



## FACT SHEET

### In re: Proposed revisions to 250-RICR-120-05-33 “Control of Volatile Organic Compounds from Architectural and Industrial Maintenance Coatings”

#### Introduction

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to amend, 250-RICR-120-05-33 “Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings” (Part 33). Part 33 limits volatile organic compound emissions from the architectural and industrial maintenance (AIM) coatings.

#### Description of Proposed Amendments

The proposed amendment changes the volatile organic compound emissions (VOC) limitations for two architectural and industrial maintenance coating categories, wood coatings and specialty primers.

#### Demonstration of Need

Rhode Island is a member state of the Ozone Transport Commission (OTC), an organization set up by Congress under the Clean Air Act (CAA) which is composed of 13 entities in the Northeast and mid-Atlantic regions. The OTC developed model rules for the member states to use to reduce the emissions of ground-level ozone precursors. Adoption of OTC Model Rules by all member States ensures regulatory consistency throughout the region to address these pollutants. RI adopted the most recent AIM VOC emissions limitations from the OTC model rule in 2018. These limitations have not been adopted in Massachusetts creating an unfair economic advantage for bordering retailers located in RI. In particular the wood coatings emissions limitations and specialty primer emissions limitations are problematic. Professionals using the lower VOC coatings in these categories have reported that the lower VOC coatings are inferior products not producing the same result and, in many instances, are travelling to neighboring Massachusetts retail locations to purchase the higher VOC products for use in RI. Retail locations bordering Massachusetts have reported a drop in sales of these particular products because the low-VOC product is inferior, and professionals can easily obtain the higher VOC coatings by crossing the state line to purchase.

In the 2018 amendments, new VOC standards were established for 11 new AIM coating categories, 17 AIM coating categories were removed and absorbed by other coating categories, and VOC standards for 11 AIM coating categories were strengthened. Prior to the 2018 amendments the wood coating category contained emissions limitations for *Clear Brushing Lacquers (680 g/l)*, *Lacquers (550 g/l)*, *Sanding Sealers (350 g/l)*, and *Varnishes (350 g/l)*. In 2018 these categories were absorbed into the *Wood Coating* category with an emissions limitation of 275 g/l for all wood coatings. The proposed new standard of 350 g/l is significantly lower than the old standards for two of the wood coating categories and retains the 2018 standard for the other two wood coating categories, resulting in an insignificant effect on VOC emissions in RI.

Additionally, in the 2018 amendments, the *Quick Dry Primers, Sealers & Undercoaters* category was absorbed into the *Specialty Primers, Sealers & Undercoaters* category. For the specialty primers, sealers and undercoaters category we are proposing that the 2018 standard of 350 g/l be retained. This would

result in no decrease in emissions from this category based solely on the emissions limitation remaining at the 2018 level.

In Rhode Island, 2017 VOC emissions from AIM coatings were estimated to be 1079 tons/year and are included as part of the states nonpoint inventory. Total nonpoint VOC emissions for 2017 were estimated to be 27,564 tons/year, resulting in total AIM coatings accounting for less than 4% of the total nonpoint VOC emissions in RI . Additionally, California Air Resources Board (CARB) prepares a summary of coating sales by AIM category using data obtained from coating manufactures. It can be assumed that these sales proportions by category would be similar in RI. Based on the two coating categories RI is proposing to change, 2% of the total AIM coatings sold would be impacted by this change using data obtained from the ““CARB Staff Report for Proposed Updates to the Suggested Control Measure for Architectural Coatings,” dated April 19, 2019<sup>1</sup>.

### **Alternative Approaches Considered**

No alternative approaches were considered.

### **Identification of Overlapped or Duplicated State Regulations**

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments.

### **Determination of Significant Adverse Economic Impact on Small Business or Any City or Town**

The Office of Air Resources has determined that implementation of the amendments to Part 33 would not have a significant adverse economic impact on small businesses or cities and towns in the State , but in fact would have a small positive economic impact on small business in RI. Professionals currently going to neighboring states to purchase these products would now be able to purchase in RI increasing sales to small businesses located in RI. Additionally, the painting contractor would see savings as the cost of the higher VOC coating is slightly lower than the low-VOC coatings.

### **For more information or copies of the proposed amendments contact:**

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Or, visit the Proposed Regulations section of the DEM website at:

<http://www.dem.ri.gov/documents/regulations/>

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<sup>1</sup> [https://ww3.arb.ca.gov/coatings/arch/2019\\_scm\\_staff\\_report.pdf](https://ww3.arb.ca.gov/coatings/arch/2019_scm_staff_report.pdf)