



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.**

<b>States</b>	<b>Status</b>	<b>Website</b>	<b>Implementation Dates*</b>
<b>Connecticut</b>	Regulation in place, published 10-03-08.	<a href="http://www.ct.gov/dep/lib/dep/regulations/22a/22a-174-1through200.pdf">http://www.ct.gov/dep/lib/dep/regulations/22a/22a-174-1through200.pdf</a> 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
<b>Delaware</b>	Regulation to be published on April 1, 2009.	<a href="http://www.awm.delaware.gov/Info/Regs/Pages/AQMPlansRegs.aspx">http://www.awm.delaware.gov/Info/Regs/Pages/AQMPlansRegs.aspx</a> Section 4.0 Adhesives and Sealants <a href="http://regulations.delaware.gov/services/current_issue.shtml">http://regulations.delaware.gov/services/current_issue.shtml</a> .	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
<b>District of Columbia</b>	Regulation under consideration.	<a href="http://ddoe.dc.gov/ddoe/site/default.asp">http://ddoe.dc.gov/ddoe/site/default.asp</a>	Under consideration
<b>Maine</b>	Regulation proposed. Final outcome pending.	<a href="http://www.maine.gov/dep/air/regulations/index.htm">http://www.maine.gov/dep/air/regulations/index.htm</a> Chapter 159	Regulation proposed. Final outcome pending.
<b>Maryland</b>	Regulation in place, published April 2008. Amendment effective 2/9/09	<a href="http://www.dsd.state.md.us/comar/subtitle_chapters/26_Chapters.htm">http://www.dsd.state.md.us/comar/subtitle_chapters/26_Chapters.htm</a> 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
<b>Massachusetts</b>	Regulation under consideration		Under consideration
<b>New Hampshire</b>	Regulation under consideration.		Under consideration.
<b>New Jersey</b>	Regulation in place, published 12/1/08.	Section 7:27-26.4 (scroll down to page 46) <a href="http://www.nj.gov/dep/aqm/Sub24.26.34adoption2008.pdf">http://www.nj.gov/dep/aqm/Sub24.26.34adoption2008.pdf</a>	2009: 6/1 – 8/31 2010: 5/1 – 9/30 2011: 5/1 – 9/30 2012: 01/01 and thereafter
<b>New York</b>	Regulation under consideration	<b>6 NYCRR Part 228, Surface Coating Processes</b> <a href="http://www.dec.ny.gov/regulations/36816.html">http://www.dec.ny.gov/regulations/36816.html</a>	Under consideration.

<b>Pennsylvania</b>	Regulation under consideration. Hearings scheduled for May 4-May 8	25 PA Code Section 129.77 and Chapter 130 Subchapter D <a href="http://www.depweb.state.pa.us/pubpartcenter/cwp/view.asp?a=3&amp;q=523288">http://www.depweb.state.pa.us/pubpartcenter/cwp/view.asp?a=3&amp;q=523288</a>	Under consideration.
<b>Rhode Island</b>	Regulation proposed. Hearing held 2/20/09.	APC. Regulation No. 44 <a href="http://www.dem.ri.gov/programs/benviron/air/pdf/dr44fs.pdf">http://www.dem.ri.gov/programs/benviron/air/pdf/dr44fs.pdf</a> 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
<b>Vermont</b>	na	No immediate action planned at this time.	
<b>Virginia</b>	2 regulations proposed. Meeting of the Air Board scheduled for April 24 on J07.	J07 (J zero 7) <a href="http://www.townhall.virginia.gov/ViewAction.cfm?actionid=2500">http://www.townhall.virginia.gov/ViewAction.cfm?actionid=2500</a> D06 (D zero 6) <a href="http://www.townhall.virginia.gov/L/viewaction.cfm?actionid=2328&amp;display=stages">http://www.townhall.virginia.gov/L/viewaction.cfm?actionid=2328&amp;display=stages</a>	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