

EPA's SBAR Panel Outreach Meeting with Small Entity Representatives on Proposed Rulemaking for Pigment Violet 29 under TSCA Section 6(a)

Panel Outreach SER Questions for Discussion on Pigment Violet 29 (PV29)

For rules that may have a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act (RFA) requires agencies to evaluate regulatory alternatives that may minimize the burden on small entities expected to be regulated. The RFA notes that the regulatory alternatives must be consistent with the stated objectives of applicable statutes (i.e., TSCA), and suggests significant alternatives such as:

- the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;
- the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;
- the use of performance rather than design standards; and
- an exemption from coverage of the rule, or any part thereof, for such small entities.

To that end, the following informal questions on your work practices and your experiences with this chemical are aimed at guiding our discussion today, and your later written feedback, towards ideas for minimizing the economic impact on your business while remaining within the constraints of TSCA. We are not seeking a structured response on each question; rather, we are interested in any feedback or details you can provide, and hope that these questions let you know what type of information would be most useful as we consider advice from the small entity representatives.

If you are interested in providing this or other information in writing, please see the contact information below.

We ask that you refrain from providing Confidential Business Information (CBI) during the discussion or in email to EPA. If you choose to provide CBI, we will provide special instructions.

Contact Information:

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1) Regulatory options (*Questions for all businesses*)

- a. Which of the regulatory options presented today would you recommend?
 - Prohibit or restrict manufacturing, processing, and distribution
 - Prohibit or restrict manufacturing, processing, and distribution for a particular use
 - Prohibit use above a set concentration
 - Existing Chemical Exposure Limit (ECEL)
 - Prescriptive PPE controls (e.g., respirator with an applied protection factor (APF) of 50)

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- Prescriptive administrative controls (e.g., login sheet for hours worked with PV29)
- Prescriptive engineering controls (e.g., prescriptive filtration on bag house filters)
- Regulatory options applied broadly with other restrictions
 - Recordkeeping and downstream notification
 - Monitoring and labeling
- b. Training, certification, and limited access program: In your experience, are the EPA cost estimates below reasonably representative?
 - Prohibition of PV29: Cost of substitution where possible;
 - Existing Chemical Exposure Limit (ECEL): Unknown at this time, however, will vary depending on ECEL and COU;
 - Engineering/Administrative Controls: Varies by control type and needs of user;
 - Product Label or Warnings: \$765 - \$875 per product;
 - Personal Protective Equipment (PPE) APF 50: Approximately \$700-\$2,200;
 - Recordkeeping: \$200 - \$325 per firm;
 - Downstream Notification: \$112-\$125 per product
- c. Do you have additional information to improve the cost estimates?
- d. What would be the economic impact on your business if EPA were to require the regulatory options? For instance, will the regulatory options affect customer base, revenue, profits, process (e.g., throughput), employment or other aspects of your business. If so, can you please describe.
- e. Can you think of ways to add flexibility to this rulemaking for your small businesses?
- f. How do you learn about EPA regulations and what your business should do to comply?
- g. What is the best way to reach out to members of your industry?
- h. Do you have recommendations for EPA?

2) Questions for import repackaging facilities

- a. Do you import and repackage PV29? Or, only repackage PV29?
- b. What volume per year of PV29 do you import and/or repackage?
- c. How many workers per facility come into contact with open containers of PV29?
- d. Could your business make changes or otherwise amend its containers or systems to prevent dust release and what would it cost?
- e. What would it cost you to implement regulatory options that change work practices and engineering controls to reduce PV29 dust that is released in the indoor environment? Examples:
 - Closed system for unloading PV29 from trucks or containers
 - Dust filtration systems to capture indoor dust
 - HEPA filters in exhaust systems to prevent PV29 dust from entering the outdoor environment
 - Cleaning protocols
 - Practices of dust disposal
 - Numerical limits on fugitive dust or nuisance dust

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- Exhaust systems for worker protection that increase emissions to outdoor air
- Filters on exhaust mechanisms to prevent pollution in local community
- Use of closed systems to protect workers
- Secondary containment on equipment
- f. How many products do you repackage PV29 into, e.g., how many SKUs
- g. Do you have recommendations for EPA?

