

July 24, 2007

via e-mail

California Air Resources Board
1001 I Street
Sacramento, California 95814
Attn: Alexa Malik, Clerk of the Board
<http://www.arb.ca.gov/lispub/comm/bclist.php>

Re: 15-Day Notice of Public Availability of Modified Text for the Public Hearing to Consider Proposed Amendments to the California Consumer Products Regulation and the Aerosol Coatings Regulation

Dear Honorable Board Members:

The Consumer Specialty Products Association (CSPA) appreciates the opportunity to provide final comments on the California Air Resources Board's (ARB's) 15-Day Notice of Public Availability of Modified Text for the Public Hearing to Consider Proposed Amendments to the California Consumer Products Regulation and the Aerosol Coatings Regulation, released on July 3, 2007, pursuant to the Public Hearing held on November 17, 2006, as well as final Board Resolution 06-42. Today's comments relate solely to the new Modified Text and Board Resolution, and supplement CSPA's comprehensive written comments submitted on November 14, 2006, as well as the testimony of CSPA representatives at the November 17th Hearing.

CSPA is a voluntary, non-profit national trade association representing approximately 260 companies engaged in the manufacture, formulation, distribution, and sale of consumer specialty 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, industrial and automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. These products are formulated and packaged in many forms and are generally marketed nationally.

In the following sections, we will provide our comments on each of the areas addressed by the proposed Modified Text.

Effective Dates for VOC Limits for Automotive Maintenance Cleaner Categories

In our November 14th comments, and our November 17th testimony, CSPA urged the Board to approve a staff proposal to extend the effective date for new 10% VOC limits for three categories of aerosol automotive maintenance products—Brake Cleaners, Carburetor or Fuel-injection Air Intake Cleaners, and General Purpose Degreasers—from December 31, 2008, to December 31, 2012, as well as extending the effective date for Engine Degreasers from December 31, 2008, to December 31, 2010. Unfortunately, the Board only approved extensions to December 31, 2010,

for all four categories of products. We also asked in our comments and testimony that ARB commit to a technological review of these limits prior to their implementation date and reconsider the limits if they prove *not* to be technologically and commercially feasible.

Our review of the Modified Text and Resolution 06-42 finds them to be consistent with the result of the November 17th Hearing. The 2010 effective date for these new limits present a significant challenge for our industry, especially the three categories for which CSPA sought 2012 effective dates. The technical assessment for these categories, to occur at least 18 months prior to the effective date, is appropriately reflected on page 5 of Resolution 06-42. CSPA member companies who market these products are indeed beginning to identify problems with products reformulated to meet the new 10% VOC limits. It is very likely that we will seek the initiation of these technical assessments some time prior to mid-2009, as provided in the Board Resolution.

Revised Definitions for Rubber/Vinyl Protectant and Fabric Protectant

CSPA supports these clarifications in definitions aimed at assuring that no products are considered to be subject to limits in both the Consumer Products Regulation and Aerosol Coatings Regulation. We continue to believe that all product categories in these two regulations should be clearly defined to be mutually exclusive, and no product subject to both a consumer products limit and an aerosol coatings limit.

Revised Definitions for Disinfectant and Sanitizer

CSPA supports the Modified Text for the definitions of Disinfect and Sanitizer which clarifies the exclusion of some critical health-benefit products, assures that no product can be subject to the VOC limits for both categories, and better clarifies that cleaning products with antimicrobial claims are not subject to the new VOC limits for Disinfectants and Sanitizers.

Revised Definition for Fabric Refresher

CSPA supports the revision of this definition, in conjunctions with changes in the Sanitizer definition, to assure that sanitizing Fabric Refreshers are not considered subject to the new VOC limit for Sanitizers

Clarification of the Most Restrictive Limit Provision

CSPA strongly supports the modification of Section 94512(a)(3) to clarify that the provision relating to product category definition exclusions does not impact a number of antimicrobial cleaners, polishes, and refreshers. We believe that many other categories will be identified in the future that should be excluded from this modified provision relating to application of the Most Restrictive Limit, and continue to believe that this product-definition-exclusion provision should be eliminated from the Consumer Products Regulation.

Effective Date for the VOC Limit and Definition for Electronic Cleaners

CSPA supports the one-year extension of the effective date for Electronic Cleaners (from Dec. 31, 2006 to Dec. 31, 2007) as well as the modified definition to exclude electronic cleaners labeled for use only on Energized Electronic Equipment. We continue to urge, however, that ARB expedite approval of the VOC exemptions needed for all Electronic Cleaners to comply with this VOC limit. If ARB is not able to take final action to approve these necessary exemptions before Dec. 31, 2007, CSPA will ask ARB to either: (1) provide additional time for companies to comply with the new VOC limit for Electronic Cleaners, or in the alternative, (2) exercise a reasonable degree of “prosecutorial discretion” in enforcing this new standard.

Revised Definition for Multi-Purpose Solvent

CSPA is willing to accept this modification of the definition for Multi-purpose Solvent, an as-yet unregulated category defined to exclude products from currently regulated categories. It is our understanding that this new definition, to become effective on January 1, 2008, could serve to define a category of products that will be considered for a new VOC limit — possibly a reactivity-based limit — in the upcoming 2008 Amendments to the Consumer Products Regulation.

Summary and Conclusions

CSPA has reviewed the Board Resolution and Modified Text issued subsequent to the November 17th Board Hearing and has found it to be consistent with the Board instructions to staff at the Hearing. CSPA supports all of the modifications released for 15-day public comment.

Once again, CSPA appreciates the opportunity to comment on these important proposed regulatory changes to the California Consumer Products Regulation. Please contact us any time if you have questions regarding any of the issues raised in these comments.

Respectfully submitted,



D. Douglas Fratz
Vice President, Scientific
& Technical Affairs



Joseph T. Yost
Director, State Affairs

CSPA Comments on the 15-Day Notice

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