

March 17, 2010

Mr. Karl Brooks  
Region 7 Administrator  
Environmental Protection Agency  
901 North 5th Street  
Kansas City, KS 66101

*Re: New EPA Paint Regulations*

Dear Mr. Brooks:

We wish to call your attention to a potential enforcement issue regarding the new EPA rule 40 CFR Part 63 Subpart HHHHHH for autobody refinishing. While we fully support the EPA's objective of reducing potentially dangerous substances from autobody refinishing work we want to ensure that the new rule and its enforcement applies to all body shop.

We are specifically concerned over the growing numbers of non-compliant back-yard body shops that perform autobody work without benefit of a spray booth and other equipment that is needed to perform safe and environmentally compliant collision repairs. These shops may or may not have business licenses, sales tax license, or filed for a fictitious business name statement as required by city, state and federal regulations. Often operating in derelict industrial zones and even residential areas non-conforming practitioners lack even the most fundamental repair skills, equipment, and training.

These non-compliant shops frequently fall under the radar of city, state and county enforcement agencies. As such, the non-compliant shops will also fall under the radar of EPA enforcement efforts and saddle compliant body shops with increasing expenses that are not applicable to non-compliant shops.

Our association has worked closely with our members to provide information and training that allows shops to comply with EPA's 40 CFR Part 63 Subpart HHHHHH. To achieve the EPA's environmental protection objectives of protecting workers and reducing hazardous emissions we urge you apply enforcement actions equally to all collision repair facilities.

Thank you in advance for your consideration of this matter and we look forward to your reply.

Regards,

Norbert Zaenglein  
Director, Nebraska AutoBody Association