



## Metal Finishing Industry Wins Major Concessions in Final Rule as California Air Resources Board Adopts Hexavalent Chromium Air Toxic Control Measure (ATCM)

by Daniel Cunningham, MFASC & STA Executive Director

On Thursday, December 7, 2006 the California Air Resources Board (CARB), at their scheduled meeting in Bakersfield, CA, voted to adopt the Proposed Amended Air Toxic Control Measure (PAATCM) for Hexavalent Chromium Operations (Hard Chrome Plating, Decorative Chrome Plating, and Chromic Acid Anodizing). The CARB Staff made several substantial changes to the PAATCM since September, which included many of the requests that industry suggested in order to allow metal finishing companies to comply with this ATCM without putting them out of business.

The Metal Finishing Association of Southern California, Inc. (MFASC) and the Surface Technology Association (STA) were once again at the forefront of this battle. We were armed with scientific data, economic data, technical data, and common sense and rationality. The presentation made by the metal finishing industry in Bakersfield was a logical, clear, and organized slide presentation made by 11 speakers, who each had only three minutes to describe their background and industry information. The industry was only requesting flexibility to meet a more stringent standard for hexavalent chromium emissions by allowing the use fume suppressants and other in-tank controls along with verification (source tests) that we indeed meet the standard, but not mandating the installation of a HEPA system. The industry presentation included testimony on the successful reductions of emissions already achieved including results of a very successful source test using only in-tank controls, several technical flaws that we found with regard to modeling and assumptions made and many economic arguments, including the ripple effect on the manufacturing base in California and the severe *underestimation* of economic impact to the industry.

Our industry attorney, Chuck Pomeroy, and our technical expert, Dean High, worked to develop the slide presentation and talking points for our presenters and we all met early in the morning to go over our slides and topics. We all need to thank these individuals for their commitment to come up to Bakersfield for the day and testify at this Board meeting. They are; **Ed Appleton**, Metal Finishing Marketers; **Dennis Becvar**, Professional Environmental Services; **Sam Bell**, Metal Surfaces, Inc.; **Geoff Blake**, All Metal Processing of Orange County; **Frank Grana**, California Electroplating; **Ray Lucas**, Valley Chrome; **John Marrs**, Chrome Craft; **Bob McBride**, A.C. Plating; **Alan Olick**, General/Brite Plating; **Chuck Pomeroy**, McKenna, Long & Aldridge, and myself.

What the CARB Board approved was a very stringent air regulation for hexavalent chromium emissions, but one very similar to the existing SCAQMD Rule 1469. The new ATCM will require

additional record keeping and housekeeping and a requirement that most companies meet an emission standard of 0.0015 mg/AH. Most companies will be allowed to use fume suppressants and other in-tank controls, depending on proximity to sensitive receptors, to prove that they comply with this standard. Everyone involved from our industry felt that, given the discussions and the current landscape, this result was absolutely the best one we could have achieved, and that it could have been a lot worse, if not for our monumental efforts.

We all feel that the current ATCM will save many, if not all chromium platers (especially many small chromium platers), from going out of business. **This was a major victory!** *When you look back eight months to the original proposal in April, CARB Staff and the environmentalists were proposing that virtually every hard chrome plating, decorative chrome plating and chromic acid anodizing facility would be **mandated** to install and maintain a HEPA filtration system as the Best Available Control Technology (BACT) and wanted to "phase-out" hexavalent chrome completely in California, in affect, shutting down hexavalent chromium plating in the state permanently. We were successful in not allowing this to happen!*

Another key factor was the testimony of the South Coast Air Quality Management District (SCAQMD) and the Bay Area Air Quality Management District (BAAQMD). These two air districts, California's largest and with the largest number of metal finishers, testified that industry should be given the flexibility to meet the emission standard using whatever technology they chose, be it add-on controls, like HEPA, or a combination of in-tank controls, such as surface tension reducers and foaming agents, etc. We want to thank these air districts for giving our industry the credit it deserves for our 99.9+% hexavalent chromium emission reductions currently being achieved. In addition, SCAQMD proposed a resolution to help us by clarifying equivalency, this also passed.

