

## FACT SHEET

### Final Amendments to Air Toxics Standards for Miscellaneous Coating Manufacturing

#### ACTION

- On June 17, 2020, the US. Environmental Protection Agency (EPA) finalized amendments to the 2003 Miscellaneous Coating Manufacturing National Emission Standards for Hazardous Air Pollutants (NESHAP).
- The Miscellaneous Coating Manufacturing (MCM) source category covers the manufacturing of paints, inks and adhesives.
- Following a residual risk and technology review conducted under the Clean Air Act (CAA), EPA is finalizing the standard to:
  - eliminate the startup, shutdown and malfunction exemption;
  - require periodic air emissions performance testing once every 5 years for facilities using add-on controls to demonstrate compliance with the standards; and
  - require facilities to submit electronic copies of compliance reports, including performance tests.
- This action applies to emissions units including process vents, storage vessels, equipment components, wastewater and heat exchange systems.
- EPA published the MCM RTR proposal in the *Federal Register* on September 4, 2019. The comment period closed on October 21, 2019.

#### RESIDUAL RISK ASSESSMENT

- The CAA requires EPA to assess the risk remaining after application of the final air toxics standards. This is known as a residual risk assessment.
- Based on the completed risk assessment, available health information and associated uncertainties, EPA determined risks from MCM to be acceptable and provide an ample margin of safety to protect public health.
- The maximum individual cancer risk for inhalation is estimated to be 6-in-1 million for the MCM source category.

#### TECHNOLOGY REVIEW

- The CAA also requires EPA to assess, review and revise the air toxics standards as necessary, taking into account developments in practices, processes and control technologies since the standards were first issued.
- The technology assessment for MCM did not identify any technological developments to reduce emissions of hazardous air pollutants.
- On April 21, 2020, as the agency was preparing the final rule for signature, a decision was issued in *LEAN v. EPA*, 955 F. 3d. 1088 (D.C. Cir. 2020) in which the Court held that EPA has an obligation to set standards for unregulated pollutants as part of technology reviews under CAA section 112(d)(6). At the time of signature, the mandate in that case

had not been issued and EPA is continuing to evaluate the decision.

## **BACKGROUND**

- The CAA requires EPA to regulate hazardous air pollutants, also known as air toxics, from categories of industrial facilities in two phases.
- The first phase is “technology-based,” where EPA develops standards for controlling the emissions of air toxics from sources in an industry group (or “source category”). These maximum achievable control technology (MACT) standards are based on emissions levels that are already being achieved by the best-controlled and lower-emitting sources in an industry.
- Within eight years of setting MACT standards, the CAA directs EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety and protect against adverse environmental effects. This second phase is a “risk-based” approach called residual risk. Here, EPA must determine whether more health-protective standards are necessary.
- Also, every eight years after setting MACT standards, the CAA requires that EPA review and revise the standards, if necessary, to account for improvements in air pollution controls and/or prevention.
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## **FOR MORE INFORMATION**

- Interested parties can download a copy of the final rule notice from EPA’s website at the following address: <https://www.epa.gov/stationary-sources-air-pollution/miscellaneous-coating-manufacturing-national-emission-standards>.
- Today’s action notice and other background information are also available electronically at <https://www.regulations.gov/>, EPA’s electronic public docket and comment system.
- For further technical information about the rule, contact Angie Carey at EPA's Office of Air Quality Planning and Standards, at (919) 541-2187 or at [carey.angela@epa.gov](mailto:carey.angela@epa.gov).