October 14, 2026

Heather Farr
Planning and Rules Manager
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Submitted via electronic transmission

Subject: Proposed Amended Rule 1168 – Preliminary Draft Rule Language

Dear Ms. Farr,

The Adhesive and Sealant Council[1] (ASC), American Coatings Association[2] (ACA), Household & Commercial Products Association,[3] (HCPA) and National Aerosol Association[4] (NAA) (collectively referred to as "the Associations") appreciate the opportunity to provide comments to the South Coast Air Quality Management District (South Coast AQMD or District) on the Preliminary Draft Rule Language for Proposed Amended Rule (PAR) 1168.[5]

South Coast AQMD's Preliminary Draft Rule Language for PAR 1168 proposes the following: (1) additional time to phase out the use of parachlorobenzotrifluoride (pCBtF) from Roof Adhesive Primers; (2) additional time to reformulate products in order to meet future-effective lower VOC limits for Clear, Paintable, and Immediately Water-Resistant Sealant, Rubber Vulcanization

[1] Since 1958, the Adhesive and Sealant Council (ASC), a national nonprofit trade association, serves as the voice of the North American adhesive and sealant value chain. The Council is comprised of 125 adhesive and sealant manufacturers, raw material and equipment suppliers, distributors and industry consultants, representing more than 75% of the U.S. industry. We are the indispensable partner for the industry, widely recognized as the trusted, go-to source of information, the unifying voice for the industry, and the dynamic community of choice, driving the global advancement and sustainable future of member businesses.

[2] ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry and coatings science.

[3] The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell $227 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ over 300,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

[4] The National Aerosol Association (NAA) is an industry group devoted to serving the public's health, safety and hygiene needs through the aerosol product form. The NAA represents marketers, manufacturers, fillers and suppliers to the aerosol market.

[5] https://www.aqmd.gov/docs/default-source/rule-book/proposed-rules/1168/par-1168---pdrl.pdf

Adhesive, and Top and Trim Adhesive, as well as an alternative Maximum Incremental Reactivity (MIR) compliance option for Top and Trim Adhesive; (3) removal of the existing 55-gallon exemption; (4) updates to the rule's reporting and record keeping requirements; (5) additional prohibitions on certain toxic compounds, including dimethyl carbonate (DMC) and cyclic, branched, or linear completely methylated siloxanes (VMS); and (6) updates to the rule's exemptions section.

The Associations support South Coast AQMD's efforts to update Rule 1168 while encouraging the District to ensure that any new compliance requirements are technically feasible, appropriately tailored, and supported by the available scientific and regulatory record. Accordingly, the Associations offer the following preliminary comments and recommendations for the District's consideration.

I. Comments on Definitions

The Associations have the following comments regarding the proposed definitions in South Coast AQMD's Preliminary Draft Rule Language for PAR 1168:

a) Relationship Among Definitions and Applicable Obligations

An entity may fall within multiple definitions under Rule 1168. For example, an entity may qualify as both a manufacturer and a toll manufacturer, a manufacturer and a distributor, or a distributor and retail outlet. The Associations recommend that South Coast AQMD clarify the relationship among these definitions and specify how the applicable requirements and obligations apply when an entity falls within more than one category. This clarification would help ensure that regulated entities can readily determine their respective responsibilities and understand how to comply with Rule 1168.

b) Clarification of the Definition of "Manufacturer"

The Associations recommend clarifying the definition of "Manufacturer" to address circumstances in which the brand owner or intellectual property (IP) owner may differ from the entity that physically manufactures the product. Specifically, the District should consider clarifying whether, and under what circumstances, a brand owner or IP owner would be considered a manufacturer for purposes of Rule 1168. This clarification would help establish responsibility for compliance when manufacturing, branding, and intellectual property ownership involve different entities.

c) Clarification of the Definition of "Distributor"

The proposed definition of "Manufacturer" refers to a "person, company, firm, or establishment," whereas the definition of "Distributor" refers only to a "person." The Associations recommend revising the definition of "Distributor" to clarify that it may apply to a company, firm, establishment, or other applicable business entity, as appropriate. This revision would promote consistency between the definitions and help avoid ambiguity regarding which entities may be subject to the requirements applicable to distributors.

d) Definition of "Consumer"

