



Federal and State Regulators Continue to Focus Attention on Chromium Plating



Christian Richter & Jeff Hannapel, The Policy Group, Washington, DC

Industry Submits Comments on EPA's Proposed Ban of Fume Suppressants

The Environmental Protection Agency proposed to ban perfluoroalkyl sulfonate (PFAS) materials that are used to make the fume suppressants that are used extensively in the metal finishing industry to reduce air emissions and reduce workplace exposures, particularly for chromium plating processes such as hard and decorative chromium plating, chromic acid anodizing and plating on plastics. 71 Fed. Reg. 12311 (March 10, 2006). Government Relations recently submitted comments on behalf of the industry that highlighted the extensive beneficial uses of fume suppressants in metal finishing operations.

In the proposed rule, EPA provided for some limited existing use exemptions in other industry applications, but indicated that it was not aware of any commercial uses for PFAS materials in the metal finishing industry. The industry's comments noted how both EPA and OSHA have promulgated regulations based on fume suppressants used in metal finishing operations. Fume suppressants are critical for metal finishing operations in meeting the air emission standards of EPA's Chromium MACT standard and the workplace exposure limits of OSHA's newly promulgated Chromium PEL. EPA's proposed restrictions would leave the industry without any viable alternatives for effective fume suppressants.

The industry's comments also noted that unlike the use of PFAS materials on consumer products such as carpets, textiles and leather goods, the risks associated with

the use of fume suppressants in the metal finishing industry were minimal. Fume suppressants in the metal finishing operations are used in relatively small amounts and in a controlled industrial setting. The U.S. Navy reported that the potential risks associated with the use of fume suppressants in metal finishing operations was less of a risk to human health than operating a plating process without it.

Government Relations requested that EPA allow the continued use of PFAS materials as fume suppressants in metal finishing operations. Based on ongoing discussions with EPA officials, industry representatives plan to meet with EPA to discuss the impact of the proposed restrictions on the metal finishing industry. EPA officials have indicated that the Agency expects to make a final decision on the use of fume suppressants by the end of the year. For more information on this proposed rulemaking, please contact the industry's Government Relations office in Washington, D.C. at jhannapel@thepolicygroup.com.

State of California Proposes to Ban Hexavalent Chromium in Decorative Plating

The California Air Resources Board (CARB) has proposed an air toxic control measure (ATCM) for hexavalent chromium that includes not only an overly-restrictive standard of 0.0015 mg/m³, but also a phase-out provision for hexavalent chromium in decorative chromium plating. CARB's proposed standard is significantly more restrictive than the nation's most stringent

standard set by Southern California's South Coast Air Quality Management District (SCAQMD). In fact, the SCAQMD, the Bay Area Air Quality Management District (BAAQMD), and three other major air districts in California that include most of the chromium platers in the state have publicly opposed the proposed CARB ATCM based on faulty scientific data and incorrect assumptions.

The Metal Finishing Association of Southern California (MFASC) and the Surface Technology Association (STA) have been working closely with SCAQMD and BAAQMD to challenge CARB on this potentially devastating proposed regulation. Based in part on these efforts, CARB recently indicated that it may forego the phase-out of hexavalent chromium for decorative chromium plating. CARB does, however, intend to pursue a "phase-in" of control technology to meet the proposed 0.0015 mg/m³ standard that would require nearly all decorative chromium platers, large and small, to install expensive HEPA systems for all tanks. CARB expects to release its new proposed language for the ATCM in late July 2006.

The industry will continue to actively engage CARB on this matter with SCAQMD and BAAQMD. CARB has scheduled more meetings on this topic on August 21, 2006 in Sacramento and August 23, 2006 at the SCAQMD's offices. For more information on this critical state regulatory proposal, contact the industry's Government Relations office in Washington at jhannapel@thepolicygroup.com or Dan Cunningham in California at mfaschq@socal.rr.com.

Federal Agencies Outline Strategy to Address Toxicity of Nanotechnology

As nanotechnology applications in the surface finishing and other industries continue to grow, the federal government is focusing more attention on assessing the potential toxicity of nanoscale materials. Last week, the National Nanotechnology Initiative (NNI), a collaborative effort of 25 federal agencies, released a report that included a plan for interagency agreement to conduct research on the toxicity of nanomaterials.

In response to requests for more research on the potential impacts of nanotechnology on human health and the environment, the Bush Administration has requested a budget of over \$1.3 billion for the NNI. The NNI report, entitled *The National Nanotechnology Initiative: Research and Development Leading to a Revolution in Technology and Industry*, includes projects of the National Institute of Occupational Safety and Health (NIOSH) and the Department of Energy to investigate

the impact that new emission controls for nitrogen oxide and soot from diesel engines have on the toxicity of emitted nanoparticles. The report also notes that the Environmental Protection Agency will focus its nanotechnology research funding on the human health and environmental impacts of nanomaterials and that the National Science and Technology Council's Nanoscale Science, Engineering and Technology Subcommittee is preparing a report on the environmental, health and safety research that is needed for nanotechnology applications. A copy of the NNI Report can be found at http://www.nano.gov/NNI_07Budget.pdf.

With this report the federal government is demonstrating its intent to switch its nanotechnology priorities to focus on assessing the toxicity of nanomaterials. This trend is also consistent with similar efforts underway globally and will be critical as regulatory agencies worldwide grapple with if, and how, to regulate nanotechnology and nanoscale materials.

U.S. Manufacturing Continues Trend of Modest Growth

The Commerce Department reported that orders for durable goods rose 3.1 percent in June. This increase was approximately twice what was expected and was the best showing since March 2006. Much of this gain was attributable to the increased demand for commercial aircraft. The Federal Reserve also announced that industrial production rose 0.8 percent in June with an annual growth rate of 6.6 percent and that manufacturing output rose 0.7 percent in June with an annual growth rate of 5.4 percent. Analysts believe that the manufacturing sector will continue to experience gains, but at a slower pace throughout the remainder of the year.

In other economic news, the Labor Department noted that the manufacturing sector gained 15,000 jobs in June for a total of 14,251,000. The number of Americans filing for unemployment benefits also dropped by 7,000 to a total of 298,000.

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