

Frequently Asked Questions

Paint Stripping and Miscellaneous Surface Coating Operations Area Source Rule: Motor Vehicles and Mobile Equipment

Michigan Department of Natural Resources and Environment
Environmental Assistance Program
1-800-662-9278

www.michigan.gov/dnre

TABLE OF CONTENTS

APPLICABILITY (page 3)

- A-1: I am planning on filing a Petition for Exemption to the United States Environmental Protection Agency (U.S. EPA). If I receive approval, can I just continue my business as usual?
- A-2: Is there a deadline to submit a Petition for Exemption?
- A-3: Does the NESHAP apply to home-base hobbyists that refinish motor vehicles?
- A-4: Does the NESHAP apply to paint stripping using non-refillable aerosol cans containing MeCl?
- A-5: Are there CAS numbers for the five target HAPs?
- A-6: Do vocational schools that offer collision repair classes have to comply with the NESHAP?
- A-7: Do the requirements of the NESHAP apply only to the coatings containing one or more of the five target HAPs?
- A-8: Can I spray coatings with a spray gun that has a paint cup capacity three ounces or less outside of a spray booth or preparation station?

ENFORCEMENT (page 5)

- E-1: How will this regulation be enforced?
- E-2: How will enforcement agencies find those cash businesses that don't have business licenses, etc?
- E-3: What are the penalties for not complying with the rule?
- E-4: Is an auto dealership obligated to make sure the independent mobile refinishing company he/she hires to do on-the-lot touchups is in compliance with all NESHAP requirements?

MOBILE REFINISHERS (page 6)

- MR-1: Are mobile repair and refinishing operations subject to the NESHAP?

NOTIFICATIONS (page 6)

- N-1: Do I have to use a specific state or the U.S. EPA form, or is any format acceptable as long as the appropriate information is provided?
- N-2: Who do the shops submit notification/compliance reports to?
- N-3: How will the U.S. EPA inform the facility owners about the regulation?

OTHER (page 7)

- O-1: Will the U.S. EPA regulate who can buy automotive paint (i.e., licensed business only) or place restrictions on the suppliers?
- O-2: Does the NESHAP require shops to use water-based paints?
- O-3: Does the NESHAP require shops to stop using paints that contain heavy metals (Cr, Pb, Cd, Mn, and Ni)?

PAINT STRIPPERS (page 8)

- P-1: Can I use purchase receipts to verify annual usage of paint strippers containing methylene chloride?

SOURCE TYPE (page 8)

- S-1: What is an existing source?
- S-2: What is a new source?
- S-3: What is a reconstructed source?
- S-4: Is an existing source that is bought out by another company considered a new source?

SPRAY BOOTHS (page 9)

- SB-1: Can I prime or do other painting of vehicles in the general shop area, outside of a booth?
- SB-2: Can I prime a fender of a complete automobile in a prep station with three complete walls?
- SB-3: Does the NESHAP address the frequency of filter changing? If not, how often should my filter be changed?
- SB-4: What type of filters must I use in my spray booth, preparation station, or mobile enclosure?
- SB-5: Some downdraft booths do not have a full roof or complete walls that meet the ceiling; however, the booths are efficient in capturing the overspray and directing it through filters. Would a shop have to construct a roof and lengthen their walls to meet Section 63.11173(e)(2)(ii)?
- SB-6: Does a shop have to keep records of their filter change outs?
- SB-7: Do I need to maintain filter purchase records to demonstrate that I always use the proper filters?
- SB-8: Can I spray paint on the shop floor as long as a fan and filters are installed in the vicinity of the spray painting?
- SB-9: During the repairs of a vehicle on a frame rack, structural components such as the lower frame rail need to be painted before the repair is completed. Since the spray painting needs to occur when the vehicle is immovable, can we paint these components outside of a spray booth or preparation station for this special circumstance?
- SB-10: Does the NESHAP allow me to paint on the floor if I am using a three ounce spray gun?

SPRAY GUNS (page 12)

- SG-1: Does the U.S. EPA maintain an approved list of spray guns?
- SG-2: Is atomizing gun cleaning solvent allowed if it is directed into the collection bucket?
- SG-3: Does the NESHAP apply to the application of chip and abrasion resistant coatings?

TRAINING (page 12)

- T-1: Can I train my own employees or should we have a third party do it?
- T-2: What painter certifications are required? Are there any specific certified training programs? Who is going to approve the certification process?
- T-3: Is documentation required for certification? How do we certify our painters? [e.g., transcripts, certificates, etc.]
- T-4: Can a painter use previously conducted training to satisfy the NESHAP training requirement?
- T-5: Do painter helpers need to go through the required training?
- T-6: What should the training syllabus look like?
- T-7: The NESHAP states that painters can avoid the initial training if the owner/operator has documentation that the painter's work experience and/or training has resulted in training equivalent to the training required under the NESHAP. How does one document experience?

