

# **Consumer and Commercial Products Sector**

## **EPA Update 2007**

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**Small Business Environmental Assistance Program  
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# Overview

- Why are we doing all this right now?
- Aerosol Coatings
- Consumer Products
- Architectural and Industrial Maintenance (AIM) Coatings
- Control Techniques Guidelines for 3 Categories

**Section 183(e)**  
**Consumer and Commercial**  
**Products**

# Section 183(e) Refresher

- Section 183(e) requires EPA to “regulate” categories of consumer and commercial products that account for at least 80% of VOC emissions from all CCP in ozone nonattainment areas
- “Consumer and commercial products” is defined very broadly under section 183(e) – includes not only household products but a wide variety of industrial coatings, etc.
- EPA can issue Control Techniques Guidelines (CTGs) in lieu of federal regulations (national rules) if it can determine that a CTG would be substantially as effective as a rule in reducing VOC emissions in ozone nonattainment areas

# "Some Assembly Required"

- CTGs are not federal regulations but are federally recommended measures to be incorporated as part of approved State Implementation Plans (SIPs)
  - In order for a SIP to be approved by EPA, it must incorporate State and/or local rules that implement the measures recommended in the CTGs
  - To date, over 30 CTGs have been published covering a variety of surface coating, chemical manufacturing, and material handling operations

# Rule or CTG?

## ● Rules

- Are the default choice under 183(e)
- Preferred when users cannot be readily identified (individuals)
- Target manufacturers of CCP (users cannot be regulated)
- Apply nationwide: attainment and nonattainment areas
- Provide consistency across the country

## ● CTGs

- Can be used if determined substantially as effective as regulations
- Preferred when users can be identified (facilities)
- Target CCP users (facilities)
- Affect nonattainment areas only
- Result in State actions, which may introduce nuances

# Other Programs took Priority

- All categories listed under Section 183(e) were to be regulated within 8 years of the 1995 listing (i.e., by March 2003)
- EPA's attention and resources were focused on the air toxics program in late 90's and early 00's
- By 2005, we had completed only 6 of the original list of 21 categories
- Sierra Club filed a deadline lawsuit against EPA
- Guess who won?

# We Have a Winner!

- Decision rendered on 3/31/06
- Regulate 5 categories (Group II) by 9/30/06
- Regulate 5 categories (Group III) by 9/30/07
- Regulate remainder (Group IV) by 9/30/08

# Group I -- completed

- Consumer products – 24 categories (rule)
- Architectural coatings (rule)
- Automobile refinish coatings (rule)
- Aerospace coatings (CTG)
- Shipbuilding and repair coatings (CTG)
- Wood furniture coatings (CTG)

# Group II -- completed 9/29/06

- Flexible package printing materials (CTG)
- Industrial cleaning solvents (CTG)
- Flat wood paneling coatings (CTG)
- Lithographic printing materials (CTG)
- Letterpress printing materials (CTG)

# Group III -- due 9/30/07 (in progress)

- Portable fuel containers (final rule 2/26/07)
- Aerosol spray paints (rule)
- Paper, film, and foil coatings (CTG)
- Metal furniture coatings (CTG)
- Large appliance coatings (CTG)

## Group IV -- due 9/30/08

- Miscellaneous metal products coatings
- Fiberglass boat manufacturing materials
- Miscellaneous industrial adhesives
- Plastic parts coatings
- Auto and light duty truck OEM coatings

# Aerosol Coatings

# EPA's First Reactivity-Based Rule

- Aerosol coatings are listed in 183(e) Group III, with final action due by 9/30/07
- Industry urged EPA to adopt a national rule using the California reactivity-based rule as model
- We agreed that a reactivity-based approach was the best solution for the aerosol coatings category
- This is also consistent with our 9/13/05 "Interim Guidance on Control of VOC in State Implementation Plans"

