

THE DISPERSER

No. 92 Volume 113 January 2025
"Dispersing ideas among friends"

PROGRESS THROUGH COOPERATION

FPCA President Letter



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I hope your 2025 is starting well! We're all hoping for an exciting year, with lots of growth and new opportunities.

One way to help with this growth is getting to meet new people in our industry and reacquaint ourselves with past members. We have been going for 58 years straight now! From our first year in 1967 to our new year of 2025, the FPCA has continued to grow and thrive, and help to serve our wonderful members.

In keeping with that growth, our new website of FPCA.club is helping to keep us up to date on what is happening within our group. Please be sure to check our website on a regular basis. We also have many new projects right around the corner to help with this growth. It's an exciting time! We look forward to sharing with you what all we have planned, and we also welcome any ideas you might have.

YOUR input is invaluable, as you all are what makes our membership so vital and important.

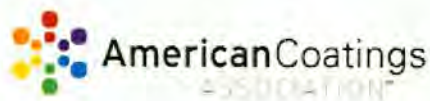
Our first meeting of 2025 is fast approaching on February 21-23rd at the beautiful Hilton Orlando Buena Vista Palace. We have two great presentations lined up for you all. We'll continue the very popular and appreciated "State of the Paint and Coatings" update that we first heard last year. We will also have an update on the ACA directly from the VP and Director of the ACA. These will be two excellent topics that I'm sure you'll all appreciate. And of course, the excellent dinner with the beautiful view will be on Saturday night. We look forward to seeing you all!

Lastly, this will be my last meeting as President. The very capable Gabi Blanco will be your new President, with me stepping into a Past-President role. I have thoroughly enjoyed heading this wonderful group and am so proud of my board with what they have achieved. A lot more is around the corner. Here is to a great 2025 and beyond!

Look forward to seeing everyone soon,

Regards,
Allison Lyman Rich
FPCA President





EPA Publishes Preliminary List of Companies Subject to TSCA Risk Evaluation Fees

- February 3, 2025 [Government Affairs](#) Contact: [Riaz Zaman](#)

The U.S. Environmental Protection Agency (EPA) has published [preliminary lists identifying manufacturers \(including importers\) that may be subject to fee obligations](#) under [40 CFR 700.45](#), associated with each EPA-initiated risk evaluation of the following five High-Priority Substances under the Toxic Substances Control Act (TSCA) Section 6 (Refs. 2):

- Acetaldehyde (CASRN 75-07-0)
- Acrylonitrile (CASRN 107-13-1)
- Benzenamine (CASRN 62-53-3)
- Vinyl chloride (CASRN 75-01-4)
- 4,4'-Methylene bis(2-chloroaniline) (CASRN 101-14-4)

Regardless of whether a company is listed, any company that has manufactured or imported a listed chemical in the prior five years must report to EPA via the [CDX](#) (Central Data Exchange). All five chemicals are either directly used in the manufacture of paint, coatings, sealants and adhesives and/or used in the manufacture of resins. Companies that do not qualify for an exemption from fee payment must also provide manufacture or import volumes for the three (3) years prior to publication of this list.

EPA is accepting comments on its preliminary lists by **March 3, 2025**. The agency expects to publish final lists of manufacturers (including importers) subject to fees no later than concurrently with the publication of the final scope documents for risk evaluations of these five High-Priority Substances. Manufacturers (including importers) identified on the final lists will be subject to the applicable fees.

Exemptions

Companies that qualify for an exemption will not be required to pay fees. To qualify for certain exceptions, companies must report to EPA regardless of whether the company is on the preliminary list. EPA recognizes the following exemptions from fee payment:

1. Import of articles containing the chemical;
2. Manufacture as a non-commercial by-product;
3. Manufacture as an impurity;
4. Manufacture as a non-isolated intermediate;
5. Manufacture as an R&D substance in "small quantities" – **NOTE:** EPA implemented a new definition related to R&D substances for fees that varies from the general TSCA definition. The TSCA Fee Rule includes a new definition of *small quantities solely for research and development* specifying that amounts cannot be greater than "reasonably necessary for such purposes." EPA includes a record-keeping requirement to establish reasonably necessary amounts; and
6. Manufacture for an otherwise non-exempt purpose in amounts of 2,500 lbs or less.