APPLICABILITY

A-1: My paint vendor claims none of their products contain cadmium, chromium, lead, manganese, or nickel. If that proves to be the case, I am planning on filing a Petition for Exemption to the U.S. EPA. If I receive approval, can I just continue my business as usual?

A. For an auto body repair business to be exempt from the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP), you need to demonstrate to the U.S. EPA that none of the coatings you spray apply contain the following target hazardous air pollutants (HAPs): cadmium, chromium, lead, manganese or nickel. The petition must include a description of the coatings you spray apply and certification that you do not spray apply any coatings containing the target HAPs.

A Petition for Exemption form is located at www.michigan.gov/air. Select “Clean Air Assistance” and then “Paint Stripping and Miscellaneous Surface Coating” under “Federal Regulations.” Complete the form and send it to the U.S. EPA Region 5 office. This exemption only pertains to the surface coating portion of the NESHAP. If you use methylene chloride containing paint strippers, you must comply with that portion of the rule even if you are exempted from the surface coating requirements.

Even if your business’s petition is approved by the U.S. EPA, you still need to comply with all existing state and federal environmental regulations, e.g., hazardous waste management requirements, air quality permits and volatile organic compound (VOC) emission limitations. Contact the DNRE’s Environmental Assistance Program at 1-800-662-9278 for more information. If circumstances change and you use a coating that contains one of the targeted HAPs, then you must submit an Initial Notification to the U.S. EPA Region 5 and comply with all of the requirements in the NESHAP.

A-2: Is there a deadline for auto body repair businesses to submit a Petition for Exemption?

A. No – A business can submit a petition anytime that it can demonstrate eligibility.

A-3: Does the NESHAP apply to home-based hobbyists that refinish motor vehicles?

A. It depends on the number of vehicles you paint and whether compensation is received. Anyone who spray applies surface coating to more than two motor vehicles or pieces of mobile equipment per year is subject to the NESHAP, regardless of whether compensation is received. If you paint two or less vehicles per year and compensation is received you are also subject to the NESHAP. If you paint two or less vehicles per year without compensation, you are not subject to the NESHAP.

A-4: I understand the NESHAP does not apply to surface coating using hand-held, non-fillable aerosol cans. Does the NESHAP apply to paint stripping using non-refillable aerosol cans containing MeCl?

A: Yes – the NESHAP makes no distinction of how MeCl is applied to the substrate. The purpose of the NESHAP is to minimize the evaporative emissions of MeCl, a toxic chemical that can cause cancer.

A-5: Are there CAS numbers for the five target HAPs?

A: Yes, all chemicals have CAS numbers assigned to them. Although certain chemicals are known by multiple names, CAS numbers do not change. For example, methylene chloride is also known as dichloromethane, but is only assigned one CAS number. As you review your MSDSs, don't forget to check for compounds that contain these metals (i.e., zinc chromate, barium manganate). Metal compounds do not have CAS numbers. Therefore you cannot use the absence of a CAS number to assume that the material does not contain a target HAP.

| HAP | CAS number |
|--------------------|------------|
| Cadmium | 7440-43-9 |
| Chromium | 7440-47-3 |
| Lead | 7439-92-1 |
| Manganese | 7439-96-5 |
| Nickel | 7440-02-0 |
| Methylene Chloride | 75-09-2 |

A-6: Do vocational schools that offer collision repair classes have to comply with the NESHAP?

A: Yes, except that according to Section 63.11173(e)(3), "the requirements for spray gun application technology do not apply to painting performed by students and instructors at paint training centers." In addition, according to Section 63.11173(e)(1), "the [training] requirements do not apply to students of an accredited surface coating training program who are under the direct supervision of an instructor who meets the [training] requirements." In other words, the students do not have to be certified before they are trained. Requirements for spray booths and spray gun cleaning apply to vocational schools. If paint stripping with MeCl is performed, those requirements also apply. Vocational schools may petition for the exemption if they do not use coatings containing the target HAPs.

A-7: Do the HVLP and spray booth/preparation station requirements of the NESHAP apply only to the coatings containing one or more of the five target HAPs? If my primer does not contain any of the five target HAPs, do I have to spray with a HVLP gun and conduct the spraying in a booth or preparation station?

A. The requirements of the NESHAP apply to the spraying of all coatings for motor vehicles and mobile equipment, even those not containing the target HAPs. Your primer would have to be sprayed with an HVLP or equivalent gun within a booth, station, or mobile enclosure.

