

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**CONCISE EXPLANATORY STATEMENT**

**AGENCY:** Department of Environmental Management

**DIVISION:** Office of Air Resources

**RULE IDENTIFIER:** 250-RICR-120-05-33

**RULE TITLE:** Part 33 -“Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings”

**REASON FOR RULEMAKING:** Part 33 limits volatile organic compound emissions from the architectural and industrial maintenance (AIM) coatings. The Department of Environmental Management, Office of Air Resources is proposing changes to the volatile organic compound emissions (VOC) limitations for two architectural and industrial maintenance coating categories, wood coatings and specialty primers.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE**

**EFFECTIVENESS OF THE RULE:** not applicable

**TESTIMONY AND COMMENTS:** No comments were received.

**CHANGE TO TEXT OF THE RULE:** No changes.

**REGULATORY ANALYSIS** 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.

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.

**DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD:**