



Coatings Research Group, Inc.

## Coatings Research Group Inc.

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September 11, 2017

Donald S. Clark, Secretary  
Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue NW.  
Suite CC- 5610 (Annex D)  
Washington, DC 20580

Re: In the Matter of Benjamin Moore & Co., Inc., File No. 1623079  
In the Matter of ICP Construction Inc., File No. 162-3081  
In the Matter of Imperial Paints, LLC, File No. 1623080  
In the Matter of YOLO Colorhouse, LLC, File No. 162-3082

Dear Mr. Clark:

On July 18, 2017, the FTC published notice of four consent agreements above. Coatings Research Group, Inc. (CRGI) appreciates the opportunity to comment on all four of these orders and support the position recently taken by the American Coatings Association (ACA) and the likely unintended consequences of FTC actions in this area.

Coatings Research Group, Inc. (CRGI) is a non-profit trade organization of 36 paint manufacturers founded in 1956. CRGI supports our member companies through collaborative research and development. As a fully independent ISO-17025 certified coatings testing laboratory, CRGI utilizes industry standard ASTM, DIN, and ISO test methods to validate the performance of coatings.

Our primary concern with the consent agreements is that there is no guidance for the industry on exactly what the definition of VOC or Volatile Organic Compounds is, nor how it is measured. This guidance is critical for the industry to be able to properly determine the VOC content of paint and coatings (in liquid and/or cured form), and more importantly to properly characterize the product claims in compliance with the Green Guides, and in compliance with future guidance provided by FTC.

The only recognized method for calculating VOC content of coatings by the EPA is EPA Method 24, however that method was developed many years ago and was designed to work in solvent-based systems. With the advent of low VOC water-based coatings, the method is woefully deficient. The well-known error in the test method with low VOC water based coatings has

forced most of the industry to voluntarily move to a better analytical method using a Gas Chromatograph following ASTM D6866 or a slightly modified version of that method. Even this method is not without questions from the industry as to just what defines a VOC depending on the boiling point of the reference marker used in the method.

The concerns of the CRGI member companies, are that through the consent agreement process, the unintended result is ambiguity with regard to compliance. It is just as important to be able to substantiate claims using quality, standardized, repeatable test methods as it is to have firm guidance on what claims can be made and what cannot. Without industry guidance in this process, it is highly likely that the resulting ambiguity will force industry to abandon efforts to produce more environmentally-friendly coatings with very low VOC. The fear being that the efforts to produce these coatings in terms of R&D costs, and the risks involved regarding ambiguous labeling compliance will far exceed any potential profits from producing these types of coatings. This pushes manufacturers to resort to a minimum level of VOC compliance for the areas where their coatings are sold and used.

With clear definitions of what constitutes a VOC, clear definitions for proper labeling and marketing claims, and solid test methodologies to assure compliance, the industry will undoubtedly continue the trend in recent years of voluntarily driving down VOC content in coatings with new technologies, as it is a strategy to position products and satisfy consumer desires.

CRGI and its member companies strongly encourage FTC to work with the industry through the ACA to create unambiguous compliance guidelines for coatings manufacturers.

CRGI appreciates the opportunity to submit this letter of comment. If you have any questions or wish to discuss this further, please do not hesitate to contact us directly.

Best Regards,



Richard M. Scott  
Executive Director  
Coatings Research Group, Inc.