October 27, 2006

Sent *via* e-mail and
First Class Mail

Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814
Attn: Clerk of the Board
http://www.arb.ca.gov/lispub/comm/bclist.php

Re: Comments on ARB's Proposed 2006 Amendments to the California Consumer Products Regulation; Agenda Item # 06-10-8

Dear Air Resources Board Members:

The Automotive Specialty Products Alliance (ASPA) appreciates the opportunity to comment on the California Air Resources Board (ARB) proposed 2006 Amendments to the California Consumer Products Regulation and the Aerosol Coatings Regulation, dated September 29, 2006. ASPA has appreciated working with the ARB and its staff during this rulemaking process and appreciates this opportunity to provide comment on provisions of this important rulemaking that will establish new limits for the volatile organic compound (VOC) content of various automotive specialty products. ASPA also requests our comments submitted earlier this year also be included in the public record of this rulemaking[1].

ASPA is an alliance of three non-profit, national trade associations representing companies engaged in the manufacture, formulation, distribution, and sale of automotive specialty products. This alliance combines the efforts of Automotive Aftermarket Industry Association (AAIA), the Consumer Specialty Products Association (CSPA), and the Motor & Equipment Manufacturers Association (MEMA) to form a unified industry voice for their members engaged in the automotive chemical and vehicle appearance products markets. ASPA's members market products on a national and regional basis.

ASPA member companies would be directly impacted by the proposed 2006 Amendments to the Consumer Products Regulation. This proposed regulation could cost the automotive specialty products industry tens of millions of dollars in product reformulation and lost market. These comments based on are ASPA's review of the proposed 2006 Amendments to the California Consumer Products Regulations and the Aerosol Coatings Regulations and our participation in several Consumer Products Workgroup meetings over the last year. ASPA and its member companies have conducted rigorous review of the technological and commercial feasibility of the proposed VOC limits and the other regulatory changes being considered.
In these comments, ASPA will focus on three areas:

[1] ASPA Comments submitted on: June 16, 2006 and January 17, 2006.

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(1) ASPA's continued and serious concerns about reliance on the unsubstantiated findings and conclusions presented in the Institute for Research and Technology Assessment (IRTA) study entitled "Alternatives to Automotive Consumer Products that Use Volatile Organic Compounds (VOC) and/or Chlorinated Organic Compound Solvents;"

(2) Comments on relevant proposed category standards; and

(3) Comments on other provisions.

ASPA also wants to express our support for the comments being submitted by the Consumer Specialty Products Association (CSPA), The Cosmetic Toiletries and Fragrance Association (CTFA), and the National Paint and Coatings Association (NPCA).

Comments on IRTA's "Alternatives to Automotive Consumer Products that Use Volatile Organic Compounds (VOC) and/or Chlorinated Organic Compound Solvents"

ASPA and our members continue to have serious reservations about the research and conclusions drawn by IRTA on the project entitled, "Alternatives to Automotive Consumer Products that Use Volatile Organic Compounds (VOC) and/or Chlorinated Organic Compound Solvents." Therefore, our members vigorously oppose the resulting proposed limits of 10% VOC content for Automotive Brake Cleaners, Carburetor or Fuel-Injection Air Intake Cleaners, and Engine Degreasers (aerosol).

ASPA and our members participated as members of the Technical Review Committee for this project and feel that it falls short of providing scientifically valid and technically useful data regarding the potential for formulating safe and effective low-VOC aerosol products for various types of automotive maintenance cleaning. The data generated during this study's testing is too variable to provide reliable information on the efficacy of the products tested for any automotive maintenance and repair activities. Contrary to the assumptions of this project, aerosol product formulations, such as consumer automotive products, cannot simply be made at random and field tested. Extensive laboratory evaluations are necessary before a product can be safely filled and placed in use. This study also erroneously did not evaluate essential product performance characteristics like dry time and residue, which are especially vital in automotive maintenance operations. ASPA and CSPA raised these concerns during the research conducted for this project; however, the ARB refused to require IRTA to conduct laboratory testing or any additional research. Copies of ASPA and CSPA's numerous attempts to request improvement of this study and the ARB's responses are included with these comments as Appendix A.

