

December 7, 2006



Mr. Joseph Cassmassi  
Manager Planning, Rule Development and Area Sources SCAQMD  
21865 Copley Drive  
Diamond Bar, CA 91765-4182

**RE: 2007 Air Quality Management Plan (AQMP); NPCA Comments**

Dear Mr. Cassmassi,

NPCA<sup>1</sup> is pleased to submit the following initial comments on the SCAQMD Preliminary Draft 2007 AQMP.

The Draft AQMP appears to recognize that additional mass-based VOC reductions, beyond those already required by the limits SCAQMD has previously imposed on architectural and industrial maintenance coatings are not feasible based on currently available technology. NPCA agrees that the 56 ton reduction in emissions that SCAQMD expects to achieve from AIM coatings and other solvents must remain in the "black box" reactivity-based controls as proposed (as CM #2007LTM-01) for Architectural Coatings, Miscellaneous Coatings and Solvents, and Consumer Products, and as to other potential "advanced technologies" discussed in the Draft AQMP. NPCA is greatly concerned that if this extreme and unproven reduction target is adopted by the SCAQMD Board as a short-or mid-term control measure of the AQMP, and approved as part of the California SIP by ARB and EPA, the industry will be arbitrarily "locked" into achieving the target whether or not it is technologically possible -- in which case the regulation becomes a wholesale ban on architectural coatings. NPCA and the paint industry have been subject to other SIP-approved AQMP control measures in the past, and SCAQMD sidestepped technical concerns claiming it was "locked" into these measures through the SIP approval and enforcement process. On Page 4-63, the proposed SCAQMD plan itself notes that "reformulation based on lower reactive compounds need to be evaluated and considered" and does not know what additional reductions are actually achievable. NPCA does not want to see this happen again with the 2007 AQMP. Given this concern, NPCA recommends that a specific numerical goal not be set until technical feasibility issues are carefully examined.

NPCA recognizes that the technological and economic feasibility of the proposed "black box" measure cannot be fully assessed at this time. However, NPCA believes it is critical that it be documented that any specific numerical "goal or target" can be adjusted in the future based on technological and economic feasibility findings. If this long-term "black box" measure is adopted, NPCA is prepared to work with the District in ensuring that any future emissions rulemakings implementing the control measure be technologically and commercially feasible.

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<sup>1</sup> NPCA is a voluntary, nonprofit trade association representing some 350 manufacturers of paints, coatings, adhesives, sealants, and caulks, raw materials suppliers to the industry, and product distributors. 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. In addition, NPCA provides members with such services as research and technical information, statistical management information, legal guidance, and community service project support.



We note that the control measure proposes to require that paints be reformulated with "50 percent minimum by volume acetone reactivity-equivalent materials by 2015." The main problem with this is that while industry has long advocated consideration of reactivity-based limits for architectural coatings, no reactivity-based regulation exists today, nor is it yet understood how much, if any, *additional* reduction in ozone-formation potential may be possible by means of a reactivity-based rule. We believe that, to set an extreme goal of 50 percent reduction without any technical basis to assure feasibility is unwarranted.

At the November 16th SCAQMD Public Workshop, NPCA requested information on how the control measure reduction target was selected. SCAQMD staff responded by saying that the target had no technical basis other than the district's own computer modeling estimates as to what degree of VOC reduction would be needed to project attainment of the ozone standard. We note that § 182(e)(5) of the Clean Air Act requires the District to identify enforceable contingency measures if a "black box" control measure is ultimately incapable of achieving the proposed reductions. LTM-01 states that the proposed 56 ton emission reductions would be achieved through mass-based limits if reactivity is not feasible. It is not clear whether SCAQMD intends that mass-based reductions are to be the contingency measure, should reactivity-based controls be insufficient to achieve the reductions. Since the current mass-based limits for architectural coatings in the SCAQMD are already so low, NPCA believes that further reductions to such an extreme degree will not be possible via reactivity nor mass-based limits, and the entire control measure, whether the reductions are based on limits on VOC reactivity, or VOC mass, must remain in the "black box," and specific contingency measures be proposed if such reductions are not achievable.

In addition, NPCA is concerned that SCAQMD is not giving adequate consideration to the science-based fact that ozone formation is ultimately NOx-limited. As such, with sufficient NOx reductions, VOC control will not further contribute to attainment of the ozone standard.

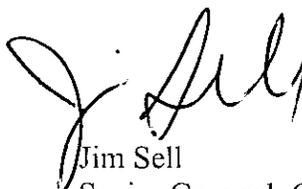
Finally, NPCA supports SCAQMD suggestion (page 4-50) that additional reactivity research is necessary especially for the magnitude of reductions suggested by SCAQMD. NPCA also suggests that SCAQMD incorporate atmospheric availability in its inventory assessment - since the current assumption that 100% of solvents in coatings are available for ozone formation is not accurate.

Thank you for your consideration of our comments.

Sincerely,



David F. Darling, P.E.,  
Director, Environmental Affairs



Jim Sell  
Senior Counsel, Government Affairs

Cc: Catherine Witherspoon, ARB  
Debbie Jordan, EPA Region 9  
Bill Wehrum, EPA

\*\* Sent via email and in hard-copy \*\*