

1. Are automated spray systems covered by this rule?

A: Automated and robotic spray systems are not covered by the rule.

The rule applies to "spray application of coatings" which is defined as spray coating using a hand held device that creates an atomized mist of coating. This rule does not apply to spray painting when the paint cup associated with the spray gun has a capacity of less than or equal to 3.0 fluid ounces. It also does not apply when the coating is a powder coating, or when it is carried out using non-refillable aerosol containers or non-atomizing application technology (e.g., brushing), electrodeposition coating, web coating, coil coating, touch-up markers, or marking pens. The rule also does not apply to thermal spray operations in which material is heated to a molten or semi-molten state and propelled to the work piece using compressed air or other gas where a bond is produced on impact. (§63.11179)

2. What about certain coatings being included in the rule?

Can we confirm whether spray-on truck bed liners are covered or not? (It is defined but not otherwise mentioned anywhere in the rule or preamble.)

A: It does present some confusion by being defined and not mentioned otherwise. Appears that they have to look at the requirements for coating a mobile vehicle and step through.

The rule exempts in-mold spray coatings, but what about closed molding sprays? (Under definition of "coating".)

A1: Technically, seems like closed molding would fit under "in-mold" definition. This is the same definition used in the MACT standards.

A2: Similar to an in-mold coating, you're spraying the gel coat into the "closed" mold. You're doing that while the mold is open, and it's only closed when you start adding the resin. The gel coat isn't a coating in the same way coating is intended in this rule.

3. How is MeCl used in the shops?

A: Methylene chloride is used in the shops to remove dried paint from objects.

4. **“Will there be” personal protective equipment to protect workers?**

A: The rule does not address personal protective equipment for workers. That is outside the authority of the Environmental Protection Agency. The federal and state Occupational Safety and Health Administrations address worker protection. However, the rule is expected to reduce exposures of workers by minimizing worker exposure to MeCl, solvents, and airborne paint particles as the shops use the best practices.

5. **What is the threshold for MeCl use?**

Are we subject to the MeCl rule if less than 1tpy?

Do we need to prepare a plan for MeCl if less than 1tpy?

A: There is no threshold amount of MeCl use that triggers the application of the rule to a shop. The rule applies to commercial shops that use MeCl to remove paint (also enamel, varnish, shellac, lacquer) from wood, metal, plastic, and other substrates. Any use of MeCl for stripping coatings subjects the shop to the rule with its requirements for minimizing the use and evaporation of MeCl and maintaining copies of the shop’s annual use of MeCl. However, if the shop uses more than 1 ton of MeCl per year, it must not only minimize the evaporation of MeCl and keep track of its use of MeCl, but also develop and implement a written plan for that minimization and post signs outlining the plan in the paint stripping area. Note that the 1 ton refers to the MeCl content of the stripper, not to the total weight of the stripper itself. (§63.11173)

6. **Is painting/hobby at home/not being paid, “applicable to new rule”?**

A: The rule does not apply to paint stripping or coating operations carried out by individuals on their personal vehicles, possessions, or property. The rule does not apply when surface coating or paint stripping is performed by individuals for others without compensation, although a person who spray applies surface coating to more than two motor vehicles or pieces of mobile equipment per year is subject to the requirements that pertain to motor vehicle and mobile equipment regardless of whether compensation is received (§63.11169).

Asking it another way:

If I repaint three of my own cars in one year, does the rule apply to me?

A: Yes

7. What has to be “filtered”?

A: The rule requires that preparation stations, spray booths, and mobile enclosures be fitted with filters that are at least 98% efficient for the capture of paint overspray. These filters capture particles of coating that are part of the overspray and that become airborne during sanding operations. They will not capture solvents which have evaporated.

