



AmericanCoatings  
ASSOCIATION

September 26, 2011

Mr. William Driscoll  
Executive Director  
Ozone Transport Commission  
Hall of States, 444 North Capitol St, Suite 638  
Washington, DC

Mr. Ali Mirzakhali  
Administrator, Air Quality Management Section  
Division of Air and Waste Management  
89 Kings Highway  
Dover, DE 19901

**RE: Consumer Products Model Rule (Inclusion of CARB “Paint Thinner and Multipurpose Solvents”); ACA Comments**

Dear Mr. Driscoll and Mr. Mirzakhali:

The American Coatings Association (ACA)<sup>1</sup> Architectural and Industrial Maintenance (AIM) Committee has several concerns with regards to the OTC Consumer Products Model Rule, specifically the “Paint Thinner and Multipurpose Solvents” portion of the rule:

1. **2012 CARB Technology Review** - It is very important that OTC recognize that CARB is to complete a 2012 Technology Review in order to determine if the 3% limit is commercially and technologically feasible. We request that OTC note the Technology review in the Model rule and make any changes that CARB makes as per this review.

2. **Industrial Maintenance Coatings, Zinc-Rich Primers, and High Temperature Coating Exemption Labeling Requirement.**

Under the Paint Thinner definition (#115) Section (D), to be exempted, Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature thinners have to meet both 1) font size labeling requirement and 2) labeling requirement that the product is not suitable for use for any

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<sup>1</sup> The American Coatings Association (ACA) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.

other purpose except the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature coatings (language provided below).

The font size requirement is problematic since the new label language would need to be as large as “product names” and “logos” – however there is not enough room on the Principle Display Panel for this new language to fit. Please note that CARB is to place guidance on their website shortly in the form of FAQ’s that would clarify that product logos etc. do not count towards the IM thinner exemption font size requirement.

Consistent with our request, it is important to note that on August 31, 2011 CARB clarified their rule as follows:

“ -----Original Message-----

From: Gomez, Jose@ARB [mailto:jgomez@arb.ca.gov]  
Sent: Wednesday, August 31, 2011 8:58 AM  
To: Dave Darling  
Cc: Takemoto, Carla@ARB; Yee, Judy@ARB  
Subject: RE: MDAQMD AIM rule and Paint Thinner issue

Dave,

In drafting the definition of Multi-purpose Solvent and Paint Thinner it was ARB staff’s intention that to qualify for the Industrial Maintenance Coating (as well as Zinc-rich Primers and High Temperature Coatings) thinner exclusion, that the language that the product is used exclusively for thinning of Industrial Maintenance Coatings was in font at least as large as the Product Name, not necessarily a company brand name or logo. Therefore, we do not intend to apply this labeling requirement to the company brand name or logo, which may be in a font size larger than other words on the Principle Display Panel.”

3. **1% Aromatic Prohibition is Problematic.** ACA recommends not adopting the 1% aromatic restriction since there really is no justification in restricting the use of certain higher reactive compounds (*i.e.*, aromatics) yet allowing other compounds with equivalent or higher reactivity compounds to be used freely, nor is there justification for the specific aromatic limit of one percent.

4. **Problematic Compliance Dates** – the proposed OTC Consumer Products Rule as drafted has problematic compliance dates as follows:

Section (p) (1) on page 33 – OTC included an effective date of January 1, 2011 for products to comply with the methylene chloride, perchloroethylene, trichloroethylene and 1% aromatic requirements. This date is problematic in that it is retroactive – CARB allowed industry adequate

time to prepare for this requirement, ACA suggests OTC give industry at least 2 years to comply with this provision.

Section (p)(6) on page 34 – OTC included an effective date of January 1, 2011 for products to comply with labeling requirements even though the 3% limit does not go into effect until 1/1/2014. Again this is problematic in that this is a retroactive requirement

5. **Initial 30% limit** – as written the OTC Consumer Model Rule does not include the initial 30% VOC by weight limit. Given concerns over flammability or complying products and whether there are enough effective products on the market that can actual meet the 3% limit (i.e. the 2012 Technology Review), ACA suggests OTC implement CARB’s initial limit of 30% VOC by weight, prior to the 3% limit.

Sincerely,

/s/

David Darling  
Senior Director, Environmental Affairs  
American Coatings Association

*\*\* Sent via email \*\**