



April 6, 2009

Dear ERA Members,

We are writing to inform you of several important state regulatory developments related to air quality that will impact our industry.

As part of a regional effort to achieve Federally-mandated eight-hour ozone standards in the Northeast and Mid-Atlantic regions of the United States, the Ozone Transport Commission (OTC) developed a Model Rule for Adhesives and Sealants (OTC Model Rule). The provisions of this model rule limit emissions of volatile organic compounds (VOCs) from adhesives, sealants and primers for use in the roofing industry and many other industries. The EPDM Roofing Association (ERA) supports the efforts of the OTC and member states to improve air quality by reducing the emission of volatile organic compounds.

Many of the roofing adhesives developed to meet the requirements of this California-based model rule were also developed to be effective primarily within the climatic and market conditions that occur in California. Obviously, some of these conditions differ significantly from conditions and practices in the Northeast and Mid-Atlantic. Due to concerns regarding the overall impact of the OTC Model Rule on roofing contractors and products in your region, ERA has taken the lead in addressing the proposed new standards.

Based on concerns raised by ERA, several states have incorporated a seasonal implementation schedule into the drafts of their regulations. Other states have drafted language based on the OTC Model Rule but have been receptive to the concerns raised by ERA members and have incorporated a seasonal implementation schedule into the **final** regulation. **These changes will allow sufficient time to phase-in the low VOC adhesives while allowing time to test new materials and make process changes to meet the new standards as well as train state contractors.**

Attached is information concerning the implementation schedule from states that already have finalized and passed their regulations, as well as from states that are expected to do so in the next few months. This information should be beneficial for your company to use to inform state roofing contractors of the new regulation and their compliance responsibilities. Please check with your suppliers for company specific procedures that may be in place.

Sincerely,

Jared O. Blum
Executive Director



Overview of passed, pending, and proposed regulations in Northeast and Mid-Atlantic states concerning emissions of volatile organic compounds from adhesives and sealants.

States	Status	Website	Implementation Dates*
Connecticut	Regulation in place, published 10-03-08.	http://www.ct.gov/dep/lib/dep/regulations/22a/22a-174-1through200.pdf Sec 22a-174-44 Adhesives and sealants p. 651, p. 658 section C-10 is most relevant	2009: 6/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
Delaware	Regulation to be published on April 1, 2009.	http://www.awm.delaware.gov/Info/Regs/Pages/AQMPlansRegs.aspx Section 4.0 Adhesives and Sealants http://regulations.delaware.gov/services/current_issue.shtml .	Regulation to be published on April 1, 2009 2009: 6/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
District of Columbia	Regulation under consideration.	http://ddoe.dc.gov/ddoe/site/default.asp	Under consideration
Maine	Regulation proposed. Final outcome pending.	http://www.maine.gov/dep/air/regulations/index.htm Chapter 159	Regulation proposed. Final outcome pending.
Maryland	Regulation in place, published April 2008. Amendment effective 2/9/09	http://www.dsd.state.md.us/comar/subtitle_chapters/26_Chapters.htm go to 26.11.35.01 Subsection I (the letter I, not the number 1)	2009: 5/15 – 9/15 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
Massachusetts	Regulation under consideration		Under consideration
New Hampshire	Regulation under consideration.		Under consideration.
New Jersey	Regulation in place, published 12/1/08.	Section 7:27-26.4 (scroll down to page 46) http://www.nj.gov/dep/aqm/Sub24.26.34adoption2008.pdf	2009: 6/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
New York	Regulation under consideration	6 NYCRR Part 228, Surface Coating Processes http://www.dec.ny.gov/regulations/36816.html	Under consideration.

Pennsylvania	Regulation under consideration. Hearings scheduled for May 4-May 8	25 PA Code Section 129.77 and Chapter 130 Subchapter D http://www.depweb.state.pa.us/pubpartcenter/cwp/view.asp?a=3&q=523288	Under consideration.
Rhode Island	Regulation proposed. Hearing held 2/20/09.	APC. Regulation No. 44 http://www.dem.ri.gov/programs/benviron/air/pdf/dr44fs.pdf 44.2.2 – scroll down to page 9	2009: 7/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
Vermont	na	No immediate action planned at this time.	
Virginia	2 regulations proposed. Meeting of the Air Board scheduled for April 24 on J07.	J07 (J zero 7) http://www.townhall.virginia.gov/ViewAction.cfm?actionid=2500 D06 (D zero 6) http://www.townhall.virginia.gov/L/viewaction.cfm?actionid=2328&display=stages	Regulations proposed.

*Note that the implementation dates are for products used with single-ply roofing only.

This chart is for informational purposes only and is not intended to be legally accurate. If you intend to sell, distribute, or manufacture products affected by the regulations, please use due diligence by verifying the accuracy of this information with your state environmental regulatory compliance office.

Last updated March 26, 2009