Because of our continued serious concerns about the subjective and incomplete technical analysis presented in the IRTA report and the drastic impact the proposed standards would have on the affected product categories, ASPA and CSPA commissioned Sierra Research Inc., to conduct an independent, third-party, scientific review of the IRTA research and Final Report. Sierra Research's report entitled, "Analysis of IRTA Report on Water-Based Automotive

Products," Report No. SR2006-08-02, dated August, 2006, is included as Appendix B to these comments. Among the study's conclusions are:

- IRTA failed to prevent bias in this research for both field testing participants and IRTA personnel;
- IRTA did not collect complete data and did not sufficiently analyze the data that was collected;
- IRTA failed to conduct a controlled study to compare alternative and solvent-based cleaners; and
- The results of the IRTA study do not support the conclusions that have been drawn regarding the commercial and technological feasibility of 10 % VOC content in automotive cleaning and maintenance products.

Sierra Research's impartial and thorough review of the IRTA research project provides a credible analysis that seriously undermines the foundation of the conclusions made in IRTA's Report and in subsequent Staff Proposals for Category Standards.

Therefore, ASPA strongly believes that the 10 % VOC emissions limits proposed in the project's conclusions and in these subsequent proposed 2006 Amendments to the California Consumer Products Regulations cannot be supported scientifically, and cannot be applied to the Automotive Brake Cleaner, Carburetor or Fuel-Injection Air Intake Cleaner, and Engine Degreaser (aerosol) categories. ASPA urges the ARB to revise these proposed standards per our suggested proposals (indicated below in category comments) to ensure that these standards are commercially and technologically feasible.

Specific Category Comments

ASPA's members will be directly impacted by new VOC standards for a wide variety of categories contained in the proposed 2006 Amendments to the Consumer Products Regulations. The relevant categories are discussed below.

1. Automotive Windshield Washer Fluids (Type A)

The Proposed 25% VOC Limit Is Feasible. ASPA's members support the 25% VOC emissions limit proposal which is a compromise from the originally proposed 15% VOC limit. These products are critical to maintaining a driver's ability to see out of their vehicle, particularly in the winter at high elevations. However, reducing the VOC content of these products to 25% VOC level while feasible may not provide adequate freeze protection against the lowest temperatures that may be encountered in the Type A areas. The current 35% VOC limit provides freeze protection even at the lowest temperatures.

2. **Automotive Brake Cleaner**

The Proposed 10% VOC Standard Is Not Technologically or Commercially Feasible. However, ASPA member companies are willing to work toward a 20% VOC limit for this category, and undertake a significant research and development (R&D) effort to hopefully determine that this standard is technologically and commercially feasible with an effective date of December 31, 2009. Due to the uncertainty of this R&D effort, ASPA requests that the ARB initiate an assessment one year prior to the effective date to determine whether the standard is proving to be feasible, and make suitable adjustments if the limit is being found to be commercially ***or*** technologically infeasible.

Brake Cleaning products are used primarily by automotive maintenance and repair workers who need products that can assist in the proper maintenance of automotive braking systems to assure driver safety in a timely and cost-effective manner. They therefore require products to be fast evaporating, leave no residue, and effectively clean brake parts. The products also need to provide a high degree of mechanical force and solvency in the spray.

Products that are re-formulated to meet a 10% VOC content standard could result in the following problems:

- Slow evaporation;
- Residue build-up after drying; and
- Inadequate cleaning of all soils from brake parts.

ASPA is particularly concerned about the slow evaporation characteristics of these types of product formulations. Time is extremely costly for automotive maintenance personnel and the unavailability to obtain effective brake cleaners could result in the use of available high-VOC solvents or fuels for this purpose, thereby increasing overall VOC emissions and reducing the environmental benefits produced by CARB's regulations.

ARB Staff's Support for a 10% VOC Standard Is Not Reasonable. The Initial Statement of Reasons and Technical Support Document, provides the following justifications for the proposed 10% VOC content standard for this category:

1. 5.0% of the current Brake Cleaner market in California consists of 21 complying products.
2. The IRTA study, referenced above, funded by ARB during 2003-2004 found that water-based 10%-VOC brake cleaners "performed well" in field testing.
3. A "Product Bulletin: Kyzen Cyber Solv" referenced as dated September, 2006, describes a product that meets the proposed 10% limit.
4. Two suggested generic complying product formulations for aerosol and non-aerosol brake cleaners in the cost-assessment section.

