

California Environmental Protection Agency

 **Air Resources Board**

Final Statement of Reasons for Rulemaking
Including Summary of Comments and Agency Responses

**PUBLIC HEARING TO CONSIDER
THE AIRBORNE TOXIC CONTROL MEASURE FOR EMISSIONS OF
HEXAVALENT CHROMIUM AND CADMIUM FROM MOTOR VEHICLE
AND MOBILE EQUIPMENT COATINGS**

Public Hearing Date: September 20, 2001
Agenda Item No.: 01-7-1

State of California
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I. GENERAL

On September 20, 2001, the Air Resources Board (ARB or Board) conducted a public hearing to consider the adoption of a proposed airborne toxic control measure (ATCM) that would eliminate the emissions of hexavalent chromium and cadmium from motor vehicle and mobile equipment coatings. The Initial Statement of Reasons for Proposed Rulemaking Airborne Toxic Control Measure for Emissions of Hexavalent Chromium and Cadmium from Motor Vehicle and Mobile Equipment Coatings (staff report) was prepared and made available to the public on August 3, 2001. This Final Statement of Reasons for Rulemaking (FSOR) updates the staff report by identifying and explaining the modifications that were made to the original proposal. The FSOR also summarizes the written and oral comments received during the 45-day comment period preceding the September 20, 2001 public hearing, at the hearing itself, and during the 15-day comment period following the hearing. The FSOR also contains the ARB's responses to those comments.

At the September 20, 2001, public hearing, the Board adopted Resolution 01-30, in which the Board approved the proposed ATCM with modifications to the originally proposed language included in the staff report. These modifications are described in Section II of this FSOR, entitled "Modifications Made to the Original Proposal." In accordance with Government Code section 11346.8 (c), Resolution 01-30 directed the Executive Officer to adopt the ATCM, with the modifications specified by the Board, after making the modified regulatory language available for public comment, and to make such additional changes as might be appropriate.

On November 16, 2001, a "Notice of Public Availability of Modified Text", together with the modified text of the regulation, was mailed to a mailing list of stakeholders. This modified text was made available to the public for a 15-day comment period ending on December 10, 2001. No comments to the adopted proposal were received during this 15-day comment period.

In preparing this regulatory proposal, ARB staff fulfilled the requirements of Health and Safety Code (HSC) section 39666. HSC section 39666 requires the ARB to adopt ATCMs to reduce emissions of Toxic Air Contaminants (TACs). When adopting ATCMs for TACs without a Board-specified threshold exposure level, the ATCM must be designed to reduce emissions to the lowest level achievable through the application of best available control technology, or a more effective control level.

In preparing the ATCM, the ARB staff considered the potential economic impacts on California businesses and individuals, and the fiscal impacts on State, local, and federal government. A detailed discussion of these impacts is included in the staff report, and the Economic Impact Statement (STD. Form 399).

The ARB has determined that the adoption of the ATCM will not impose a mandate upon or create costs or savings, as defined in Government Code section 11346.5(a)(6), to any school district. However, the ARB has determined that the adopted regulatory action will impose a mandate upon and create costs to local agencies (i.e., the local air pollution control and air quality management districts; the "districts"). The costs to the districts can be fully recovered by fees that are within the districts' authority to assess under Health and Safety Code sections 42311 and 40510. In other words, the districts have the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of section 17556 of the Government Code. Therefore, the Executive Officer has determined that the adoption of this regulatory action imposes no costs on local agencies that are required to be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution.

The Air Resources Board (ARB) has determined that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, or would be as effective and less burdensome to affected private persons or businesses, than the action taken by the ARB.

II. MODIFICATIONS MADE TO THE ORIGINAL PROPOSAL

This section describes the modifications that were made to the originally proposed regulatory text contained in the staff report, and explains the reasons for the modifications.

Section 93112(a) Effective Date

This section was deleted. The original proposal was modified to include specific final dates for manufacturing, selling, and using non-complying coatings. Because of these changes, this section is no

longer needed.