A-8 Can I spray coatings with a spray gun that has a paint cup capacity three ounces or less outside of a spray booth or preparation station?

A. The NESHAP excludes coatings applied from a hand-held device with a paint cup capacity that is equal to or less than 3 ounces from the definition of spray-applied coating operations. Therefore this activity is not covered under the rule.

Even though the use of a spray gun with a cup capacity of three ounces or less is not regulated under the NESHAP, it is likely that this painting is regulated under the Michigan Occupational Safety and Health Administration (MIOSHA). Please contact them at 517-322-1809 to determine what is allowed. See SB-8 for more information.

ENFORCEMENT**E-1: How will this regulation be enforced?**

A. Since the NESHAP is a federal rule and the Michigan Department of Natural Resources and Environment (DNRE) will not be taking delegation of the rule, it will be enforced by the U.S. EPA. The following Web site can be used to report suspected violations of a federal environmental regulation: www.epa.gov/compliance/complaints. Even though the DNRE cannot enforce this particular rule, part of our outreach will include educating building code officials and fire marshals about these requirements since they regulate auto body repair businesses as well. An extensive educational campaign should result in increased rates of compliance with the NESHAP.

The DNRE will continue to follow up on any complaints pertaining to all of the other environmental regulations applicable to auto body repair businesses. Those complaints can be called into the appropriate DNRE District Office or the Environmental Assistance Center at 1-800-662-9278.

E-2: How will enforcement agencies find those cash businesses that don't have business licenses, etc?

A. Typically, those operations will be found through complaints from neighbors, by employees who inquire about safety requirements, and by competitors who are concerned about the cost of unequal enforcement. The following Web site can be used to report suspected violations of a federal environmental regulation: www.epa.gov/compliance/complaints.

E-3: What are the penalties for not complying with the rule?

A. The penalties depend on several factors, such as the gravity of the offense, the economic benefit that the business gained by not complying, the business's effort to comply, the size of the business, the actual or potential harm that the offense caused, how long the offense occurred, etc. Under the Clean Air Act, the U.S. EPA is allowed to assess penalties of up to \$37,500 per day. The U.S. EPA also has the option to pursue violations as criminal offenses – generally if the offense involves intentional environmental crimes.

E-4: Is an auto dealership obligated to make sure the independent mobile refinishing company he/she hires to do on-the-lot touchups is in compliance with all NESHAP requirements?

A. The intent of the NESHAP is to minimize emissions of target Hazardous Air Pollutants. All independent mobile refinishing companies are subject to the NESHAP requirements if they use one or more spray guns with a cup size over three ounces. It is good business practice to make sure that subcontractors are in compliance with the law, particularly when the work is performed on your property. The NESHAP specifically states in Section 63.11173(f) that the training requirements apply to "all new and existing personnel, including contract personnel, who spray apply surface coatings." Ask the business to provide a copy of the Initial Notification or the Notification of Compliance Status that they sent to the U.S. EPA, or provide proof that they always use a spray gun cup size of three ounces or less and are therefore not covered by the rule. Since the training requirements apply to contract painters, a hosting facility is required to verify and maintain a record of the painters' certification, and should obtain that from the contractor.

MOBILE REFINISHERS**MR-1: Are mobile repair and refinishing businesses subject to the NESHAP?**

A. Yes, unless the mobile repair and refinishing business is only using paint spray guns with a cup capacity of three ounces or less and not paint stripping with methylene chloride. If they are using one or more spray guns with a cup capacity greater than three ounces, then they must comply with the same requirements as stationary sources. This includes painting with a mobile ventilated enclosure fitted with filter technology demonstrated to achieve 98 percent capture of paint overspray, using HVLP or equivalent transfer efficiency spray guns, proper cleaning of the spray guns, training, recordkeeping and submittal of the Initial Notification and Notification of Compliance Status. The mobile ventilated enclosure must enclose and if necessary seal against the surface around the area being coated such that paint overspray is retained within the enclosure and directed to a filter to capture paint overspray.

If a dealership contracts with a mobile repair and refinishing business to perform body work on cars in their lot, both the dealership and mobile refinisher could be subject to enforcement actions if the activities violate state and/or federal regulations.

