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COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

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IN RE: ENVIRONMENTAL QUALITY BOARD PUBLIC HEARING

ADHESIVES, SEALANTS, PRIMERS AND SOLVENTS

PUBLIC HEARING

* * * * *

BEFORE: STEPHEN HEPLER, Chair

HEARING: May 4, 2009
1:00 p.m.

LOCATION: Department of Environmental Protection
Southwest Regional Office
Waterfront A Conference Room
400 Waterfront Drive
Pittsburgh, PA 15222

WITNESSES: George M. Kickel, Michael S. Kocak,
Ron Miller

Reporter: Diana L. Inquartano

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GEORGE M. KICKEL
Environmental Health, Safety and Regulatory
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2000 West Grandview Boulevard
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MICHAEL S. KOCAK, ASQ, C.Q.E.
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Also with
Polyurethane Manufacturers Association
Milwaukee, WI

RON MILLER
EPDM Roofing Association
2891 Henderson Road
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I N D E X .

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CHAIRMAN:

I would like to welcome you to the Environmental Quality Board's (EQB) public hearing on the proposed Adhesives, Sealants, Primers and Solvents rulemaking.

My name is Stephen Hepler. I am an Air Quality Program Specialist with the Department of Environmental Protection's Southwest Regional Office. I am representing the Environmental Quality Board at today's hearing. I call this hearing to order at 1:00 p.m.

The purpose of this hearing is to formally accept testimony on the proposed Adhesives, Sealants, Primers and Solvents rulemaking. In addition to this hearing, the Environmental Quality Board will hold hearings on the proposed rulemaking in Norristown on Thursday, May 7th, 2009, and in Harrisburg on Friday, May 8th, 2009.

The Adhesives, Sealants, Primers and Solvents rulemaking proposes to add VOC emission limits for the use of application of 37 categories of products that are currently unregulated in this Commonwealth, including adhesives, sealants, adhesive

1 primers, sealant primers, and adhesive or sealant
2 products applied to particular substrates. The
3 rulemaking also includes requirements for the use of
4 surface preparation solvents and cleanup solvents.
5 The emission limitations proposed in the rulemaking
6 will apply to the industrial and commercial use of the
7 products, as well as their use by facility owners and
8 operators as a part of a manufacturing process. As
9 such, owners and operators of facilities that use or
10 apply these products will be subject to the
11 regulations, as well as any person who sells,
12 supplies, offers for sale or manufacturers for sale
13 for use in this Commonwealth an adhesive, sealant,
14 adhesive primer, sealant primer, surface preparation
15 solvent or cleanup solvents. A person who uses these
16 products or applies for compensation in this
17 Commonwealth to use these products will also be
18 required to comply with the provisions in this
19 rulemaking. This would include, for example,
20 plumbers, roofers, window and automotive glass
21 installers, home builders and remodelers, construction
22 companies, landscapers, boat builders, ceramic tile
23 installers and vinyl flooring installers.

24 The rulemaking, once implemented, is
25 expected to reduce VOC emissions in Pennsylvania by

1 approximately 7,957 tons per year. The additional VOC
2 emission reductions that will occur as a result of the
3 rulemaking are reasonably necessary as a part of the
4 Commonwealth's strategy to achieve and maintain the
5 eight-hour ozone national ambient air quality standard
6 (NAAQS) throughout the Commonwealth. The provisions
7 contained in the rulemaking are modeled after control
8 measures recommended by the Ozone Transport Commission
9 in its 2006 Model Rule for adhesives, sealants and
10 primers and would be applicable starting April 15th,
11 2010, with certain exceptions. To provide
12 flexibility, the rulemaking allows owners and
13 operators that use noncompliant products to use add-on
14 air pollution controls as a compliance alternative in
15 lieu of the use of compliant products. Upon
16 finalization of the rulemaking, the regulations will
17 be submitted to the EPA as a revision to the
18 Commonwealth's State Implementation Plan (SIP).

