FACT SHEET

Final Amendments to Air Toxics Standards for Rubber Tire Manufacturing

ACTION

- On June 4, 2020, the U.S. Environmental Protection Agency (EPA) finalized amendments to the 2002 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Rubber Tire Manufacturing.
- The Rubber Tire Manufacturing source category is subcategorized into rubber processing, tire production, tire cord production and puncture sealant application; however, there are no longer any major sources of tire cord production or puncture sealant application.
- The Rubber Tire Manufacturing source category includes 21 major source facilities.
- Following a residual risk and technology review (RTR) conducted under the Clean Air Act (CAA), EPA determined that risks from this source category are acceptable and that there are no new controls or practices. The agency is not making any changes to the standards based on the results of the RTR.
- EPA is, however, finalizing minor amendments to enhance the effectiveness of the standards by improving compliance and implementation. Specifically, EPA is:
    - revising requirements for periods of startup, shutdown and malfunction to be consistent with recent court decisions; and
    - requiring electronic reporting.

RESIDUAL RISK ASSESSMENT

- The CAA requires EPA to assess the risk remaining after application of the final air toxics emissions standard. This is known as a residual risk assessment.
- Facilities in this source category mainly emit methyl isobutyl ketone, xylenes and various organic air toxics, such as methylene chloride, carbon disulfide and toluene.
- The inhalation cancer maximum individual risk based on actual emissions is 4-in-1 million for the Rubber Tire Manufacturing source category.
- The total estimated cancer incidence from rubber tire manufacturing emission sources based on actual and allowable emission levels is 0.002 excess cancer cases per year, or one case in every 500 years. Based upon actual or allowable emissions, 4,500 people are estimated to be exposed to cancer risks greater than or equal to 1-in-1 million. Additional health risk screenings and ecological risk screenings do not indicate levels of concern.
- EPA determined the remaining risk after application of the technology-based standards is acceptable, and the standards provide an ample margin of safety to protect public health and the environment.

TECHNOLOGY REVIEW

- The CAA requires EPA to assess, review and revise air toxics standards, as necessary, taking into account developments in practices, processes and control technologies.
- As a result of the technology review of the Rubber Tire Manufacturing standards, EPA did not identify any developments in practices, processes or control technologies.
- On April 21, 2020, as the Agency was preparing the final rule for signature, a decision was issued in *LEAN v. EPA*, 955 F. 3d. 1088 (D.C. Cir. 2020) in which the Court held that EPA has an obligation to set standards for unregulated pollutants as part of technology reviews under CAA section 112(d)(6). At the time of signature, the mandate in that case had not been issued and EPA is continuing to evaluate the decision.

BACKGROUND

- The CAA requires EPA to regulate hazardous air pollutants, also known as air toxics, from categories of industrial facilities in two phases.
- The first phase is "technology-based," where EPA develops standards for controlling the emissions of air toxics from sources in an industry group or "source category." These maximum achievable control technology (MACT) standards are based on emissions levels that are already being achieved by the best-controlled and lower-emitting sources in an industry.
- Within 8 years of setting the MACT standards, the CAA directs EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety and protect against adverse environmental effects. This second phase is a "risk-based" approach called residual risk. Here, EPA must determine whether more health-protective standards are necessary.
- Also, every 8 years after setting MACT standards, the CAA requires EPA to review and revise the standards, if necessary, to account for improvements in air pollution controls and prevention.

FOR MORE INFORMATION

- Interested parties can download a copy of the final rule notice from EPA's website at the following address: https://www.epa.gov/stationary-sources-air-pollution/rubber-tire-manufacturing-national-emission-standards-hazardous-air.
- Today's action and other background information are also available electronically at https://www.regulations.gov/, EPA's electronic public docket and comment system.
- For further technical information about the rule, contact Korbin Smith, EPA's Office of Air Quality Planning and Standards, at (919) 541-2416 or smith.korbin@epa.gov.