



October 26, 2022

Ms. Marissa Vaerten
Environmental Quality Analyst
Air Quality Division, SIP Development Unit
Michigan Department of Environment, Great Lakes, and Energy
525 W Allegan St.
Lansing, MI 48933

RE: Michigan Department of Environment, Great Lakes, and Energy Proposed VOC RACT Rule (Part 6); ACA Comments

Dear Ms. Vaerten:

The American Coatings Association (ACA) submits the following comments to the Michigan Department of Environment, Great Lakes, and Energy (MI EGLE) regarding its proposed VOC RACT Rule (Part 6). 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 through educational and professional development services. ACA appreciates the opportunity to comment on the proposal and looks forward to working with MI EGLE throughout the rulemaking process.

Compliance Date

ACA requests that MI EGLE adopt a compliance date of one year from the date of adoption of a final rule for the various coatings rules included in the proposed VOC RACT Rule (Part 6). The proposed compliance date of 1/1/2023 is unreasonable and impractical. As a general matter, ACA members require sufficient lead time to adjust formulations and supply chain processes in order to ensure compliance with new VOC limits, labeling, and reporting requirements. The proposed 1/1/2023 compliance date will not allow the coatings industry sufficient time to adjust production, labeling, and distribution networks to efficiently and effectively implement the new rule's requirements.

Manufacturers, distributors, and retail stores employ extensive computer systems that require upgrades to incorporate new formulations and ensure non-compliant products are not sold into jurisdictions with new VOC limits. Furthermore, manufacturing and labeling costs are generally expensive, and coatings manufacturers tend to manage formulation changes to their products to minimize costs stemming from obsolete products and labels. Additionally, manufacturers will need sufficient time to properly communicate these changes to their distributors and retail customers to ensure compliance with new VOC limits. Finally, most companies wait until a rule is finalized and its requirements are certain before implementing changes to ensure compliance because it helps minimize costs. This means that companies will not implement changes during the early parts of a rulemaking and will need adequate time after finalization of a new rule to make appropriate changes. As such, industry typically needs at least a year to properly implement the necessary changes to comply with the new rule's requirements.

Given MI EGLE's proposed compliance dates of 1/1/2023 and the need for industry to have adequate lead time for implementation and compliance, ACA respectfully requests that the Department change the compliance dates in the proposal to one year after the date of adoption of a final rule.

Thank you for your consideration of our comments. Please do not hesitate to contact me if you have any questions or require additional clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhett Cash". The signature is fluid and cursive, with the first name "Rhett" and last name "Cash" clearly distinguishable.

Rhett Cash
Counsel, Government Affairs

Submitted via email