To be eligible for Exemptions 1-5:

- Companies must meet one or more of the exemptions (Exemptions 1-5) as of the certification cut-off of Dec. 18, 2023; and
- Qualify for an exemption during the subsequent five years.

Additionally, any manufacturer or importer qualifying for Exemptions 4-6 must self-identify to EPA via CDX (Central Data Exchange), regardless of whether it is included on the preliminary list. Those manufacturers (including importers) meeting the production volume exemption (Exemption 6 above), must report their production volume for the three calendar years prior to publication of the preliminary list. This enables EPA to better track volumes for the purpose of fee allocation. Also, if all manufacturer and import is at or below the 2,500 lb. threshold, the exemption will no longer apply, triggering a fee payment obligation. Companies that are on the preliminary list, but that qualify for Exemptions 1-3, can submit an exemption certification on the [CDX](#) to be removed from the final list. Otherwise, companies meeting Exemptions 1-3 do not need to submit notification.

Companies that qualify for exemptions must maintain records of production volumes for five years from the date of submitting notification (See 40 CFR 700.43(b)(10)). In addition, companies that qualify for the R&D exemption must maintain manufacturing and other business records for five years, such as production volume, plans of study, information from R&D notebooks, study reports or notice for R&D use. Records

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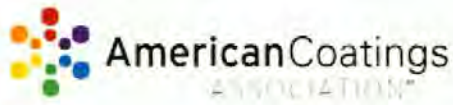
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EPA Publishes Amendments to National Aerosol Coatings Rule in Response to ACA Petition

- January 21, 2025
- [Government Affairs](#)
- Contact: [Rhett Cash](#)

On Jan. 17, the U.S. Environmental Protection Agency (EPA) published [amendments to the national aerosol coatings rule](#). EPA's national rule establishes reactivity-based emission standards for the aerosol coatings category (aerosol spray paints) under the Clean Air Act.

This action ensures a consistent regulatory framework and aligns with the California Air Resources Board's aerosol coatings rule, which will help aerosol coatings manufacturers with streamlined compliance.

EPA's final amendments are the direct result of three petitions for rulemaking submitted by ACA, and an eight-year advocacy campaign on behalf of the coatings industry to convince EPA to adopt changes to the national rule so that it largely matches the CARB rule and is informed by the most up-to-date and accepted science. This final action will minimize the undue compliance burdens that the divergent regulatory schemes have created for the aerosol coatings industry. Until these amendments were adopted, manufacturers were required to comply with different standards in California and use different Maximum Incremental Reactivity (MIR) values in order to calculate compliance.

Notably, the final rule features the following changes, for which ACA advocated:

- Updated product-weighted reactivity limits by coatings category that align completely with [CARB's coatings categories](#) (see Table 1);
- Updated MIR values for several aerosol coatings compounds that align with [CARB's Table of MIR Values](#) (see Tables 2A, 2B & 2C);
- New compounds and reactivity factors in Tables 2A, 2B & 2C to align with [CARB's Table of MIR Values](#);
- Revised default reactivity value (18.50 g O₃/g VOC);
- New and updated definitions to better align with CARB's rule (when appropriate and feasible); and
- Addition of electronic reporting provisions.

The compliance date for the final amended rule is **July 17, 2025; however, ACA is seeking clarification on any implied sell-through provisions associated with the rule, as well as any potential impact from President Trump's Jan. 20 Executive Order pertaining to a federal regulatory freeze. Please note that ACA and others consistently advocated for a 2-year sell-through period to comply with the new requirements.**

EPA notes that in the interim six months, all regulated entities are subject to the national aerosol coatings rule in its current form but may elect to start complying with the amended aerosol coatings rule. This means that regulated entities, including those that are currently in compliance with CARB's aerosol coatings rule, may elect to begin complying immediately with the new limits, corresponding reactivity factors, and other rule provisions.

In the coming weeks, ACA will host a webinar on the amendments and provide additional written analysis of the amendments to aid member understanding and compliance.

Contact ACA's [Rhett Cash](#) for more information.



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