

UPDATED INFORMATIVE DIGEST

AMENDMENTS TO THE TABLES OF MAXIMUM INCREMENTAL REACTIVITY VALUES

Sections Affected: This action amended sections 94700 and 94701, title 17, California Code of Regulations (CCR).

Background: At a hearing in 2000, the Air Resources Board (Board or ARB) approved amendments to the Regulation for Reducing the Ozone Formed from Aerosol Coating Products (title 17, CCR) that included Tables of Maximum Incremental Reactivity (MIR) Values for volatile organic compounds (VOCs) and mixtures of VOCs. The Board directed staff to periodically review the MIR values, and delegated to the Executive Officer the authority to adopt regulatory amendments if warranted. Recent chemical information used to calculate the MIR scale supports the need for updating the Tables of MIR Values and the adoption of the amendments.

Description of Regulatory Action: At a public hearing on November 3, 2009, a delegate of the Board's Executive Officer considered staff's proposed amendments to sections 94700 and 94701 (title 17, CCR), which consist of Tables of MIR values. Staff proposed to update the MIR values for all compounds that are currently listed in section 94700, and to add hundreds of new compounds with their associated MIR values. A new column labeled "New MIR Value [Effective Date]" was proposed to be added to section 94700 to display the updated MIR values for the currently listed compounds, as well as the MIR values for the newly added compounds. Staff also proposed to update the MIR values for 24 bins of hydrocarbon solvents contained in section 94701, in accordance with a change in methodology for calculating those bin MIR values.

After a public hearing on November 3, 2009, the hearing officer prepared a Hearing Officer's Report, which recommended that the Executive Officer adopt the regulatory action proposed by ARB staff with the modifications set forth in two 15-day notices that were made available after the hearing. As recommended by the hearing officer, the Executive Officer subsequently adopted the proposed regulatory action by signing Executive Order R-10-011.

Comparable Federal Regulations: In 2005, the US EPA published its Interim Guidance on Control of VOCs in Ozone State Implementation Plans (SIP). This interim guidance summarizes recent scientific findings, cites California's innovative use of reactivity information in developing VOC control measures, and clarifies the relationship between innovative reactivity-based policies and the agency's current definition of VOC. The notice states, "As States develop their 8-hour ozone SIPs, the EPA encourages them to consider how they may incorporate VOC reactivity information to make their future VOC control measures more effective and efficient." Subsequently, the US EPA approved (in 2005) a California SIP revision employing reactivity-based regulations of aerosol coating products, and finalized (in 2008) reactivity-based National VOC Emission Standards for Aerosol Coatings.