Section 93112 (e)(2) Standards for Motor Vehicle and/or Mobile Equipment Coatings

The originally proposed language prohibited owners or operators of a motor vehicle and/or mobile equipment coating facility from possessing a non-compliant coating after 12 months after the effective date of the rule. This language was modified to include a specific date after which possession of a non-compliant coating is prohibited. Owners or operators of motor vehicle and/or mobile equipment coating facilities cannot use or possess non-compliant coatings after December 31, 2003. The inclusion of a specific date will provide for a uniform date for statewide compliance with this provision of the regulation.

Section 93112 (f) Sell-through of Coatings

The originally proposed language in this section allowed the sale of non-compliant coatings manufactured before the effective date of the regulation for up to six months after the effective date of the regulation. This section was modified to provide a specific date for the sell-through of coatings. The current regulation allows non-compliant coatings manufactured before January 1, 2003 to be sold through June 30, 2003. As with the modifications to section (e)(2), inclusion of a specific date will provide for a uniform date for statewide compliance with this provision of the regulation.

III. SUMMARY OF COMMENTS AND AGENCY RESPONSES

The Board received written comments during the 45-day comment period and written and oral comments at the September 20, 2001 hearing. No comments were received during the 15-day comment period. Below is a listing of commenters, identifying the date and form of the comment. Following the list is a summary of each comment made regarding the ATCM, together with an explanation of how the ATCM has been changed to accommodate the comment, or the reason for making no change.

A. Responses to Comments Received during the 45-day Public Comment Period and at the Board Hearing

Comments Received during the 45-day Public Comment Period and at the Board Hearing

<u>Date</u>	<u>Commenter</u>	<u>Form</u>
July 30, 2001	Mike Veney, Environmental Specialist, Sherwin-Williams Automotive Finishes, Co.	Written

August 31, 2001	Mike Veney, Environmental Specialist, Sherwin-Williams Automotive Finishes, Co.	Written
September 11, 2001	Alma Stent, Chair, Pico Revitalization Committee	Written
September 13, 2001	Douglas Quetin, Air Pollution Control Officer, Monterey Bay Unified Air Pollution Control District	Written
September 17, 2001	Paul C. Martyn, Head, Industrial Waste Section, County Sanitation Districts of Los Angeles County	Written
September 18, 2001	V. John White, Special Representative Sierra Club California	Written
September 19, 2001	Jim Sell, Senior Counsel, National Paint and Coatings Association	Written
September 20, 2001	Mike Veney, Environmental Specialist, Sherwin-Williams Automotive Finishes, Co.	Oral
September 20, 2001	Kim Wilhelm, Office of Pollution Prevention and Technology Development, Department of Toxic Substances Control	Written

Comments and Responses

1. **Comment:** Delaying the effective date of the rule till (sic) January 1, 2003 would have a beneficial effect to everyone involved. It would give paint companies more time to convert shops to hexavalent chromium-free coatings systems and absorb the cost of the conversion over time. It would give the paint companies time to develop new hexavalent chromium-free technology that will have the quality and characteristics of hexavalent chromium coatings. It will give paint companies time to educate and train their sales force and customers on how to use the new coatings and to make sure there is 100 percent compliance with the rule. (Sherwin-Williams, 7/30/01)

Response: We agree that the effective date of the regulation should be extended. In response to these comments, we have made modifications to the proposed ATCM which would allow for the manufacture of motor vehicle and/or mobile equipment coatings containing hexavalent chromium or cadmium prior to January 1, 2003. Coatings manufactured prior to this date may be sold, supplied, or offered for sale through June 30, 2003.

