

State of California
AIR RESOURCES BOARD

Proposed Updates to the 2019 Architectural Coatings Suggested Control Measure

Resolution 20-16

May 28, 2020

Agenda Item No.: 20-5-2

WHEREAS, California Air Resources Board (CARB or Board) and the United States Environmental Agency (U.S. EPA) have established health-based ambient air quality standards for ozone, PM2.5, and PM10, and these standards are exceeded in a number of the State's air basins;

WHEREAS, Health and Safety Code sections 39003, 39500, 39602, and 41500 authorize the Board to coordinate, encourage, and review efforts to achieve and maintain the State and national ambient air quality standards;

WHEREAS, Health and Safety Code sections 39001, 39600, 39602, 39605, 40916, and 41500 authorize the Board to act as necessary to execute the powers and duties granted to and imposed upon the Board and to assist the local air pollution control and air quality management districts (districts);

WHEREAS, the use of architectural coatings—which include a wide variety of paints and other coatings that are applied to stationary structures and their appurtenances—results in emissions of volatile organic compounds (VOC) throughout the State;

WHEREAS, under California law the districts have the primary legal authority for adopting control measures for non-vehicular sources such as architectural coatings, as provided in sections 39002, 40000, and 40001 of the Health and Safety Code; however, CARB often provides guidance and other assistance to the districts, including the development of Suggested Control Measures (SCM) for non-vehicular sources over which the districts have primary authority;

WHEREAS, an SCM approved by the Board is not directly applicable to persons conducting activities addressed in the SCM; the provisions of an SCM only apply to affected persons to the extent that one or more districts choose to adopt the SCM as a district rule;

WHEREAS, a number of districts adopted architectural coatings rules based on the original SCM for architectural coatings approved by CARB in 1977; CARB approved revisions to the SCM in 1985, 1989, 2000, 2007, and 2019, and 15 of California's 35

districts have adopted architectural coating rules based on the SCM that was approved by CARB in 2007; and one has updated their architectural coatings rule based on the SCM approved by CARB in 2019;

WHEREAS, CARB staff has proposed an updated SCM for architectural coatings, as set forth in Appendix A of the Staff Report released to the public on April 24, 2020;

WHEREAS, CARB staff developed the proposed updated SCM in response to direction from the Board at the May 2019 Board hearing to evaluate the feasibility of adding a new coating category in the SCM for use on solar modules called Photovoltaic Coatings, and has brought the proposed updated SCM to the Board for consideration;

WHEREAS, in developing the proposed updated SCM, CARB staff evaluated data for Photovoltaic Coatings and performed a technology assessment of Photovoltaic Coatings in the proposed updated SCM;

WHEREAS, the proposed updated SCM is designed to be considered for adoption by the districts, and is intended to provide a framework to allow for the use of Photovoltaic Coatings on uncoated solar modules which will result in an increase of energy efficiency by three percent;

WHEREAS, the proposed updated SCM, upon adoption and implementation by the districts, would allow the use of Photovoltaic Coatings, which would result in a one-time release of VOC emissions but would also increase energy efficiency of the solar modules and result in avoided power plant emissions of greenhouse gases and criteria pollutants for least ten years;

WHEREAS, concepts or drafts of the proposed updated SCM were discussed at a public workshop on February 26, 2020;

WHEREAS, CARB staff consulted with interested districts and the U.S. EPA throughout the process and held numerous meetings with individual manufacturers and other interested parties from June 2019 through April 2020;

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

WHEREAS, staff determined that, since the provisions of an SCM only apply to the extent that one or more districts choose to adopt the proposed updated SCM as a district rule, the proposed updated SCM should not be viewed a CARB "project" subject to CEQA, as its approval by CARB would not commit any jurisdiction to implementing it. Staff also determined that even if the proposed updated SCM were considered a "project", it would likely qualify for one or more CEQA exemptions, including the Class 8

exemption for actions by regulatory agencies for protection of the environment (See 14 CCR § 15308) and the “general rule” or “common sense” exemption (See 14 CCR 15061(b)(3)). Nevertheless, in considering the proposed updated SCM, CARB has elected to rely on Program Environmental Report included in the Staff Report released in 2000, and no additional environmental review is required because the record evidence shows that the amendments will not result in new significant adverse environmental impacts or a substantial increase in severity of previously identified significant adverse impacts, as described in Chapter VI of the Staff Report;

WHEREAS, the Board finds that:

Adequate data exist to establish that the proposed updated SCM is necessary to attain State and national ambient air quality standards for ozone;

The proposed updated SCM will result in an increase of energy efficiency by three percent;

The increased energy efficiency from the proposed updated SCM will result in avoided power plant emissions of criteria pollutants and greenhouse gases for at least ten years;

The proposed updated SCM is commercially and technologically feasible and necessary;

An economic analysis of the proposed updated SCM was conducted by CARB, and the conclusions and supporting documentation for this analysis are set forth in the Staff Report;

The proposed amendments are covered by the prior Program Environmental Impact Report prepared to comply with CEQA, and no additional environmental review, or revisions to the prior Program Environmental Impact Report, are required because substantial evidence in the records shows there are no changes that will result in new significant adverse environmental impacts or a substantial increase in severity of previously identified significant adverse impacts;

The proposed updates were developed in an open public process, in consultations with affected parties, through numerous public workshops, individual meetings, and other outreach efforts, and these efforts are expected to continue;

The proposed updates are consistent with CARB’s environmental justice policies and do not disproportionately impact people of any race, culture, or income;

No reasonable alternative considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the

purpose for which the updated SCM is proposed, or be as effective and less burdensome to affected private persons and business than the proposed updated SCM.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the proposed updated SCM for architectural coatings as set forth in the *Staff Report for Proposed Updates to the Suggested Control Measure for Architectural Coatings*, released on April 24, 2020.

I hereby certify that the above is a true and correct copy of Resolution 20-16 as adopted by the California Air Resources Board.

Patricia Carlos

Patricia Carlos, Board Clerk