NOTIFICATIONS**N-1: Do I have to use a specific state or the U.S. EPA form, or is any format acceptable as long as the appropriate information is provided in the Initial Notification?**

A. You do not have to use the state or the U.S. EPA-provided form. Any format is acceptable as long as it contains the required information provided below, found in Section 63.1175(a):

1. The company name, if applicable.
2. The name, title, street address, telephone number, e-mail address and signature of the owner or operator or other certifying company official.
3. The street address of the facility and the street address of where the required compliance documents are maintained (if different), or for mobile operations without a physical facility, the street address of where the documents required to demonstrate compliance are kept.
4. An identification of the rule the submission is for: 40 CFR, Part 63 Subpart HHHHHH.
5. A brief description of the type of operation, including, as applicable:
 - a. Whether the facility is a motor vehicle or a mobile equipment surface coating operation; and/or a paint stripping operation.
 - b. The number of spray booths and preparation stations.
 - c. The number of painters usually employed.
 - d. The method of paint stripping employed (chemical, mechanical, etc).
 - e. The substrate stripped (metal, wood, plastic, etc.).
6. For paint stripping operations, whether more than one ton per year of methylene chloride will be used after the compliance date.
7. A statement of whether the facility is already in compliance with each of the requirements or whether it will be brought into compliance by the compliance date.

8. If the facility is a new – or reconstructed source – the owner/operator must certify in the Initial Notification, the compliance status of the facility. If the facility is existing, certification is optional in the Initial Notification. Compliance certifications must include:
 - a. A statement by a responsible official certifying the truth, accuracy and completeness of the notification.
 - b. A statement that the source has complied with all the relevant standards of the NESHAP (40 CFR, Part 63, subpart HHHHHH) and that the Initial Notification also serves as the notification of compliance status.
 - c. A signature from the responsible official.
 - d. The name, title, phone number, e-mail address or the responsible official.

To obtain the Initial Notification form created by the Michigan DNRE, go to www.michigan.gov/air. Select “Clean Air Assistance,” and then “Paint Stripping and Miscellaneous Surface Coating” under “Federal Regulations.” An example Initial Notification form is also located at www.epa.gov/collisionrepair/index.html.

N-2: Who do the auto body repair businesses submit the Initial Notification and Notification of Compliance reports to?

A. Michigan businesses need to send the reports to the U.S. EPA at the following address:

U.S. EPA Region 5
Compliance Tracker (AE-17J)
77 West Jackson Blvd.
Chicago, IL 60604

N-3: How will the U.S. EPA inform the business owners about the NESHAP?

A. All applicable businesses must comply with the regulation whether or not they are directly informed by the U.S. EPA. The U.S. EPA has initiated a Collision Repair Campaign to educate the industry about the new regulation. Go to www.epa.gov/collisionrepair. In addition, the DNRE’s Environmental Assistance Program has mailed postcards to subject facilities informing them of the NESHAP and is coordinating the dissemination of information through the Automotive Service Association of Michigan. To repeat, a business is not absolved of responsibility for compliance simply because it has not been contacted directly by a government agency.

OTHER

O-1: Will the U.S. EPA regulate who can buy automotive paint (i.e., licensed business only) or place restrictions on the suppliers?

A. No. The NESHAP does not address the sale of automotive coatings.

O-2: Does the NESHAP require shops to use water-based paints?

A. No. The NESHAP does not mandate any coating formulation changes or switch to water-based paints.

O-3: Does the NESHAP require shops to stop using paints that contain heavy metals (Cr, Pb, Cd, Mn, Ni)?

A. No, existing paints can be used provided the NESHAP requirements are satisfied. The goal of the NESHAP is to protect the environment from paint overspray that contains these heavy metals.

PAINT STRIPPERS

P-1: Can I use purchase receipts to verify annual usage of paint strippers containing methylene chloride?

A. Purchase records can be used as long as they are sufficient to verify annual usage. See Section 63.11177(e).

SOURCE TYPE

S-1: What is an existing source?

A. For a source to be considered “existing,” it must meet one of the following conditions:

- Performed paint stripping and/or surface coating on or before to September 17, 2007, or
- Began installation of paint stripping and/or surface coating equipment on or before September 17, 2007.

S-2: What is a new source?

A. For a source to be considered “new,” it must meet both of the following conditions:

- Did not perform paint stripping and/or surface coating operations on or prior to September 17, 2007, and
- Installed and operated paint stripping and/or surface coating equipment after September 17, 2007.

If you purchase paint stripping equipment to reduce methylene chloride emissions, or purchase and install spray booths, enclosed spray gun cleaners, or new spray guns to comply with this rule at an existing facility, these actions would not make your existing facility a new source.

S-3: What is a reconstructed source?

A. A reconstructed source is an existing source that has replaced components to such an extent that the fixed capital cost of the new components exceeds 50 percent of the cost that would be required to construct a comparable new source. A source consists of all of the following: mixing rooms, spray booths and ventilated prep stations, spray guns and associated equipment, spray gun cleaning equipment, equipment used for storage, handling, recovery or recycling of cleaning solvent or waste paint and equipment used for paint stripping at facilities using paint strippers containing methylene chloride. A reconstructed source’s compliance deadlines are the same as a new source’s deadlines.

