

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Control of Volatile Organic Compounds from Architectural Coatings and Industrial Maintenance Coatings

Rule Identifier: 250-RICR-120-05-33

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 05/19/2020

End of Public Comment: 06/19/2020

Authority for this Rulemaking:

R.I. Gen. Laws § 42-17.1-2(19)

R.I. Gen. Laws Chapter 23-23

R.I. Gen. Laws Chapter 42-35

Summary of Rulemaking Action:

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.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until June 19, 2020 by contacting the appropriate party at the address listed below:

Karen Slattery, Deputy Administrator
Department of Environmental Management
Office of Air Resources
235 Promenade St, Suite 330
Providence, RI 02908
karen.slattery@dem.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

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.

Although R.I. Gen. Laws § 42-35-2.8, require that an oral hearing be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members, a virtual oral hearing will be granted if requested by one (1) or more persons during the public comment period.

A fact sheet that more fully describes the proposed revision to the regulation as well as copies of the proposed, revised regulation is available under Proposed Regulations on the Department's website.

For full regulatory analysis or supporting documentation see agency contact person above.