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January 10, 2006

Dr. Robert Sawyer
California Air Resources Board
1101 I Street
Sacramento, CA 95814

Re: Dry Cleaning ATCM

Dear Dr. Sawyer:

Thank you for this opportunity to comment on the Perchloroethylene (Perc) Dry Cleaning ATCM proposal, issued December 8, 2006. We are pleased that in response to stakeholder comments and to the directive of the Board, staff is proposing a phase out of Perc from dry cleaning. However, the state needs to do more than the staff proposal. The proposal should be strengthened in three key ways, which we outline below.

It is clear that the dangers of Perc dry cleaning are severe and can be avoided. In addition to protecting public health, a phase out of Perc will save cleaners and taxpayers money over time. Thus, ARB should expedite the phase out of Perc and address concerns about the health impacts of VOC dry cleaning alternatives in order to better protect the health of workers, customers and residents throughout California. In doing so, ARB will also enhance our state's reputation as a center of clean technologies and protect the investments of thousands of small business owners.

ARB can and should strengthen its proposal in the three following ways:

1) Adopt Regulatory Alternative No. 1: Total Phase Out of Perc and New VOC-Containing Systems.

According to staff, this alternative will “provide the maximum protection from emissions of Perc while preventing an increase in volatile organic compound (VOC) emissions from hydrocarbon solvents”¹ and will help this agency achieve its VOC reductions in the State Implementation Plan (SIP).

A phase out of Perc and VOC solvents will save cleaners and the taxpayer money over time. This alternative would increase these savings by steering cleaners toward the cleanest and safest methods and away from hydrocarbon solvents which involve higher operational costs, permit costs, and possible future regulation. Professional wet cleaning, for example, is a proven, viable, and affordable zero-emission alternative to solvent-based dry cleaning. Systematic studies of cleaners switching from Perc dry cleaning to wet cleaning show that operating costs are lower in wet cleaning.² In addition, the Staff Report estimates that when considering the reduced Perc and VOC emissions from Alternative No. 1, the cost effectiveness is \$2.60 per pound, which is lower than the cost effectiveness of \$3.10 per pound of Perc reduced under Staff Proposed Amended ATCM.³ Furthermore, the Staff Report based the cost-effectiveness of Alternative 1 on the assumption that most cleaners would switch to the expensive Green Earth option.⁴ CARB should base costs on the least expensive, non-toxic alternative -- professional wet cleaning, instead of Green Earth (which contains *decamethylcyclopentasiloxane-D5*, a probable carcinogen⁵). Focusing on the least expensive alternative would substantially lower the cost/pound reduction.

Additionally, we believe that a full implementation of AB 998 will decrease the actual cost of the implementation of this alternative. AB 998 directed ARB to apply a fee on the Perc used in dry cleaning to establish a demonstration program for non-toxic, non-smog forming alternatives, and use the additional funds for grants to Perc cleaners making the transition to these safer alternatives.

Our understanding is that more than three years after this law took effect ARB: 1) is still not fully collecting fees on all the Perc used by California dry cleaners, 2) has not initiated a single demonstration program, and 3) has only made 23 grants in a state with almost 5,000 dry cleaners. ARB can do more to support cleaners by fully implementing AB 998, which makes Alternative No. 1 even more practical.

2) Adopt Regulatory Alternative No. 3: Decrease the Phase Out Period.

This alternative provides stronger protection for workers and the public. Further, it better reflects research findings that point to a 10-year life time expectancy for Perc machines.

In 2000, William Fisher, Chief Executive Officer at International Fabricare Institute, testified during the Hearing on Helping Dry Cleaners Adopt Safer Technologies:

¹ Air Resources Board, Staff Report: Initial Statement of Reasons for the Proposed Amendments to the Control Measure for Perchloroethylene Dry Cleaning Operations and Adoption of Requirements for Manufacturers and Distributors of Perchloroethylene, at II-9 (hereinafter “ISOR”).

² Commercialization of Professional Wet Cleaning in the Garment Care Industry. Pollution Prevention Center. Urban and Environmental Policy Institute, Occidental College, 2004

³ ISOR at VII-25.

⁴ ISOR at VII-25.

⁵ OEHHA, 2003. ‘Health Effects of Exposure to Alternative Dry Cleaning Solvents’; Memorandum to CARB.

Without Losing Your Shirt! by the US House of Representatives Subcommittee on Tax, Finance and Exports and the Committee on Small Business, that the anticipated life of a Perc machine is “eight to 12 to 14 years” depending on the model.⁶

During the 2001 rulemaking on the phase-out of Perc, the SCAQMD initially proposed a phase out of Perc dry cleaning systems that allowed machines a lifetime of nine to 10 years.⁷

In 2005, the Eastern Research Group (ERG), which provided background information for USEPA’s development of the current National Emissions Standards for Hazardous Air Pollutants (NESHAP), quantified the "Economic Life" for a dry cleaning machine as 10 years. In a Memorandum dated May 16, 2005 to US EPA’s Rhea Jones, ERG’s Eric Goehl and Mike Heaney note that the "life of a dry cleaning machine was determined during the development of the current NESHAP.”⁸

3) Perc dry cleaners within 300 feet from residential zones or any area containing sensitive receptors should be phased out by 2010.

We are pleased that the proposal requests a removal of all Perc dry cleaning machines at co-residential locations by July 1, 2010. However, we are concerned that this unnecessarily leaves exposed too many residences, sensitive receptors including children, and businesses within a close proximity to dry cleaners.

The definition of co-residential locations should be expanded to include a 300-foot buffer zone between Perc dry cleaners and the boundary of any area zoned for residential use and any location of a sensitive receptor. According to ARB’s own research, phasing out Perc machines within 300 feet from residences or other sensitive receptors will reduce the cancer risk from 23 chances per million to 3 chances per million. Therefore, Perc facilities located in these areas should be phased out by 2010.⁹

We look forward to ARB taking action to protect cleaners and the public from the dangers of Perc dry cleaning, and we remain committed to working with you to promote non-toxic and non-smog forming alternatives.

Sincerely,

⁶ Fisher, William. 2000. ‘Helping Dry Cleaners Adopt Safer Technologies: Without Losing Your Shirt!’; Hearing transcript from the United States House of Representatives’ Subcommittee on Tax, Finance and Exports, Committee on Small Business, Washington D.C. pg. 22.

⁷ South Coast Air Quality Management District. 2001. ‘Draft Staff Report Proposed Amendment Rule 1421 – Control of Perchloroethylene’.

⁸ Goehl, Eric & Heaney, Mike. 2005. ‘Major Source Emission and Cost Estimates’. Eastern Research Group, Inc. memorandum to U.S. EPA, pg. 15.

⁹ ISOR at Table IV-3.

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