



November 14, 2006

Clerk of the Board
California Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95812

Re: ARB Proposed Amendments to the Consumer Products Regulation (CONS-2)

Dear Clerk of the Board:

The National Paint and Coatings Association is a voluntary non-profit industry association, originally organized in 1888 and comprised today of some 400 members who are engaged in the manufacture and distribution of paint, coatings, adhesives, sealants, caulks and related products, including the raw materials suppliers to the industry. As the preeminent organization representing the coatings industry in the United States, NPCA's primary role is to serve as ally and advocate on legislative, regulatory and judicial issues at the federal, state and local levels.

NPCA's Caulks, Sealants and Adhesives Committee is well known to the Air Resources Board staff, having worked extensively on the relevant adhesive and adhesive remover categories that were involved in CONS-1 and the development of the data summaries for the most recent survey. Our history includes advocacy work on the RACT/BARCT determination for adhesives and then later, incorporating this work into the consumer products rule that was adopted in 1998. We also worked diligently with the OTC workgroup in drafting the Consumer Products Model Proposal, with follow-up work in all of the states that adopted the model rule. In addition, we have worked with many of the air districts in California on rules for the industrial application of adhesives.

As always, we appreciate the opportunity to comment on the ARB's proposed amendments to the consumer products regulation, commonly known as CONS-2. We urge you to consider the following comments as you work to refine this proposal:

1. The proposed VOC limit of 7% for Construction, Panel and Floor Coverings is technologically and commercially feasible for most construction applications. During the discussions of this product category, the adhesives industry proposed that there be several subcategories of construction adhesives with varying VOC limits. While the ARB proposal does not incorporate the subcategorization of construction adhesives, NPCA's CSA Committee believes that the single category proposal will accommodate



the bulk of adhesives products on the market and result in a simpler standard for construction adhesives products.

We note, however, that the construction industry is currently seeing the introduction of new building materials entering the marketplace. These new building materials are composite materials with low surface energy, a condition that requires a higher solvent content in order to bond appropriately. The adhesives industry is somewhat concerned that the introduction of these new building materials will require adhesive products that may not be able to meet the 7% VOC limit. We will continue to monitor this activity in the construction arena and report our findings to the ARB regarding this particular trend in construction materials.

In addition, NPCA notes that the ARB definition for this product category, Construction, Panel and Floor Coverings, remains the same as currently exists in the regulation.

2. NPCA Urges the ARB to Adopt the CSPA Proposal for the Innovative Products Exemption. As the VOC limits for categories across the spectrum drop lower and lower, manufacturers need some flexibility in formulating products that will be considered compliant, even if they don't meet the ultra-low VOC standards. This proposal is appropriate and should be adopted as part of the consumer products regulation -- it is consistent with the goals of the consumer products regulation in terms of reducing ground level ozone and improving air quality. The benefits of regulating on a reactivity basis have already been debated by the ARB and there is no need to re-create these conversations. ARB should embrace this proposal and allow manufacturers to consider a "Reactivity IPE" when formulating or re-formulating products.

3. ARB has indicated that they are looking for any compounds in use in the consumer products industry that may not be included on the List of MIR Values. The adhesives industry is currently considering this question and we will submit this data as soon as practical.

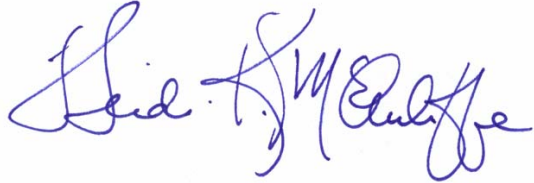
4. The proposed amendments ban the use of chlorinated toxic compounds in construction adhesives. While the industry does not agree that any potential reformulation options should be prohibited, these compounds are not currently in significant use.

5. The sell-through notification requirements that are included in the CONS-2 proposal mimic provisions that were recently adopted in the CONS-1 rulemaking. These notification requirements are unnecessary and burdensome and there is no benefit to air quality. Adoption of this provision could still result in the constant flow of such "expiration notices" to distributors and retailers to the extent that these communications become meaningless. Good corporate citizens who are interested in maintaining good customer relations already provide similar notices in some fashion. There is no pressing need to adopt this provision. In addition, this requirement only steals resources from research and development of new lower VOC consumer products.

As always, NPCA and its Caulks, Sealants and Adhesives Committee is available to discuss these comments at your convenience. We urge you to consider these comments as the agency works to develop and finalize these amendments.

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

Best regards,

A handwritten signature in blue ink, appearing to read "Heidi K. McAuliffe". The signature is fluid and cursive, with the first name "Heidi" and last name "McAuliffe" clearly legible.

Heidi K. McAuliffe, Esq.
Counsel, Government Affairs