

April 9, 2012

via e-mail

Alexander Bond  
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Ozone Transport Commission  
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Subject: Proposed 2014 OTC Model Rule for Consumer Products – March 2012 Mark-up<sup>1</sup>

Dear Mr. Bond:

The Consumer Specialty Products Association (CSPA)<sup>2</sup> appreciates the opportunity to offer comments on the current draft of the Ozone Transport Commission's (OTC's) Proposed 2014 Model Rule for Consumer Products. CSPA member companies manufacture and market more than two-thirds of the broad product categories covered by the current OTC Model Rule. Moreover, CSPA member companies manufacture and market 13 of the 15 product categories and forms included in the Proposed 2014 Model Rule.

#### COMMENTS

A. CSPA member companies strongly support the OTC's March 2012 Mark-up of the Model Rule.

During the past 12 years, CSPA has worked cooperatively with the Ozone Transport Region (OTR) state environmental agency officials, OTC staff, environmental groups and other stakeholders to support the development of regionally consistent regulations for consumer products throughout the critically important Northeast and Mid-Atlantic Region. CSPA continues to support the OTC's efforts to develop a workable regulatory framework for OTR

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<sup>1</sup>The 2014 Model Rule for Consumer Products was approved at the OTC Annual meeting in 2010. The current version was issued by the OTC Stationary and Area Source Committee for the public meeting held on March 21, 2012, in Washington, DC. The full text is posted on the OTC's website at: <http://www.otcair.org/upload/Documents/Meeting%20Materials/OTC%20CP%20Model%20Rule%202012%20vs%202010%20markup.pdf>. (Hereinafter referred to as "March 2012 Mark-up of the Model Rule.")

<sup>2</sup> CSPA is a voluntary, non-profit national trade association representing approximately 240 companies engaged in the manufacture, formulation, distribution, and sale of products for household, institutional, commercial and industrial use. CSPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. Through its product stewardship program Product Care<sup>®</sup>, and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety, sustainability and environmental impacts of their products.

States to achieve the maximum technologically and commercially feasible VOC reductions to ensure compliance with their State Implementation Plan (SIP) commitments, as required by the federal Clean Air Act.

B. CSPA request that OTC States provide a phase-in period for two product labeling requirements.

The OTC's March 2012 Mark-up of the Model Rule includes the California Air Resources Board's (CARB's) recent revisions to the definition for "General Purpose Degreaser" and "Lubricant." *See* 17 CCR §§ 94508(a)(71) and (97). By the end of 2012, CARB will require General Purpose Degreasers and Lubricants that are used for industrial purposes to meet a two-pronged test; the products must be:

- Exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities; and
- Labeled exclusively for "use in the manufacturing process only."

This provision of the CARB regulation will take effect on December 31, 2012. The same provision is included in the OTC's March 2012 Mark-up of the Model Rule. *See* Sections 2(a)(85) and (109). However, the new labeling requirement will not take effect in OTC States until January 2014 (at the earliest). Currently, final state regulations that are based on the 2009 OTC Model Rule require General Purpose Degreasers and Lubricants that are used for industrial purposes to include the phrase "not for retail sale" on the product label.

CSPA requests that OTC States accept the future-effective label statement (*i.e.*, "use in the manufacturing process only") during the interim period until the 2014 Model Rule is adopted by member states. This "phase-in" acceptance does not have any impact on the VOC limits for either product. Moreover, this pragmatic "phase-in" acceptance will eliminate unnecessary costs that would be incurred by product manufacturers if they were forced to print different labels for products sold in California and products sold in the East Coast States.

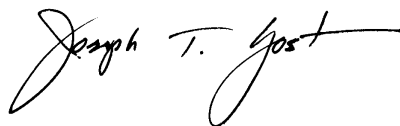
## CONCLUSION

CSPA appreciates the opportunity to participate as an active stakeholder in the OTC's open and transparent process to develop the 2014 Model Rule for Consumer Products.

Respectfully submitted,



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Vice President, Scientific  
& Technical Affairs



Joseph T. Yost  
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cc: Kenneth A. Newkirk, P.E., New York State Dept. of Environmental Conservation, Division of  
Air Resources, Bureau of Air Quality Planning  
CSPA Air Quality Committee and Product Task Forces  
Automotive Specialty Products Alliance