

**From:** Paul Hertensen [<mailto:paul@bovsolutions.com>]

**Sent:** Thursday, January 16, 2014 12:16 PM

**To:** Sefcik, David

**Cc:** 'Beth Law'; 'Tim Brown'; 'Brigid Klein'; 'Steve Bennett'; Doug Fratz; [hpicken@beaumontproducts.com](mailto:hpicken@beaumontproducts.com)

**Subject:** RE: BOV Meeting - Summary Report

Good morning David,

We would like this email letter read to all attending the next meeting on Monday the 19<sup>th</sup> because pre-unchangeable plans prevent us from attending or we would be there.

A large part of the industry is very confused, we feel that consumer and marketers just got stabbed in the back and had more of their rights taken away from them.

There was not an agreement by all the industry at this meeting on B.O.V.'s method of sale, low pressure B.O.V.'s were should be able to use fl. oz.. As a tradeoff we agreed to support net wt. on all standard B.O.V.'s but not all B.O.V.'s. We are also officially retracting our support for having net wt. on standard B.O.V.'s,. As long as we have to go the route of the courts for a ruling we will see what is required.

B.O.V. Solutions expressed this in their presentation and throughout the meeting and in a video presentation demonstrating what we called low pressure B.O.V.'s for comparison purposes. (your equipment did not work with our video for a reason we still do not know way it would not because it works on all other equipment we have tried it on) These B.O.V.'s do not aerosolize or atomize what so ever and they can easily be measured using current methods without any loss of content. These products are nothing like an aerosol or a standard B.O.V. that we compromised should use net wt. so we could get fl. Oz. on some B.O.V.'s that should be using fl. Oz. measurement. Regulators only need to check the labels on containers to know how to measure the contents, when they see Fl. Oz. they simple dispense contents into a measuring vessel and measure, how simple is that.

For the record we represent most companies currently marketing B.O.V.'s. The few that are not yet on board we will be working with them to bring them on board as well. This will split the industry on their opinions because the B.O.V. industry does not agree to the use of net wt. on all B.O.V.'S. To do so we feel will hurt not only consumers but all marketer of these B.O.V. products that do not spray. We also feel this will turn out to be a violation of FTC regulations if allowed to pass.

B.O.V. Solutions along with all the companies they represent will be taking this issue to the federal courts to have any action taken on this subject by the industry overturned or for a ruling on the definition of aerosol if nothing else. If NIST allows supports all B.O.V.'s to be listed as the same for conveyance of the aerosol industry as has been the case in the past, we will have no options other than to prove in court all B.O.V.'s are not the same and should not be treated as so.

If this is the direction we are forced into consumers will learn all about aerosol products and just how they are and can be affect by them, their families, their pets and the planet we all live on. something that seems to be missing in this issue is what it best for consumers.

This is our official notice to the aerosol industry, to NIST, the EPA, and to the FTC as well as all other government agencies having anything to do with regulating of pressurized systems. It is our feelings that the industry is doing something that is not right and that negatively impacts all B.O.V. packagers, their customers and the consumer. We estimate there is more than three hundred million cans of B.O.V. currently sitting in stores in the United States at any given time, they all cannot be wrong. The industry at large agrees B.O.V.'s B.O.V. should be treated differently, we will have these companies at future events on the issue.

FYI the CSPA does not represent all of the industry, only some of the aerosol companies within it, but not all of them either. There are a lot more companies who are not members of the CSPA what market such products, they were hoping our government would do the right things for them, they are not thinking that any longer.

Thank you for the opportunity to attend the NIST meeting and present or side, have a great day.

Paul Hertensen

B.O.V. Solutions, Inc.