S-4: Is an existing source that is bought out by another business considered a new source?

A. No, unless the new owner upgrades the facility such that it becomes a reconstructed source as described in the answer to question S-3 above.

SPRAY BOOTHS**SB-1: Can I prime or do other spray painting of vehicles in the general shop area, outside of a spray booth or preparation station?**

A. Yes, as long as you use a mobile ventilated enclosure to capture overspray. According to Section 63.11173(e)(2)(iv), “mobile ventilated enclosures that are used to perform spot repairs must enclose and , if necessary, seal against the surface around the area being coated such that paint overspray is retained within the enclosure and directed to a filter to capture paint overspray.

SB-2: Can I prime a fender of a complete automobile in a preparation station with three complete walls?

A. No – three-walled prep stations can only be used for parts or subassemblies. The fender must be removed from the complete automobile for priming in a three-walled preparation station and the preparation station must also have a roof, be ventilated so that air is drawn into the area, and the ventilation system must be fitted with a filter technology that is demonstrated to achieve at least 98 percent capture of paint overspray. Preparation stations and spray booths that are large enough to hold a complete vehicle must have four complete side walls or curtains and a complete roof.

SB-3: Does the NESHAP address the frequency of filter changing? If not, how often should my filters be changed?

A. No, the NESHAP does not address frequency of filter replacement. The frequency of filter replacement is dependent on several factors, including how much coating is applied and how much overspray it must filter. This varies from business to business. The filter should be changed at a frequency that allows the ventilation system to perform properly – that the motor in the ventilation system continues to operate efficiently. Consult the ventilation system manufacturer for their recommendations on how to tell when the filter should be changed.

SB-4: What type of filters must I use in my spray booth, preparation station, or mobile enclosure?

A. Section 63.11173(e)(2)(i) requires that the filters used have been demonstrated to achieve at least 98 percent capture of the paint overspray. The demonstration must be consistent with the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Method 52.1 and some additional criteria mentioned in Section 63.11173(e)(2)(i). The NESHAP requires you keep documentation of this demonstration which your filter supplier should be able to provide.

SB-5: Some downdraft booths do not have a full roof or complete walls that meet the ceiling; however, the booths are efficient in capturing the overspray and directing it through filters. Would a shop have to construct a roof and lengthen their walls to meet Section 63.11173(e)(2)(ii)?



An industry review found that many automotive collision repair facilities utilize “Prep Stations” or “Prep Decks” to sand, prime¹, block and feather vehicles. A common variation of these “Prep Stations” or “Prep Decks” (and we are aware of others) creates an airflow that channels air from a large filtered plenum above that is then drawn down into a filtered “vent” or “fabricated trench” in the floor, exiting out an exhaust vent. The area is usually contained by the use of “side curtains” often hung at a height equal to or higher than the large filtered plenum falling upon the floor to “close off” the prep area. Often there is a gap left between the top of the large plenum and the side curtains which allows for “shop make-up air” to flow through, again, exhausting out through the filters and into the floor.

Are these gaps allowable? Would the U.S. EPA cite a shop as being in violation of the NESHAP?

We cannot provide you with a definitive answer to these questions but here is what we do know that would be considered upon a U.S. EPA inspection:

- The NESHAP requires spray painting to be performed within an enclosure (roof and walls or curtains) that is maintained under a negative pressure² so that the overspray is captured on a filter as opposed to the overspray being exhausted into the air or landing on the floor of the shop.
- Agencies enforcing environmental regulations would look for evidence of overspray staining structures outside of the prep station. Items that they would check, but not be limited to, would be the operation of the fan, the integrity of the paint filters and the actual operation of prep station before making any determination of compliance with the NESHAP.
- Methods that ensure proper capture of overspray in the prep station will decrease the chance of being cited in violation of the NESHAP.

The spray painting in a prep station must also comply with local fire and mechanical codes and the MIOSHA standards. These codes and standards serve to protect the health of the painter and other employees in addition to preventing fires and/or explosions.

¹ Prime – a refinish operation that may include the atomizing of paint primer and/or sealer.

² The NESHAP allows the enclosure to be operated at a positive pressure not to exceed 0.05 inches water gauge provided that the enclosure is fully enclosed and has seals on all doors and openings and has an automatic pressure balancing system.

SB-6: Does a shop have to keep records of their filter change outs?

