



INDEPENDENT LUBRICANT MANUFACTURERS ASSOCIATION

November 21, 2008

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Stationary Source Committee
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

**RE: *South Coast Air Quality Management District Proposed Rule 1144 –
Lubricants and Rust Inhibitors***

Dear Committee Members:

The Independent Lubricant Manufacturers Association (“ILMA”) is prepared to support conditionally the South Coast Air Quality Management District’s (“AQMD”) Proposed Rule 1144 – Lubricants and Rust Inhibitors, provided that three specific items discussed below are addressed as part of the rulemaking “package” presented to AQMD’s Governing Board.

ILMA, established in 1948, is a national trade association of 134 manufacturing member companies. As a group, ILMA member companies blend, compound and sell over 25 percent of the United States’ lubricant needs and over 75 percent of the metalworking fluids (“MWFs”) utilized in the country. ILMA recognizes that Southern California is saddled with significant air quality challenges and appreciates AQMD’s efforts to pursue multiple regulatory avenues under both federal and state mandates to improve air quality for its citizens in the South Coast Air Basin.

MWFs are complex mixtures and their uses in working systems are even more variable. ILMA members manufacture and sell thousands of MWF formulations. AQMD staff recognizes this complexity and has made material accommodations in subsequent iterations of Proposed Rule 1144, including some important exceptions and a proposal to extend the compliance phase-in period for certain products to January 1, 2012. ILMA greatly appreciates these accommodations, and its members are committed to doing the difficult work over the next several years to assure that MWFs manufactured for sale and use in the Southern Coast Air Basin meet the new VOC standards.

Despite this heartening progress between AQMD and stakeholders on a well-constructed rule, one central challenge remains and is our first specific item – that is, Test Method 313-L has not been properly validated for repeatability and reproducibility. Testing conducted by two ILMA member companies and by an outside lab retained by a third ILMA member company, when compared to results from AQMD’s lab, suggests that Test Method 313-L in its current form cannot be used for either compliance or enforcement purposes. This problem has the potential to derail the entire rulemaking.

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We believe, however, that the problems with Test Method 313-L can be remedied and we, as an industry stand ready to assist. ILMA is prepared to support conditionally Rule 1144 if acceptable language is included in the Board resolution accompanying the Rule that provides for inter-laboratory validation through “round-robin” testing using ASTM Method E-691 or ASTM Method E-691 *and* EPA Method 301. Given the phase-in provided for in the current draft of the Rule, there would be sufficient time to validate the precision of Test Method 313-L, test the myriad of MWFs, and, if necessary, reformulate products before the January 1, 2012 compliance deadline.

The second specific item is that ILMA and its members are concerned that Test Method 313-L does not properly capture the true nature of “thin oils” and may overstate their VOC content. ILMA is prepared to support conditionally Rule 1144 if acceptable language is included in the Board resolution accompanying the Rule that commits AQMD to working with industry on the proper assessment of these oils and, if necessary, amending the Rule.

The third specific item is that at the November 18, 2008 working group meeting, stakeholders pointed out some remaining issues with the draft Rule, including covered lubricants being recycled and problems with customer approvals of reformulated products (e.g., military specifications). ILMA is prepared to support conditionally Rule 1144 if these issues can be worked out between now and the time the rulemaking package needs to be publicly noticed for the January 9, 2009 Governing Board hearing/meeting.

ILMA appreciates the significant progress made by AQMD in drafting a rule that is both workable to the regulated community and achieves the Agency’s clean air goals. We would hope that in the coming weeks, we can continue to work with AQMD staff in addressing the above items and removing “conditional” from the Association’s support.

Sincerely,

A handwritten signature in black ink that reads "Celeste Powers". The signature is written in a cursive, flowing style.

Celeste M. Powers, CAE
Executive Director

Encl.

cc: ILMA Board of Directors
ILMA Safety, Health, and Environmental Regulatory Affairs Committee
Jeffrey L. Leiter, Esq.
Adam B. Cramer, Esq.