



# VOC in Consumer Products and Architectural and Industrial Maintenance Coatings

Advisory Committee Charter

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# Background

The primary goal of this project is to develop new rules that will limit the content of volatile organic compounds (VOCs) in consumer products and architectural coatings sold in Oregon. This effort would develop limits on VOC content that are more restrictive than EPA's current federal standards. There are approximately 19 other states or jurisdictions across the U.S. that have VOC content limits that are more stringent than the federal standard. Many of these jurisdictions have put these limits in place in order to help states meet federal ozone standards, and to protect air quality.

To date, air quality monitoring data suggest that Oregon has been technically in compliance with the federal ozone standards, but there are several areas of the state that are trending close to the federal health-based ozone standard, such as the metro areas of Portland, Medford and Salem. This rulemaking pro-actively addresses the issue of ozone pollution here in Oregon, by reducing emissions of VOCs, an important precursor to ozone formation.

There are important co-benefits to reducing the VOC content in consumer products and architectural coatings, such as reducing the prevalence of compounds that contain toxic chemicals that can contribute to issues such as asthma, hormonal disruption and cumulative cancer risks when inhaled or applied directly to the body. VOC exposures are often highest for communities of color, who also experience the greatest cumulative health risks associated with environmental pollutants and toxics. Higher exposures to VOCs have also been found for women, children, and low-income communities. Actions to reduce the VOC content of products in Oregon will benefit these communities by reducing one important type of exposure associated with cumulative health burdens.

The goal of convening this rulemaking advisory committee is to explore regulatory options for Oregon, and to provide input that guides DEQ's development of a final regulatory model. Among other states in the U.S. that have similar rules, many follow model rules of the Ozone Transport Commission, a multi-state organization that develops and implements solutions for the Mid-Atlantic and Northeastern regions of the U.S. to help the region meet clean air act requirements. Within the model rules developed by the Ozone Transport Commission, there are five different iterations, or phases, of rules for consumer products (with phase 5 being the most recently developed model rules, and the most stringent). The Ozone Transport Commission also has model rules for regulation of VOC content in architectural and industrial maintenance coatings.

Another regulatory model that the committee will consider is based on rules that the California Air Resources Board enforce. The CARB rules have been in place since 1989 and been revised many times since then – progressively reducing the allowable VOC content in many product categories over time. The rules set by CARB for consumer products have extensive reporting requirements, and the state runs a robust product testing and enforcement program. CARB also has a separate model rule that many air districts in California have adopted for the regulation of architectural coatings.

## Purpose and Scope

This rulemaking will reduce emissions of volatile organic compounds (VOCs) from consumer products and architectural and industrial maintenance (AIM) coatings. This rulemaking is part of

efforts in the Air Quality Division to reduce key pollutants that impact public health, and impact the State's ability to meet federal Air Quality standards.

This rulemaking is intended to establish new requirements to limit VOCs in consumer products and AIM coatings as pro-active measure to reduce emissions of ozone pre-cursors in Oregon, and reduce public health impacts associated with VOCs and ozone.

## **Fiscal, economic and racial equity impacts**

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

ORS 183.333 (a)(F) requires agencies to provide a statement identifying how adoption of the rule(s) will affect racial equity in Oregon. To aide in crafting this statement DEQ will ask the committee to provide input on this question.

## **Roles**

### **DEQ facilitator**

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Tries not to lose good ideas to the consensus process; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

### **Committee members**

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

## **Non-committee member attendees**

Those who attend the committee meetings, but are not members of the committee are there only to observe and not to actively participate. If non-committee members are present at a meeting, DEQ may allow time during the meeting for their comments.

## **DEQ staff**

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

## **DEQ support and website**

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee web page [LINK](#).

## Committee meetings

1. All committee meetings will be:
  - open to the public, although the committee can choose whether the public can actively participate in committee meetings
  - advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
  - [noticed by email](#) to the Air Quality Standards GovDelivery list
  - noticed on DEQ's Facebook/Twitter account
  - held on Zoom, with an in-person option
  - accessible via a call-in number or webinar
2. The committee is expected to meet 4-5 times during 2024 and 2025.

The meeting duration times above may vary depending on topics and committee progress.

3. Meeting materials and agenda will be posted to the advisory committee webpage

## Decision making

The committee's discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

# Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

## Advisory Committee Membership

| Name/s                         | Affiliation  |
|--------------------------------|--|
| Raevyn Thompson & Jamie Pang   | Beyond Toxics  |
| Lilah Walsh                    | My Hair My Health  |
| Sharetta Butcher & Daisha Tate | North by Northeast Community Health Center                   |
| Perry Cabot                    | Multnomah County Public Health Dept                          |
| Rhett Cash                     | American Coatings Association                                |
| Nicholas George                | Household Consumer Products Association                      |
| Doug Raymond                   | National Aerosol Association; Personal Care Products Council |
| Tom Snider                     | Rodda Paint  |

# Travel expenses

DEQ is able to reimburse any in state, out-of-town committee members for travel expenses, if DEQ approves them in advance.

# Public records and confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

# Information exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with DEQ to the maximum extent possible which DEQ will then share with the rest of the committee members where appropriate. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it. Committee members should only send emails (and other communications) to DEQ



and not the committee because including all members on an email could constitute a violation of Oregon's Public Meetings Law.

## Public involvement

All meetings will be open to the public. The committee can choose whether to allow public input during a committee meeting. DEQ may set aside time for the public to speak.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration at its meeting .

## DEQ contacts

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