

# Rust-Oleum Corporation

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November 19, 2008

John Therriault, Chief Clerk  
Clerk's Office  
Attention Docket #R09-08  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

PC#9

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STATE OF ILLINOIS  
Pollution Control Board

**RE: Illinois EPA Architectural and Industrial Maintenance (AIM) Coatings;**  
**Docket #~~R09-08~~ R08-17**

Dear Mr. Therriault:

Rust-Oleum Corporation is an international manufacturer and marketer of paints and protective coatings. Rust-Oleum is an Illinois corporation with headquarters in Vernon Hills, Illinois. Rust-Oleum has been a resident employer in Illinois since 1935.

Rust-Oleum is a member of the National Paint & Coatings Association (NPCA) and supports NPCA's request to extend the implementation date of the AIM rulemaking from January 1, 2009 to July 1, 2009 to allow IEPA adequate time to finalize and adopt the amendments to the AIM rule, and more importantly, provide adequate time for industry to make necessary changes in order to comply with the amendments.

Rust-Oleum has worked with NPCA and several paint industry companies and with U.S. EPA, California Air Resources Board, South Coast Air Quality Management District, Ozone Transportation Commission, and the Lake Michigan Air Directors Consortium in the development of rules to lower the VOC concentrations of AIM coatings. Rules that have lead to the Illinois rule. As a result, Rust-Oleum has a full line of compliant coatings, including coatings which will comply with the limits in the proposed Illinois AIM rule.

The problem we have with an effective date as early as January 1, 2009 is inventory management. Rust-Oleum manufactures for inventory, not for shipment. With different AIM rules around the country we have to set up systems that lock out shipments of noncompliant products to regulated states and districts. We have to maintain separate inventories and product numbers. We also have to set up product numbers with our Illinois customers so that when an existing product is ordered it can be replaced by a newly compliant product.

No other regulatory agency, including local, state, U.S. and Canadian agencies, has promulgated AIM rules that became effective weeks after the rule was made final. No one expected that the Illinois rule would go before the Board in late December with a rule having an effective date of January 1. We, like many other paint companies, will not be in a position to change our product distributions to our thousands of distributor and retail customers in Illinois in an orderly and efficient manner by January 1, 2009. The change will be quite costly to implement is such a short period of time.

Therefore, we ask again that the Board change the effective date of the Rule from January 1, 2009 to July 1, 2009. Since timing of the rule is critical to the manner in which we change our internal and external inventory distribution processes, we ask that the Board consider this request and the requests of others in the paint industry to postpone the effective date of the Rule as soon as possible, prior to the scheduled meeting to approve the Rule.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Murphy', with a long horizontal flourish extending to the right.

Michael Murphy  
Corporate Counsel