



July 23, 2007

Via U.S. Mail and Electronic Submittal

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

**RE: Proposed Amendments to the California Consumer Products Regulations;
California Air Resources Board Resolution 06-42, Agenda Item 06-10-8**

Delta Analytical Corporation is a consulting firm based in Silver Spring, Maryland that provides regulatory consulting services to manufacturers and distributors of antimicrobials, pesticides, disinfectants and other consumer products subject to volatile organic compound (VOC) content limits set by the California Consumer Products Regulations (CCPR). As such, we appreciate the opportunity to submit comments in response to the California Air Resources Board (CARB) *Modified Regulatory Language for the 15-Day Notice Period to Proposed Amendments to the California Consumer Products Regulations.*¹

Delta Analytical is particularly concerned that the public health benefits of antimicrobial consumer products, including disinfectants, are properly weighted against the reductions in VOC emissions sought by the CARB through the CCPR, as the California Legislature intended when it added subsection (e) to Section 41712 of the California Health and Safety Code (HSC):

Prior to adopting regulations pursuant to this section governing health benefit products, the state board shall consider any recommendations received from

¹ July 3, 2007, version for 15-day public comment period available from <http://www.arb.ca.gov/regact/cpwg2006/cpwg2006.htm>.

*federal, state, or local public health agencies and medical experts in the field of public health.*²

“Health benefit products” are defined as “an antimicrobial product registered with the Environmental Protection Agency,”³ and include disinfectants.⁴ Delta Analytical was thus quite pleased to learn that the modified regulatory language proposed by the CARB carves out an exemption from both the disinfectant and sanitizer product categories (and their corresponding VOC content limits) for “products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food.”⁵

We are unaware, however, of any disinfectant or sanitizer intended for such use whose labels do not also bear claims that the products disinfect or sanitize non-food contact surfaces. For example, KDMTECH® Surface Sanitizer Wipes are advertised as suitable for use on hard, non-porous food contact surfaces, as well as non-food contact surfaces such as toilet seats and rims, towel dispensers, hand railings, showers, tiled walls, and door knobs. (See Attachment 1.) This is just one of many examples that we have identified. Indeed, we note that unlike the exemptions provided for disinfecting or sanitizing products intended for use on humans or animals;⁶ agricultural products;⁷ or for use in swimming pools, therapeutic tubs, or hot tubs;⁸ the CARB is not requiring products labeled for use on food-contact surfaces without rinse to be

² S.B. 230, 1997 Leg. (Cal. 1997).

³ Cal. Health & Safety Code § 41712(a)(2).

⁴ See State of California, Office of Senate Floor Analyses, Senate Floor Analysis of S.B. 230 (September 10, 1997).

⁵ Modified Regulatory Language for the 15-Day Notice Period, revised §§ 94508(a)(39)(F), (123)(G).

⁶ *Id.* at revised, §§ 94508(a)(39)(A), (123)(B).

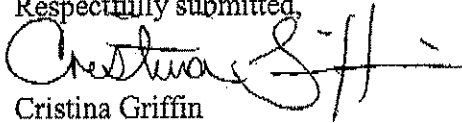
⁷ *Id.* at revised, §§ 94508(a)(39)(B), (123)(C).

⁸ *Id.* at revised, §§ 94508(a)(39)(C), (123)(D).

"labeled solely" for such use in order to be exempted from the disinfectant or sanitizer product categories.

Accordingly, Delta Analytical requests confirmation that the CCPR's "most restrictive limit" rule will not apply to no-rinse products making food contact surface disinfecting or sanitizing claims if the product labels also contain claims that the product disinfects or sanitizes other, non-food contact surfaces. It seems clear from the modified disinfectant and sanitizer definitions that no-rinse, food-contact disinfectants and sanitizers do not have to be labeled solely for such use to be exempt from the VOC content limits for sanitizers and disinfectants. Moreover, such a reading is necessitated by the statutory interest in giving due and careful consideration to the public health benefits of disinfectant and sanitizer products.