19 In order to give everyone an equal
20 opportunity to comment on this proposal, I would like
21 to establish the following ground rules: one, I will
22 first call upon the witnesses who have pre-registered
23 to testify at this hearing. After hearing from these
24 witnesses, I will provide any other interested parties
25 with the opportunity to testify as time allows. Two,

1 testimony is limited to ten minutes for each witness.
2 Three, organizations are requested to designate one
3 witness to present testimony on its behalf. Four,
4 each witness is asked to submit three written copies
5 of his or her testimony to aid in transcribing the
6 hearing. Please, hand me your copies prior to
7 presenting your testimony. Five, please state your
8 name, address and affiliation for the record prior to
9 presenting your testimony. We would appreciate your
10 help by spelling names and terms that may not be
11 generally familiar so that the transcript can be as
12 accurate as possible. Six, because the purpose of the
13 hearing is to receive comments on the proposal, EQB or
14 DEP staff may question witnesses; however, the
15 witnesses may not question the EQB or DEP staff during
16 the public hearing.

17 In addition to or in place of oral
18 testimony presented at today's hearing, interested
19 persons may also submit written comments on this
20 proposal. All comments must be received by the EQB on
21 or before June 8, 2009. Comments should be addressed
22 to the Environmental Quality Board, P.O. Box 8477,
23 Harrisburg, PA, 17105-8477. Comments may also be
24 submitted by e-mail to the EQB at
25 RegComments@state.pa.us by June 8, 2009.

1 All comments received at this hearing, as
2 well as written or electronic comments received by
3 June 8, 2009, will be considered by the EQB and will
4 become included in a Comment/Response document, which
5 will be prepared by the Department and reviewed by the
6 EQB prior to the Board taking its final action on this
7 regulation.

8 Anyone interested in a copy of the
9 transcript of this hearing may contact the reporter
10 here this afternoon to arrange to purchase a copy.

11 I would now like to call the first
12 witness. And that first witness is George Kickel. I
13 would ask you to do your talking up here, okay, so
14 folks will be sure to be able to hear you.

15 MR. KICKEL:

16 Dear Members of the Environmental Quality
17 Board, good afternoon. My name is George Kickel and
18 I'm the Director of Environment, Safety, Health and
19 Regulatory Compliance for the LORD Corporation. I
20 wish to submit the following comments on behalf of
21 LORD Corporation at today's public hearing on the
22 Proposed Rulemaking for adhesives, sealants, primers
23 and solvents.

24 LORD Corporation, which has been in
25 business since 1924, employs over 1,000 people at its

1 four facilities located in Pennsylvania. LORD is
2 uniquely impacted by these regulations as we both
3 manufacture and apply adhesives that would be
4 regulated under the proposed rule at our facilities
5 located in Pennsylvania.

6 I have four primary concerns about the
7 proposed regulations that I would like to address
8 today. First, the proposed rule places the burden of
9 compliance on the seller. The rule, as written,
10 applies to any person, (entity) who supplies, sells,
11 offers for sale, or uses adhesives, sealants, or
12 adhesives or sealant primers. This statement extends
13 compliance not only to the user, but to the
14 manufacturer as well. Thus, LORD, as an adhesive
15 manufacturer becomes responsible for ensuring that we
16 do not sell product in violation of the rule limits to
17 customers that do not have control systems in-place.
18 This is an overly burdensome regulatory requirement on
19 LORD Corporation and other manufacturers. In effect,
20 it forces LORD to act as a regulatory agency. Many of
21 our customers are small users, for which we have
22 little information. It would be difficult and costly
23 for us to determine whether the rule applies to a
24 customer, or if they have installed control devices at
25 the time of each sale.

1 I also find it difficult to understand
2 how this component of the regulation will be enforced
3 equally with manufacturers of adhesives located within
4 Pennsylvania and those located outside of the United
5 States. It is our position that the responsibility
6 for compliance be placed with the user of the material
7 and the Department and not the seller.