The proposed definition of "Distributor" and "Retail Outlet" includes the term "consumer," which is not currently defined in Rule 1168. The Associations recommend that the District define "consumer" or otherwise clarify the intended meaning of the term in this context. Establishing a clear definition would help regulated entities consistently interpret the scope of the proposed definition of "Distributor" and "Retail Outlet" and determine which transactions and entities fall within its applicability.

e) Consistency in the Definition of Maximum Incremental Reactivity

The Associations note a difference between the definitions of MIR used by South Coast AQMD and the corresponding definition used by the California Air Resources Board (CARB). The Associations recommend that the District align its definition of MIR with CARB's definition to promote consistency between the two regulatory programs and minimize potential confusion for entities subject to both sets of requirements.

Additionally, the Associations recommend that the District specify October 2, 2010, as the reference date for the MIR values incorporated into Rule 1168. CARB may revise MIR values in the future through subsequent regulatory actions. Without a clearly specified reference date, future revisions to CARB's MIR values could create uncertainty regarding which values apply under Rule 1168 and whether the District's regulatory limits remain tied to the values originally used to establish them. Specifying October 2, 2010, as the reference date would provide greater certainty regarding the applicable MIR values and help ensure that any subsequent changes are addressed through an appropriate rulemaking process

II. PCBTF Phaseout

The Associations support South Coast AQMD's provision of additional time to phase out pCBtF from Roof Adhesive Primers. However, the Associations believe that additional time is warranted for distributors and end users to transition to reformulated products and exhaust existing inventories.

As currently drafted, the proposed sell-through and use-through prohibition timelines for Roof Adhesive Primers are the same. Meanwhile, the proposed sell-through and use-through prohibition timelines for Battery Adhesives and All Regulated Products containing DMC and VMS differ by one year. The Associations respectfully request that South Coast AQMD provide an additional year for end users of Roof Adhesive Primers to use existing inventories of these products by extending the use-through date to January 1, 2032.

Providing additional time for end users to use existing inventory would help avoid unnecessary product disposal and would provide manufacturers, distributors, and customers with sufficient time to transition to reformulated products in an orderly manner. This additional transition period is particularly important because products may remain in distributor or customer inventories for extended periods, and immediate implementation of a use-through prohibition could result in the disposal of otherwise usable products.

Accordingly, the Associations respectfully request that South Coast AQMD extend the use-through period by one year.

III. Future Effective VOC Limits

In general, the Associations recognize and support South Coast AQMD's responsibility to protect air quality and public health. However, we have significant concerns with the ability of manufacturers to meet a future VOC limit of 250 g/L for Clear, Paintable, and Immediately Water-Resistant Sealant in conjunction with restrictions on pCBtF and other VOC-exempt compounds. Many regulated entities have already invested a significant amount of time and resources in attempting to reformulate their products within this category to meet the District's proposed VOC limit. And yet, while proposing to extend the future effective date acknowledges the difficulty that manufacturers are experiencing in meeting the 250 g/L limit, these entities have ultimately found that compliance with the proposed limit of 250 g/L for Clear, Paintable, and Immediately Water-Resistant Sealants is technologically infeasible.

The Associations therefore respectfully recommend that South Coast AQMD withdraw the proposed future-effective 250 g/L VOC limit pending completion of a comprehensive technology assessment addressing the feasibility of achieving the proposed limit while maintaining the performance characteristics required for these products.

Additionally, different future-effective dates for the new proposed VOC limits can cause confusion for stakeholders. The Associations therefore recommend that the future-effective VOC limits proposed for the affected product categories be assigned a common future-effective date of January 1, 2030, with appropriate corresponding sell-through and use-through timeframes.

The Associations believe that aligning the future-effective dates would provide manufacturers and other affected stakeholders with a clearer and more consistent compliance framework and sufficient time to evaluate, develop, test, and commercialize reformulated products.

IV. Alternative MIR Compliance Option

The Associations appreciate South Coast AQMD's inclusion of an alternative MIR-based compliance option. We support the availability of this alternative pathway and encourage South Coast AQMD to consider incorporating additional MIR-based compliance options in future rulemakings where appropriate.