3) Questions for formulators of paints and coatings containing PV29

- a. Do you know which products that you sell/supply that contain PV29?
 - i. Please provide an estimate of the number of products, a description of the type of paint (e.g., Original Equipment Manufacturer (OEM) auto paint, structure paint, etc.), and the volume of each.
- b. Do you add PV29 to those products in a “wet” or “dry” form?
 - i. If dry, do workers wear respiratory protection or are there engineered controls in place to prevent/limit exposure to PV29? Please describe.
 - ii. How many workers per facility are exposed to PV29?
- c. What would the impact of labeling every product you supply/sell containing PV29 in terms of cost and efficacy for your business?
 - i. Can you estimate the cost of labeling? How frequently do you normally redesign or make updates to your labeling?
 - ii. Can you estimate the costs of providing downstream notification (e.g., amending an SDS)
- d. Do you currently maintain records of sales, including volumes and customers of specific products?
 - i. If not, can you estimate the costs of maintaining such records (EPA estimates \$200 - \$325 per firm to maintain records)?
 - ii. If so, could you provide estimates of the volume of sales and numbers of customers receiving products containing PV29?
- e. Can you provide an estimate of the percentage (or volume) of OEM vehicle paint products containing PV29 that are for cars, are for trucks, are for other vehicles?
- f. Do you produce paints containing PV29 for structural applications? If so, could you please describe those applications?
- g. Regarding OEM automotive/vehicle paints, how long do you continue to produce a specific paint formulation once it has been used in an auto manufacturer's color lineup? That is, after the color is no longer offered as an option by an automotive manufacturer, how long would you continue to offer the color for aftermarket auto repair and/or restoration?
- h. Do you know if the paints containing PV29 are used for cars, trucks, or other vehicles and if so, can you provide an estimated breakdown of the percentage volume going for each?
- i. Alternatives: Do you sell another product that does not contain PV29 that is designed for the same use or application?

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If yes:

- What is the alternative pigment used to achieve the color/or similar color that PV29 provides?
- How does the alternative product compare in terms of safety, efficacy, and cost?

If no:

- If you need to reformulate this product with an alternative product, what would be the implications for the product in terms of safety, cost and efficacy?
- If you need to reformulate this product without PV29, what pigment would most likely replace PV29? How do you think the alternative product would compare in terms of safety, cost and efficacy?
- If you need to reformulate this product, how much time would that take?

j. Do you have recommendations for EPA?

4) Questions for plastics formulators (resin manufacturing and compounding of resins - masterbatchers)

- a. Do you use PV29 as a colorant in any of your plastic masterbatch (or other product)?
If yes,
 - i. What volume of PV29 do you use per year (on average)?
 - ii. What industries do you supply PV29 containing plastic to? (E.g., automotive parts manufacturers, etc.)
 - iii. What volume of PV29-containing plastic do you provide to each industry type per year (on average)?
 - iv. How many companies per industry type do you supply PV29-containing product to?
- b. How many workers at your facility come into contact with the pigments used to make your products?
 - i. How many of those pigments (percentage) are in the dry powder form?
 - ii. What kind of personal protective equipment do these workers use?
- c. What would the impact of labeling every product you supply/sell containing PV29, in terms of cost and efficacy for your business?
 - i. Can you estimate the cost of labeling? How frequently do you normally redesign or make updates to your labeling?
 - ii. Can you estimate the costs of providing downstream notification (e.g., amending an SDS)?
- d. What would it cost if EPA required you to reduce levels of PV29 in indoor air?
Examples of requirements:
 - Segregation of operations into separate rooms
 - Monitoring of respirable dust in work area

