



Senate Environmental Resources and Energy Committee

Senator Mary Jo White
Chairman

Patrick Henderson, Executive Director

Room 168 • State Capitol Building
Mailing address: Senate Box 203021 • Harrisburg, PA 17120-3021
Phone: 717-787-9684 • FAX: 717-787-6088

April 22, 2002

The Honorable David E. Hess, Chairman
Environmental Quality Board
15th Floor Rachel Carson Building
Harrisburg, PA 17105

**RE: Reg. # 7-371 – Architectural &
Industrial Maintenance Coatings**

Dear Chairman Hess:

We are writing on behalf of the Senate Environmental Resources & Energy Committee to express our concern regarding the Department of Environmental Protection's proposed rulemaking concerning Architectural and Industrial Maintenance Coatings.

We agree with the concerns raised in the Independent Regulatory Review Commission's (IRRC) comments on the Architectural and Industrial Maintenance (AIM) Coatings regulation, which were issued on March 25, 2002. Specifically, we are concerned that the proposed rulemaking significantly exceeds minimum federal requirements for AIM Coatings. The lack of a compelling and articulable state interest in exceeding minimum federal requirements is contrary to former Governor Ridge's Executive Order 1996-1.

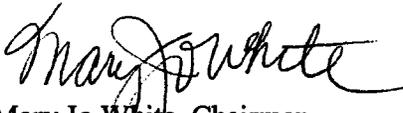
Additionally, reviewing the comments and meeting with representatives of Sherwin Williams, we are concerned that many of the requirements imposed are unreasonable. Sherwin Williams, which controls the majority of the indoor and exterior coating market, informs us that the proposed rule inaccurately assumes that substitute products exist which will comply with the new standards and meet the product performance standards expected of its customers. It is our belief that producing inferior products could necessitate recoating a surface much sooner than expected. Applying coatings more often could essentially neutralize any intended air quality improvements.

RECEIVED
20 APR 23 AM 10:38
INDEPENDENT REGULATORY
REVIEW COMMISSION

Justification for the proposed rule also appears to overly rely upon economic and performance data obtained from California. IRRC raised this concern in its comments, and requested additional information on why the Environmental Quality Board believes California's data and experiences are applicable to Pennsylvania. We look forward to reviewing this information as well.

Thank you for your consideration of these comments. We are hopeful that the Environmental Quality Board will work with IRRC and the affected community to adopt a balanced rule.

Sincerely,


Mary Jo White, Chairman
Senate Environmental Resources
& Energy Committee


Raphael Musto, Democratic Chairman
Senate Environmental Resources
& Energy Committee

cc: Honorable Art Hershey
Robert E. Nyce, Executive Director
Independent Regulatory Review Commission