

April 26, 2007

Ms. Peggy L. Jenkins, Manager
California Air Resources Board
Research Division, Fifth Floor
1001 I Street, P.O. Box 2815
Sacramento, CA 95814

Re: Comments on proposed regulation for limiting ozone emissions from indoor air cleaning devices.

Dear Ms. Jenkins,

Access Business Group (ABG) is a subsidiary of Alticor Corporation, the parent company of Amway and Quixtar Inc., leaders in direct sales of a variety of products including Amway™ cleaning products, Artistry™ cosmetics, Nutrilite™ food supplements, eSpring™ water treatment systems and Atmosphere™ air purifiers. ABG employs more than 3,000 people in the U.S. including over 750 in California. ABG supports tens of thousands of independent business owners who merchandise its products in California. Enclosed in this letter are ABG's comments on the proposed "Regulations for Limiting Ozone Emissions from Indoor Air Cleaning Devices." In addition to these comments, ABG fully supports the more detailed comments submitted by the Association of Home Alliance Manufacturers (AHAM).

ABG is grateful for the California Air Resources Board's continued cooperation with manufacturers in the development of regulations to improve the environmental performance of products. In the case of the regulation listed above, the recognition that mechanical filtration based air cleaners do not produce ozone is particularly important. We would respectfully recommend that this testing exemption be carried forward into all future versions of this law to reduce the economic cost of the law in a way that does not reduce its environmental benefit.

ABG feels that it is necessary to emphasize that all new regulations impacting the materials or performance of products **should base the referenced effective date on the date of manufacture, not the date of sale.** This is consistent with the precedent of existing California laws such as those regulating the VOC content of consumer products. Through our representative Bob Hamilton, ABG has been a regular and active participant in support of that program through the Consumer Products Working Group. The discussion there has strongly supported the fairness and effectiveness of the use of manufacturing date. The Air Resources Board has supported this approach in a number of its actions since the inception of the regulation. There are many good reasons to continue this practice, rather than follow the poorly defined and confusing European concept of "put on the market." These reasons include the following:

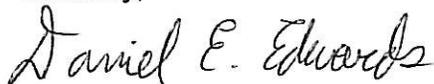
- Date of manufacture is well defined and understood by consumers, regulators and manufacturers; "offered for sale" is not clear in that there are various sales points between intermediate entities in the retail chain.

- Date of manufacture is in the control of the same entity responsible for design, testing and registration of the product.
- Manufacturers currently use date codes and/or serial numbers that can provide traceability to manufacturing date. This marking can help to facilitate efficient enforcement.
- "Offer for sale" could include used appliances such as at "second hand", thrift and charity stores as well as sales from flea markets, eBay, garage sales and house contents real estate sales. It is not fair to stop new appliances manufactured just before the effective date from being sold from conventional retail stores while sales of older (and probably less efficient and more polluting) air cleaners are allowed to continue in these secondary market places.
- Record keeping and inventory management is more difficult for small retailers and private party sales than majors. This is an important consideration for direct sales companies like Amway/Quixtar whose retail sales are decentralized through thousands of independent business owners who may only sell a few "big ticket" items like air cleaners each year.
- It is unreasonable to require that unsold air cleaners be pulled from the market to comply with the law after the effective date. In the case of ABG, the economic and environmental inefficiency of this activity is completely unwarranted since our only impacted product is a mechanical filtration unit that does not produce ozone and is exempt from testing.

We do not agree with mandating marking of exempt mechanical filtration devices as "California Certified" and "Under 0.050 ppmv ozone." Consumers are expected to select products that do not emit ozone. Each manufacturer of an exempt or compliant product already has adequate incentive to voluntarily use this prescribed marking without the State of California expending enforcement resources to ensure that the marking is used. For these reasons, **we urge that this labeling requirement be considered voluntary for exempt mechanical filtration devices.**

In summary, ABG believes that the proposed "Regulations for Limiting Ozone Emissions from Indoor Air Cleaning Devices" can be made to be acceptable to manufacturers with the change of effective date from "date sold" to "date manufactured" and additional changes as specified by AHAM. The regulation would be further improved by replacing the mandatory labeling requirement for exempt devices with voluntary marking.

Sincerely,



Daniel Edwards, Ph.D.
Senior Research Scientist
Technical Regulatory Affairs