

Motor Vehicle and Mobile Equipment Surface Coating Petition Checklist

40 CFR 63 Subpart HHHHHH

If you are a Motor Vehicle and Mobile Equipment Surface Coating facility that does not use any coatings that meet the definition of a target Hazardous Air Pollutants (HAP) containing coating, you can use this checklist to prepare your petition to the EPA Administrator for exemption from this rule.

Note: If even one of your paints is a target HAP containing coating, you must comply with the rule.

Target HAP containing coating: A spray-applied coating that contains any individual target HAP that is an Occupational Safety and Health Administration (OSHA)–defined carcinogen as specified in 29 CFR 1910.1200(d)(4) at a concentration greater than 0.1 percent by mass, or greater than 1.0 percent by mass for any other individual target HAP compound.

How do I tell if my coating is a Target HAP containing coating?

The Target HAP are compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), or cadmium (Cd). Review the MSDS for *each* coating (including any additives) that you use at your facility.

If any coating, as applied, has *more than* 1.0 percent by mass of a compound that has one of the above elements, then it is a target HAP containing coating.

If any coating, as applied, has *less than* 1.0 percent by mass of a compound that has one of the above elements, you will need to review the list of OSHA defined carcinogens. If the compound is on the list, and is present in more than 0.1 percent by mass, then it is a target HAP containing coating.

Review these two sources to determine if the compound is a carcinogen:

1. National Toxicology Program at <http://ntp.niehs.nih.gov/> and click on “Report on Carcinogens” in the Public Health Section;
2. International Agency for Research on Cancer Monographs at <http://monographs.iarc.fr/>.

Motor Vehicle and Mobile Equipment Surface Coating: Spray application of coatings to assembled motor vehicles or mobile equipment. Motor vehicle means any self-propelled vehicle. Mobile equipment is any device that may be drawn and/or driven on a roadway. This definition does not include coating of motor vehicle or mobile equipment parts or subassemblies at a vehicle assembly plant or parts manufacturing plant.

From the Federal Register, January 9, 2008:

EPA’s understanding, based on site visits and communications with the industry, is that many shops, especially smaller ones, purchase coatings “over the counter” on a retail basis and usually do not receive composition data, such as a material safety data sheet (MSDS), with these coatings. In addition, when a specific color is needed for refinishing a vehicle, it is usually custom-mixed from any number of about 50 different toners, either by the painter at the shop, or by the coating retailer. Therefore, it will likely be very difficult to determine whether any particular coating being sprayed contains the target HAP, unless the HAP composition of all

coatings within the shop is known. For this reason, and because we received comments from industry supporting the proposed requirements, we expect that few, if any, petitions will be received. We hope to encourage reformulation where possible through this provision.

Include the following in your submitted petition (see www.sblga.info, then click on “Auto Body Shops” for an example petition):

- Written description of the coatings that you spray-apply, including specific percentage of each chemical contained in the coating. (Ex: white Valspar base coat, 3 percent chemical X, 15 percent chemical Y, 62 percent chemical Z);
- MSDS or product data sheets for all coatings applied, including thinner;
- Written certification statement verifying that you do not spray apply **any** coatings that meet the definition of a target HAP containing coating. The certification must be signed by an authorized individual from your facility.

Mail the petition to all of the following:

- Send original petition to: EPA Region 6 Main Office
1445 Ross Avenue Suite 1200
Dallas, Texas 75202
- Copy of the petition to: TCEQ
Air Program Support Section, MC-174
P.O. Box 13087
Austin, TX 78711-3087
- Copy of the petition to: TCEQ
Regional Office
www.tceq.state.tx.us/about/directory/
- Retain one copy for your files.

If at any time you begin to spray apply coatings that meet the definition of a target HAP containing coating, you must submit the initial notification required by 40 CFR 63.11175 and comply with the requirements of 40 CFR 63 Subpart HHHHHH.

Web site link to the rule: <http://www.epa.gov/fedrgstr/EPA-AIR/2008/January/Day-09/a24718.pdf>

For further assistance, please contact TCEQ’s Small Business and Local Government Assistance confidential hotline at 1-800-447-2827 or visit www.sblga.info and click on “Auto Body Shops.”