

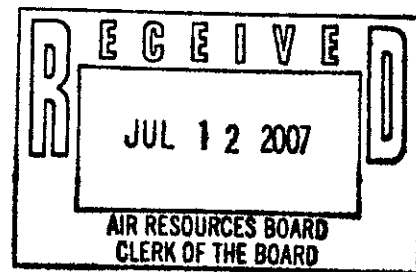


McLAUGHLIN GORMLEY KING COMPANY

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10 July 2007
Proposed Amendments to the Consumer
Products Regulation

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



Dear Sir or Madam,

On 3 July 2007 the Air Resources Board published a Notice of Public Availability of Modified Text and sought comments from the public. These comments are directed at the fifth bullet point, which states that “Staff was directed at the November 17, 2006, Board hearing to continue to work with manufacturers to clarify requirements for products that could be subject to multiple VOC limits, such as cleaner/disinfectant products.” The bullet point goes on to state, ‘Clarifying wording was also added to Section 94512(a)(3) (the “Most Restrictive Limit” provision) to address this issue.”

The McLaughlin Gormley King Company is a registrant of pesticide products that are sub-registered by the US EPA and independently registered by the Department of Pesticide Regulation by our customers for sale in California. We are not a marketer of consumer pesticide products directly. We are not a responsible party as defined by the CARB regulations. The consumer pesticide products that we register are labeled with a broad spectrum of insect pests, that is, flying insects, crawling insects, lawn and garden pests, fleas and ticks. These pests fall into several different categories, with different VOC limits. Virtually all of our products are so labeled.

On several occasions early in 2006, I met with David Mallory, Jessica Dean, Judy Yee, Sally Barron, Steven Giorgi, and numerous other staff members to discuss the problem that was created by the proposal to change in the language of section 94512(a)(3) as the language change would affect multi-use insecticide products. I presented historical data on production of multi-use insecticide products produced by ORTHO and how the original language of that section and others did allow multi-use products, however only the front panel claims were used to categorize the product. Thus you could have a Flying Insect Killer with some crawling bugs listed on the label so that a person could use what he /she had in hand to control a pest that was spotted while the product was in hand.

I described the fact that the original definitions and the process for CARB determining the correct category and VOC limit were based upon the recognition of the fact that

multi-use products are cost effective and have broader utility than narrowly labeled products. This was the result of our working with Peggy Tarrico and others during the creation of the Consumer Products Regulations in the 1980's.

I presented the data from 20 years ago when I was the registration director for the ORTHO brand and ORTHO tried to sell separate products with very narrow labels rather than a "multi-use" product. In addition to higher numbers of units produced for several different categories of insect killers, the freight cost increased to the manufacturer, because you were shipping and registering multiple brands with very narrow labels rather than a product that could be used for flying insects, crawling insects, fleas and ticks, and lawn and garden products. I further presented the position that forcing multiple products with narrow labels would result in a net increase of VOC emissions. I was obviously unsuccessful and the language of section 94512(a)(3) was changed by the Board in 2006.


Now I see that disinfectants, sanitizers, fabric protectants, fabric refreshers, multi-purpose solvents, and rubber/vinyl protectants with overlapping label claims are being allowed "clarifying wording" to essentially exempt them from the most restrictive limit section.

My question is "How is this different than my insecticide example?" How are these categories any different than the "Insecticides" categories?

I therefore object to the proposal to allow labeling of disinfectants, sanitizers, fabric protectants, fabric refreshers, multi-purpose solvents, and rubber/vinyl protectants to be exempted from the existing version of section 94512(a)(3) without the similar changes being made to allow the insecticide category definitions so that overlapping claims would be permissible for all insecticide products, as well. The alternative is to leave section 94512 as it is and require all product categories to comply with the definition as it presently exists.

Thank you for your consideration of my comments and concerns. I await your reply.

Very truly yours,



William L. Chase, II, Director
Regulatory Affairs

Wlc

Cc: J. Sharp

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