ASPA strongly believes that none of these justifications provide appropriate evidence of the technical or commercial feasibility of a 10% VOC limit for this category. Specifically, an ASPA survey of our members who manufacture these products found that the 5.0% market share of complying products in 2003 has diminished considerably in the past three years. Our members have indicated that they have experienced a 45% to 75% reduction of the sales of these products since their introduction, and have received extensive negative customer feedback that the products are not meeting their needs. This experience clearly demonstrates the commercial *infeasibility* of these products.

Also, as discussed above, ASPA and CSPA funded an independent scientific assessment of the 2004 IRTA study, which found very serious flaws in the methodology and conduct of the IRTA study. In short, Sierra Research concluded that the IRTA study fails to provide ***any*** accurate and reliable evidence that 10%-VOC brake cleaners are technologically and commercially feasible.

ASPA also found no evidence that the product bulletin dated September, 2006, exists. We have received, however, a product bulletin on Kyzen Cyber Solv Aerosol Maintenance Cleaner dated Spring, 2004. That bulletin promotes the product for use in "general degreasing," "engine degreasing," and several other specific uses. The bulletin makes no claims that the product can be used as a brake cleaner, nor does it claim to provide the kinds of technical performance characteristics (fast drying, lack of residue, etc.) needed for brake cleaning.

The typical generic complying formulation suggested by CARB for aerosol brake cleaners (10% hydrocarbon propellant, 88% water, 1% surfactant, and 1% organics) does not represent a template for any technologically and commercially feasible brake cleaners. ASPA is not aware of any potential formulation of this type that would provide the kinds of performance characteristics (*e.g.*, greasy soil removal, fast drying, lack of residue) needed for brake cleaners.

3. Carburetor or Fuel-Injection Air Intake Cleaner

The Proposed 10% VOC Standard Is Not Technologically or Commercially Feasible. However, ASPA member companies are willing to work toward a 20% VOC limit for this category, and undertake a significant research and development (R&D) effort to hopefully determine that this standard is technologically and commercially feasible with an effective date of December 31, 2009. Due to the uncertainty of this R&D effort, ASPA requests that the ARB initiate an assessment one year prior to the effective date to determine whether the standard is proving to be feasible, and make suitable adjustments if the limit is being found to be commercially ***or*** technologically infeasible.

These products are used primarily by automotive maintenance workers and do-it-yourself car enthusiasts who need products that can assist in the proper maintenance of automotive engines to assure the efficient operation of new and classic car engine systems. These products play an important role in maintaining automotive performance, and much of the VOC content is combusted, not emitted. These products present particularly challenging technological issues because they must be able to perform or meet the following requirements:

- Remove very difficult residues from various automotive parts;
- Leave no residue;
- Be combustible;
- Be safe for automotive fuel systems, including sensitive electronic pollution control devices used on today's automobiles; and
- Must meet the U. S. Environmental Protection Agency fuel additive ingredient registration guidelines.

ARB Staff's Support for a 10% VOC Standard Is Not Reasonable. The Initial Statement of Reasons and Technical Support Document, provides the following justifications for the proposed 10% VOC content standard for this category:

1. 3.3% of the current carburetor or fuel-injection/air-intake cleaners market in California consists of 2 complying products.
2. An IRTA study funded by ARB during 2003-2004 found that soy-ester-based 10%-VOC carburetor or fuel-injection/air-intake cleaners "performed well" in field testing.
3. A suggested generic complying product formula for aerosol carburetor or fuel-injection/air-intake cleaners in the cost-assessment section.

ASPA strongly believes that none of these justifications provide appropriate evidence of the technical or commercial feasibility of a 10% VOC limit for this category. Specifically, the 3.3% market share of complying products in 2003 is unlikely to include any aerosol products that meet the regulatory definition for this product category.

Also, as discussed above, ASPA and CSPA funded an independent scientific assessment of the 2004 IRTA study, which found very serious flaws in the methodology and conduct of the IRTA study. Specifically, the formula field tested by IRTA was based on soy ester, a low-vapor-pressure solvent that would result in an oily coating being left on carburetor and air intake surfaces that would result in entrapment of particulate soils from the air, thereby defeating the purpose of the product. Therefore, the IRTA study fails to provide ***any*** accurate and reliable evidence that 10% carburetor or fuel-injection/air-intake cleaners are technologically and commercially feasible.