8 Second, the compliance deadline relative
9 to the implementation of control devices is not
10 achievable. The April 15th, 2010 deadline is not
11 achievable to install a control device. With the
12 final regulation not scheduled for publication for
13 several more months, it would leave a regulated
14 facility only a few months to design, apply for
15 permits, construct, build, install, conduct acceptance
16 testing, and gain final permit approval. Our recent
17 experience with the installation of control devices at
18 LORD facilities located in Pennsylvania and elsewhere
19 indicates that at least two years should be allowed to
20 ensure adequate time for all phases of the project,
21 including obtaining the required permits. The permit
22 process for the last thermal oxidizer we installed in
23 Pennsylvania added almost approximately six months to
24 the project schedule. DEP witnessed emission control
25 testing can add an additional month or more at the

1 conclusion of the project. These factors, and the
2 others listed, must be taken into consideration to set
3 a more realistic compliance deadline.

4 Third, the compliance deadline relative
5 to the reformulation of adhesives is not achievable.
6 Recent experience with the compliance for the
7 Miscellaneous Metal Surface Coating NESHAP has
8 demonstrated that the proposed April 15th, 2010
9 compliance deadline is not achievable. It is not
10 realistic to develop, reformulate, test, and achieve
11 final customer approval for a new adhesive in less
12 than one year. This also would force our customers
13 outside of Pennsylvania to incur additional costs
14 associated with adhesive reformulations and our
15 products manufactured in Pennsylvania would be at a
16 competitive disadvantage in the marketplace. The
17 industry would be better served if the compliance
18 deadline would be moved out an additional year to
19 allow for proper reformulation and customer acceptance
20 testing to occur.

21 Fourth, the rule imposes a competitive
22 disadvantage to manufacturers operating in
23 Pennsylvania. Manufacturing facilities outside of our
24 state, including those owned by LORD Corporation that
25 are not bound by a similar Industrial Adhesive rule,

1 have a competitive advantage in that they are able to
2 choose adhesives on the basis of performance and cost
3 without having to incur additional operational costs
4 to control emissions.

5 I encourage everyone on the Board to
6 continue a dialogue with LORD as you consider
7 implementation of this new regulation. Thank you for
8 your time and the opportunity to comment.

9 CHAIRMAN:

10 I will now call Mr. Mike Kocak.

11 MR. KOCAK:

12 Good afternoon. I'm Michael Kocak. I'm
13 from C.U.E., Incorporated, Leonberg Road, Cranberry
14 Township, PA, 16066. I'm the Quality Control Manager
15 of C.U.E. and I'm also the Regulatory Division
16 Manager, the Polyurethane Manufacturing Association,
17 Milwaukee, Wisconsin.

18 Thank you for the opportunity to address
19 you today concerning the proposed rulemaking
20 concerning Adhesives, Sealants, Primers and Solvents.
21 And I'm here in a dual role as representing C.U.E.,
22 Incorporated and PMA.

23 C.U.E. is located in Cranberry Township,
24 Butler County. We mold a variety of parts out of cast
25 polyurethane. Although a small company, employing

1 around 90 people, in the cast polyurethane industry. we
2 are one of the larger firms. I'm the Quality Control
3 Manager and I am also responsible for our air
4 permitting.

5 The Polyurethane Manufacturing
6 Association is the trade association of the cast
7 polyurethane elastomer industry, serving processors of
8 polyurethane products, materials and equipment
9 suppliers and independent agents. PMA exchanges and
10 disseminates information on standards, materials,
11 processes and technical matters, in addition to
12 monitoring regulatory and legislative activity
13 affecting the urethane industry. PMA is nationwide,
14 and has 11 members in the State of Pennsylvania, which
15 is actually more than any other state.

16 I serve as the Manager of PMA's
17 Regulatory Division. The Regulatory Affairs Division
18 functions to help members comply with governmental
19 regulations, to promote safe and responsible use of
20 chemicals and high standards in the workplace safety
21 and health, and to identify and recommend proposed
22 government action affecting the membership.

23 My comments concern 121.1, the definition
24 of quote, Metal to urethane/rubber molding or castings
25 adhesive, end quote.

1 This definition is of great interest to
2 the cast urethane industry since many polyurethane
3 parts are molded in, on, or around a metal piece. An
4 adhesive is typically used to promote the bond between
5 the metal and the polyurethane. A bond failure will
6 cause part failure, potentially posing a risk of
7 property damage and/or personal injury.

