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From: Heidi McAuliffe [HMcauliffe@paint.org]
Sent: Monday, June 08, 2009 12:51 PM
To: EP, RegComments
Cc: Heidi McAuliffe
Subject: Adhesives, Sealants, Primers and Solvents Proposed Rulemaking [39 Pa.B. 1636]
 Environmental Quality Board
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 JUN 9 2009 11:09 AM
 ENVIRONMENTAL QUALITY BOARD

Dear Members of the Environmental Quality Board:

I am pleased to have this opportunity to submit comments on the proposed rule for adhesives, sealants and solvents on behalf of the Caulks, Sealants and Adhesives Committee of the National Paint & Coatings Association.

The National Paint and Coatings Association is a voluntary non-profit industry association, originally organized in 1888 and comprised today of some 400 members who are engaged in the manufacture and distribution of paint, coatings, adhesives, sealants, caulks and related products, including the raw materials suppliers to the industry. As the preeminent organization representing the coatings industry in the United States, NPCA's primary role is to serve as ally and advocate on legislative, regulatory and judicial issues at the federal, state and local levels.

NPCA's Caulks, Sealants and Adhesives Committee was intimately involved with OTC workgroup in drafting the Consumer Products Model Proposal and the Model Rule for Industrial Adhesives and Sealants. We worked diligently to ensure that these model rules provided consistent and reasonable standards for all consumer and industrial products. In addition, our committee has worked extensively with the California Air Resources Board staff persons, first negotiating a RACT/BARCT determination for industrial adhesives and then later, working with ARB staff on the consumer products rule that was adopted in 1998. In addition, we have participated in many rulemakings in many of the air districts in California, including the Bay Area Air Quality Management District, South Coast Air Quality Management District, and San Joaquin Valley, among others. Over the years, NPCA has been extensively involved in the development of volatile organic compound (VOC) regulations for consumer and industrial use adhesive products at all levels of government, including the US Environmental Protection Agency. As you can see, NPCA is very interested in facilitating reasonable regulatory requirements for the paint and coatings industry.

NPCA agrees with the goal of the OTC Model Rule for Industrial Adhesives and Sealants. It is so important for manufacturers of industrial adhesives and sealants to have uniform standards for these products. Manufacturers of these products are large, medium and small companies and industrial adhesive products are shipped regionally and nationally. Therefore, it is very difficult for a manufacturer when states have differing definitions, standards and administrative requirements. The realities of interstate commerce require uniform regulation.

NPCA is concerned with regard to the proposed sell-through in the proposed rulemaking. At Section 130.702, subparagraph (a) indicates that products manufactured on or after April 15, 2010 may not be sold, supplied, offered for sale or manufactured for sale. Subparagraph (b), however, does not provide for a similar situation for the use and application of these same products. Subparagraph (b) indicates that these products may not be used after April 15, 2010 -- apparently no matter when they were manufactured (even if manufactured prior to April 15, 2010). There is a significant disconnect in these two subparagraphs and this should be corrected by making it clear that the use and application is subject to the same sell-through as the sale and manufacture of the product. NPCA recommends that specific language indicating that use and application of products *manufactured after* the effective date of the rule is prohibited. This language should be added to Section 130.702(b).

In addition, NPCA is also concerned that Pennsylvania is the home of manufacturers who make industrial adhesives and manufacturers who use and apply industrial adhesives in their processes. Consequently, the Pennsylvania Department of Environmental Protection must strive to promulgate reasonable regulations with an effective date that allows for implementation of the rule's requirements. Experience with other regulations has indicated that it takes at least two years to design, build, install, test and obtain permit approval for add-on pollution control devices. Therefore, an effective date of April 15, 2010, is unrealistic. At this point, it is less than

one year from the compliance date and this regulation is still in the "proposal" stage. NPCA urges that a more reasonable compliance date, two years from the final adoption date of the rule, be adopted.

NPCA appreciates the opportunity to share these comments with the members of the Environmental Quality Board. If you have any questions at all on this proposed rule, please feel free to call me directly.

Respectfully submitted,

Heidi K. McAuliffe

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