenes, toluene, dibutyl phthalate and formaldehyde from nail coatings used in nail salons. CARB staff conducted several site visits to Bay Area nail salons for information about the amount and type of products used. Staff is currently performing emissions modeling and will analyze and summarize the results. Staff has not confirmed when they will be done with this assessment, but we are urging them to continue working on this important matter and include a regulation in the 2010 Consumer Products rulemaking processes.

The actions suggested above will help CARB save much needed resources and move closer to achieving its 2007 SIP commitments. But most importantly, these actions are critical in the work and home environments, where exposure to emissions from products tends to be more than outdoors. We encourage you to not only choose the most environmentally friendly VOC limit but also one that is health protective and in line with the laudable goals put forward by the California Green Chemistry Initiative.

Again, thank you for your commitment to regulate VOCs in consumer products. We are very hopeful about this regulation's potential to help protect the health of California residents, consumers and workers who use these products on a daily basis.

We look forward to continue working with you on this important decision-making process.

Sincerely,

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