8. Will the approved spray guns be on the EPA website?

A: EPA does not have a list of approved spray guns. The shop should check with the manufacturer to learn if the gun is an HVLP, electrostatic, airless, or air assisted airless spray gun which are approved technologies. Other coating technologies are acceptable if the spray gun manufacturer has demonstrated they have comparable coating transfer efficiency to one of the approved technologies and have received written approval from the EPA. Again, check with the manufacturer of the gun. (§63.11173)

9. Does the rule require a filter for gun-cleaner systems?

A: No. The rule requires a filter for spray booths, preparation stations, and mobile enclosures. However, this requirement does not apply to waterwash spray booths. (§63.11173)

**10. Is atomizing a gun cleaner allowed if it is directed INTO the collection bucket?
(63.11173(e)(4))**

A: It would not be a recommended method unless there was some way to demonstrate/ensure that no spray is coming out of the bucket. Spraying into an open bucket without any bounce back does seem like a practice that could be difficult to do correctly on a continuous basis. It would be better to enclose by putting the top on and covering all the open space around the gun during cleaning.

11. What painter certifications are required?

Are there any specific certified training programs?

Who is going to approve the certification process?

Are training certification requirements going to be left up to the individual states?

Since most instructors in Georgia are certified by a class that teaches the elements of rule, will this satisfy the painter certification requirements?

Do PPG/DuPont/Akzo-Nobel classes qualify the instructors as certified?

A: EPA does not believe it is necessary to establish or designate a body to certify or approve training programs. The rule includes sufficient detail on the training requirements that training programs can be developed to meet those requirements. EPA believes that the painters and owners are the appropriate judge of which programs will be the best investment of their time and resources.

The minimum requirements for training are described in §63.11173. 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 final rule. For example, the rule allows for in-house training programs and for an owner of a facility to certify successful completion of such a training program. However, it remains the prerogative of the state to specify more stringent training requirements than EPA has included in the rule.

What satisfies “hands-on” training? Is the Virtual STAR training sufficient?

(63.11173(f)(2))

A: Can't be sure without seeing the curriculum. Without seeing it, it does seem like that was the intent in the rule development. We have heard about some states requiring additional training beyond minimum. Again, states can require something more stringent than EPA's rule.

Also, we have heard some groups interpreting the rule to say that hands-on training isn't required - that classroom training could satisfy all the training requirements. Is this true?

A: It seems pretty clear in 63.11173(f)(2) that training includes "hands-on and classroom" instruction. Every reference to content of the training program refers back to (f)(2).

12. Is documentation required for certification?

How do we certify our students? [e.g., transcripts, certificates, etc.]

A: §63.11173 (f) says that the owner or operator of a surface coating operation must ensure and certify that those personnel who spray apply coatings under the rule are trained. §63.11177 says that the owner or operator must keep records documenting that each painter has completed the training and when that training occurred. If I were an owner of a shop, I would either provide or ask for a certificate from the training provider, specifying that the requirements of the rule were met by students who successfully completed the course. The owner might keep a copy of the course syllabus as well. Then the owner must certify to the implementing agency that the painters have been properly trained and tested.

13. Is there a "grandfather" clause... when does the timeline begin? ...For certification?

When does the time clock begin if hands-on vs. rule training occurs?

A: §63.11173 (g) explains when painters must be certified. It also explains that painter training that was completed within 5 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 5 years after the training was completed.

Asking it another way:

If I had training 2 years ago that covered all that the rule requires except for the provisions of the rule itself, and now I take a supplementary course that covers the rule (like these workshops), is my training valid for 5 years from the time I took the bulk of the training (2 years ago) or from the time I completed the training by taking a supplemental course about the rule?)

A: My response would be 5 years from the date of the earliest training because although teaching the requirements of the rule is important, equally important are the work practices and technological advances in spray technique, equipment, etc.

Is it sufficient to supplement previous training with classroom training on elements of the rule to meet all the requirements? (63.11173(g)(1))

A: Yes. The rule training wouldn't need to be overly detailed, but should focus on the key areas that the painter would have some responsibility, including recordkeeping.

14. Who do the shops submit notification/compliance reports to?

A: In most cases, the implementing agency will be the state air pollution program. However, there will be some cases where the city has an air pollution program that will be the implementing agency. In a few cases, the EPA regional office will be the implementing agency. Because the rule was published in January 2008, the implementing agencies have not yet been determined.

