



September 23, 2011

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RE: Proposed 2014 OTC Model Rule for Consumer Products

Dear Mr. Mirzakhali and Mr. Ryan-Bond,

W.M. Barr & Company, Inc. ("Barr") appreciates the opportunity to comment on the Proposed 2014 Model Rule for Consumer Products released in September 2011. Barr is the largest national manufacturer of solvents and thinners for consumer use, and has extensive experience with the formulation, manufacture and marketing of these products.

Barr supports the OTC Model Rule. Specifically Barr supports the inclusion of the Paint Thinner and Multi-purpose Solvent categories into the definition section and the standards section, and the OTC's use of California Air Resources Board ("CARB") regulations as the basis for its Model Rule. This will assist the OTC region in achieving significant VOC reductions. Using the CARB regulations will also aid manufacturers, distributors, retailers, and other affected parties by providing a common set of VOC laws across the U.S.

In addition to providing national consistency for consumer product regulations, the CARB rule and the OTC proposed Model Rule allow for the use of Low Vapor Pressure Solvents ("LVPs") as exempt compounds. This is of critical importance since it provides manufacturers the ability to develop and market products that are safe and effective. In addition to being functional solvents and thinners, the LVPs do not increase the hazards of these products. In many cases the hazards are reduced or eliminated altogether.

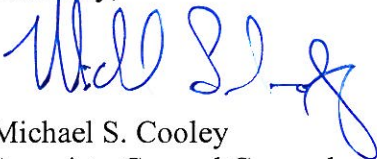
Barr supports the OTC decision to disregard the regulation adopted by the South Coast Air Quality Management District (“SCAQMD”) for these product categories. SCAQMD is a local regulatory agency in California, and it also adopted regulations setting VOC limits on Paint Thinners and Multipurpose Solvents. The SCAQMD regulations are significantly different than what CARB adopted and what OTC has proposed. Under SCAQMD the only exempt solvent available is Acetone, which has flammability hazards comparable to gasoline. This could result in extremely flammable paint thinners being forced on consumers, many of whom would not appreciate the hazard which the new product presents. This major flaw in SCAQMD’s regulations was the basis for a California court declaring it unlawful, and continues to be the source of ongoing litigation.

Barr reminds the OTC of the 2012 CARB Technology review and urges the states to closely monitor the results. The CARB technology review is to determine the commercial and technological feasibility of the 3% limit. This review should be noted in the Model Rule. In addition, the 1% aromatic prohibition is not needed or scientifically valid due to the fact that other compounds could be utilized having higher reactivity.

In conclusion, Barr supports the inclusion of the Paint Thinner and Multi-purpose Solvent categories into the OTC Model Rule for Consumer Products with the above mentioned points. The most important of which are the use of CARB regulations and recognition of LVPs. This provides Barr and others the ability to reformulate to meet the VOC limits, while still providing safe and effective products.

Barr appreciates the opportunity to comment on this draft regulation and acknowledges the staff’s willingness to work on these important issues. If you have questions or comments please contact me at [mike\\_cooley@wmbarr.com](mailto:mike_cooley@wmbarr.com) or (901) 775-5429.

Sincerely,



Michael S. Cooley  
Associate General Counsel