A. The NESHAP Subpart HHHHHH does require the shop owner to maintain documentation of the filter efficiency but it does not require the shop to keep a log of when they replace them. As a best management practice, it is recommended that you install manometers or magnehelics to measure the pressure drop across the filters which is a good but maybe not absolute indicator of when filters need to be changed. Although not required under the NESHAP, keeping a log of when filters are replaced can serve as a good reminder to pay close attention to the condition of the filters. If the filters do become plugged or are not properly maintained or installed, that can result in not maintaining the booths under a positive or negative pressure which is a requirement under the NESHAP.

SB-7: Do I need to maintain filter purchase records to demonstrate that I always use the proper filters?

A. Maintaining records of your filter purchases is an excellent business practice and is recommended. However, the rule does not require that you keep records of the number of filters you purchase in a year. You do need to have the correct filters in your booth or preparation station at all times, and documentation in your files (see Section 63.11177(b)) that the filters you do use meet the 98 percent (or greater) capture efficiency and other requirements. See 63.11173(e)(3)(i) for more information regarding the type of filters you need to use.

SB-8: Can I spray paint on the shop floor as long as a fan and filters are installed in the vicinity of the spray painting?

A. No, unless all of the rule enclosure requirements are met. Spray finishing operations are regulated by local, state, and federal agencies. Spray painting has the potential to affect the health and safety of employees and the public, as well as the environment, if not conducted in a responsible manner. According to Section 63.11173(e)(2) of the NESHAP, spray applied coatings must be applied in a spray booth, preparation station, or mobile enclosure. Booths and stations must be:

- Fitted filter technology demonstrated to achieve at least 98 percent capture. The ASHRAE Method 52.1 shall be used to demonstrate filter efficiency.
- Fully enclosed with a full roof, and complete walls or side curtains. If refinishing complete motor vehicles, four walls or curtains are required. If painting subassemblies or parts, the booth or station must have at least three walls or curtains.

- Ventilated at negative pressure, however a spray booth fully enclosed and has seals on all doors and openings and has an automatic pressure balancing system may be operated at not more than 0.05 inches water gauge positive pressure.

Mobile enclosures must enclose and, if necessary, seal against the surface around the area being coated such that paint overspray is retained within the enclosure and directed to a filter (see description above) to capture overspray.

The MIOSHA regulates spray finishing operations to control or eliminate fire, explosion, and toxic exposure hazards. The level of protection depends on the hazards present at the facility. The flash points of solvents contained in the MSDSs of the coatings sprayed and air monitoring data are used in determining whether the spraying painting can occur within a “spray room” which offers moderate protection or a “spray booth” which offers the most protection. The design criteria of a spray booth is more rigorous than a spray room and consequently more costly. Spray booths must be equipped with automatic sprinklers and the average air velocity over the open face of the booth cannot be less than 100 linear feet per minute. A spray room must be constructed out of noncombustible materials and have sufficient ventilation to maintain the atmosphere at no more than 25 percent of the lower explosive limit of the solvent being sprayed. The determination of whether a spray room or spray booth is required is site specific.

Businesses with paint finishing operations must comply with the MIOSHA standards, the NESHAP and local fire and building codes. The regulations are not mutually exclusive. They need to be complied at the same time and therefore it is advisable that a business contact the MIOSHA Consultation Education Training (CET) Division at 517-322-1809 before making any changes to their spray finishing operation to comply with the NESHAP. This proactive and comprehensive approach to compliance will ensure protection of both worker health and safety, and the environment which in turn will reduce the business’s liabilities and risks.

SB-9: During the repairs of a vehicle on a frame rack, structural components such as the lower frame rail need to be painted before the repair is completed. Since the spray painting needs to occur when the vehicle is immovable, can we paint these components outside of a spray booth or preparation station for this special circumstance?

- A. No, all spray painting must occur within a spray booth, preparation station or mobile enclosure. The NESHAP does not contain a special exemption for the situation described above. The frame rack may be enclosed with curtains in order to establish the full four wall enclosure required by the rule. See Section 63.11173(e)(2)(ii).

SB-10: Does the NESHAP allow me to paint on the floor if I am using a three ounce spray gun?

- A. No, the NESHAP simply states that the spray painting with a three ounce spray gun is not regulated under the NESHAP. Shops still need to comply with all existing state and federal regulations. For example, the MIOSHA does have two standards designed to control fire/explosion and toxic exposure hazards from spray painting activities regardless of the paint cup capacity of the spray gun. In other words, the MIOSHA standards don’t have a 3 ounce paint cup exemption. These two standards have been around for years although many shops are hearing about them for the very first time.