15. How will you inform the shop owners?

A: It will be the responsibility of the implementing agency to inform shop owners concerning the rule. Nonetheless, EPA and several states intend to reach out to the shop owners through the small business programs, through the paint manufacturers, through the industry associations, and by direct mail in some cases. It should be noted that a shop is not absolved of responsibility for compliance simply because it has not been contacted directly by a government agency.

16. How does the rule apply if you can exempt out from the targeted HAPS but still have MeCl used for paint stripping, thereby subjecting you to the rule?

A: This is a tricky question. §63.11170 says that you are subject to this subpart if you operate an area source of HAP and you perform one or more of the activities in (a) (1) through (3) - i.e.,

- Strip paint using MeCl
- Spray apply coatings to motor vehicles
- Spray apply target-HAP containing coatings onto plastic or metal substrate parts.

The rule says [§63.11170(a) (2)] that you can petition for an exemption from this subpart if you can demonstrate that your automotive coatings do not contain target HAP. This says

that you can petition for an exemption from the subpart (not just the coating provisions) if you do not use HAP containing vehicle coatings.

Would this also exempt you from the other parts of the subpart - i.e., the MeCl requirements?

A: No, this probably could have been stated better. Our intent was that the petition would exempt them from the requirements associated with that specific source category.

Alternatively, if you are a shop that can show that you do not use HAP containing coatings in the vehicle painting, but you do use MeCl, does the fact that you use MeCl override the exemption that you could receive, and would you still be subject to all the provisions of the subpart - including those associated with the coating e.g., certified painters, filtered spray booths, HVLP guns or equivalent, non-atomized gun cleaning?

The issue is whether each of the 3 activities and related GACT controls addressed in §63.11170 (a) can be considered separately, or (as the wording of the rule seems to indicate) if any of the three activities is occurring at your shop, are you subject to the entire rule's provisions? We think the intent of the rule was to consider the different categories of practices (i.e., MeCl practices vs coating practices) separately. However, the wording of §63.11170 says "you are subject to this subpart if you ... perform one or more of the activities in paragraphs (a) (1) through (a) (3) of this section." **Are we reading the wording correctly that if you are in for any of those 3, you are in for all of them?**

A: We intended the applicability and requirements for each source category to be distinct.

17. Where is the documentation for submitting to EPA?

A: Typically companies that are subject to other hazardous air pollutant rules simply send a letter to the local or state air agency, or to EPA (depending on which has the authority for the rule), and conveys whatever information is necessary. Some states are developing templates that might be useful for those subject to the rule. Also, EPA has some example forms that can be found at: <http://www.epa.gov/ttn/atw/area/arearules.html#imp>.

18. What is a new facility? [move location, name change, owner change]

According to the rule (§63.11171):

- A new source
 - i. Commenced construction after September 17, 2007 by installing new paint stripping or surface coating equipment AND
 - ii. The new paint stripping and surface coating equipment is used at a facility that was not actively engaged in paint stripping and/or miscellaneous surface coating prior to September 17, 2007
 - iii. Note that if you purchase and install spray booths, enclosed spray gun cleaners, paint stripping equipment to reduce MeCl emissions, or purchase new spray guns to comply with this rule at an existing source, these actions would not make your existing source a new source.
- An existing source is a source that is not new or reconstructed (reconstructed sources are generally those that have replaced components to such an extent that the fixed capital cost of the new components exceeds 50% of the cost that would be required to construct a comparable new source and it is technologically and economically feasible for the reconstructed source to meet the relevant standards)

So is an existing source that moves to a new location a new source?

A: No, unless they "*replace components to such an extent that the fixed capital cost of the new components exceeds 50% of the cost that would be required to construct a comparable new source and it is technologically and economically feasible for the reconstructed source to meet the relevant standards*"

Is an existing source that is bought out by another company a new source?

A: No, unless they "*replace the components at the existing source to such an extent that the fixed capital cost of the new components exceeds 50% of the cost that would be required to construct a comparable new source and it is technologically and economically feasible for the reconstructed source to meet the relevant standards*"

19. How does this rule apply to an individual company painting their own vehicles?

A: There are two kinds of vehicles to be considered here.

