

January 16, 2012

Via Email: dsefcik@nist.gov
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Re: Comments on laws and regulations committee interim Agenda for 2013 Regarding the Proposal for NIST Handbook 130 Section 10.3 and all other agencies and or Corporations considering the matter of Bag-On-Valve (BOV's) weights and measurements regulations.

Dear David:

This letter is in reference to proposals being made for regulation changes to the NIST Handbook 130 Section 231-2 section 10.3 Aerosols and Similar Pressurized containers currently under consideration before the National Conference on weights and measures laws and regulations. This letter also responds to the November 13, 2011 letter from the National Aerosol Association.

We are BOV Solutions, Inc., one of the founders of Bag-On-Valve technology and contract packagers and promoters of the same for more than twenty years. Please see our following comments below:

Hundreds of different products are currently on the market using Bag-On-Valve alternative aerosol technology (BOVs). Each would be greatly affected by the proposed regulation change requiring weight, not volume, to be listed on all BOV's.

BOV's (Bag-On-Valve technology) is entirely different from standard aerosol systems if for no other reason than no propellants are discharged with the product, only pure product.

BOVs are also different because they do not require gas propellants. BOVs use the air we take in with each breath, eliminating the hazards associated with standard aerosol systems. They should not be listed as standard aerosols for the same reasons.

Most products currently packaged in BOVs are products that were packaged prior to being packaged in BOVs. They were previously packaged in tubs, bottles or similar Non-Aerosol containers! In these cases product reformulation was not necessary or required therefore the products that were or may still be in

tubs, bottles or similar Non-Aerosol containers all note fluid ounce measurements. These are, in fact, still the very same products the consumer used when the products were only packaged in tubs, bottles or other Non-Aerosol containers. If BOVs are not allowed to continue the use of fluid ounce measurement it will greatly confuse the consumers who are using them.

When you dispense a product from standard aerosol system into a container and measure the volume you will find it is less after the propellants evaporate. When consumers dispense from BOVs they can measure the volume very simply and they know what they are getting.

Marketing companies who are offering the very same product in tubs, bottles or other Non-Aerosol containers, as well as in BOVs, but are not allowed to market them as the same volume will greatly confuse consumers.

Proposed changes requiring BOVs to be labeled the same as standard aerosol products should not be considered because, if for no other reason, it has been more than twenty years since we have been listing fluid ounce weight on BOVs, as well as making the claim that they are non-aerosol and all natural when referring to products like Pure Citrus.

BOV Solutions, Inc. are the inventors and promoters of all natural citrus odor eliminating air fresheners, the real reason for BOVs becoming commercially available. For many years the Pure Citrus type products were the only products packaged in BOV's here in the United States. The idea behind the BOV's invention was for following reasons:

1. To offer a natural non-aerosol product with a continuous spray action.
2. To keep product formula separated completely from propellants.
3. To protect the product from air and light.
4. To provide a better delivery system for dispensing products without the interference of propellants or the harmful effects caused by them.
5. To provide a system to help cut back on the harmful emissions of aerosols being released into the atmosphere and keep the pure citrus fragrances from going bad. (No oxidation in BOV's)

It is also confusing to allow foods to be filled in BOV's and use volume when standard aerosol must use weights for food items. We fill eatable cooking oils in BOV's yet ConAgra who fills cooking oil sprays (Pam) in standard aerosol they must use weight. We agree they should not be allowed to use volume because it is not a pure product. When we fill Extra Virgin Olive oils in a BOV's it is the very same oils that you purchase in a bottle, how confusing would that be if we could not use the same measurement system used for the same product and setting in the stores right next to each other? Same goes for other product filled in a BOV's.

When regulations were researched back in the early 1980's, before BOVs were made commercially available, it was noted that the definition for aerosol did not coincide with that of BOV's. After many discussions and a number of phone calls to various governing agencies, it was determined BOVs should be considered different for contents than aerosols because of how BOVs dispense products.

Now decades after the fact, the National Aerosol Association and the Weights and Measures wants to consider changing the method used with BOVs and understood by consumers for more than a Generation. Why did it take these agencies so long to look into this issue and come to the understanding it was necessary to make changes now to a system that has not caused any confusion in the market place? Could the reason be BOVs are taking a bite out of the standard aerosol markets? Regardless of the reason, we do not feel it is justifiable to make changes to a system that is fundamentally different from the system to which it is being compared.

BOV Solutions, Inc. agrees fully with the contents of the letter prepared by Paul C. Van Slyke and addressed to the David A. Sefcik with NIST, Weights and Measures dated January 6, 2012. Any changes in the requirements for the labeling of BOVs will inflict great financial harm to all those required to make what we consider unrealistic label changes.

It is hoped that those making the decisions will do so with an open mind and only after considering the alternatives and repercussions that may come about as a result of such unnecessary changes.

Sincerely Yours,



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