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Regulatory Issues

2008 CARB Rulemaking

Since the March 5, 2008 CARB workshop, industry has continued to work with CARB staff on the rule development scheduled for June. As reported last month, time is becoming short to obtain changes to CARB staff's proposal. By May 9, the staff needs to release their technical support document. This document explains the staff's reasoning for their proposal. Several issues are still outstanding:

- Some category limits
- Definitions need to be reviewed
- Regulatory language needs to be reviewed

It is imperative that you review the definitions and the regulatory language to ensure that this information does not negatively impact your product line. In discussions with staff, several changes are expected to the CARB proposal. These changes are the following:

- Glass Cleaner VOC level at 10% in 2012
- Defer Air Freshener to a later rulemaking
- Maintain current definition for Penetrants
- Remember, future effective global warming potential limit for Pressurized Gas Dusters was removed; this was reported in last month's addition under "As we go to press," p. 50.

Still outstanding are the dates for Multi-purpose Lubricants and Penetrants. Due to the major reformulation effort that will be needed, industry is asking for a 2014 date. However, CARB staff is getting extreme pressure from environmental groups to reduce the VOC limit even further than the 25% VOC limit currently proposed. This is a major dilemma for manufacturers that market products in this category. Multi-purpose Lubricants are used on a variety of items. If lubrication or corrosion resistance or water displacement fails, some items could be very expensive to replace. Again, the industry and CARB are still in discussion.

Another category, Carpet and Upholstery Cleaner, is also still being discussed. CARB staff believe their proposal is sound. However, the industry is requesting a slight raise in the VOC limit to make the product perform better. One last issue is the inclusion of additional product categories under the Sealant & Caulk definition. Threaded pipe sealants and gasket makers have been added to this definition. This could potentially ban a product form, the aerosol. This issue will need to be addressed with CARB staff.

Worth repeating, I highly recommend review of the definitions and regulatory language to determine if it will negatively impact your product line.

Federal EPA Partnership Meeting

EPA (Bruce Moore) held a two-day public meeting on March 17-18 to discuss a Consumer Product Partnership concept. The meeting was attended by 40-45 people from the agency and from industry. The first day was spent reviewing current programs that are in existence from the EPA and industry. Of particular interest, the presentation from the EPA on Design for Environmental recognition programs was very informative. I recommend reviewing this program online at the EPA website. Equally as interesting was a presentation by Tim Kennedy from Clorox on Wal-Mart's packaging scorecard. Tim detailed the packaging aspect of this program.

The second day was spent brainstorming the pluses and minuses of programs that focused on either a single product or a product line or a total corporate outlook including operational programs and facilities. It was a healthy discussion with many valid points being developed. Bottom line is the question of what kind of incentive is in place to develop and participate in these types of programs. The meeting was successful in starting the process. EPA will internally review the points discussed in the meeting and get back to the industry on the next steps.

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