September 18, 2009

Robert Fletcher
Chief
Stationary Source Division
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95814

Dear Mr. Fletcher:

National Paint & Coatings Association's Spray Paint Manufacturing and Caulks, Sealants and Adhesives Committees[1] have serious concerns about the proposed amendments to the Consumer Products Regulation's multi-purpose solvents and paint thinners categories. For these categories, the proposed initial standard is a mass-based VOC content limit of 30%, which becomes effective on 2010 and a future effective VOC content limit of 3%, which becomes effective in 2013. Included in these amendments, ARB proposes to include restrictions on the use of chemical compounds that have a GWP value greater than 150, specified chlorinated solvents and aromatic solvents greater than 1% by weight in the formula.

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[1] The National Paint & Coatings Association, Inc. (NPCA) is a voluntary, non-profit industry association originally organized in 1888 and comprised today of over 400 member companies which manufacture consumer paint products and industrial coatings and the raw materials used in their manufacture.

NPCA membership 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 members also manufacture adhesives and sealants products as well.

The inclusion of a restriction in the use of aromatic solvents or any other solvent class is very problematic for formulators of Paint Thinner or Multi-Purpose Solvent products. It is incomprehensible to manufacturers of consumer products that this or any other consumer products regulation would simultaneously use both mass-based and reactivity based standards from a historical and technical perspective. In the mid-to-late 1990's, the initial development of the aerosol coatings rule intended to produce a regulation that included both mass-based and reactivity-based standards. ARB debated the concept of a regulating a product category by both mass-based and reactivity-based standards and wholly rejected it. ARB came to the conclusion that including both strategies in the proposal would be counterproductive and opted to finalize a regulation based solely on reactivity standards.

Aromatic solvents have unique molecular structures and very high solvency characteristics. Many Paint Thinner and Multi-Purpose Solvent products require the inclusion of aromatic solvents to thin coatings for application or clean-up. The lower solvency solvents or chemical compounds simply will not have the solvency or cutting power to perform properly, thus increasing the amount of Paint Thinner or Multi-Purpose Solvent needing to be used. Some aromatic solvents will have higher reactivity values than other solvent types but not all. The proposed restriction of 1% by weight for aromatic solvents restricts the use of all such aromatics, regardless of their reactivity value. Such a wholesale restriction on an entire class of compounds is not based upon sound science and will rob formulators of important reformulation strategies and tools.

The proposed restriction on the amount of aromatic solvents that can be used in a formula is an attempt to incorporate a reactivity element to a mass-based proposal for these categories. This could and most likely will establish a precedent for other consumer products categories in the future. Manufacturers will no longer invest in unique innovation or new technologies for these product categories without some formulating flexibility. Also, a restriction on the amount of aromatic solvents used in these formulated products will likely cause end users to use much greater amounts of these less effective products - a strategy that is already handcuffed by the VOC content limit in the proposal.

This is the first time that ARB has contemplated and proposed to use reactivity in a manner that counterproductive or limiting to formulators. One of the fundamental principles of employing a reactivity strategy is to provide formulators the necessary flexibility to develop new product formulas. In this instance, however, such a reactivity element in the control strategy is specifically designed to limit a formulators options. This use of reactivity is contrary, counterproductive and will further handcuff formulators.

We believe that ARB could have a greater impact in the reduction and the exposure of VOCs by not adopting this aromatic solvent proposal. We believe that ARB must establish either a reactivity standard or a mass-based standard in order to provide formulators clear direction and sufficient reformulation tools. NPCA's SPMC and CSA Committees urge ARB to reject the aromatic restriction element of the proposal for multi-purpose solvents and paint thinners.

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

Respectfully submitted,

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