2. **Comment:** It takes a minimum of 1 week to convert a shop with a minimum of 1 Sherwin-Williams trained technician on-site to educate and train the painters. If we could convert 2 shops a week it will take 2 years to convert just production shops to the hexavalent chromium-free system. Sherwin-Williams estimates that it will take us two years to convert this business if we do nothing else. (Sherwin-Williams, 8/31/2001)

Response: Please see Comment and Response #1, which is incorporated by reference herein. We have modified the effective date of the regulation in response to this comment and in response to Comment #1, which Sherwin-Williams submitted 7/30/2001, to allow for reformulation, shop conversion, and education and training of sales force and customers. Nevertheless, we are not convinced that the conversion will take as long as the commenter suggests. Insufficient data were provided to substantiate this comment. Also, please note, as indicated in our response to Comment #6, data were not provided to substantiate the claim that of the reported 200 production shops in California, none has been converted to utilize hexavalent chromium-free coatings. Also, as discussed in the Response to Comment # 6, below (which is incorporated by reference herein), some large local air districts in California have had similar rules in effect for several years, indicating that much of the necessary conversion has already taken place and that compliance costs can be passed along to dealers and consumers.

3. **Comment:** The staff report states this work will accomplish approximately a 270-pound reduction in total emissions of hexavalent chromium throughout California. That equates to approximately \$1,481 to \$7,407 per pound per year for a reduction of 3.5 percent of total

emissions. (Sherwin-Williams, 8/31/01)

Response: Hexavalent chromium was determined to be a human carcinogen without an identifiable threshold exposure level below which no significant adverse health effects are anticipated. See: Title 13 California Code of Regulations section 93000. The use of even a small volume of coatings that contain hexavalent chromium can result in significant near-source cancer risks because hexavalent chromium is an extremely toxic substance. We considered the cost of this ATCM as required by Health and Safety Code sections 39665 and 39666. The cost of this ATCM is similar to costs for other ATCMs previously adopted by the Board. For more details on the economic impacts of the regulation, refer to Chapter VIII of the Initial Statement of Reasons, which is incorporated by reference herein.

4. **Comment:** In the staff report it is stated that there will be no negative environmental impact because many of the alternative coatings have a lower VOC content. This is a conclusion that can be drawn from the data that was asked for in the survey of manufacturers, but that conclusion is wrong. Even though many of the alternatives have a lower VOC content up to 3 times the quantity will need to be used. The extra material will negate a reduction in VOC and in fact will raise emissions. Hexavalent chromium-free coatings will also corrode more readily than those containing hexavalent chromium. This will result in cars needing to be painted more often, increasing emissions even more. Sherwin-Williams estimates that VOC emissions will increase 10 to 15 percent per job when a coating containing hexavalent chromium is replaced with a chromium-free alternative. (Sherwin-Williams, 7/30/01)

Response: We agree with the comment that data indicates that the ATCM will have no negative environmental impact, but we disagree with the rest of this comment. Analysis of data provided by manufacturers identifying alternative coating formulations in ARB's 2001 survey indicates that the sales-weighted average VOC content of the alternative coatings is lower than the VOC content of coatings containing hexavalent chromium. Review of manufacturers' product data sheets indicates that the same mil build thickness is specified for hexavalent chromium and hexavalent chromium-free coatings, indicating that the absence of hexavalent chromium does not necessitate additional coating usage. Sherwin-Williams product data sheets indicate that their product "offers excellent hiding with lead and chromate-free formulas" (Sherwin-Williams' Genesis® 2.8, Genesis® 3.5). The product data sheets also indicate that lead and chromate-free formulations provide "superior corrosion, humidity, and chip resistance" (Sherwin-Williams' E2A933-DTM 3.5 VOC Epoxy Primer, PSE2110-2.1 VOC DTM Epoxy Primer). This indicates that formulations without lead and hexavalent chromium provide adequate corrosion protection and that the ATCM will not have a negative environmental impact.