# Some Questions We had to Answer

- Is the maximum incremental reactivity (MIR) scale used by California appropriate for use nationwide?
- Does the rule represent “best available controls” (BAC) as required under Section 183(e)?
- How do we deal with certain toxics, ozone depleters, etc. in aerosol coatings? (CA prohibits)
- How do we calculate mass VOC reduction credit for States to claim in their SIPs

# Special Consideration for Small Regional Manufacturers

- Most large and small manufacturers already market in California (so they are already in compliance)
- Some manufacturers may market only regionally, and not in California (so they have not yet been affected)
- EPA wants to reach out to small businesses
  - Inform small businesses to watch for proposed rule
  - Provide opportunity for small businesses to participate in the “notice and comment” regulatory process
  - May consider special provisions to help small businesses

# Aerosol Coatings Schedule and Contact

- Proposal June 2007
- Final September 2007
- Compliance January 1, 2009
- Project Lead  
Kaye Whitfield  
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*whitfield.kaye@epa.gov*

# **Consumer Products and AIM Coatings**

# Why are We Amending the CP and AIM Rules?

- These rules are not subject to court ordered schedules, but. . .
- EPA is under pressure to revise our old 1998 CP and AIM rules that are quite outdated
- States needing further VOC reduction credit are forced to adopt their own rules
  - Multiple State rules can be confusing and burdensome to small businesses
  - EPA cannot preempt States, but many States rely on EPA for reductions
- Clean Air Act Advisory Committee's Air Quality Management Subcommittee recommended that EPA adopt the OTC model rules for both CP and AIM (AQM 2.3 and 2.4)
- We are amending both our rules in one rulemaking action

# What's In the New CP Rule?

- We are following the latest 2006 Ozone Transport Commission (OTC) model rule (based on California's CONS-1 categories and limits)
  - Product categories increase from 24 to 56
  - VOC limits for most categories are lowered
- Special provisions
  - Streamlined variance provisions for delayed compliance
  - Innovative product exemptions (automatic if already approved in any State)
  - Nationwide relief for products in approved State alternative compliance (i.e., averaging) plans (ACP)

# What's In the New AIM Rule?

- We are following the 2001 OTC Phase I model rule
  - Adds new specialty coating categories
  - Lowers VOC limits for many categories
  - Consolidates some categories
  - Reduces total number of categories from 61 to 53
- We are keeping our current rule's special provisions (not in the OTC model):
  - Tonnage exemption
  - Exceedance fees

# CP/AIM Schedule

- Proposal July 2007
- Final December 2007
- Compliance January 1, 2009  
(FIFRA products 1/1/10)

# VOC Reduction Credit for States

- States need to know how much VOC reduction these rules will provide for SIP credit purposes
- 4/10/07 "Consumer Products Sector Government Summit" to spread the word to States
- 5/30/07 emission reduction credit guidance memo to Regional Offices and States
  - Aerosol Coatings            0.114    lb per capita (19%) reduction
  - Architectural Coatings    1.1        lb per capita (31%) reduction
  - Consumer Products        0.9        lb per capita (29%) reduction

# 183(e) Group III CTGs

# 183(e) Group III CTGs

- Final action on 3 categories due 9/30/07 by court order
- Plan to issue proposed and final determinations that CTGs will be substantially effective as national rules for these categories in reducing VOC emissions in ozone nonattainment areas
- Notices will announce availability of draft and final CTG documents

# Group III CTG Categories, Contacts, and Schedule

- Paper, Film, and Foil Coatings

- Kim Teal  
(919) 541-5580  
*teal.kim@epa.gov*

- Metal Furniture Coatings

- Martha Smith  
(919) 541-2421  
*smith.martha@epa.gov*

- Large Appliance Coatings

- Lynn Dail  
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- Schedule

- Proposed determination and draft CTG documents
- Final determination and final CTG documents

June 2007

Sept 2007

# Consumer and Commercial Products Sector Information

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