

2755

Reinhart
Attorneys at Law

DEP POLICY OFFICE

JUN - 1 2009

Received

Reinhart Boerner Van Deuren s.c.
P.O. Box 2265
Waukesha, WI 53187-2265

N16 W23250 Stoneridge Drive
Suite 1
Waukesha, WI 53188

Telephone: 262-951-4500
Facsimile: 262-951-4690
reinhartlaw.com

RECEIVED

JUN 1 2009

May 27, 2009

ENVIRONMENTAL QUALITY BOARD

Donald P. Gallo, Esq.
Direct Dial: 262-951-4555
dgallo@reinhartlaw.com

Jeffrey A. Morris, Esq.
Direct Dial: 262-951-4574
jmorris@reinhartlaw.com

Environmental Quality Board
Rachel Carson State Office Building,
16th Floor
400 Market Street
Harrisburg, PA 17101-2301

Dear Sir or Madam:

Re: Proposed PADEP Rulemaking on
Adhesives, Sealants, Primers and
Solvents, 25 Pa. Code Chapter 121
Comments of Polyurethane
Manufacturer's Association

RECEIVED
2009 JUN -5 AM 11:28
INDEPENDENT REGULATORY
REVIEW COMMISSION

We write on behalf of the Polyurethane Manufacturers Association ("PMA"), the national trade association of the cast polyurethane elastomer industry, to provide comment on the above-referenced proposed rulemaking on Adhesives, Sealants, Primers and Solvents. The PMA monitors legislative and regulatory activity affecting the national urethane industry and has eleven members in the Commonwealth of Pennsylvania who will be directly affected by the proposed rules.

The PMA has two comments on the proposed rules, both of which concern the definition of "metal to urethane/rubber molding or casting adhesive" at section 121.1. The definition of "metal to urethane/rubber molding or casting adhesive" in the proposed rules reads as follows: "[a]n adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials, in heater molding or casting processes, to fabricate products like rollers for computer printers or other paper handling equipment." This definition is of particular interest to PMA members because many polyurethane parts are molded in, on, or

around a metal piece; in this process, an adhesive is generally used to promote the bond between the metal and the polyurethane to reduce the risk of product failure.

Following are the PMA's comments with regard to this definition:

1. The use of the word "heater" appears to be a typographical error. We believe that PADEP intended to use "heated" instead of "heater" in this definition. "*Heater* molding or casting processes" does not have a recognized meaning within the polyurethane or rubber industry, but "*heated* molding or casting processes" has relevance from a manufacturing perspective because both polyurethane and rubber molding/casting are performed at elevated temperatures. Accordingly, PMA requests that PADEP replace "heater" with "heated" to correct this apparent typographical error.

2. The modifying phrase "like rollers for computer printers or other paper handling equipment" is confusing with respect to the scope of processes qualifying under the definition, and should be deleted. The scope of this definition is important because adhesives applied to qualifying polyurethane and rubber molding/casting operations will have a Table V limit of 850 grams of volatile organic compounds ("VOCs") per liter under the proposed rules, while adhesives applied to metal that do not qualify under this definition must comply with the Table VI limit of 30 grams of VOCs per liter, which would be very difficult for polyurethane and rubber manufacturers to meet. Based on the plain language of the definition, "metal to urethane/rubber molding or casting adhesive" applies to all adhesives used to bond metal to polyurethane or rubber in heated molding/casting processes to fabricate products; i.e., the phrase "like rollers for computer printers or other paper handling equipment" appears to be superfluous, meant only as an example of products falling within the definition. The use of the word "like" demonstrates that the scope of the definition is not limited to paper handling equipment, but that the definition includes all such products using adhesive to bond metal and urethane/rubber. However, the PMA is concerned that this modifying phrase could be interpreted differently by regulators as limiting the scope of this definition to paper handling products.

PMA believes that this focus on particular end products is not necessary because the adhesives and processes used to bond polyurethane and rubber to metal are the same, regardless of the end product. Therefore, because the use of adhesives to bond metal to polyurethane and rubber in molded/cast products is not limited to paper handling equipment, but is typically employed whenever metal is bonded to such

Environmental Quality Board

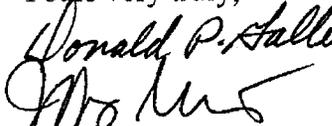
May 27, 2009

Page 3

materials, and because there is nothing inherently unique about the production of paper handling equipment versus other products comprised of polyurethane and rubber bonded to metal parts, the PMA requests that PADEP simplify the definition by eliminating the modifying phrase "like rollers for computer printers or other paper handling equipment" from the definition of "metal to urethane/rubber molding or casting adhesive." We believe this revision is consistent with PADEP's intention regarding the scope of this definition and will simplify applicability determinations for the regulated community.

The PMA appreciates the opportunity to provide comment on the proposed Adhesives, Sealants, Primers and Solvents rulemaking. Please do not hesitate to contact Don Gallo at 262-951-4555 or Jeff Morris at 262-951-4574 if you have any questions regarding the above comments.

Yours very truly,


Donald P. Gallo
Jeffrey A. Morris

REINHART\2760591DPG:SW

cc Mr. Michael S. Kocak (by e-mail)
Mr. Keith Welp (by e-mail)
Mr. Richard Rogers (by e-mail)
Mr. Charles R. Deimler (by e-mail)
Mr. Robert Daniele (by e-mail)
Mr. David Obetz (by e-mail)
Ms. Kathleen A. Chester (by e-mail)
Mr. Charles T. Ruffing (by e-mail)
Mr. Jim Ressler (by e-mail)
Mr. Paul J. Blasco (by e-mail)
Mr. Peter Molinaro (by e-mail)

