



**AmericanCoatings**  
ASSOCIATION

April 9, 2012

Mr. J. Wick Havens  
Interim 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: OTC Model Rule for Consumer Products**

Dear Mr. Havens and Mr. Mirzakhali:

The American Coatings Association<sup>1</sup> (ACA) is submitting comments concerning the OTC Model Rule for Consumer Products. ACA appreciates the opportunity to comment on this model rule and we hope our comments will assist OTC in the development of the model rule. ACA appreciates OTC's efforts to address our previous comments; we have listed a few additional concerns, below.

1. Effective date for Paint Thinner and Multipurpose Solvent limits – While the Table of standards mentions that the effective date of the 3% Paint Thinner and Multipurpose Solvents limit is 1/1/2015, the definition of Multi-purpose solvent includes a 1/1/2014 effective date. ACA suggests OTC change the effective date in the Multi-purpose solvent definition to 1/1/2015.
2. VOC Definition – The current OTC Consumer Product rule proposal defines VOC via a direct reference to the Federal definition (40 CFR 51.100). ACA supports the direct reference to the Federal definition since this would allow “automatic” changes to VOC definitions without the need to make changes to the consumer product rule every time the Federal definition changes.
3. Understanding of Compliance with CARB –ACA has worked with CARB to clarify that automotive refinish and marine coatings are not regulated under the Consumer Products Rule. In

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<sup>1</sup> 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.

the Statement of Reasons for Final Rulemaking and Response to Comments document, CARB stated:

*“When considered together, the applicability of this regulation found in section 94507 and the definitions of Consumer Product; Institutional Product; Multi-purpose Solvent; and Paint Thinner in section 94508(a), make it clear that solvents and reducers labeled to be used exclusively in marine and automotive coatings are not subject to the regulation.”*

ARB has further clarified that the statement “marine and automotive coatings” includes both Original Equipment Manufacturer (OEM) Automotive and Marine coatings, but also automotive refinish operations and marine coating applications at marinas and shipyards of all sizes, with respect to the solvents and reducers that are labeled to be used exclusively in automotive refinish and marine coatings. ACA requests the OTC affirm this understanding as the OTC Model Rule for Consumer Products is finalized. Please see **attachment 1** for the email between ACA and CARB.

Please feel free to contact ACA with any additional questions you have regarding these comments.

Respectfully Submitted,

/s/

David Darling  
Senior Director, Environmental Affairs  
American Coatings Association

/s/

Marie Hobson  
Counsel, Government Affairs Division  
American Coatings Association

\*\*\*Sent via Email\*\*\*

## ATTACHMENT 1

From: Gomez, Jose@ARB [mailto:jgomez@arb.ca.gov]  
Sent: Friday, March 30, 2012 11:14 AM  
To: Marie Hobson; Nyarady, Jim@ARB; Mallory, David@ARB  
Cc: John Hopewell; David Darling; Takemoto, Carla@ARB; Yee, Judy@ARB  
Subject: RE: ACA seeking clarification on Consumer Products Regulation

Marie,  
The clarifying language accurately captures our discussion last week.  
Jose

From: Marie Hobson [mailto:mhobson@paint.org]  
Sent: Thursday, March 29, 2012 9:48 AM  
To: Nyarady, Jim@ARB; Gomez, Jose@ARB; Mallory, David@ARB  
Cc: John Hopewell; David Darling; Takemoto, Carla@ARB; Yee, Judy@ARB  
Subject: ACA seeking clarification on Consumer Products Regulation

Dear All,

I wanted to thank you again for taking the time to speak with ACA last week about the Consumer Product Regulation. We have drafted some language we believe addresses the concerns discussed on the conference call. Please let us know your thoughts on this clarifying language.

*In response to ACA comments (Comment D-70) of the 2009 Consumer Product Rule – ARB stated that “When considered together, the applicability of this regulation found in section 94507 and the definitions of Consumer Product; Institutional Product; Multi-purpose Solvent; and Paint Thinner in section 94508(a), make it clear that solvents and reducers labeled to be used exclusively in marine and automotive coatings are not subject to the regulation.” ARB would like to further clarify; the statement “marine and automotive coatings” includes both Original Equipment Manufacturer (OEM) Automotive and Marine coatings, but also automotive refinish operations and marine coating applications at marinas and shipyards of all sizes, with respect to the solvents and reducers that are labeled to be used exclusively in automotive refinish and marine coatings.*

We look forward to hearing from you.

Sincerely,

Marie Hobson  
Counsel, Government Affairs Division  
American Coatings Association  
1500 Rhode Island Avenue, NW  
Washington, DC 20005  
mhobson@paint.org  
Phone: +1 (202) 462-6272  
Fax: +1 (202) 462 8549