5. **Comment:** Enforcement is going to be tough and costly for the state. With interstate commerce and unscrupulous wagon cart vendors and jobbers it is going to be impossible to keep these coatings out of the state. This will put legitimate businesses in a less competitive

environment unless there is excellent enforcement and a dedicated effort against illegal activity. (Sherwin-Williams, 7/31/01)

Response: We agree that enforcement of the ATCM is important and may be challenging. Experience shows that effective enforcement is possible, however. The South Coast Air Quality Management District (SCAQMD) and the Antelope Valley Air Pollution Control District (AVAQMD) have prohibited the use of motor vehicle and mobile equipment coatings containing hexavalent chromium or cadmium since 1996. Neither of these districts, where the majority of motor vehicle and mobile equipment coatings used in California are sold and applied, has reported an increase in the use of illegal coatings. Furthermore there are many hexavalent chromium-free coatings on the market with good performance characteristics that have been widely used for many years. This regulation is not likely to create a “black market” for hexavalent chromium-containing coatings, nor force consumers to purchase products from out of state in order to obtain coatings with the desirable performance characteristics.

6. **Comment:** This rule will have a major effect on Sherwin-Williams. First and foremost we would have to absorb the cost of converting shops from a coatings system that contains hexavalent chromium to a system that doesn't. This will be a cost of \$3,000 to \$4,000 per shop for new equipment. There are currently about 200 production shops using Sherwin-Williams products inside of California. (Sherwin-Williams, 7/31/01)

Response: We agree that the ATCM will have an effect on the commenter, but we disagree that the effect will be as great as the commenter suggests. The cost of conversion is not likely to be absorbed entirely by Sherwin-Williams. Conversion costs can be passed along to automotive body paint shops, which would experience slightly higher material costs for alternative coatings. These costs could, in turn, be passed on to the consumer in the form of slightly increased repaint costs. Further, the costs the commenter quotes for converting production shops have not been substantiated. We have requested data that would support the estimates quoted for costs to convert production shops to hexavalent chromium-free coatings, but it has not been provided to the ARB.

This statement indicates there are 200 production shops statewide, and does not account for those production shops in the South Coast Air Quality Management District (SCAQMD) and the Antelope Valley Air Pollution Control District (AVAPCD) that have already been converted to comply with prohibitions on coatings containing hexavalent chromium already in existence in these areas.

In addition, it cannot be assumed that all production shops outside of the SCAQMD and AVAPCD are using only hexavalent chromium-containing coatings and would require shop conversion. According to information reported by manufacturers in our 2001 survey, the sales generated from chromated coatings constitute a very small portion of total coatings sales (less than one percent), which indicates that many production shops are already using coatings that

do not contain hexavalent chromium.

7. **Comment:** It is possible that some military vehicles will no longer be painted in California because many military specifications require the use of lead chromate coatings. (Sherwin-Williams, National Paint and Coatings Association, 9/19/01)

Response: We agree that it is possible that some military vehicles will not be painted in California due to the adoption of the ATCM, but we do not believe that this is likely to occur. In conversations with representatives of the United States Marine Corps and the Navy we were told that they expect no adverse impacts on their operations as a result of the proposed ATCM. There are commercially available lead and hexavalent chromium-free coatings that comply with military specifications, so the ATCM should not affect the ability of California businesses to paint military vehicles.

8. **Comment:** It is stated that the ATCM will effect less than one percent of the total coatings sold in California. Based strictly on sales this number is accurate. Hexavalent chromium is only in one percent of the coatings sold in the state. However, the majority of these coatings are toners that allow body shops to match OEM colors. In the majority of Sherwin-Williams' topcoat systems, toners that contain hexavalent chromium are a small part of 25 to 30% of all color formulas. This regulation will effectively make all but three of our topcoat systems unusable in the state, and there will be many OEM colors in these three systems that body shops will be unable to match. (Sherwin-Williams, 8/31/01)

Response: We disagree with this comment. The responses we received to our survey of coating manufacturers did not indicate that the ATCM would outlaw the use of all but three or four topcoat systems in California. Also, the commenter provided no data on their product lines that supports their claim. The commenter indicates in their 7/31/01 comment letter that it plans to eliminate chromated products within two years regardless of whether the regulation is adopted or not.