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- Reducing the speed of equipment
 - Increasing the amount of recycling back into the manufacturing process
 - Use of particular containers and equipment that prevent releases
 - Cleaning protocols such as sprays to knock down dust
 - Exhaust systems
 - Filters on exhaust mechanisms to prevent pollution in local community
 - Use of closed systems to protect workers
 - Hoods or other containment on equipment
 - Numerical limits on PV29 dust in indoor or outdoor air
- e. Do you currently maintain records of sales, including volumes and customers of specific products?
- i. If not, can you estimate the costs of maintaining such records?
 - ii. If so, could you provide estimates of the volume of sales and numbers of customers receiving products containing PV29?
- f. For each product/use of PV29 do you sell another product that does not contain PV29 that is designed for the same use or application?
- If yes:
- i. What is the alternative pigment used to achieve the color/or similar color that PV29 provides?
 - ii. How does the alternative product compare in terms of safety, efficacy, and cost?
- If no:
- i. If you need to reformulate this product with an alternative product, what would be the implications for the product in terms of safety, cost, and efficacy?
 - ii. If you need to reformulate this product without PV29, what pigment would most likely replace PV29? How do you think the alternative product would compare in terms of safety, cost and efficacy?
 - iii. If you need to reformulate this product, how much time would that take?
- g. Do you have recommendations for EPA?

5) Questions for Auto Manufacturers

- a. Are there certain types of vehicles for which colors that contain PV29 tend to be used? (e.g., is a PV29-containing paint more popular in trucks than automobiles, etc.?)
- b. What would the impact be if PV29 was no longer available for use in new colors of automobile paint? (Are there alternative pigments that can be used?)
- c. Are there requirements in place (regulatory, internal warranty, insurance, etc.) to provide replacement paint for a certain period of time? If so, what are these requirements and what period of time?
- d. Do warranty programs include interior plastic parts, and would the specific color of these parts be required to be matched exactly?

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- e. How many workers per plant are involved in painting vehicles (i.e., those who would be exposed to the paint)
 - i. What kind of personal protective equipment do these workers use?
- f. What would it cost if EPA required you to reduce levels of PV29 in indoor air?
Examples of requirements:
 - Segregation of operations into separate rooms
 - Monitoring of respirable dust in work area
 - Reducing the speed of equipment
 - Increasing the amount of recycling back into the manufacturing process
 - Use of particular containers and equipment that prevent releases
 - Cleaning protocols such as sprays to knock down dust
 - Exhaust systems
 - Filters on exhaust mechanisms to prevent pollution in local community
 - Use of closed systems to protect workers
 - Hoods or other containment on equipment
 - Numerical limits on PV29 dust in indoor or outdoor air
- g. Do you currently maintain records of sales, including volumes and customers of specific products?
 - i. If not, can you estimate the costs of maintaining such records?
 - ii. If so, could you provide estimates of the volume of sales and numbers of customers receiving products containing PV29?
- h. Do you have recommendations for EPA?

6) Questions for Merchant Ink Users

- a. Are you aware of the specific pigments in the inks you use? What steps would it take for you to be able to identify them? What is your preferred method of downstream notification/product labelling in order to identify which inks contain PV29?
- b. Do you use inks containing PV29? If yes,
 - i. What kind of printing do you use these inks it?
 - ii. What kind of printed products use these inks? What volume of each product do you print with PV29-containing inks per year (on average)?
 - iii. What volume of PV29-containing inks do you use per year (on average)?
 - iv. Is there a particular characteristic of PV29-containing ink that makes it essential for certain uses, or would you be able to provide acceptably colored printed products without it (using another product)?
- c. How many workers at your facility are involved with the printing process or otherwise come into contact with inks?
 - i. What kind of personal protective equipment, if any, do these workers use?
- d. What would it cost if EPA required you to reduce levels of PV29 in indoor air?
Examples of requirements:
 - Segregation of operations into separate rooms
 - Segregation of operations into separate rooms Monitoring of respirable dust in work area

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- Reducing the speed of equipment
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- Use of particular containers and equipment that prevent releases
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- Exhaust systems
- Filters on exhaust mechanisms to prevent pollution in local community
- Use of closed systems to protect workers
- Hoods or other containment on equipment
- Numerical limits on PV29 dust in indoor or outdoor air
- e. Do you currently maintain records of sales, including volumes and customers of specific products?
 - i. If not, can you estimate the costs of maintaining such records?
 - ii. If so, could you provide estimates of the volume of sales and numbers of customers receiving products containing PV29?
- f. What would it cost if EPA required you to reduce levels of PV29 in indoor air to reduce or prevent release to outdoor air? Examples of requirements:
 - Segregation of operations into separate rooms
 - Monitoring of respirable dust in work area
 - Reducing the speed of equipment
 - Increasing the amount of recycling back into the manufacturing process
 - Use of particular containers and equipment that prevent releases
 - Cleaning protocols such as sprays to knock down dust
 - Exhaust systems
 - Filters on exhaust mechanisms to prevent pollution in local community
 - Use of closed systems to protect workers
 - Hoods or other containment on equipment
 - Numerical limits on PV29 dust in indoor or outdoor air
- g. Do you currently maintain records of sales, including volumes and customers of specific products?
 - i. If not, can you estimate the costs of maintaining such records?
 - ii. If so, could you provide estimates of the volume of sales and numbers of customers receiving products containing PV29?
- h. Do you have recommendations for EPA?

