# FACT SHEET

## Proposed Amendments to Air Toxics Standards for Flexible Polyurethane Foam Production and Fabrication

### ACTION

- On January 5, 2021, the U.S. Environmental Protection Agency (EPA) proposed to amend the 2003 National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Flexible Polyurethane Foam Fabrication Operations major source category and also to amend the 2007 NESHAP for the Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication area source categories.
- The Flexible Polyurethane Foam Fabrication Operations major source category includes three facilities. Because of their potential to generate hazardous air pollutant (HAP) emissions, the processing units of interest at foam fabrication facilities are loop slitters and flame lamination units.
- The Flexible Polyurethane Foam Production and Operations area source categories together include approximately 32 facilities. EPA established one area source NESHAP that applies to the two area source categories because they are often collocated.
- Following a residual risk and technology review conducted under the Clean Air Act (CAA) for the major sources, EPA is proposing to:
    - Revise the definition of "HAP-based adhesive" so that new and existing loop slitters are prohibited from using adhesives containing one percent or more by weight of total HAP;
    - Require electronic reporting and more frequent performance testing;
    - Eliminate startup, shutdown and malfunction exemptions for existing sources of flame lamination.
- Following a technology review conducted under the CAA for the area sources, EPA is proposing that there are no cost-effective developments that would further reduce air toxics.
- Also, EPA identified existing flame laminators as an unregulated emission source. Therefore, this action proposes to establish a numeric limit of 1.45 lb/hr for hydrochloric acid (HCl) emissions and to require HCl emissions tests no less frequently than every five years.
- EPA will accept comment on the proposed amendments for 45 days after publication in the *Federal Register*.

### 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 the Flexible Polyurethane Foam Fabrication Operations major source category emit HCl, which is an acid gas and is the pollutant driving the risk assessment.

- No carcinogens are emitted by the Flexible Polyurethane Foam Fabrication Operations major source category. Therefore, the total estimated cancer incidence from all sources based on actual and allowable emission levels is zero excess cancer cases per year.
- The risk analysis shows that EPA did not identify a potential for adverse chronic noncancer health effects. In addition, the risk assessment indicates no significant potential for multipathway health effects.
- EPA proposes to determine that the remaining risk after application of the technology-based standards is acceptable and that 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 Flexible Polyurethane Foam Fabrication Operations major source standards and also of the Flexible Polyurethane Foam Production and Fabrication area source standards, EPA did not identify any cost-effective developments that would further reduce air toxics emissions beyond the original NESHAP. However, EPA did identify one technology-related developments that would codify current industry practices and prevent backsliding, although it is not expected to yield any reductions in emissions:
    - Total HAP content of adhesives currently used by new and existing loop slitters is below 1 percent by weight, rather than the 5 percent currently allowed in the major source rule.

**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 eight 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 eight 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.

**HOW TO COMMENT**

- EPA will accept comment on the proposal for 45 days after publication in the *Federal Register*.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2020-0572, may be submitted by one of the following methods:
    - Go to https://www.regulations.gov/ and follow the online instructions for submitting comments.
    - Send comments by email to: a-and-r-docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2020-0572.
- Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone and webform. We encourage the public to submit comments via https://www.regulations.gov/ or email, as there will be a delay in processing mail and faxes. For further information on EPA Docket Center services, please visit us online at https://www.epa.gov/dockets.

**FOR MORE INFORMATION**

- Interested parties can download a copy of the proposed rule notice from EPA's website at the following address: https://www.epa.gov/stationary-sources-air-pollution/flexible-polyurethane-foam-fabrication-operations-national-emission.
- Today's action and other background information are also available either electronically at https://www.regulations.gov/, EPA's electronic public docket and comment system.
    - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2020-0572.
- For further technical information about the rule, contact Ms. Lisa Sutton, EPA's Office of Air Quality Planning and Standards, at (919) 541-3450 or sutton.lisa@epa.gov.