



February 11, 2019

Ms. Leah Martland
Environmental Protection Specialist
Colorado Department of Public Health and Environment
Planning & Policy Program, Air Pollution Control Division
4300 Cherry Creek Drive South
Denver, CO 80246

Re: Potential Rulemaking Regarding Volatile Organic Compound (VOC) Standards for Consumer Products

Dear Ms. Martland,

Thank you for giving ISSA the opportunity to submit comments regarding the potential adoption of standards for volatile organic compound (VOC) for consumer products manufactured or sold in Colorado.

ISSA is a non-profit trade association that represents the entire supply chain of the cleaning industry. Our membership is comprised of more than 9,300 members including manufacturers, wholesalers, distributors, and cleaning service providers. In Colorado, we have more than 100 members and many more that sell products or do business in Colorado that would be affected by these proposed regulations.

The issue is not whether Colorado should adopt VOC limits, but rather how strict those limits should be and how much time will be given to comply. ISSA and our membership support the Department's goals of increasing air quality and meeting the federal air quality standards for ozone. We support Colorado adopting Ozone Transport Commission (OTC) rules including their definitions, examples, and guidelines for regulatory flexibility (innovative product and alternative control plan). However, ISSA is concerned that moving Colorado directly into Phase 4 would have a negative impact on our members and the public and as a result we recommend Colorado:

1. Adopt Phase 2 of OTCs standards for consumer products rather than Phase 4 right away.
2. Allow for a reasonable amount of time to comply and keep the limits limited to the ozone nonattainment area rather than the whole state.
3. Wait until Phase 2 is implemented before deciding whether more stringent VOC limits are needed.

Phase 2 limits are the most widely used with 10 states plus D.C. having adopted them. The main concerns we have with imposing Phase 4 right away are that it could reduce the efficacy, variety, and availability of certain products. If efficacy of these products is compromised, two things could happen: 1. Since the use of cleaning products critical to protecting public health everywhere from schools to hospitals to homes any decrease in effectiveness could have negative impacts on public health. 2. Similarly, users of cleaning products may need to use more of these products to get the intended cleaning or sanitizing effect and as a result could offset some of the reduction in emissions of VOCs into the air that the Department is aiming for by adopting this rule.

It would be especially difficult for smaller regional manufacturers to comply with Phase 4 because changing a chemical formula can take significant research, testing, and capital to do correctly. This is because a significant number of these regional manufacturers operate under the National VOC limits set by the U.S. Environmental Protection Agency and are nowhere near compliant with Phase 4. These companies have limited resources and the reformulation process can be both complex and expensive. Replacing VOCs with compliant materials

requires research and development to ensure efficacy, performance, and stability and may also require modifications of process lines, labeling, etc.

Specifically, ISSA believes the Phase 4 VOC limits for Air Fresheners, Disinfectants, General Purpose Cleaners Aerosols, General Purpose Degreasers Aerosols, and Sanitizers would be extremely burdensome and difficult for these smaller, regional manufacturers to comply with right away.

Still the effectiveness of some newly reformulated cleaning products could be reduced, which in turn would impact the ability for our cleaning providers to maintain clean and healthy environments for their customers and the public at large. For example, commonly used products such as disinfectants and sanitizers are critical for keeping public spaces, hospitals, schools, homes, and workplaces clean. The efficacy, variety, and availability of these important products could be limited by jumping directly to phase 4 too quickly.

Because ISSA represents members throughout the entire supply chain of the cleaning industry, we want to highlight the fact that this issue not only effects those who formulate and manufacturer cleaning products but also the distributors and cleaning service providers who use these products. Also, and maybe most importantly the institutional and commercial customers of these products and the public which benefits from a cleaner and healthier environment due to the use of these products could also be impacted.

For example, a small residential cleaner may realize a new product formulated to be VOC compliant doesn't sufficiently clean or disinfect a surface up to their customers standards as it did before. This could cause them to use more of a product resulting in certain adverse unintended consequences. For example, increased use of a lower VOC compliant product may actually result in the release of the same or greater amount of VOCs, increased worker exposure, and ultimately cost more. Because the cleaning service provider industry is incredibly competitive with more than 850,000 nationwide, most of which are very small, they are more adversely impacted by regulations than other industries.

As a result, ISSA recommends that Colorado move into Phase 2 and giving enough time for the entire supply chain of the cleaning industry to adjust and comply. This would be the most appropriate and measured approach to reducing VOCs for Colorado, industry, and the public. As opposed to going directly to Phase 4 right now, this approach would allow formulators the opportunity to adapt their chemical formulations, give cleaning providers time to choose the most effective and affordable cleaning products for their specific needs, and give distributors a better idea of what cleaning products will sell through after they are reformulated.

We also urge the state to limit this rule to the ozone nonattainment area rather than the whole state. Implementing this rule would be much easier for Denver Metro/North Front Range compared to more rural and mountainous areas of the state. As these areas already have fewer options and access to products and as a result could be burdened more so than the nonattainment area.

Lastly, if after implementation of Phase 2, Colorado decides these limits did not have the necessary impact on VOCs then you can relook at implementing Phase 4. As a result of going to Phase 2 first it will be easier for smaller companies to comply then. The state will be able to judge the costs and benefits of Phase 4 as it is likely to be more widely adopted at that point.

Thank you for the opportunity to submit comments and please don't hesitate to reach out if ISSA can be of any additional help to the Department as you finalize these rules.

Respectfully,

John Nothdurft

Director of Government Affairs
ISSA – The Worldwide Cleaning Industry