



INDEPENDENT LUBRICANT MANUFACTURERS ASSOCIATION

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May 21, 2010

Hon. Dennis Yates

Chairman

Stationary Source Committee

South Coast Air Quality Management District

21865 Copley Drive

Diamond Bar, California 91765

Re: Proposed Amended Rule 1144

Dear Mayor Yates:

The Independent Lubricant Manufacturers Association (ILMA or Association) submits the following comments on Proposed Amended Rule 1144 (PAR 1144), which is scheduled for consideration by the South Coast Air Quality Management District's (District) Stationary Source Committee (Committee) at its meeting today. ILMA learned this morning that the District staff will recommend that the public hearing on PAR 1144 be continued by one month until the Governing Board's July 9, 2010 meeting. For the reasons discussed below, ILMA supports this recommendation.

ILMA agreed with the District staff's previous recommendation to the Governing Board that the April 2, 2010 public hearing on PAR 1144 be continued until June 4, 2010, because ASTM Method E1868 -10, *Standard Test Method for Loss-On-Drying by Thermogravimetry*, was not finalized by the April 2, 2010 public hearing. The consensus balloting on ASTM Method E1868-10 officially closes at 11:59 p.m. on June 4, 2010, just hours after the current public hearing is now scheduled. Assuming the successful completion of this ballot, ASTM Method E1868-10 will be subject to a 30-day "Society review" by the entire ASTM organization, meaning that ASTM Method E1868-10 will not become a final, approved ASTM method until July 1, 2010.

The Association continues to appreciate that the District has agreed and has included in PAR 1144 that volatile organic compound (VOC) content should be determined by thermogravimetric analysis (TGA) at 81°C for 110 minutes. ASTM Method E1868-10, proposed for inclusion in PAR 1144, satisfies the Governing Board's March 6, 2009 Resolution that this TGA method be validated using ASTM Method E691, *Standard Practice for Conducting an Interlaboratory Study to Determine the Precision of a Test Method*. ILMA estimates that its members have incurred approximately \$250,000 in costs in assisting in the development of ASTM Method E1868-10.

400 N. Columbus Street
Suite 201
Alexandria, VA 22314
phone: 703/684-5574
fax: 703/836-8503
email: ilma@ilma.org
web: www.ilma.org

ILMA admits that its prior representations to the Committee about the timing of the consensus-based approval of ASTM Method E1868-10 were incorrect. There was one “persuasive negative” vote on the initial ballot on ASTM Method E1868-10. As a result of this negative vote, further changes to ASTM Method E1868-10 were necessary and were made, including the addition of substantive comments from the District’s lab staff. Based on statements made to ILMA from those involved with the ASTM consensus-approval process, the Association was advised that the re-ballot of ASTM Method E1868-10 was to begin no later than May 2, 2010, meaning that the results of the ballot would be known before the Governing Board’s June 4, 2010 public hearing. As it turned out, because of an internal staff “glitch,” ASTM did not actually send out the ballots on ASTM Method E1868-10 until May 4, 2010, pushing the close of the ballot until literally hours after the Governing Board’s June 4, 2010 public hearing.

It is a fair question for the Committee to ask whether there are any remaining impediments to a successful completion of the ballot on ASTM Method E1868-10 on June 4, 2010. District staff and ILMA representatives had a conference call last week with the ASTM official responsible for the Committee and Subcommittee that prepared ASTM Method E1868-10. The ASTM official assured the conference call participants that only a persuasive, negative ballot would slow down the consensus approval of the method and force it to undergo another round of balloting. ILMA remains confident that ASTM Method E1868-10 will be successfully balloted at the end of the day on June 4, 2010. The prior negative comment was resolved, and the submitter now supports the revised method. Other changes were made to ASTM Method E1868-10 to accommodate suggestions from the District’s lab staff and another commenter. All of the comments from the District’s lab staff were included in the revised ASTM method. The other commenter’s concerns also were addressed, and this commenter already has voted “yes.”

ILMA learned less than two weeks ago that, following the successful balloting on ASTM Method E1868-10, there is an additional 30-day review period in which any member of ASTM can raise concerns. The ASTM official confirmed that this “Society review” on ASTM Method E1868-10 would take place during the calendar month of June 2010. He added that, in his 20 years with ASTM, he has seen less than five out of thousands of proposed ASTM methods rejected and returned for further work and yet another round of balloting.

While ILMA admits that it was not fully informed of the full ASTM approval process, necessitating the request for an additional one-month continuation of the public hearing on PAR 1144, the District unintentionally helped to contribute to the delay that has caused the ballot process to close just hours after, rather than prior to, the Governing Board’s meeting on June 4, 2010. District staff offered substantial and valuable improvements to the proposed ASTM method, and they worked closely with ILMA representatives and others throughout the process to get the revised ASTM Method E1868-10 out for re-ballot. However, these appropriate revisions, including those suggested by ILMA, District staff, and other interested parties, took longer than anyone envisioned writing and including in proposed ASTM Method E1868-10 when the Governing Board

agreed in April to the two-month continuance of the public hearing on PAR 1144. As a result of these unintentional delays, the end result is a much better work product in ASTM Method E1868-10. In many instances, getting consensus on an ASTM method can take years; however, here the consensus process has worked extremely well in a very short period of time. It is these unanticipated and unavoidable delays in the ASTM consensus process that have caused the District staff to recommend, ILMA to support, an additional one-month continuance in the public hearing on PAR 1144.

Because the probability is extremely high that ASTM Method E1868-10 will be successfully balloted at 11:59 p.m. on June 4, 2010, and, based upon the experiences of the ASTM official, there should be no issues generated from the subsequent 30-day Society review that ends on June 30, 2010, ILMA supports the District staff's recommended one-month continuance of the public hearing on PAR 1144 until the Governing Board's July 9, 2010 meeting. Both the Association and the District staff have learned together that the consensus-based approach used by ASTM is a time-consuming process. Importantly, the requested, one-month continuance does not affect in any way the implementation date for the limits and other requirements in PAR 1144.

ILMA appreciates this opportunity to share its views with the Committee on PAR 1144.

Sincerely,



Celeste M. Powers, CAE
Executive Director

cc: ILMA Board of Directors
ILMA SHERA Committee
Jeffrey L. Leiter, Esq.
Charles F. Timms, Esq.