Alternative compliance pathways can provide manufacturers with additional flexibility in meeting air quality requirements while maintaining the District's environmental objectives and encouraging innovation in product formulation. The Associations therefore support including the proposed alternative MIR compliance option for Roof Adhesive Primer and Top and Trim Adhesive. We also encourage the development of additional alternative MIR compliance options for other regulated product categories.

V. Recordkeeping and Reporting

The Associations oppose the proposed modifications to Rule 1168's recordkeeping and reporting provisions that would require all Manufacturers and Private Labelers subject to this rule to provide South Coast AQMD's Executive Officer with a list of all their U.S. Distributors each calendar year.

The Associations believe that the proposed reporting requirement is broader than necessary to achieve South Coast AQMD's compliance and enforcement objectives. Moreover, the proposal unduly burdens regulated entities by mandating the disclosure of confidential and/or impractical to obtain information (e.g., an identifiable contact person for every Distributor that is listed, etc.). Accordingly, given the overly expansive nature of the proposed reporting requirement as well as the District's existing authority to request this information from regulated entities, the Associations recommend the removal of this proposed reporting requirement in its entirety. In the alternative, however, Manufacturers and Private Labelers should be required to either (1) provide information concerning Distributors that are located in, or sell regulated products into, the South Coast region, rather than a comprehensive list of all U.S. Distributors; or (2) certify that their regulated products are compliant with Rule 1168, therefore exempting them from providing South Coast AQMD's Executive Officer with a distributor list.

There is little apparent regulatory benefit to requiring a Manufacturer or Private Labeler to report distributors that have no connection to the South Coast region. For example, a Distributor located on the East Coast that does not sell and has no plans to sell regulated products into the South Coast region would not appear to provide useful information for purposes of South Coast AQMD's implementation or enforcement of Rule 1168.

Additionally, we do not believe this information needs to be reported on a yearly basis. ASC, ACA, HCPA, and NAA believe that the administrative burden of reporting this information on a yearly basis will not provide adequate benefit to South Coast AQMD.

Instead, the Associations recommend that Manufacturers and Private Labelers maintain sufficient information to identify Distributors located in or selling regulated products into the South Coast region and provide that information to South Coast AQMD upon request. An initial submission could be provided, with subsequent updates required only when there is a material change to the Distributor information previously provided.

This approach would provide South Coast AQMD with access to the information necessary to support compliance and enforcement while avoiding the unnecessary administrative burden associated with submitting a comprehensive list of all U.S. Distributors on an annual basis.

Accordingly, the Associations respectfully request that South Coast AQMD to remove the proposed reporting requirement or, in the alternative, revise the proposed reporting requirement to: (1) limit the required Distributor information to Distributors located in or selling regulated products into the South Coast region, requiring updates only when there is a

substantial change to the information previously submitted, with South Coast AQMD retaining the ability to request updated information as needed; or (2) have regulated entities certify that their products are compliant with Rule 1168, therefore exempting them from providing South Coast AQMD's Executive Officer with a distributor list.

VI. Proposed Restriction of VMS and DMC

ASC, ACA, HCPA, and NAA respectfully oppose South Coast AQMD's proposed restriction on VMS and DMC because the Associations do not believe that the current record provides a sufficient basis for a categorical prohibition of these substances in the products and uses regulated under Rule 1168.

A determination that a substance warrants regulatory attention in some context does not, by itself, establish that a categorical prohibition is warranted for every product, concentration, exposure scenario, or use within the scope of Rule 1168. A more targeted, risk-based approach would allow South Coast AQMD to address any air-quality or health concerns while avoiding restrictions that could unnecessarily limit formulation options for manufacturers and consumers.

The Associations believe that South Coast AQMD should exercise caution in relying on restrictions adopted in the European Union (EU) as justification for a categorical prohibition of VMS under Rule 1168. The regulatory framework in the EU differs from the South Coast AQMD regulatory framework, and EU restrictions should be considered in their specific regulatory context. The Associations do not suggest that regulatory actions taken by other jurisdictions are irrelevant to South Coast AQMD's consideration of these substances. However, such actions should be evaluated in light of the specific substance, product category, exposure pathway, and regulatory framework addressed by the underlying measure. The cited EU restrictions addressing D4, D5, and D6 apply to specified personal care products and other consumer/professional products and are not a blanket prohibition of all VMS across all product categories. Accordingly, the existence of these restrictions does not, by itself, establish that a categorical prohibition of VMS is warranted for adhesives and sealants regulated under Rule 1168.

