



CHEMICAL SPECIALTIES MANUFACTURERS ASSOCIATION

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December 20, 1994

Ms. Pat Hutchins
Board Secretary
California Air Resources Board
2020 L Street
P.O. Box 2815
Sacramento, California 95812

Re: CARB Alternative Control Plan (ACP) released December 5, 1994 for public comment

Dear Ms. Hutchins:

The following represents the comments of the Chemical Specialties Manufacturers Association (CSMA) regarding the Air Resources Board (CARB) Alternative Control Plan. In your notice of December 5, 1994 you requested comments on revised language for the ACP which will supplement the existing statewide regulation to reduce volatile organic compound (VOC) emissions from consumer and commercial products.

CSMA is a voluntary, non-profit trade association representing more than 440 firms engaged in the manufacture, formulation, distribution, and sale of consumer and specialty products for household, institutional and industrial use. CSMA and this industry have worked closely and cooperatively for several years with CARB staff along with members of the entire consumer products coalition.

Daniel Knuth (3M) serves as chairman of an industry-wide ACP Task Force which includes representatives from all areas of the consumer product industries. Douglas Raymond (Sprayon) serves as vice chairman of the task force.

ALTERNATIVE CONTROL PLAN GENERAL COMMENTS

The industry continues to support the process of developing alternative methods of complying with the requirements of the existing VOC limits for consumer products. Our task force has appreciated the cooperation of the CARB staff in this area. The development of an effective and workable ACP is a most difficult task.

Considerable discussion has taken place at earlier workshops concerning the goals of the ACP.

We believe that the goals discussed at the third workshop (November 18, 1992) should remain part of our discussions and do not necessarily need to be included in the final regulation. The following are those goals for the ACP:

The ACP should:

1. be a voluntary alternative to VOC standards
2. be fair
3. be flexible
4. allow for growth of products while achieving emission reductions
5. apply to as many types of consumer products as possible
6. be enforceable
7. be binding for both CARB and applicant

Our comments will focus on the modifications which have been made since the September release of this document. We will not comment on other sections of the ACP.

Article 4 Alternative Control Plan

94542 Definitions

Major revisions have been made in this section and we appreciate the efforts to make this regulation more user friendly. We do understand that the ACP will require additional burdens on both CARB and the applicant but any and all efforts to limit the paperwork and administrative burdens will allow greater use by this industry.

94546 Violations

We feel that violations should be dealt with and do not condone any violation of this regulation. This revised section is a more logical and workable approach to deal with violations. Instead of being charged a non-compliance fee for an entire period -- which may run up to 365 days -- even if a business only violates the ACP standard by a few pounds, is grossly unfair and bad public policy. The new section allows the assessment of a non-compliance fee based on the excess pounds released which exceed ACP limits. We support this new revised violations section for the ACP.

94547 Surplus Reductions/Reconciliation of Shortfalls

We concur with this section which has been substantially revised. As now drafted, it is a straightforward solution which provides an incentive to ACP applicants to comply with CARB VOC limits prior to the effective date of the applicable table of standards. This early compliance

credit would be available to companies participating in the ACP that reformulate regulated products below the VOC limitations up to one year before the ACP goes into effect. This credit can if necessary, be used to offset shortfalls which occur during the first year the ACP is effect. Some members of this industry wanted greater incentives for early compliance while others opposed this initiative entirely. This new proposal is a conservative approach which allows CARB and this industry to provide an opportunity to gain experience with this program.

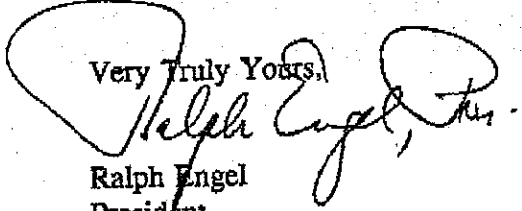
General Comments

CSMA supports the development of the ACP as an alternative to, not a replacement for the consumer and commercial products standard in existence today. We would actively oppose any efforts to make the ACP an involuntary method of complying with the existing future effective dates which are not technologically and commercially feasible. The ACP should not be viewed as a vehicle for regulating other non-regulated consumer products.

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Again we express our appreciation to the CARB staff for the considerable work which they have done on the ACP. We look forward to continuing to review and modify the ACP as necessary.

Very Truly Yours,


Ralph Engel
President