

APPENDIX E

COMMENTS RECEIVED AND RESPONSE TO COMMENTS

Comment Letter #1 – National Paint and Coatings Association

November 14, 2003

Lee/David:

RE: NPCA Comments on Draft Annual Report on Rule 1113

1-1

While we do not agree with the conclusion of the report --that compliant VOC AIM products that meet the Phase II and III limits are available for all applications and situations -- we would like to compliment you on the extent and breadth of this year's Annual Report to the Board. It definitely reflects a lot of effort by the district staff.

1-2

You already are aware of our position on the District's heavy reliance on information obtained from MSDS sheets and product technical data sheets. Therefore, no more said on that issue. But we are glad to see the District now includes specific documentation on the field visits to see the application of low VOC AIM products. One issue that troubles us is that all of the field visits were to sites where low VOC products were being applied or had recently been applied [in the last six to nine months]. The important fact that is missing here is what will these low VOC coatings look like after two or three years [or more] of exposure or service? This is particularly critical for the exterior applications. The long-term performance of a coating [i.e. service life] is key to the acceptability of that coating as an adequate substitute for higher VOC products. This question still remains unanswered until long-term durability can be shown.

1-3

Another point that is troublesome is that all field visits [and the coatings studies] cited in the report, concern the use and application coatings by professional painters either in an industrial [shop] setting or in the field. Between 40-45 % of AIM products are bought and applied in the "do it yourself" market. Some consideration must be given to how the average home owner will be able to handle the new low VOC products, particularly the two package or catalyzed materials that will be required in order to meet the new VOC limits for many of the categories in 2006 [e.g., floor coatings]. We suggest that the District examine the impact of the new limits on the DIY market if not in this report then in the next report.

1-4

On page eight of the report, it is stated that the staff has discussed possibility of conducting further testing for Nonflat-High Gloss coatings with members of the TAC. We would appreciate that the report reflect that NPCA has offered to work with the District on a independent competitive evaluation of AIM coatings aimed at addressing the industry's concerns over performance and long term durability of

low and ultra low VOC coatings. We are disappointed that the earlier discussions about the possible use of the Master Painters Institute, as the independent entity to conduct such tests, has not been fruitful but we agree that an open dialog must be maintained.

These are just a few of our thoughts on the Annual Report and we hope that you may be able to address them in the final report.

Thank you for providing an opportunity to comment on the report and we look forward to a continuing dialog on Rule 1113.

Sincerely,

Bob Nelson
National Paint and Coatings Association

- 1-1 Staff appreciates the commentators (National Paint & Coatings Association) acknowledgment of the amount of effort put forth by staff for completion of this comprehensive report and notes the disagreement with the conclusions. For each category studied under this particular annual status report and technology assessment, staff has determined that there are coatings available that meet the current and future limits as proposed in the rule and therefore disagrees with the commentator.
- 1-2 The material safety data sheets (MSDS) and product technical data sheets reviewed by staff contain actual test results as reported by manufacturers. As a consumer, one would rely on the information provided by the manufacturer, assume that it is correct in content and base decisions to utilize a specific product on that data. Staff has also assumed the data obtained is truthful in nature and does place much emphasis on the reliability of it. Similar VOC information has been provided by those same manufacturers to the California Air Resources Board as part of the 2001 CARB Survey and is a basis for comparison.

In response to the commentators point that the site inspections only include coatings "...applied [in the last six to nine months]", staff would ask that the NPCA review many of those reports again for content. At the time of the site visits that have been made available for public review, many had been in place for more than 18 months and some for up to seven years. Staff will also periodically monitor the sites as an on-going evaluation of performance. While there is a plethora of products available that meet the future limits with good performance characteristics, staff does not preclude the possibility of conducting additional testing on some of these products. Staff is looking forward to working closely with the TAC towards identifying candidate products for further testing.

- 1-3 The commentator is concerned that "all field visits[and the coatings studies] cited in the report, concern the use and application coatings by professional painters". Anyone that applies a coating and receives compensation for completion of a job can be considered a professional by any standard. The large percent of coating failures occur due to poor surface preparation that the typical do-it-yourself (DIY) consumer may avoid by taking the time to properly complete the job. District staff has personally seen "professional painters" complete entire residential exterior painting jobs in one afternoon only to have the coatings fail within one year due to poor surface preparation. Most consumer products are single component and the few categories that may have multiple component products that could potentially be used by the DIY market should not be problematic. Staff has reviewed and witnessed the required mixing process of many two and three component products and does not consider it to be problematic if similar products were to be made available to the DIY market. Staff requests the commentator to help devise a program to evaluate DIY painting projects.

- 1-4 Staff appreciates NPCA's willingness to work with the District on possible future coatings analysis and the comment has been incorporated into the report. The District is also committed to working with industry and maintaining an open forum on all discussions relative to Rule 1113, future VOC limits and additional studies.