

Proposed Rulemaking
Adhesives, Sealants, Primers and Solvents
25 *Pa. Code* Section 129.77 and
Chapter 130, Subchapter D

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Adhesives, Sealants, Primers and Solvents Proposed Rulemaking

Why?

- Adhesives, sealants, primers and solvents contain volatile organic compounds (VOC) that are a precursor to ozone formation.
- This rulemaking is reasonably necessary to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standards (NAAQS) in this Commonwealth.
- The VOC content limits are expected to reduce emissions by approximately 21.8 tons per summer day (7,957 tons per year) statewide.
- Lower VOC emissions from adhesives, sealants, primers and solvents will improve air quality by reducing ozone precursor emissions.

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- The proposed rulemaking is consistent with the model rule developed by the Ozone Transport Commission (OTC) in 2006. The OTC member states concluded that reducing VOC emissions from these sources is cost-effective.
- The model rule is a regional strategy for OTC Member Jurisdictions (12 States and the District of Columbia) to obtain additional reductions in VOC emissions to achieve and maintain the health-based 8-hour ozone NAAQS.
- This regional strategy should enable manufacturers to produce a single product for the region rather than having to deal with a potential “patchwork” of programs.

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- In 25 *Pa. Code* § 121.1, the proposed rulemaking adds terms and definitions and revises existing definitions.
- A new 25 *Pa. Code* § 129.77 limits VOC emissions from the application or use of regulated adhesive, sealant, primer and solvent products at facilities, starting April 15, 2010.
- A new Chapter 130, Subchapter D, limits VOC emissions from regulated products through manufacture and use restrictions, starting April 15, 2010. The rulemaking applies to a person who:
 - Sells, supplies, offers for sale or manufactures for sale for use in this Commonwealth a regulated product.
 - Uses or applies for compensation a regulated product.

Adhesives, Sealants, Primers and Solvents Proposed Rulemaking

For both 25 *Pa. Code* § 129.77 and Chapter 130, Subchapter D, the proposed rulemaking includes VOC content limits for:

- Adhesives, sealants, adhesive primers and sealant primers.
- Adhesive and sealant products applied to particular substrates.
- Surface preparation or cleanup solvents.

Exemptions and Exceptions

Section 130.703 provides that the proposed rulemaking does not apply to the use or sale of certain products or compounds including:

- Adhesives, sealants and primers being evaluated in a research & development laboratory.
- Adhesives, sealants and primers regulated under the existing consumer products and architectural and industrial maintenance regulations.
- Certain naval warfare, aerospace and medical products.
- Adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive or sealant, less water and less exempt compounds, as applied.
- Contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of one gallon or less.

Exemptions and Exceptions

To address roofing industry concerns, §§ 129.77(m) and 130.703(c) and (d) contain a phase-in schedule for the use of compliant single-ply roof membrane adhesive products:

- Applicability will be phased in on the following schedule:
 - 2010 - from April 15 through October 15 only.
 - 2011 - from April 15 through October 15 only.
 - On and after January 1, 2012, fully applicable.
- § 130.703(c) The requirements of the subchapter do not apply to the use or application of single-ply roof membrane installation or repair adhesive, single-ply roof membrane sealant and single-ply roof membrane adhesive primer prior to April 15, 2010.
- § 130.703(d) The requirements of this subchapter do not apply to the sale, supply, offer for sale or manufacture for sale of a single-ply roof membrane installation or repair adhesive, single-ply roof membrane sealant or single-ply roof membrane adhesive primer prior to January 1, 2012.

Recordkeeping and Reporting Requirements

- On and after April 15, 2010, records maintained to demonstrate compliance must include the following information:
 - A data sheet or material list which provides the material name, manufacturer identification and material application for each product.
 - The VOC content of each product, as supplied.
 - The number of gallons of product sold in this Commonwealth.
 - A list of each adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent product in use and in storage.
 - Catalysts, reducers or other components used and the mix ratio.
- The records shall be maintained for at least 5 years and provided to the Department upon request.

Comments Requested

- As a result of recordkeeping concerns raised by certain members of the Air Quality Technical Advisory Committee, the Preamble seeks comments on alternatives to the recordkeeping provisions for the use of compliant products.
- Specific comments are also requested on the need for a date-coding requirement to facilitate enforcement of the regulation and the sale and use of product manufactured before the proposed compliance date of April 15, 2010.

Compliance Costs

- Cost-effectiveness could range from a savings of \$1,060 per ton to a cost of \$2,320 per ton of VOC reduced. (California Air Resources Board - CARB)
- Most affected entities will use compliant products, not add-on controls.
- Should the use of add-on control equipment be necessary, CARB estimated a cost-effectiveness of \$9,000 to \$110,000 per ton of VOC reduced.
- The compliance cost should be less in the Ozone Transport Region because some of the one-time research and development costs have already been incurred to meet similar requirements in California.

Advisory Committee Review

- The Air Quality Technical Advisory Committee reviewed the proposal on May 23, 2008.
 - Voted unanimously to recommend EQB consideration of the proposal.
 - Requested that the Department seek comment on recordkeeping requirements and the roofing industry issues.
- The Citizens Advisory Council reviewed the proposal on May 20, 2008.
- An overview of the proposal was presented to the Small Business Compliance Advisory Committee on April 23, 2008.

Recommended Public Participation Process

- The Department recommends a 60-day public comment period and three public hearings on the proposed rulemaking.
- If adopted as a final-form rulemaking, a revision to the State Implementation Plan will be submitted to the U.S. Environmental Protection Agency.



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