9. **Comment:** For the amount of money that is going to be spent on complying with the proposed regulation, what is the benefit? Does a reduction of 3.5 percent significantly reduce the risk associated with hexavalent chromium emissions? Sherwin-Williams does not believe the staff report answers this question or identifies the real risk associated with body shops that use hexavalent chromium coatings. The report does a good job of showing a hypothetical risk assessment but fails to produce any meaningful results without real world fence line concentrations or monitoring data from a representative sample. Risk assessment models that are based on assumption result in assumption. Can CARB quantify the near source cancer risk before and after the regulation effective date and say the ATCM is truly protective of human health and the environment? (Sherwin-Williams, 8/31/01)

Response: We disagree with this comment. The ATCM is cost-effective and does protect human health and the environment. In addition to generic modeling that was used in the risk assessment, we used actual facility parameters and emission rates to demonstrate significant risk

due to hexavalent chromium emissions from automotive coatings. Hence, the actual facility risk assessment is based on real world data and according to our analysis hexavalent chromium from body shops poses a significant risk to nearby communities. This ATCM will protect people and the environment from these risks. Please refer to Chapter VI in the Initial Statement of Reasons for quantification of risk assessment results, which is incorporated by reference here, as is our Response to Comment #3, above.

10. **Comment:** The staff report states that the overall impact to consumers will be minimal. As stated in their letter of 7/30/01 Sherwin-Williams believes that consumers will be affected by longer repair times, higher materials cost, and higher labor cost, all of which will result in higher overall repair costs. Coatings that contain the lead chromate pigments cover better and cost significantly less than their hexavalent chromium-free alternatives. Repair cost will go up because it takes more chromium-free material to cover, hide, protect, and preserve, preventing the need for further repairs.
(Sherwin-Williams, 7/31/01)

Response: We disagree with this comment. We believe that coatings that comply with the ATCM will be just as effective as those that do not. For example, instructions for applying chromium-free alternative coatings supplied by manufacturers do not indicate more usage in comparison to chromated coatings. Hence, the claim for more usage and higher overall repair cost is unsubstantiated. Please refer to our Responses to Comments #4, 6 and 8, which are incorporated by reference herein.

11. **Comment:** The “Recommendations” section of the Executive Summary of the Staff Report states that the benefits of the regulation include a nearly 100 percent reduction in emissions of hexavalent chromium and the subsequent exposure and risk from these emissions. Earlier in the report it is stated that the estimated total reduction of hexavalent chromium is approximately 270 pounds or 3.5 percent. These two statements seem to contradict each other. What is the effect on the subsequent exposure and risk associated with a 270 pound or 3.5 percent reduction?
(Sherwin-Williams, 8/31/01)

Response: We disagree with this comment. The executive summary states there will be a 100 percent reduction of emissions of hexavalent chromium from body shops. The report, on the other hand, states there will be a 3.5 percent emission reduction based on overall statewide emissions of hexavalent chromium from all sources. These statements are not contradictory.

12. **Comment:** Total hexavalent chromium emissions in California are estimated to be 7,600 pounds. Automotive coatings are estimated to be 270 pounds or 3.5 percent of the total hexavalent chromium emissions. Has CARB done any fence line monitoring or stack tests to verify this estimate? What are the actual emissions? Sherwin-Williams performed calculations on the pounds of hexavalent chromium as listed in the staff report. Tints contained 4,130 pounds of hexavalent chromium, primers contained 640 pounds of hexavalent chromium, and packaged colors contained 90 pounds of hexavalent chromium. Using the assumptions that an HVLP gun

has a transfer efficiency of 65 percent and a spray booth filter is 99 percent efficient at controlling hexavalent chromium emissions, Sherwin-Williams believes the estimated number is closer to 238 pounds or 2.94 percent of total hexavalent chromium emissions in California. Based on these calculations the estimated emissions reduction of hexavalent chromium is closer to 2.9 percent than 3.5 percent. How does this affect the risk assessment? (Sherwin-Williams, 8/31/01)