8 At C.U.E., a large majority of our
9 production uses an adhesive coated metal insert. Bond
10 strength is a crucial parameter of part quality. The
11 first part of the definition is a rather precise
12 description of the usage in our industry, but does
13 seem to have a typographical error. Quote, an
14 adhesive intended by the manufacturer to bond metal to
15 high density or elastomeric urethane or molded rubber
16 materials, in heater molding or casting processes, end
17 quote. I expect that the intent was to use the term
18 heated molding instead of heater molding. Both
19 polyurethane and rubber molding/casting are done at
20 elevated temperature; therefore, heated molding would
21 make sense. I don't know what heater molding/casting
22 would refer to, it doesn't seem to fit.

23 However, the final half of the definition
24 is the part that causes us concern. The final part
25 attests to heater molding and casting processes to

1 fabricate products like rollers for computer printers
2 or other paper handling equipment. Since the word
3 like is used, the language does not intend to restrict
4 the definition, but is our fear that it could possibly
5 be interpreted at some point as restricting the
6 definition only to rollers for computer printers or
7 other paper handling equipment. It is our contention
8 that the definition should not be limited, since no
9 matter what the end use of the part is, the process
10 for bonding polyurethane to metal is the same basic
11 process using similar materials and adhesives.

12 It's important to C.U.E., Incorporated
13 and PMA's other Pennsylvania members that the
14 definition clearly applies to all polyurethane molding
15 so that the VOC content limits in Tables I and V for
16 Metal to urethane/rubber molding or casting clearly
17 apply in all metal to urethane bonding applications.
18 Therefore, we suggest that in order to maximize
19 clarity and avoid confusion, that the portion of the
20 definition from like on be dropped and that the
21 definition of Metal to urethane/rubber molding or
22 casting adhesive read as follows: quote, an adhesive
23 intended by the manufacturer to bond metal to high
24 density or elastomeric urethane or molded rubber
25 materials, in heated molding or casting processes, end

1 quote. Thank you very much for your consideration in
2 this matter.

3 CHAIRMAN:

4 Thank you, sir. I will now call on Mr.
5 Ron Miller.

6 MR. MILLER:

7 Good afternoon. My name is Ron Miller
8 and I work for Advanced Building Products as
9 Firestone's Manufacturer Representative and
10 specifically work in the Commonwealth of Pennsylvania.
11 I'm here today on behalf of the EPDM Roofing
12 Association, called ERA.

13 ERA is made up of two companies that
14 manufacture a particular type of single-ply roofing
15 membrane called EPDM, and other companies whose
16 products that support the installation and repair of
17 EPDM like fasteners and adhesives.

18 My comments are directed at the following
19 parts of the regulation 129.77(m) and 130.703(c),
20 which states that low VOC products only have to be
21 used during the following time periods: one, for the
22 years 2010 and 2011, from April 15 through October 15
23 and on and, two, after January 1, 2012.

24 On behalf of ERA, I'd like to thank the
25 Environmental Quality Board and the Department of

1 Environmental Protection, the Bureau of Air Quality
2 for listening to the concerns of our industry and
3 including a phased-in seasonal implementation approach
4 for the use of adhesives, sealants and primers for the
5 use with single-ply roof membranes.

6 This phased-in implementation will go a
7 long way towards allowing our industry time to get the
8 thousands of roofing contractors properly trained so
9 that these products can be used properly.

10 On behalf of ERA, our members, thousands
11 of roofing contractors in Pennsylvania, we support
12 this regulation. Thank you very much.

13 CHAIRMAN:

14 Is there anybody else present who wishes
15 to offer testimony at this time? Hearing none, with
16 no other witnesses present, on behalf of the
17 Environmental Quality Board, I hereby adjourn this
18 meeting at 1:18 p.m. Thank you.

19 * * * * *

20 MEETING CONCLUDED AT 1:18 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceeding 05/04/2009 hearing held before Chairman Helper, was reported by me, that I have read this transcript on 05/08/2009, and I attest that this transcript is a true and accurate record of the proceeding.



Court Reporter

