



Innovative Products For **Home. Work. Life.**

November 16, 2021

via electronic transmission

J. Kaye Whitfield
U.S. Environmental Protection Agency
Office of Air Quality and Planning Standards
Sector Policies and Programs Division
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Subject: National Volatile Organic Compound Emission Standards for Aerosol Coatings Amendments¹; Docket ID No. EPA-HQ-OAR-2006-0971

Dear Ms. Whitfield,

The Household & Commercial Products Association² (HCPA) appreciates the opportunity to provide the U.S. Environmental Protection Agency (EPA) the following comments concerning the proposed amendments to the National Volatile Organic Compound (VOC) Emission Standards for Aerosol Coatings³ (national aerosol coatings rule). The purpose of this rulemaking is to update coating category product-weight reactivity limits for aerosol coatings categories, add new compounds and reactivity factors (RFs), update existing reactivity values, revise the default RF, amend the thresholds for compounds regulated by this regulation, and add electronic reporting provisions.

HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, representing the interest of those that manufacture, formulate, supply and market a wide variety of products packaged in an aerosol form.

In general, HCPA supports EPA's proposed rulemaking to align the National VOC Emission Standards for Aerosol Coatings with the California Air Resources Board's (CARB) Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions⁴ (Aerosol Coatings Rule)

¹ Federal Register Vol. 86, No. 178, available at <https://www.govinfo.gov/content/pkg/FR-2021-09-17/pdf/2021-19896.pdf>

² The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

³ 40 CFR Part 59 Subpart E

⁴ 17 CCR §§94520-28. Available at https://ww2.arb.ca.gov/sites/default/files/2020-12/cp_reg_article-3.pdf

and their corresponding maximum incremental reactivity (MIR) values⁵ and provides the following specific comments.

I. Revising Coating Category Names and Product-Weighted Reactivity Limits

HCPA supports EPA's proposal to adopt category names and product-weighted reactivity limits for various aerosol coatings categories identical to those found within CARB's Aerosol Coatings Rule. The proposed changes will both decrease the contribution of ozone formation from aerosol coatings as well as increase clarity and promote consistency between California and national aerosol coatings regulations.

II. Definitions

With the proposed update to the product category names and limits for consistency with CARB, the definitions found in the national aerosol coatings rule also need to be updated to also align with those found in CARB's Aerosol Coatings Rule so that the benefits of this proposal are fully realized.

The American Coatings Association (ACA) has provided a list of definitions which are in the national aerosol coatings rule that are not aligned with CARB's Aerosol Coatings Rule, as well as other definitions that should be added to ensure appropriate categorization. HCPA supports ACA's comments and the definitions that have been requested to be modified and added. Aligning the definitions within the national aerosol coatings rule with that of CARB's Aerosol Coatings Rule will provide clarity, assist industry with compliance, and reduce the burden of industry by avoiding conflicts.

III. VOC Regulated Under National Regulation

EPA is soliciting comment on the proposal to retain the elimination of consideration of VOCs that make *de minimis* contributions to a product's reactivity and exclude from the applicable limits, specifically where compounds that comprise less than 0.1 percent of the product weight are excluded from the product's mass-weighted reactivity and eliminate the exclusion of low reactivity compounds that comprise more than 0.1 percent but less than 7.3 percent of the product weight.

HCPA supports EPA's proposal to retain the provision that excludes from the applicable limits compounds that contribute less than 0.1 percent of the product weight, regardless of the Reactivity Factor. However, HCPA supports the elimination of the provision that excludes low reactivity compounds that comprise more than 0.1 percent but less than 7.3 percent of the product weight.

⁵ 17 CCR §94700. Available at https://ww2.arb.ca.gov/sites/default/files/2020-12/cp_reg_mir-tables.pdf

IV. The Default Reactivity Factor

Within the proposed update, EPA is proposing to revise the default reactivity factor to 18.50 g O₃/g VOC. This value discourages the use of chemistry that isn't already listed in Table 2A, and limits potential innovation by companies that may wish to explore the use of newer chemistry which may be more sustainable for a variety of reasons. As EPA is proposing to modify the national aerosol coatings rule and align with other aspects of CARB's Aerosol Coatings Rule, HCPA respectfully requests that EPA modify this aspect of their proposal and align CARB's default value⁶ of 11.97 g O₃/g VOC, which is the MIR value for 1,2,3-trimethyl benzene.

V. Electronic Reporting of Notifications and Reports

HCPA does not oppose EPA's proposal to amend the existing rule to require regulated entities submit electronic copies of required notifications and reports in template format through EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI) instead of the current hard copy submission requirement.

HCPA would like to request that EPA modify their current triennial reporting requirements in which aerosol coating manufacturers must report VOC formulation data, VOC amounts, individual product codes among other identification information. EPA has the ability to request this information at anytime for enforcement, so HCPA recommends that EPA remove this reporting requirement and rather make individual requests to companies on an as needed basis.

VI. Test Methods

EPA is soliciting comment on whether to amend the national aerosol coatings rule to require the use of updated version of two existing test methods currently identified in the rule to CARB Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products," as updated on May 25, 2018, and ASTM Method D523-14, "Standard Test Method for Specular Gloss," as updated on May 1, 2018. HCPA does not object to updating the current test methods identified in the rule.

VII. Streamlining Updates to Tables 2A, 2B and 2C

A regulated entity may petition EPA to add an aerosol coating compound to Table 2A, 2B, or 2C, pursuant to the 40 CFR § 59.511(j). With the frequency of which CARB updates their MIR Table, HCPA requests that the existing petition process be reviewed so that a clear process with a set timeline for review and approval of petitions to add new compounds to Table 2A, 2B, or 2C

⁶ 17 CCR §94522(i)(2)(E)

exists. With the amount of effort CARB undertakes to update their MIR table, HCPA encourages that EPA coordinate with CARB so that EPA does not duplicate their efforts and rather review how they made their determinations for adding compounds.

VIII. Timeline for Implementation

There are a number of changes that EPA has proposed to align with CARB, as well as addition suggestions provided within these comments. HCPA respectfully requests different implementation dates for different aspects for these modifications.

First, HCPA requests that aerosol coatings manufacturers are able to use the new and updated MIR values immediately upon publication of the final rule in the *Federal Register*. This would allow aerosol coatings manufacturers to use the new and updated Reactivity Factors in their formulations so that they can be in compliance with the new aerosol coatings category limits that are proposed in this rulemaking.

Further, HCPA requests that EPA include a compliance date for the updated aerosol coatings category limits of two years after publication in the *Federal Register*. As not all product manufacturers sell product to the state of California, some will need time to reformulate their products to comply with the new reactivity limits. Other companies that do have compliant formulations already will still have to modify the labels of products sold into the other 49 states to comply with the labeling requirements under the national aerosol coatings rule. A two-year transition would ensure that industry has sufficient time to reformulate their products, update labels, communicate the changes to downstream users, and modify their channels of distribution. HCPA also respectfully requests that there is not a sell-through provision for any products manufactured before the new reactivity limits come into force.

IX. Conclusion

HCPA supports EPA's rulemaking to amend the national aerosol coatings rule and appreciates the opportunity to provide the above comments. If EPA has any questions concerning our comments, please do not hesitate to contact me.

Respectfully Submitted,



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Household & Commercial Products Association