- If the vehicle that is to be painted is intended to remain at the facility indefinitely after refinishing (e.g., mining equipment, fork lifts, farm equipment) then that

refinishing is considered to be part of the facility maintenance and is not subject to the rule. [§63.11180(a) (2) and §63.11180]

- If the vehicle that is to be painted is one that does not stay at the facility indefinitely after refinishing (e.g., delivery trucks), the coating of that vehicle is subject to the rule.

20. What does the phrase “records of any assessments of source compliance” mean in §63.11177(h)?

A: Intended to be any documentation used by the source to determine whether they comply, and whether any changes have occurred over the previous year that may need to be reported.

21. How will enforcement agencies find those cash businesses that don’t have business licenses, etc?

A: Typically those facilities 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.

22. What are the penalties for not complying with the rule?

A: The penalties depend on several factors, such as the gravity of the offence, the economic benefit that the business gained by not complying, the company’s efforts to come into compliance, the size of the company, the actual or potential harm that the offence caused, how long the offence occurred, etc. Under the Clean Air Act EPA is allowed to assess penalties of up to \$32,000 per day per violation. The implementing agency has discretion when assessing penalties.

States have their own policies that guide penalties.

EPA can still enforce if the state takes delegation, but we work together.

EPA also has the option to pursue violations as criminal offences - generally if the offence involves intentional environmental crimes.

23. If paint contains Cr+3 rather than Cr+6, will that affect whether it is considered to contain the target HAPs? [A full answer still coming...]

Background:

§63.11170 (a) (2) states that you can petition the Administrator for an exemption from the rule if you can demonstrate that you spray apply no coatings that contain the target HAPs as defined in §63.11180

§63.11180 defines "target HAP containing coating" as any spray applied coating that contains any individual target HAP [chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), cadmium (Cd)] that is, if that chemical is defined by OSHA as

- An OSHA -defined carcinogen [29 CFR 1910.1200 (d) (4)] at a concentration greater than 0.1% by mass

OR

- Any other individual target HAP at a concentration greater than 1.0% by mass

The shop can use the MSDS sheets to determine the concentration of the chemicals in the coating, as long as the MSDS represents the chemical concentrations down to the levels listed above.

29 CFR 1910.1200 (d) (4) says that Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

1910.1200(d)(4)(i)

National Toxicology Program (NTP), "Annual Report on Carcinogens" (latest edition);

1910.1200(d)(4)(ii)

International Agency for Research on Cancer (IARC) "Monographs" (latest editions); or

1910.1200(d)(4)(iii)

29 CFR part 1910, subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

Note: The "Registry of Toxic Effects of Chemical Substances" published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

Evaluation of HAPs as Carcinogens

(Note that compounds of all these metals are considered HAPs in the Clean Air Act §112)			
Chemical	NTP 11 th Report to Congress	IARC view	29CFR 1910 subpart Z
Lead (Pb) inorganic	-	Probably carcinogenic	
Lead organic	-	Not classifiable	
Manganese (Mn)	-	Could not find a reference in IARC	
Nickel (Ni) elemental	Reasonably Anticipated	Possibly carcinogenic	
Nickel compounds	Carcinogens	Carcinogenic	
Cadmium (Cd) and compounds	Carcinogens	Carcinogenic	
Chromium (Cr) hexavalent compounds	Carcinogens	Carcinogenic	
Metallic and Chrome 3 compounds		Not classifiable	

NTP report is at <http://ntp.niehs.nih.gov/index.cfm?objectid=32BA9724-F1F6-975E-7FCE50709CB4C932>

OSHA says [REGISTRY OF TOXIC EFFECTS OF CHEMICAL SUBSTANCES \(RTECS®\) \[336\]](#) published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

Where is the list of carcinogens?

A: This language simply reflected feedback we received from OGC when developing the major source rules, they did not want us to specify that MSDS were adequate data sources for demonstrating compliance, they preferred that we describe the parameters & criteria for the components listed on the MSDS.