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April 15, 2011

Mr. Alex Ryan-Bond
Ozone Transport Commission
Hall of the States, 444 North Capitol St.
Washington, DC 20001

Mr. Ali Mirzakhali
Administrator, Air Quality Management Section
Division of Air and Waste Management
89 Kings Highway
Dover, DE 19901

Dear Mr. Ryan-Bond:

Dear Mr. Mirzakhali:

Thank you for the opportunity to provide comments on the proposed inclusion of a “Paint Thinner and Multipurpose Solvents” rule in the proposed Consumer Products Model Rule, which is expected to be offered as a model rule for the possible adoption by the twelve states and the District of Columbia, which are members of the Ozone Transport Commission (OTC).

The Art & Creative Materials Institute, Inc. (ACMI) is an international association comprised of manufacturers and retailers of art, craft and other creative materials whose products are used in the creation and conservation of works of art by artists worldwide. ACMI currently has 375 member companies, including manufacturers and retailers. NAMTA – International Art Materials Trade Association (NAMTA) is an association comprised of both manufacturers and retailers of art materials and currently has 229 manufacturer members and 315 retailer members, with many thousands of retail locations across the U. S. ACMI, NAMTA and their members support the OTC’s continued efforts to protect the environment and consumers.

The solvent products used in the art field are high quality, low toxicity solvents sold in small quantities and are typically much more expensive than commercial solvents. Specific solvents and thinners have a number of applications in the art world (e.g. removal of old varnish from a priceless masterpiece) and are used not only by individual artists, but by art schools, museums and art conservators. These products are often described as “mediums.” While the term “thinner” or “reducer” may not be indicated when describing certain mediums, their use is for the purpose of thinning an application of paint, which may be required when applying multiple layers of paint on a surface.

For over 70 years, ACMI has had a program to certify children’s art materials as non-toxic and expanded its program in 1982 to include certification of adult art materials, ensuring that these products are non-toxic or bear health warning labels where appropriate. Products are reviewed under this program by a board certified or qualified toxicologist for compliance with the Federal Labeling of Hazardous Art Materials Act (LHAMA), the Federal Hazardous Substances Act (FHSA) and ASTM D4236-95 (a labeling standard for art materials).

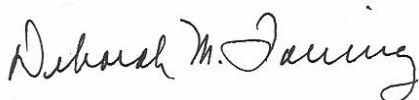
ACMI and NAMTA worked closely with both the California Air Resources Board (CARB) and the California South Coast Air Quality Management District (SCAQMD) when they both proposed including VOC limitations on paint thinner and multi-purpose solvents in their regulations for consumer products. We requested and were granted an exemption for artist's thinners and solvents from both the CARB Consumer Products Regulations and from the SCAQMD Rule 1143, provided that these products are labeled that they conform to ASTM D4236-95, (the labeling standard for art materials that is encoded into Federal Law, by the inclusion of LHAMA into FHSA) and are sold in a container size of one liter or less. Both CARB and SCAQMD found that the art solvents used within their respective areas were an essential part of the creative process for traditional oil painting and museum and conservation work and were a miniscule amount of the total VOC emissions statewide and in the SCAQMD jurisdiction, which is assumed to emit 45% of all VOCs in the state of California.

During staff research and its hearing process, CARB amended its Consumer Products Regulations by adopting a definition of "Artist's Solvent/Thinner" and an exclusion for Artist's Solvent/Thinner from the "Paint Thinner" category under state law, thereby exempting those artist's thinners and solvents that met their new definition of "Artist's Solvent/Thinner." CARB staff noted that it had visited several art material retail stores and noted that the sale price was substantially higher than the sale price of solvents sold at home improvement and paint stores and thus concluded that these lower-quality solvents from home improvement stores were an unlikely substitute for artists. CARB also found the labeling of artists' solvents and thinners to show they conformed to ASTM D 4236 helpful and thus included this ASTM D 4236 conformance statement as part of their "Artist's Solvent/Thinner" exemption. ACMI believes that the ASTM D 4236 conformance statement, which is required by LHAMA on all solvents and thinners sold as art materials, distinguishes these products from commercial solvents. ACMI also notes that, because of their considerable cost, artists use artists' solvents in a manner that minimizes unnecessary evaporation.

We hope this information assists the Commission in completing its work on the proposed revision of the Consumer Products Model Rule. Both ACMI and NAMTA believe that the adoption of the proposed revision to include paint thinner and multi-purpose solvent VOC limitations would have a significant adverse effect upon artists, art schools, museums, conservators, retailers and manufacturers of art materials as there is no viable alternative for the art community that will meet the proposed VOC limits. Therefore, we respectfully request that the OTC consider an exemption for artist's solvents and thinners that is consistent with the existing CARB and SCAQMD exemptions for artist's solvents and thinners. Without an exemption for artist's solvents and thinners, local artists, as well as art schools, museums, and art conservators, will be forced to either acquire these products from other areas outside of the state or region or to cease or move their activities with potentially harmful economic consequences for the state or region.

If you have any questions or require additional information, do not hesitate to contact us. We look forward to discussing this important issue further with you.

Sincerely,



Deborah M. Fanning, CAE
Executive Vice President
ACMI



Reggie Hall
Executive Director
NAMTA