

DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

RESPONSE TO COMMENTS

for the

PUBLIC HEARING held on June 27, 2017
in BALTIMORE, MD
related to amendments to COMAR 26.11.32

Purpose of Hearing: The purpose of the public hearing was to allow for public comment on the Maryland Department of the Environment's (the Department or MDE) proposal regarding amendments to COMAR 26.11.32 Control of Emissions of Volatile Organic Compounds from Consumer Products.

The proposed action establishes new volatile organic compound (VOC) standards for 11 new consumer products and strengthens VOC standards for 15 existing consumer products.

Date and Location: The public hearing was held on June 27, 2017 at 2 p.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Aeris Conference Room, Baltimore, Maryland 21230.

Attendance: 2 Attendees.

Statement: The Department's statement was read by Husain Waheed, Senior Regulatory and Compliance Engineer of the Regulations Development Division of the Air and Radiation Administration, Department of the Environment.

Comments and Responses: Comments were received from American Coatings Association and Consumer Specialty Products Association.

A summary of the comments received and the Departments responses are below.

COMMENT:

Both commenters stated that they support the consistency between MDE's proposed Consumer Products regulations and the OTC Model Rule for Consumer Products.

RESPONSE:

The Department appreciates and agrees with the commenters that there is regional consistency regarding the Consumer Products regulations. Maryland is a member state of the Ozone Transport Commission (OTC), an organization set up by Congress under the Clean Air Act (CAA), which is comprised of 13 entities in the Northeast and mid-Atlantic regions. These entities include the states from Virginia to Maine including the District of Columbia. The OTC region is generally in nonattainment of the ozone national ambient air quality standards (NAAQS) established by the EPA. The OTC develops model rules for the member states to use to reduce the emissions of ground-level ozone precursors.

Maryland's action proposes amendments to COMAR 26.11.32 that institute the requirements of the 2010 and 2014 OTC model rules for consumer products. The 2010 and 2014 OTC model

rules were developed as part of a regional effort to attain and maintain the eight hour ozone standard, and reduce eight-hour ozone levels. The 2010 OTC model rule reflected changes made by the 2006 California Air Resources Board (CARB) rule. The 2014 OTC model rule reflected changes made by the 2009 CARB rule.

COMMENT:

Both commenters requested that the Department should establish May 1, 2018 as the compliance date for all provisions of the amended regulations. As proposed, the VOC limits of the Department's proposed regulations become effective on January 1, 2018. Commenters stated that companies that manufacture and/or distribute products on a regional basis need a reasonable amount of time to reformulate products to comply with the new/revised VOC limits and make necessary changes in product distribution channels to ensure compliant products are supplied to retailers.

RESPONSE:

The Department recognizes the challenges certain companies may have complying with the regulatory requirements by January 1, 2018. There are manufacturers, distributors and retailers who do not yet have compliant products on the market within Maryland for whom it will be difficult to meet the January 1, 2018 compliance date. The Department is committed to working with these companies and encourages them to contact the Maryland Department of the Environment's Air Quality Compliance Program to discuss compliance with COMAR 26.11.32.