Similarly, the Associations believe that the Environmental Protection Agency's (EPA) work under the Toxic Substances Control Act (TSCA) does not provide a sufficient basis for a categorical prohibition of VMS under PAR 1168. EPA's September 2025 Draft Risk Evaluation concerns octamethylcyclotetrasiloxane (D4) and does not constitute a risk evaluation of VMS as a broad chemical category. Further, the D4 evaluation remains subject to the scientific and regulatory process, and modifications can be made before EPA issues a final risk evaluation. EPA's preliminary conclusions vary among conditions of use (COUs), and the Agency expressly distinguishes conditions for which it identified unreasonable risks from conditions for which it did not. The Associations believe this distinction is important because the finding of unreasonable risk for a particular COU does not establish that every use of D4, much less every VMS, presents an unreasonable risk. Most of the preliminary conclusions identify unreasonable risk related to occupational COUs for which the use of personal protective equipment (PPE) was

not reflected in EPA's risk determinations, although EPA stated that the use of PPE would reduce the risk. Additionally, EPA's consumer COU identified as presenting unreasonable risk involves products not subject to Rule 1168. For these reasons, the Associations respectfully submit that it would be premature for South Coast AQMD to rely on a draft federal assessment concerning a specific substance and specific conditions of use as the basis for imposing a broader, categorical prohibition on VMS in adhesives and sealants.

ASC, ACA, HCPA, and NAA have similar concerns with DMC and believe that South Coast AQMD has not provided sufficient justification for restricting DMC in the products and uses regulated under Rule 1168. As with VMS, the Associations believe that any regulatory action concerning DMC should be based on an assessment of the specific uses, concentrations, exposure pathways, and potential risks associated with its use in adhesives and sealants. The record should demonstrate why a categorical prohibition is necessary rather than relying on concerns associated with other products, uses, or exposure scenarios. Without a use-specific analysis addressing DMC in adhesives and sealants, the Associations do not believe that South Coast AQMD should proceed with the proposed restriction.

The Associations therefore respectfully request that South Coast AQMD remove the proposed categorical restrictions on VMS and DMC from PAR 1168. At a minimum, the District should defer adoption of these restrictions until it has developed a sufficient substance- and use-specific record demonstrating that such restrictions are warranted.

VII. Proposed Revision to Exemptions

The Associations are concerned that South Coast AQMD's provision providing that Rule 1168's VOC limits shall not apply to Manufacturers or Private Labelers who supply regulated products to an independent Distributor who is informed, in writing, that the products are not to be used in the South Coast region could be misinterpreted. Compliance with this exemption could be interpreted differently by Manufacturers and Private Labelers alike. As such, the Associations recommend that South Coast AQMD provide additional clarification (e.g. examples of "[d]etails or copies of any written notification provided to an independent Distributor," explanatory guidance documents, etc.) to help reduce any ambiguity within Rule 1168 and ensure that regulated entities avoid any unintended compliance challenges.

Additionally, the Associations recommend that notification letters be maintained by Manufacturers and Private Labelers for a period of at least three years and provided to South Coast AQMD upon request, rather than submitted routinely. While the Associations support maintaining appropriate documentation to demonstrate compliance, the rational and regulatory benefit of requiring routine submission of these notification letters to South Coast AQMD are unclear. Revising the provision to require submission upon request would preserve the District's ability to review relevant records, while reducing unnecessary administrative burdens on both regulated entities and the District.

VIII. Conclusion

ASC, ACA, HCPA, and NAA appreciate the opportunity to provide these comments and look forward to continuing our engagement with South Coast AQMD as the rulemaking process moves forward.

The Associations respectfully request that South Coast AQMD consider the recommendations described above, including providing an additional year for end users to use existing pCBtF-containing inventories, appropriately tailoring the proposed Distributor reporting requirements, retaining the alternative MIR compliance option, and reconsidering the proposed categorical restrictions on VMS and DMC.

We appreciate South Coast AQMD's consideration of these comments and look forward to working constructively with the District as it continues its development of PAR 1168.

Respectfully Submitted,

David Wawer
ASC

Annebelle Klein
ACA

Nicholas B. Georges
HCPA

Doug Raymond
NAA