

**PUBLIC HEARING TO CONSIDER
THE AIRBORNE TOXIC CONTROL MEASURE FOR EMISSIONS OF
HEXAVALENT CHROMIUM AND CADMIUM FROM MOTOR VEHICLE AND
MOBILE EQUIPMENT COATINGS**

UPDATED INFORMATIVE DIGEST

Background

The California Toxic Air Contaminant Identification and Control Program (Program), established under California law by Assembly Bill 1807 (Chapter 1047, Statutes of 1983) and set forth in Health and Safety Code (HSC) sections 39650-39675, requires the Air Resources Board (ARB or Board) to identify and control air toxics in California. The Board identified hexavalent chromium and cadmium as toxic air contaminants (TACs) at its January 1986 and January 1987, Board hearings, respectively. Each TAC was identified without a Board-specified threshold exposure level.

Following the identification of a substance as a TAC, HSC section 39665 requires the ARB, with participation of the air pollution control and air quality management districts, and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation for that substance. HSC section 39665(b) requires that this needs assessment address, among other things, the technological feasibility of proposed airborne toxic control measures (ATCMs) and the availability, suitability and relative efficacy of substitute products or processes of a less hazardous nature. A needs assessment for hexavalent chromium was conducted in 1988.

Once the ARB has evaluated the need and appropriate degree of regulation for a TAC, HSC section 39666 requires the ARB to adopt regulations (ATCMs) to reduce emissions of the TAC. Because hexavalent chromium and cadmium do not have Board-specified threshold exposure levels, HSC section 39666 requires that the proposed ATCM be designed to reduce emissions to the lowest level achievable through the application of best available control technology (BACT) or a more effective control method, with consideration of cost, risk, environmental impacts, and other specified factors. In developing the proposed ATCM, State law requires an assessment of the appropriateness of substitute products or processes.

Description of the Adopted Regulatory Action

The ATCM virtually eliminates emissions of hexavalent chromium and cadmium from motor vehicle and mobile equipment coating facilities (primarily auto body shops) by prohibiting the addition of hexavalent chromium and/or cadmium to motor vehicle and mobile equipment coatings. Specifically, the ATCM prohibits the sale for use in California of any motor vehicle and/or mobile equipment coating that contains hexavalent chromium or cadmium. The ATCM also prohibits the use in California of a motor vehicle and/or mobile equipment coating that contains hexavalent chromium or cadmium.

The regulation allows manufacturers to sell coatings that contain hexavalent chromium or cadmium manufactured prior to January 1, 2003 until June 30, 2003. Manufacturers are required to date-code the coatings in order to qualify for the sell-through provision. In addition, the coating facility owners and operators are allowed to use the coatings containing hexavalent chromium or cadmium until December 31, 2003.

For compliance purposes, manufacturers are required to display a date or date-code on the product container indicating the date of manufacture and to provide the date-code key to the Air Pollution Control Officer.

The regulation includes test methods for determining compliance. The test methods are: American Society for Testing and Materials (ASTM) Method D3335-85a (1999), Standard Test Method for Low Concentrations of Lead, Cadmium, and Cobalt in paint by Atomic Absorption Spectroscopy; United States Environmental Protection Agency Test Method 7196A, Chromium, Hexavalent (Colorimetric) and Test Method 3060A, Alkaline Digestion for Hexavalent Chromium. Alternative methods which are shown to accurately determine the concentration of hexavalent chromium or cadmium compounds in a subject coating product or its emissions may be used upon written approval of the Air Pollution Control Officer.

Comparable Federal Regulations

There are no comparable federal regulations covering emissions of hexavalent chromium and/or cadmium from the use of motor vehicle and mobile equipment coatings.