7) Questions for auto body shops

- a. Do you have a specific auto paint brand that you prefer to use? If so, which one?
- b. What system do you use to match paint color for a paint job? (Formula from manufacturer, spectrophotometer, etc.)
- c. Do you look for characteristics of paint other than color when attempting to match paint such as durability, performance, metamerism (i.e., does the color match under all light conditions), etc.)?

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- d. Are you aware of the specific pigments used in your paint? What steps would it take for you to be able to identify them? What is your preferred method of downstream notification/product labelling in order to identify which products contain PV29?
- e. If a certain color pigment (e.g., toner or tint) is not available, are you able to match the color using other toners or tints? What would happen if you cannot find an adequate paint color match?
- f. What is the average volume of paint you use and what is the average price you charge for a collision or other paint job (or range for small touch up to large area)
- g. What is the average volume of paint you use and what is the average price you charge for a complete paint job (for the entire vehicle)
- h. What is the average volume of paint you use and what is the average price you charge for a complete paint job (for the entire vehicle)
- i. What kind of personal protective equipment do your painters (and any workers who might be exposed to the paint or paint dust from sanding/grinding during refinish) use?
- j. How many painters (and any other workers who might be exposed to the paint or paint dust from sanding/grinding during refinish) does your shop employ?
- k. What would it cost if EPA required you to reduce levels of PV29 in indoor air to reduce or prevent release to ambient air inside the auto body shop? Examples of requirements:
 - o Segregation of operations into separate rooms
 - o Monitoring of respirable dust in work area
 - o Use of particular containers and equipment that prevent releases
 - o Cleaning protocols such as sprays to knock down dust
 - o Dust filtration systems to capture indoor dust
 - o Exhaust systems
 - o Filters on exhaust mechanisms to prevent pollution in local community
- l. Do you have recommendations for EPA?

8) Questions for recycling and disposal operations

- a. Do you recycle PV29; paints/coatings that contain PV29, or both?
- b. How would it affect your business if EPA prohibited recycling of PV29 or articles/paints/coatings containing PV29?
- c. What would it cost if EPA required you to reduce levels of PV29 in indoor air?
Examples of requirements:
 - o Segregation of operations into separate rooms
 - o Monitoring of respirable dust in work area
 - o Reducing the speed of equipment
 - o Increasing the amount of recycling back into the manufacturing process
 - o Use of particular containers and equipment that prevent releases
 - o Cleaning protocols such as sprays to knock down dust
 - o Exhaust systems
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- Use of closed systems to protect workers
 - Hoods or other containment on equipment
 - Numerical limits on PV29 dust in indoor or outdoor air
- d. Do you have recommendations for EPA?

9) Questions for distributors and retailers

- a. How much of your business is supplying products containing PV29 to consumers?
- b. How much of your business is supplying products containing PV29 to commercial or industrial users?
- c. If you could no longer sell products containing PV29, how would this impact your business?
- d. Do you also sell products designed for the same application or use that do not contain PV29? If yes, what is the relative share of sales for the product(s) containing PV29 compared to the products that do not contain PV29?
- e. Are there particular challenges for small businesses distributing products containing PV29 that are different from large distributors?
- f. What is your preferred method of downstream notification?
- g. If you were required to limit sales of PV29 containing products to only persons who were certified to purchase it, what activities and costs would be involved? What guidance would be helpful from the Agency?
- h. Do you know if the paints containing PV29 are used for cars, trucks, or other vehicles and if so, can you provide an estimated breakdown of the percentage volume going for each?
- i. Do you have recommendations for EPA?