

SMITH ALDRIDGE, INC.

Environmental Consultants

April 9, 2012

Alexander Ryan-Bond
Ozone Transport Commission
Hall of States
444 North Capitol Street, Suite 638
Washington, DC 20001

Re: Comments on OTC Model Rules

Dear Mr. Ryan-Bond:

Smith Aldridge, Inc. respectfully submits the following comments concerning the draft OTC Model Rule for Consumer Products and Solvent Degreaser Model Rule. Smith Aldridge, Inc. is a national consulting firm specializing in air permitting and compliance and represents confidential clients in the United States Environmental Protection Agency's (U.S.EPA) permitting jurisdiction. Our comments pertain to two (2) definitions in these Rules.

Comment No. 1: Applicability to sanitizers and disinfectants

In the Model Rule for Consumer Products, we respectfully make the following comment on the definition of "General Purpose Cleaners." We believe that it would help to clarify the applicability of the rule with respect to sanitizers and disinfectants. Model Rule for Consumer Products defines "General Purpose Cleaners" as a product labeled to clean a variety of hard surfaces, including small appliances. Sanitizing is not an equivalent process to cleaning as sanitizing kills pathogens present on surfaces. This functional distinction is acknowledged in that surface sanitizers are regulated and registered by US EPA under the Federal Insecticide, Rodenticide, and Fungicide Act (FIFRA)¹ as "antimicrobial pesticides", and hand sanitizers are regulated and registered as drugs by the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (FD&C)². Cleaners are not regulated by FIFRA or FD&C. Thus, we respectfully suggest the proposed modified rule language as provided in Attachment 1.

Comment No. 2: Applicability to Clean-in-Place Systems

In the draft of Solvent Degreaser Model Rule, our comments pertain to the definition of "Airless/Air-tight Cleaning System." We believe that it would help to clarify the applicability of the rule with respect to Clean-in-Place (CIP) systems. The Solvent Degreaser Model Rule defines "Airless/Air-tight Cleaning System" as "a sealed cleaning system that has no open air/vapor or air/solvent interface, and is designed and automatically operated in such a manner as to minimize the discharge or leakage of solvent vapor emissions to the atmosphere during all cleaning and vacuum drying operations." However, it is clear that per the specific language in section 4 part (f), that this language is to regulate systems that place a load of part into the system to be cleaned and then subsequently removed. CIP systems do not clean any removable elements within the part but instead clean the system's internal housing. Thus, we respectfully suggest the proposed modified rule language to be more consistent with the intended regulations within this Rule as provided in Attachment 2.

¹ See 7 U.S.C. § 136(h)

² See 21 U.S.C. §301, 351, and 355.

We appreciate the opportunity provided by the Ozone Transport Commission to comment on this draft rule. If you have any questions or need any further information, please do not hesitate to call me at (404) 255-0928 x115 or contact me via email at mpage@smithaldridge.com .

Sincerely,



Matthew Page
Vice President, Smith Aldridge, Inc.

Enclosed: Attachment 1 – Markup of Model Rule for Consumer Products
Attachment 2 – Markup of Solvent Degreaser Model Rule

CC: Craig Smith – Smith Aldridge, Inc.

Attachment 1

DRAFT OTC Model Rule for Consumer Products: January 10, 2012

Mar 2012 mark up

(2) "Nonresilient flooring material" means flooring of a mineral content which is not flexible. Nonresilient flooring material includes but is not limited to terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete.

(3) "Wood floor wax" means wax-based products for use solely on wood floors.

(75) "Floor Seam Sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

(76) "Floor Wax Stripper" means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. "Floor Wax Stripper" does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

(77) "Flying Bug Insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. "Flying Bug Insecticide" does not include "wasp and hornet insecticide", products that are designed to be used exclusively on humans or animals, or any moth-proofing product. For the purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

(78) "Footwear or Leather Care Product" means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and non-leather foot apparel. "Footwear or Leather Care Product" does not include "Fabric Protectant," "General Purpose Adhesive," "Contact Adhesive," "Vinyl/Fabric/Leather/Polycarbonate Coating," "Rubber/Vinyl Protectant," "Fabric Refresher," products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

(79) "Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 millimeters of Mercury (mm Hg) at 20 degrees C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

(80) "Furniture Maintenance Product" means a wax, polish, conditioner, or any other product labeled for the purpose of polishing, protecting or enhancing finished wood surfaces, other than floors, and other furniture surfaces including but not limited to acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass. "Furniture Maintenance Product" does not include Dusting Aids, Wood Cleaners and products designed solely for the purpose of cleaning, or products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

(81) "Furniture Coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.

(82) "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

(83) "General Purpose Adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. "General Purpose Adhesive" does not include (i) contact adhesives, (ii) construction, panel, and floor covering adhesives, (iii) adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or (iv) adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).

(84) "General Purpose Cleaner" means a product labeled to clean a variety of hard surfaces, including small appliances. "General Purpose Cleaner" includes, but is not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves. "General Purpose Cleaner" does not include : (i) products labeled as disinfectant, or (ii) products labeled as sanitizer.

Attachment 2

- c) **“Air-vapor Interface Surface Area”** means (1) the geometric surface area of the open-top of the degreaser for open-top vapor degreasers; or (2) the combined geometric surface areas of the projected plane surfaces of all degreaser openings for conveyORIZED vapor degreasers and conveyORIZED cold cleaners.
- d) **“Airless/Air-tight Cleaning System”** means a sealed cleaning system that has no open air/vapor or air/solvent interface, and is designed and automatically operated in such a manner as to minimize the discharge or leakage of solvent vapor emissions to the atmosphere during all cleaning and vacuum drying operations. “Airless/Air-tight Cleaning System” does not include units whose purpose is not to clean a load of parts. The system consists of devices to condense and recover solvent and solvent vapor, and control devices to remove solvent vapors from all gas streams that vent to the atmosphere.
- e) **“Carbon Adsorber”** means a bed of activated carbon into which an air/solvent gas-vapor stream is routed and which adsorbs the solvent on the carbon.
- f) **“Circumferential Trough”** means a receptacle located below the primary condenser that conveys condensed solvent to a water separator.
- g) **“Cold Cleaning Machine or Batch-Loaded Cold Cleaner”** means a device or piece of equipment, containing and/or using a non-boiling solvent, where parts are placed to remove dirt, grease, oil or other contaminants and coatings, from the surfaces of the parts or to dry the parts. The term does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.
- h) **“Condenser Water Flow Switch”** means a safety switch that turns off the sump heat if the condenser water fails to circulate or the temperature of the condenser water rises above the design operating temperature.