

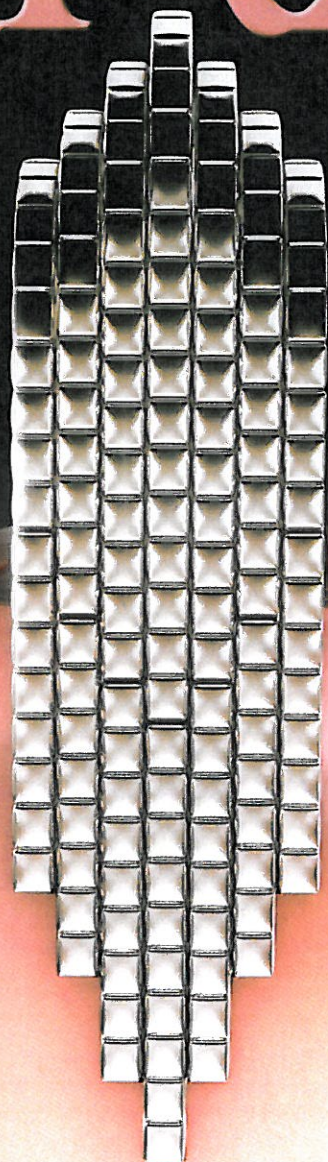
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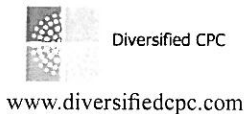
OCTOBER 2009
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Regulatory Issues

OTC

On Sept. 2-3, 2009 the Ozone Transport Commission (OTC) held a meeting to discuss amendments to their volatile organic compounds (VOCs) rules. The two day meeting was held in Niagara Falls, NY. The comprehensive meeting dealt with many issues having to do with Clean Air. It included presentations on air shed modeling, mobile sources and boilers as well as Consumer Products and similar products, for example, Architectural Coatings and Motor Vehicle Refinishes.

Consumer Products were listed as potential for further VOC control measures. OTC is proposing to add product categories which were adopted by California Air Resources Board (CARB) in November 2006. Also, two categories—antistatic aerosols and shaving gels—which were adopted in CARB's 2004 rulemaking, but had future effective dates at the time, were also added. Below is a complete list of proposed categories taken from the OTC document:

PRODUCT	FORM	VOC CONTENT (G BY WEIGHT)
Anti-static Products	Aerosol	80
Bathroom and Tile Cleaners	Non-aerosol	1
Disinfectants	Aerosol	70
	Non-aerosol	1
Furniture Maintenance Products	Non-aerosol	3
General Purpose Cleaners	Aerosol	8
Oven Cleaners	Non-aerosol	1
Sanitizers	Aerosol	70
	Non-aerosol	1
Temporary Hair Colors	Aerosol	55

The following existing products or product forms will have new VOC Limits;

PRODUCTS	FORM	VOC CONTENT (G BY WEIGHT)
Construction, Panel and Floor Covering Adhesives		7
Brake Cleaners		10
Carburetor or Fuel-injection Air intake Cleaners		10
Engine Degreasers	Aerosol	10
Floor Polishes or Waxes (resilient flooring)		1
Floor Polishes or Waxes (non-resilient flooring)		1
General Purpose Degreasers	Aerosol	10
Laundry Starch/Sizing/Fabric Finishes		4.5
Nail Polish Removers		1
Shaving Gels		4

OTC is planning for an effective date of Jan. 1, 2013 for these product categories and limits. Remember that OTC only suggests the product categories and limits but does not have authority to enforce the limits. The individual states in the OTC need to adopt the amendments into their own individual state regulations. Thus, we as an industry need to ensure consistency between the states.

OTC is trying to keep their regulation consistent with the CARB regulations. However, several of the product categories that have new limits are currently future effective limits at CARB: Brake Cleaners, Carburetor or Fuel-injection Air Intake Cleaners and Engine Degreaser Aerosols. Both Floor Polishes or Waxes and General Purpose Degreaser aerosols have CARB limits effective Dec. 31, 2010. Also, CARB is currently reviewing these VOC limits for technical feasibility. As an industry, we need to try and persuade OTC not to adopt these limits if there is a possibility that CARB may change one or all of the limits. It would be very tough and time consuming to try and change these limits once OTC agrees on them and they are adopted in the individual states. Shaving gel has a future effective date of Dec. 31, 2009; this should not be an issue because it does not appear that OTC will finalize their amendment until after the first of the year.

Currently, OTC is working on the model rule for Motor Vehicle and Mobile Equipment Refinishing and Recoating. After this model rule is completed, it is not clear what rule OTC will work on next.

Comments to the meeting were due by Sept. 24, 2009. If you have any issues, I encourage commenting on the rules.

CARB

CARB had their board hearing on amendments to the Consumer Products regulation on Sept. 24. This issue was detailed in the Sept. '09 article.

Begin to prepare for what CARB will focus on next. The first categories will likely be General Purpose Cleaner (non-aerosol), General Purpose Degreaser (non-aerosol) and Glass Cleaner (non-aerosol). Remember the proposed limits for these categories are extremely low.