

PB&E Distributors take issue with developing paint regulations

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DIYers are an admittedly small part of Larry Wolbrink's jobber operation, but a federal proposal to restrict paint sales to only his wholesale customers could drastically affect his do-it-yourself client base and his entire business in the process.

"We pay extra rent to do retail (business)," says Wolbrink, owner of Anaheim, Calif.-based L & P Automotive Paint. If the federal government begins to regulate paint sales, "We've got to look at possibly relocating to cut costs."

The Environmental Protection Agency has recently embarked on a fact-finding mission to look at ways of reducing emissions from the automotive refinishing process.

Shop owners and neighborhood community groups have been reportedly eager to put an end to unsafe painting practices, but distributors and retailers are concerned over the impact to their customer base and the benefit the proposal would actually have on the environment.

Others say this measure is merely a way to edge out competition for larger scale body shops.

EPA Environmental Protection Specialist Kim Teal recently outlined the agency's rule-making process to attendees of the Collision Industry Conference (CIC) in Las Vegas.

Being discussed are possible restrictions on the sale and use of automotive paint products, as well as mandating certification criteria for professional shops to be able to spray paint. The rule, which the EPA expects to write by 2007 and implement by 2011, would potentially restrict paint sales to those who are not certified users.

The Automotive Service Association (ASA) and the National Automobile Dealers Association (NADA) penned a recent letter to the EPA in support of these guidelines.

"ASA and NADA support an approach that would control the purchase and use of automotive refinishing products, not unlike that used by EPA to regulate motor vehicle air conditioning refrigerants today," the letter states. "Shop certification might also require a federal tax identification number, a business license, and/or a valid state sales tax number."

Robert Redding, one of the letter's authors and ASA's Washington, D.C. representative, says repairers want some type of control on these paint products.

"From our perspective, we think shops should have proper training and equipment before paint is sold to them, and it should be verified in some way," says Redding, who adds that ASA will wait to comment on specifics until a proposal is drafted.

Still a new issue for most

A number of distributors and retailers we contacted were hesitant to comment on the issue because of its early stages of discussion. Those who did speak with us were skeptical over the impact this sort of restriction would have on the environment. Others welcome this proposal as a way to level the playing field with those states that already face restrictions.

“You’re going to eliminate some of the emissions, but it’s not going to be much,” believes Steve Biza, owner of NABPCO Auto Parts in Forest Lake, Minn. “It’s going to be such a small number (when compared to) the cost of regulation.”

The ASA/NADA letter suggests that prospective refinishing supply buyers should be required to be employed by a certified shop and trained and tested on volatile organic compounds (VOC) management.

“Clearly, reasonable controls on the purchase and use of automotive refinishing products is key to helping eliminate unnecessary VOC emissions from this industry sector,” the letter states.

Wolbrink contends these chemicals are all going to the same place in the end.

“Whether (VOC emissions) go out of a stack of the spray booth, they all go out in the atmosphere anyway,” he adds. “The booth filters only take out the particulates.”

The segment this policy would appear to affect most is DIYers, whom distributors say do not spray a lot of paint when compared to professional customers, but are still relevant to the bottom line.

“If it prohibits us from doing business with a group of people, it would hurt,” says Wolbrink, who adds the ruling would affect not only paint sales, but also the peripheral items like body filler.

He does add that he’s heard of similar proposals in the past that have fizzled away before any action was taken.

A classic car hobbyist recently contacted *ABRN* to voice displeasure over the proposal. He takes issue with having to spend \$5,000 or more on a paint job that he could spray himself, which he says is much more sensible than the alternative: using 10 cans of spray paint.

Retail sales of bulk and professional paint increased almost 56 percent in 2003 and 2004, according to AAIA, which adds that last year, these same retail chains sold \$29 million in touch-up paint, \$25 million in specialty paint and \$18 million in general purpose paint and primer.

Enforcement would be difficult

Talk of reducing VOCs in automotive refinishing has been around for quite awhile, says Larry Northup, senior director of member relations for AAIA.

“These types of rules have popped up on a state-by-state basis throughout the years and have generally not succeeded,” says Northup, who adds measures such as this are difficult to enforce. “The jobbers would essentially be asked to be policemen in the scenario.”

Redding emphasizes that nothing’s been officially drafted yet. “I would encourage distributors to offer suggestions on what would work best for them.”

Not only would this policy affect DIYers, says Northup, but it would also impact a growing percentage of workers who use automotive paint for industrial uses and other non-automotive jobs.

He asks: Where does this policy leave those businesses?

AAIA recently met with the EPA in Las Vegas, but AAIA generally does not approve of regulation that restricts the ability of people to purchase parts or materials in the aftermarket.

“I personally have never seen data that suggests this type of spraying leads to any significant amount of VOCs,” adds Northup, AAIA’s former PB & E liaison.

Redding counters that a study was conducted in Pennsylvania that revealed point of sale controls do, in fact, reduce harmful emissions.

Deciphering existing guidelines is frustrating

From a regulation standpoint, Sandra Douglas, president of Lowe Paint Co., says the rest of the country should be held to the same restrictions already in place in California.

“I think the whole U.S. should be (under) the same rules,” says Douglas, who’s located in San Jose. “We’re all breathing the same air.”

The national proposal is expected to supersede any state rules that shops face related to the automotive refinishing process. The EPA has said it would not require states such as California — where regulations match or exceed the EPA’s final language — to jump through any extra hoops.

Douglas says it’s “ridiculous” that regulations in California vary from county to county.

“In San Jose, we can sell 3.5 clear, but they can’t sell it in Southern California. Deciphering it all in certain areas is just silly.”