Following our presentation there were several environmental groups and individuals saying that the proposal did not go nearly far enough. These groups wanted a "move in" provision put into the PAATCM, a minimum distance for facilities of 1000 feet from any residence or sensitive receptor, and other extremely onerous provisions. These demands forced the Board to consider between being too stringent verses not stringent enough; or staying in the middle and adopting the CARB Staff proposal, which we felt we could accept. The Board ultimately voted to go with the Staff proposal.

MFASC and STA have spent over \$150,000 getting us to this point. These costs includes many hours for our attorney to look at legal challenges and case law, attending meetings and telephone conferences and drafting numerous comments and other documents concerning the proposal, a lot of technical dissection and analysis on the modeling and assumptions by our technical expert, and an in-depth economic analysis by Environomics in Maryland, which is the same firm used by NAMF in fighting MP&M and the Chrome PEL.

We are asking for help from platers and suppliers throughout the United States. We are asking for a contribution of just \$200 for plating companies and \$500 from Suppliers to the Joint MFASC/STA Industry Environmental Fund (IEF), please write a check to help pay for this fight. **MFASC will match, dollar-for-dollar, ALL funds received from outside California, so your contribution counts DOUBLE!** We were the only industry representatives at this meeting fighting for a reasonable solution. Unfortunately, what happens first in California soon spreads throughout the country. Even if you don't have any hexavalent chromium at your shop, Nickel is already on the radar screen, with other chemicals we use to follow. **Your continued support is vital to the future of our industry.** Thank you.

Yes, I want to contribute to the Industry Environmental Fund (IEF) in efforts to fight CARB's attempt to devastate our industry.

Enclosed is my check for:    \_\_\_\$200        \_\_\_\$500  
   \_\_\_\$1000    \_\_\_Other \$\_\_\_\_\_

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Company

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Please make checks payable to:    **MFASC/STA IEF**  
   P.O. Box 923695  
   Sylmar, CA 91392-3695

*Any questions (818) 367-0234 - Thank you for your support!*

## People in the News

### Uyemura USA Adds Key Tech Position

Uyemura International, a North American leader in black finishes, satin nickel and antimicrobial finishes, has, for the third time during calendar 2006, expanded its U.S. professional staff. The company has added the post of National Product Manager and has appointed **Mario Orduz** to the position. Orduz will be based at the company's tech center in Southington, CT. Orduz brings to the position 18 years with Tyco Electronics in PWB Manufacturing Engineering, six years with Cookson Electronics (Dexter/Enthone) as Technical Service Manager and Product Introduction Manager, and most recently, five years as Product Marketing Manager, Electronics, with Atotech USA. According to National Sales Manager, Don Walsh, "His strong technical and product management experience complements our commitment to the introduction of new products to meet customer needs for performance and competitive advantage."



### Aluminum Anodizers Council elects new Board members

The results of the annual election of Officers and-Directors of the Aluminum Anodizers Council (AAC) were announced at the 15<sup>th</sup> Annual International Anodizing Conference in Toronto, Ontario on Tuesday, October 3, 2006. Andy Joswiak, Vice President of Operations at Linetec in Wausau, WI, was elected to serve his first one-year term as Chairman of the Council. Jon Ledin, Vice President and General Manager of AaCron, Inc. in Minneapolis, MN, who has served as AAC Chairman in the past, was elected to serve as interim Vice Chairman/Treasurer for one year. Dan Formsma, Vice President of AACOA Inc. in Elkhart, IN, was elected to serve his first two-year term as Past Chairman. Greg Rajscky was reelected to a one-year term to serve as President/Secretary of AAC.

Three new members were elected to two-year terms as Firm Directors on the Council's Board of Directors:

- Terry Snell is Division Manager, Environmental Division for The William L Bonnell Co. in Newnan, GA.
- R. Todd Hamilton, Sales Manager for Southern Aluminum Finishing (SAF) Co. in Atlanta, GA.
- Leonid Lerner, Executive Vice President and General Manager of Sanford Process Corporation in Natick, MA.

Mary Socha of Potash Corporation of Saskatchewan (PCS) Sales was reelected to a two-year term as Supplier Director. Remaining on the Board were Firm Director Art Leal of Progressive Anodizing, Inc. in Scarborough, Ontario, and Supplier Director Gregg McCraw of Clariant Corp. in Coventry, RI.

For more information, contact the AAC (Phone; (847) 526-2010, e-mail: [mail@anodizing.org](mailto:mail@anodizing.org); website: [www.anodizing.org](http://www.anodizing.org)).

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