Response: We disagree with this comment. Sherwin-Williams used 99 percent spray booth filter efficiency in their calculations. We used 95 percent spray booth filter efficiency based on the CAPCOA risk assessment guidelines, which we believe is a more realistic, accurate number. This accounts for the minor discrepancy between the two numbers (3.5 percent versus 2.9 percent reduction). Chapter V of the staff report discusses hexavalent chromium emissions, and is incorporated by reference here. Either way, we do not believe that using the commenter's number would alter the conclusions in the staff report in a way that would materially affect the reasons for the ATCM—protection of human health and the environment. We incorporate the Response to Comment #9, above, here also.

13. **Comment:** One of the alternatives explored in the report is requiring automotive coatings that contain hexavalent chromium to be sprayed inside of a spray booth. This alternative would result in a 92.4 percent reduction in hexavalent chromium emissions from automotive coatings with a mere 17.01 pounds being emitted annually with minimal to no cost. The staff report rejected this alternative because it cannot be considered the best available control technology even though paint manufacturers consider hexavalent chromium free coatings to be inferior. Sherwin-Williams believes this alternative could be demonstrated to be adequate to prevent an endangerment of public health. H&S code section 39666 part (c) subpart (b) states “to reduce emissions to the lowest achievable level through application of best available control technology or a more effective control method, **unless the state board or a district board determines, based on an assessment of risk, that an alternative level of emissions reduction is adequate or necessary to prevent an endangerment of public health.**” Sherwin-Williams believes that if a true risk assessment were to be performed for this alternative it would show that it is adequately protective of public health. (Sherwin-Williams, 8/31/01)

Response: We disagree with this comment. The ATCM does reduce emissions of hexavalent chromium from automotive coatings to the lowest achievable level through application of best available control technology, which is elimination of hexavalent chromium from these coatings. An alternative level of emissions reduction, in particular the one suggested by the commenter, is neither adequate nor necessary to prevent the endangerment of public health posed by the emissions of hexavalent chromium from automotive coatings. As discussed in the “Background” section of the Executive Summary of the Staff Report, which is incorporated by reference here, hexavalent chromium is a potent carcinogen, which poses a significant risk to human health in the smallest amounts. Hence, even reduced emissions of hexavalent chromium are not acceptable under state law if a complete ban is technically feasible. Further, the alternative suggested would be much more difficult to enforce than the ATCM, and it would force body shops

throughout the state to perform all coating operations inside spray booths. This truly would result in higher costs to body shops and consumers.

14. **Comment:** Sherwin-Williams is already in the process of formulating hexavalent chromium out of its coating lines. This is an expensive and time consuming process that was discussed with CARB in both the letter of 7/30/01 and the subsequent telephone call. CARB's monitoring data shows there has been a voluntary move away from hexavalent chromium with ambient levels dropping 64 percent in recent history. Sherwin-Williams thinks this regulation costs too much for what it will accomplish and is truly unnecessary because hexavalent chromium will be gone from automotive coatings in 5 to 10 years. (Sherwin-Williams, 8/31/01)

Response: We disagree with this comment. We cannot foresee with certainty that hexavalent chromium will be completely eliminated from automotive coatings in the absence of this regulation. Further, 5 to 10 years is too long to delay the elimination of this substance considering the risk it poses to communities and the fact that this requirement has been in effect in the South Coast Air Quality Management District since 1996, and is also already in effect in the AVAPCD. In light of the availability of chromium-free alternatives, staff believes the proposed requirements are reasonable and warranted.