In addition, the typical complying formulation suggested by CARB for carburetor or fuel-injection/air-intake cleaners (50% acetone, 5% carbon dioxide, 10% methanol, and 35% soy methyl ester) does not represent a feasible formula for any technologically and commercially feasible carburetor or fuel-injection/air-intake cleaners. These low-vapor-pressure (LVP) solvents do not clean sufficiently and leave residues that evaporate slowly. Exempted materials such as acetone have very limited cleaning ability for difficult greases and soils. Water-based products would fail to clean, leave residue build up, and damage electronic components in some pollution control systems. Finally, since these products are registered with the U.S. EPA, alternate LVP solvents and water-based formulations will likely require additional data to be accepted by the EPA for these formulations to be brought to market. One concern is that the

oxygenated, "all VOC" materials burn cleaner; however, heavier materials like LVPs and Water may incompletely combust or not combust at all; producing various hydrocarbons and soot as combustion by-products. These concerns could cause the rejection of these new formulations due to EPA concerns for tailpipe emissions hazards.

4. **Engine Degreaser (Aerosol)**

The Proposed 10% VOC Standard Is Not Technologically or Commercially Feasible. However, ASPA member companies are willing to work toward a 15% VOC limit for this category, and undertake a significant research and development (R&D) effort to hopefully determine that this standard is technologically and commercially feasible with an effective date of December 31, 2009. Due to the uncertainty of this R&D effort, ASPA requests that the ARB initiate an assessment one year prior to the effective date to determine whether the standard is proving to be feasible, and make suitable adjustments if the limit is being found to be commercially ***or*** technologically infeasible.

While LVP solvents work very well for these products, and water-based technologies are also available, some low-molecular-weight organic solvents are needed to penetrate baked-on engine soils. In particular, heavy-duty applications require higher solvency products to penetrate soils that reduce engine performance and increase the heat in the engine compartment; which increases tailpipe emissions from automobiles.

ARB Staff's Support for a 10% VOC Standard Is Not Reasonable. The Initial Statement of Reasons and Technical Support Document, provides the following justifications for the proposed 10% VOC content standard for this category:

1. 9.0% of the current Engine Degreaser market in California consists of 4 complying products.
2. An IRTA study funded by ARB during 2003-2004 found that water-based 10%-VOC Engine Degreasers "performed well" in field testing.
3. A "Product Bulletin: Kyzen Cyber Solv" cited as dated September, 2006, on a recently introduced product that meets the proposed 10% limit.
4. Two suggested generic complying product formulations for aerosol Engine Degreasers in the cost-assessment section.

ASPA strongly believes that none of these justifications provide appropriate evidence of the technical or commercial feasibility of a 10% VOC limit for this category. Specifically, the 9.0% market share of complying products in 2003 probably represents products for light-duty degreasing only. VOC solvents are needed to penetrate the thick baked-on oils and greases found on heavily soiled engines. These VOC solvents are not emitted into the air during use, however, and are collected with the emulsified soils for disposal.

Also, as discussed above, ASPA and CSPA funded an independent scientific assessment of the 2004 IRTA study, which found very serious flaws in the methodology and conduct of the IRTA

study. In short, Sierra Research concluded that the IRTA study fails to provide ***any*** accurate and reliable evidence that 10%-VOC engine degreasers are technologically and commercially feasible.

ASPA also found no evidence that the product bulletin dated September, 2006, exists. We have received; however, a product bulletin on Kyzen Cyber Solv Aerosol Maintenance Cleaner dated Spring, 2004. That bulletin promotes the product for use in "general degreasing," "engine degreasing," and several other specific uses. ARB has provided no information regarding the performance of the product or its commercial acceptance.

The typical generic complying formulation suggested by CARB for aerosol engine degreasers (10% hydrocarbon propellant, 88% water, 1% surfactant, and 1% organics) is not a technologically and commercially feasible product formulation for heavy-duty engine degreasers. ASPA is not aware of any potential formulation of this type that would provide the kinds of performance characteristics (*e.g.*, thick baked-on soil penetration) required for engine degreasers.