Part 76 - Spray Finishing Using Flammable and Combustible Materials

The goal of this standard is to prevent explosions and fires. This standard applies to spray painting of coatings that have flash point of 200 degrees or less. Under the standard, there are 3 levels of control and they are listed below in order of increasing control.

Level 1 – spray area (no source of ignition within 20 feet of spray gun)

Level 2 – spray room

Level 3 – spray booth

The MIOSHA inspectors will start at Level 2. Based upon the amount and type of coatings used and personal air monitoring data, the inspector will determine if Level 2 is appropriate or if a higher level of control (Level 3) is needed. In some unique cases, a facility may be able to spray paint under Level 1 conditions but it is more of the exception than the rule. They would have to provide a demonstration as to why they cannot paint within a spray room.

http://www.michigan.gov/documents/CIS_WSH_part76_38114_7.pdf

Part 301 - Air Contaminant

The goal of this standard is to protect the health of the worker from the toxic qualities of the coatings sprayed. Even though the spray painting of coatings may not fall under Part 76, it could still be regulated under Part 301. Air monitoring will dictate what changes would be necessary to comply.

http://www.michigan.gov/documents/CIS_WSH_part301_35589_7.pdf

For assistance on understanding these standards, contact the MIOSHA Consultation Education and Training Division at www.michigan.gov/cetrca or call 517-322-1809.

SPRAY GUNS**SG-1: Does the U.S. EPA maintain an approved list of spray guns?**

A. No, the U.S. EPA does not have a list of approved spray guns. Approved spray gun technologies include: HVLP, electrostatic, airless, or air assisted airless. Other technologies are acceptable if the spray gun manufacturer has demonstrated the guns have comparable coating transfer efficiency to one of the approved technologies and have received written approval from the U.S. EPA, California, or another jurisdiction in your state which accepts California's test protocols for spray gun transfer efficiency. Again, check with the manufacturer of the gun and obtain a copy of a letter of the gun's approval from the U.S. EPA or other jurisdiction for your records. California's list of seven specific (non-HVLP) guns are equivalent to or better than HVLPs since they are demonstrated to achieve at least 65 percent transfer efficiency. These are listed at <http://www.aqmd.gov/permit/spraytransferefficiency.html>.

SG-2: Is atomizing gun cleaning solvent allowed if it is directed into the collection bucket?

A. No, spraying into an open bucket is not allowed.

SG-3: Does the NESHAP apply to the application of chip and abrasion resistant coatings?

A. The NESHAP applies to coatings that are applied using a hand-held device that creates an atomized mist of coating; however, the rule does exclude non-refillable aerosol containers and paint guns with a paint cup capacity of three ounces or less. Therefore, the application of a chip and abrasion resistance coating by a non-refillable aerosol can, brushing, rolling, an applicator that does not atomized the coating or a spray gun with a paint cup capacity of three ounces or less is not subject to the requirements of the NESHAP. For more information on spray applying vehicle undercoating, see the U.S. EPA determination letter dated February 11, 2010, that can be found at <http://www.smallbiz-enviroweb.org/Compliance/NewRules/PaintStripping.aspx>

TRAINING**T-1: Can I train my own employees or should we have a third party do it?**

A. The training requirements do not specify that any one training provider or program must be used. The rule allows flexibility for the best training environment and certification process that an owner or operator can identify for their particular work site that meets the requirements in the NESHAP. The NESHAP allows for in-house training programs and for an owner of a facility to certify successful completion of such a training program. Third party training might be available from coating equipment vendors, paint suppliers, associations, community colleges and consultants. The minimum requirements for training are outlined in the answer to question T-6 below, and are found in Section 63.1173(f) of the NESHAP.

T-2: What painter certifications are required? Are there any specific certified training programs? Who is going to approve the certification process?

A. Every painter who spray applies coatings to motor vehicles and/or mobile equipment must be trained and the owner or operator must certify that their painters were trained. The U.S. EPA will not establish or designate a body to certify or approve training programs. The rule includes sufficient detail on the training requirements so that training programs can be developed to meet those requirements (see §63.11173(f)). Certification by the trainer and/or the owner/operator that the training program meets the requirements is required. However, there is no approval of the certification process.

T-3: Is documentation required for certification? How do we certify our painters? [e.g., transcripts, certificates, etc.]

A. The owner or operator of a surface coating operation must ensure and certify that all those personnel who spray apply coatings under the rule are trained. The owner or operator must keep records documenting that each painter has completed training that meets all of the requirements in the NESHAP, and when that training occurred. If a third party training program is used, ask for a certificate from the training provider that specifies that the requirements of the NESHAP were met for each painter who successfully completed the course. No matter who provides the training, it is advisable to keep a copy of the course syllabus as well.