15. **Comment:** It may be that there are some applications for which the use of chromium-free coatings is not technically feasible. (National Paint and Coatings Association, 9/19/01)

Response: We disagree with this comment. Manufacturers have thus far been unable to identify to us applications where chromium-free coatings cannot be used. Staff has sent copies of the staff report and regulation to manufacturers, end-users, and other interested parties. Besides Sherwin-Williams, no other party has indicated that the technical feasibility of chromium-free coatings is in question for specific applications. If the technical feasibility of chromium-free coatings becomes an issue in a particular application, then manufacturers and end-users can seek variances from local districts, or petition ARB to amend the current ATCM. However, we do not expect that this will be a necessity. We incorporate our Response to Comment #4 above here.

16. **Comment:** Prohibiting the use of motor vehicle and mobile equipment coatings containing hexavalent chromium implies that there is no safe use for these coatings. (National Paint and Coatings Association, 9/19/01)

Response: We disagree with this comment and believe that it is not specifically directed at the ATCM or the procedures followed in proposing or adopting the ATCM. Without waiving this objection, we respond as follows. The ATCM is directed to automotive coatings. We recognize the fact that, when chromated coatings are applied, procedures are used to minimize exposure to end-users. Also, there are existing control devices that can reduce public exposure to these compounds. One of the alternatives to the ATCM evaluated in the staff report was the use of paint spray booths. Although there are safety procedures and control devices that can

reduce exposures to hexavalent chromium, it is preferable to completely eliminate exposures when it is technically feasible because hexavalent chromium is a potent carcinogen. In the case of motor vehicle and mobile equipment coatings, the use of hexavalent chromium-free coatings is technically feasible.

17. **Comment:** The Pico Revitalization Committee supports the ATCM. Many times in the past, the needs of low-income and minority communities have been overlooked. (Pico Revitalization Committee, 9/11/01)

Response: We agree with this comment.

18. **Comment:** The Monterey Bay Unified Air Pollution Control District supports the ATCM. Risk assessments show that even small body shops may cause cancer risks greater than ten per million to people living nearby due to the hexavalent chromium and cadmium contained in auto refinishing coatings. (Monterey Bay Unified Air Pollution Control District, 9/13/01)

Response: We agree with this comment.

19. **Comment:** The County Sanitation Districts of Los Angeles County support the ATCM. Hexavalent chromium and cadmium have long been recognized as toxins in water. Any effort to restrict the use of these compounds has the potential to have positive water quality impacts at publicly owned treatment works throughout the state. (County Sanitation Districts of Los Angeles, 9/17/01)

Response: We agree with this comment.

20. **Comment:** The Sierra Club supports adoption of the ATCM. Sierra Club California seeks to reduce human and environmental exposure to toxic pollutants in air, water, and soil. Pollution Prevention is the best way to accomplish this goal, as eliminating uses of toxic chemicals is the most effective method of ensuring that human and environmental exposures will not occur. (Sierra Club California, 9/18/01)

Response: We agree with this comment.

21. **Comment:** The Department of Toxic Substances Control supports the adoption of the ATCM. (Department of Toxic Substances Control, 9/20/01)

Response: We agree with this comment.

22. **Comment:** Enforcement of the hexavalent chromium ban in motor vehicle coatings is poor in the SCAQMD. Many paint shops are selling illegal coatings. (Sherwin-Williams, oral testimony, 9/20/01)

Response: We believe that this comment is not specifically directed at the ATCM or the procedures followed in proposing or adopting the ATCM. Without waiving this objection, we respond as follows. We incorporate our Response to Comment #5 here. We will pass along these concerns to SCAQMD enforcement staff.

23. **Comment:** When using Sherwin-Williams Genesis system, it requires only two coats to get proper coverage when using chromated coatings. It requires up to six coats to get proper coverage when using the hexavalent chromium-free, lead-free coatings. (Sherwin-Williams, oral testimony, 9/20/01)

Response: We incorporate our Responses to Comments #4 and #10 here.