5. General Purchase Degreaser (Aerosol)

The Proposed 10% VOC Standard Is Not Commercially or Technologically Feasible. However, ASPA member companies are willing to work toward a 20% VOC limit for this category, and undertake a significant research and development (R&D) effort to hopefully determine that this standard is technologically and commercially feasible with an effective date of December 31, 2009. Due to the uncertainty of this R&D effort, ASPA requests that the ARB initiate an assessment one year prior to the effective date to determine whether the standard is proving to be feasible, and make suitable adjustments if the limit is being found to be commercially ***or*** technologically infeasible

This category includes a wide variety of products aimed at varying consumers and uses in the automotive, commercial and industrial markets. ASPA does not believe that the 10% limit for this category is feasible for all types of products; particularly automotive applications for these products.

ARB Staff's Support for a 10% VOC Standard Is Not Reasonable. The Initial Statement of Reasons and Technical Support Document, provides the following justifications for the proposed 10% VOC content standard for this category:

1. 3.1% of the current aerosol general purpose degreaser market in California consists of 21 complying products.
2. An IRTA study funded by ARB during 2003-2004 found that water-based 10%-VOC aerosol general purpose degreasers "performed well" in field testing.
3. Two suggested generic complying product formulations for aerosol general purpose degreasers in the cost-assessment section.

ASPA strongly believes that none of these justifications provide appropriate evidence of the technical or commercial feasibility of a 10% VOC limit for this category. Specifically, the 3.1% market share of complying aerosol general purpose degreaser products in 2003 probably represents products for specialized uses that involve light-duty degreasing only.

ASPA found no evidence that the product bulletin dated September, 2006, exists. We have received, however, a product bulletin on Kyzen Cyber Solv Aerosol Maintenance Cleaner dated Spring, 2004. Although that bulletin promotes the product for use in "general degreasing," "engine degreasing," and several other specific uses, ARB has provided no information regarding the performance of the product or its commercial acceptance.

In addition, the generic complying formulation presented by CARB for aerosol general purpose degreasers (25% acetone, 7% d-limonene, 3% 2-butoxyethanol, 3.5% carbon dioxide, 55% LVP hydrocarbon, and 6.5% dipropylene glycol monobutyl ether) may provide a reasonable template for some types of degreasing; particularly household applications. However, this type of high-LVP formulation would not be suitable for applications where an oily residue would result in safety problems due to slippery surfaces collection of particulate soils that would seen in automotive repair settings.

Comments on Other Provisions

Section 94508(a)(121) Rubber/Vinyl Protectant

This revised definition, to be effective December 31, 2008, appears to be intended to clarify the definition to include products that protect only rubber or only vinyl (thereby including additional products in the category and making them subject to this VOC limit), as well as to move some products from this category to the Vinyl/Fabric/Leather/Polycarbonate Coating subcategory under Section 94521(a) of the Aerosol Coatings Regulation. This is a category of products that was deferred from the 2003 Consumer and Commercial Products Survey, and there is therefore inadequate data to review the impact of this modification at this time. The voluntary and very limited survey reported in the Staff Report as having been conducted earlier this year is not sufficient to evaluate this modification. Therefore, ASPA recommends that this modification be deferred until the 2006 Consumer and Commercial Products Survey is conducted next year to provide the data needed to assess this modification as part of the final phase of the ARB's CONS-2 commitment (*i.e.*, rule adoption scheduled for 2008 with implementation in 2010).

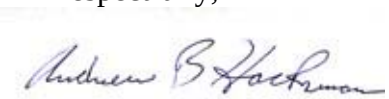
Conclusion

ASPA wants to express our appreciation to the ARB and ARB staff for their extremely hard work on this proposal over the last two years and for this opportunity to formally comment on the Proposed Amendments to the California Consumer Products Regulation. ASPA hopes that the ARB will consider revising these proposals per our recommendations above, in order to develop commercially and technologically feasible VOC emissions standards that will meet the

clean air needs of California and allow our members to continue to provide essential products to consumers.

Thank you again for this opportunity to comment on the ARB's Proposed Amendments to the California Consumer Products Regulation s. Please feel free to contact ASPA directly at (202) 833-7327, or email Andrew Hackman at ahackman@cspa.org if you have any questions or concerns about these comments.

Respectfully,



Andrew R. Hackman
On behalf of the ASPA Operating Committee and Board of Directors

Attachment (2)
Appendix A
Appendix B

cc: Janette M. Brooks, Chief, Air Quality Measures Branch, Stationary Source Division
David Mallory, P.E., Manager, Measures Development Section
Carla Takemoto, Manager, Implementation Section, Stationary Source Division
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Ann McCulloch, Motor and Equipment Manufacturers Association