Respectfully submitted,


Cristina Griffin
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Delta Analytical Corp.

Enclosures



KIMTECH® Surface Sanitizer Wipes

Technical Bulletin
June 2003

Kill information

Kills 99.999% of the following in 60 seconds on hard non-porous food contact surfaces:

Staphylococcus aureus ATCC 6538	Escherichia coli ATCC 11229
Escherichia coli O157:H7 ATCC 43895	Listeria monocytogenes ATCC 15313, ATCC 19115
Salmonella choleraesuis ATCC 10708	Shigella boydii ATCC 9207
Klebsiella pneumoniae ATCC 4352	

Product efficacy was determined using the *Draft Interim Guidance for Non-Residual Sanitization of Hard Inanimate Food Contact Surfaces Using Pre-Saturated Towelettes*. EPA/AD Method Guidance #02 April 12, 2001.

Use areas

For use on hard non porous food and non-food contact surfaces in the following locations: restaurants, delis, cafeterias, hotels, food processing establishments, day care settings, institutional, hospital, and school kitchens, bars, and grocery stores. No pre-cleaning required on lightly or moderately soiled surfaces.

Food-Contact Surfaces

Kills bacteria on hard non-porous food contact surfaces such as: tables/chairs, grocery store carts, food trays, microwaves, stove tops, appliances, high chairs, booster chairs, dining room tables/chairs, kitchen counters; similar hard non-porous food contact surfaces except for those excluded by the label.

Non-Food Contact Surfaces

Kills bacteria on hard non-porous non-food contact surfaces such as: bathroom sinks, faucets, toilet seats and rims, towel dispensers, hand railings, infant changing tables, stall doors, bath tubs, showers, hampers, tiled walls, telephones, diaper pails, door knobs, other hard non-porous non-food contact surfaces at work and home.

Cross-contamination risk

Eliminates bacterial transfer between dirty rags and surfaces. Reduces risk of cross-contamination on treated surfaces.

Directions For Use

It is a violation of Federal Law to use this product in manner inconsistent with its labeling. Do not use to sanitize eating utensils, glassware, cookware or food processing equipment.

Dispensing Directions

Remove lid by unscrewing from canister. Locate the first wipe in the center of the roll. Pull first wipe up about 6 inches.

Thread first wipe through the opening in the center of lid (dispensing port). Screw lid back onto canister. Dispense by pulling wipe through the dispensing port at an angle. Dispenses one at a time. Remaining wipes feed automatically ready for next use. Close top when finished.

For Sanitizing Applications

To Clean and Sanitize: Use Kimberly-Clark KimTech Surface Sanitizer Wipe to clean and sanitize lightly to moderately soiled surfaces. If surface is heavily soiled, use first wipe to pre-clean and remove heavy soil. After pre-cleaning, use Kimberly-Clark KimTech Surface Sanitizer Wipe to sanitize as directed. Treated surfaces must remain wet for 60 seconds to achieve sanitization. Let air dry. Do not rinse. Discard wipe when wipe is no longer wets the surface or becomes dry. Do not reuse dried out wipes.

PRECAUTIONARY STATEMENTS: HAZARDS TO HUMANS AND DOMESTIC ANIMALS.

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling. Do not use for cleaning or sanitizing human skin.

First Aid

If in eyes: Hold eye open and rinse slowly and gently with water for 15 - 20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice. Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

Storage And Disposal

- Wipe: Do not reuse wipe. Dispose of used wipe in trash. DO NOT FLUSH.
- Dispenser: Store in original container in areas inaccessible to children. Do not reuse empty container. Discard in trash. Do not store near heat or open flame.

The KimTech Prep sanitizing solution complies with 21 CFR §178.1010(b)(33), (c)(28).

EPA Registration number: 9402-9.