T-4: Can a painter use previously conducted training to satisfy the NESHAP training requirement?

A. Maybe - painter training that was completed within five years prior to the date training is required, *and that meets the requirements for training specified in the rule* (§63.11173(f)) does satisfy the requirement and is valid for five years after the training was completed. The date the training is required is:

- **Existing facilities:** before January 10, 2011, for all employees - or if hired after January 10, 2011, within 180 days after hire.
- **New facilities** – no later than 180 days after hire.

Asking it another way, if I had training two years ago that covered all that the NESHAP requires except for the provisions of the NESHAP itself, and now I take a supplementary course that covers the rule, is my training valid for five years from the time I took the bulk of the training (two years ago) or from the time I completed the training by taking a supplemental course about the NESHAP? The answer is it would be five years from the date of the earlier training because training on each required topic must always be less than five years old.

T-5: Do painter helpers need to go through the required training?

A. The training requirement applies to all new and existing personnel, including contract personnel, who spray apply surface coatings. If the painter helper never spray applies surface coatings, then the helper does not need to be trained. If the painter helper does occasionally spray apply coatings, the helper must be trained.

T-6: What should the training syllabus look like?

- A.** As specified in Section 63.1173 (f) of the NESHAP, the training syllabus should contain the following topics:
1. Hands-on *and* classroom instruction that addresses, at a minimum, the following topics:
 - a. Instruction on routine spray booth and filter maintenance, including filter selection and installation.
 - How to install/operate filter technology on all spray booths/stations/enclosures *within the booth manufacturer's guidelines* to achieve at least 98 percent capture efficiency – *related topics such as:*
 - *How to obtain advertised performance for air flow;*
 - *Optimum coatings application parameters;*
 - *Adjustment of booth controls to maintain peak efficiency;*
 - *When and how to change booth filters as required.*
 - Spray booths/stations used to refinish complete motor vehicles or mobile equipment must be fully enclosed and ventilated at negative pressure or up to 0.05 inches water gauge positive pressure for booths that have seals on all doors and other openings and an automatic pressure balancing system.
 - Spray booths/stations used to coat miscellaneous parts or products or vehicle subassemblies must have a full roof, at least three complete walls or side curtains, and ventilated so that air is drawn into the booth.
 - b. Instruction on spray gun operation including:
 - Spray gun equipment selection,
 - Set up, and operation,
 - Measuring coating viscosity,
 - Selecting the proper fluid tip or nozzle,
 - Achieving the proper spray pattern,
 - Achieving the proper air pressure and volume,
 - Achieving the proper fluid delivery rate.
 - c. Instruction on spray technique including:
 - Spray technique for different types of coatings to improve transfer efficiency and minimize coating usage and overspray.
 - Maintaining the correct spray gun distance and angle to the part, using proper banding and overlap, and reducing lead and lag spraying at the beginning and end of each stroke.
 - All spray-applied coatings must be applied with a high volume, low pressure (HVLP) spray gun, electrostatic application, airless or air-assisted airless spray gun, or an approved equivalent technology. *An HVLP-equivalent technology not previously approved by California or according to California test methods and guidance* must be approved by the U.S. EPA – they need to submit a request to the U.S. EPA with a copy of the manufacturer's equipment information.
 - Proper spray gun cleaning procedure. Paint spray gun cleaning must be done so that an atomized mist or spray of the cleaning solvent is not created outside a container that collects used gun cleaning solvent.
 2. Instruction on what is necessary for *site-specific understanding of* environmental compliance with the requirements of the NESHAP.
 3. The training program must also include a description of the methods, such as testing, to be used at the completion of initial or refresher training to demonstrate, document, and provide certification of successful completion of the required training. Records should be kept for each painter that include:
 - Employee name
 - Date or initial training and the date of each renewal
 - Training provider(s)
 - Course name(s)
 - Training Content such as the course syllabus

T-7: The NESHAP states that painters can avoid the initial training if the owner/operator has documentation that the painter's work experience and/or training has resulted in training equivalent to the training required under the NESHAP. How does one document experience?

A. The requirement that work experience resulted in training equivalent to the training required in the NESHAP means that the painter has undergone an impartial assessment of their spray gun set up and spray technique by a person other than themselves within the past five years. The assessment must have included all the topics listed in the NESHAP, but could have been done by a supervisor or an outside expert in a context other than a training course. There does need to be documentation of the work experience and how it has resulted in training equivalent to the training required in paragraph (f)(2). The owner or operator of the facility is responsible for determining if the experience is deemed equivalent. Even if another party evaluates the painter's work experience and training, the owner or operator must attest to the validity of the evaluation.