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Court Rules SCAQMD Violated California Law in Adoption of Paint Thinner Regulations

(MEMPHIS, Tenn., April 8, 2010) The California Superior Court recently struck down a South Coast Air Quality Management District* (“SCAQMD”) regulation, finding that the agency acted illegally in the regulation’s adoption. The regulation, Rule 1143, would have set a volatile organic compounds, or VOC, limit on paint thinners and other solvents, which would require industry to sell and consumers to use extremely flammable products, a fact acknowledged by SCAQMD. Despite warnings from Cal-EPA, state and local fire departments, and industry experts that the proposed regulation would unnecessarily expose consumers to fire hazards, SCAQMD adopted Rule 1143. The Court found that in doing so SCAQMD violated California law.

The suit against SCAQMD was filed by W.M. Barr & Company, Inc. (“Barr”). Barr’s President Rich Loomis said, “Our employee-owners are dedicated to providing consumers with products that are safe, effective, and reliable. We strongly believe that any product regulation must be done in a responsible manner so that consumer safety is never compromised. We were convinced that SCAQMD crossed that line, and we were left with no choice but to ask the Courts to intervene.” It is not known if SCAQMD will appeal the Judge’s ruling.

Cal-EPA has also adopted a regulation that sets a VOC limit for paint thinners and solvents. However unlike the SCAQMD Rule 1143, Cal-EPA’s rule will not force consumers to use extremely flammable products. Mike Cooley, in-house counsel for Barr, stated, “Although the CARB regulation will be very challenging for industry, it does take the fire hazards into account and provides us with the ability to make safe products that also comply with their VOC limits.” The California Air Resources Board, the Cal-EPA department charged with statewide air quality protection, worked with stakeholders and modified its regulation to account for the increased fire hazards.

About Barr

W.M. Barr & Company, Inc. (“Barr”) is a leading marketer and distributor of a variety of household cleaning products. Headquartered in Memphis, TN, Barr is a 100% employee-owned company that has been in business since 1946.

*SCAQMD regulates air quality in Los Angeles, Orange, Riverside, and San Bernadino counties in California.