



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

REGULATORY ALERT

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Date [Citation]: 24 March 2008 [[73 FR 15604](#), [73 FR 15421](#)]

Regulatory Agency: U.S. Environmental Protection Agency

Rulemaking Type: Final Rule and Direct Final Rule

Title: National Volatile Organic Compound Emission Standards for Aerosol Coatings

Summary:

On 24 March 2008, EPA issued a final rule establishing reactivity-based national emission standards to regulate volatile organic compound (VOC) emissions from aerosol coatings ("Aerosol VOC rule"). For the purposes of this rule, "aerosol coating product" is defined as "a pressurized coating product containing pigments or resins that is dispensed by means of a propellant and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications." This regulation applies to aerosol coating manufacturers and importers; as well as to distributors, if they are named on the product label or specify the formulation of the product. National VOC emission standards are intended to control VOC emissions from certain categories of products. The Clean Air Act requires EPA to regulate VOCs because they contribute to the formation of ambient ozone, which is a major component of smog.

Although certain states have promulgated Aerosol VOC rules based on reductions of VOCs by mass, EPA has developed this national standard based on the relative reactivity approach. EPA believes a reactivity-based standard will achieve a greater reduction in ambient ozone formation than would a mass-based approach. The rule, which is EPA's first reactivity-based rule, encourages the use of less-reactive VOC ingredients in aerosol products.

Because EPA's existing regulatory definition of VOC exempted certain compounds that can contribute to ambient ozone formation, this final rule also includes a revision to EPA's regulatory definition of VOC. The revision specifies that all organic compounds contained in the volatile portion of an aerosol coating must be counted towards the product's reactivity-based limit if it has a reactivity factor greater than that of ethane or if it accounts for more than 7.3 percent by weight of the product formulation. Thus, certain compounds that would not normally be considered VOCs will count as VOCs under this final regulation. The final rule also includes a small-quantity manufacturer exemption for companies that manufacture fewer than 7,500 kilograms total mass of VOCs in all aerosol coatings.

Also on 24 March 2008, EPA issued a direct final rule ([73 FR 15421](#)) amending the final Aerosol VOC rule discussed above. The direct final rule clarifies and amends certain explanatory and regulatory text in the final rule, including misstatements and potentially confusing language about how compounds are added to the list in Tables 2A, 2B, or 2C-Reactivity Factors. EPA notes that it will consider requests to add compounds to the reactivity tables if such requests are received by 1 June 2008. The direct final rule also addresses when distributors and retailers are regulated entities responsible for compliance with the final rule.

Dates:

03/24/2008	Final rule effective date (no further comments are solicited on this final regulation)
04/23/2008	Comments due on direct final rule (if no public hearing is requested by 04/03/2008)
05/08/2008	Comments due on direct final rule (if a public hearing is requested)
06/23/2008	Direct final rule effective date, if no adverse comments are received

Potential Impacts to NASA:

The rule imposes limits on VOC content for aerosol coatings on coating manufacturers, importers, and certain distributors. The reactivity-based limits could be a driver for formulation changes to reduce VOC content. NASA programs should be aware of this regulation and potential changes in aerosol coating formulations.