



CALIFORNIA METALS COALITION

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April 11, 2023

Liane M. Randolph, Chair
California Air Resources Board (CARB)
1001 I Street
Sacramento, CA 95814

cc: Eugene Rubin, Staff Air Pollution Specialist, Toxics Control Section (eugene.rubin@arb.ca.gov)
Clerk's Office Submitted Electronically: <https://www.arb.ca.gov/lispub/comm/bclist.php>

RE: March 27, 2023, 15-Day Notice for Comments on Public Hearing to Consider the Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations

Dear Chair Randolph:

The California Metals Coalition ("CMC") appreciates the opportunity to comment on the *Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations*, and working groups, led by the California Air Resources Board ("CARB").

SUMMARY

This comment letter addresses the March 27, 2023, 15-Day Notice for the "Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations." It may also reference previous public workshops on this topic.

ABOUT ADVANCED METALS INDUSTRY IN CALIFORNIA:

California metal manufacturers utilize recycled metal (ex: aluminum, brass, iron, steel) to manufacture new metal parts installed in clean energy technologies, electric cars, medical devices, agriculture, infrastructure, aerospace, defense, food processing, movement of water, and millions of other products demanded by Californians.

Statistics about the state's metal sector¹:

- Metalworking jobs in California pay \$80,000/year, on average, in wages and benefits.

¹ www.metalscoalition.com/metals-industry.html

- Metalworking jobs benefit working class communities and continue to be the only path to the middle-class for many disadvantaged Californians.
- The metals industry in California is comprised of approximately 4,000 businesses, most of which are family-owned small businesses.
- The metals industry in California generates over 350,000 total jobs.
- The metals industry in California accounts for \$87 billion in total annual economic activity.
- The metals industry in California generates \$28 billion in total annual wages.
- The metals industry in California accounts for \$8.6 billion in total annual state and federal taxes.

ENVIRONMENTAL BENEFITS OF MANUFACTURING METAL PRODUCTS IN CALIFORNIA:

Californians discard more metal than any other state in the US. In fact, Californians generate enough aluminum scrap each day to build 5 commercial aircrafts. Fortunately, recycled metal is the choice material consumed by California's metals industry.

As metal can be recycled and reused indefinitely without losing its physical properties, metal recycling allows us to preserve the finite resources we have on earth. The Institute of Scrap Recycling Industries (ISRI) reports that recycling one ton of aluminium saves up to 8 tons of bauxite; and recycling one ton of steel conserves 1,115 kg of iron ore, 625kg of coal and 25kg of limestone. In addition, using scrap metal instead of virgin ore generates 97 percent less mining waste and reduces 40% water pollution. In total, the process of recycling discarded metal and manufacturing new metal parts can cut greenhouse gas emissions by 300 million to 500 million tons.

A healthy metals sector also has a big impact on energy conservation. Recycling discarded metal into new metal parts requires drastically less energy than manufacturing new metal parts from virgin material. The estimated yield in energy saving by using recycled metals is: 95% for aluminum; 85% for copper and 75% for iron and steel.

Finally, the environmental footprint of the metal products we all consume starts with manufacturing. Local metal recycling and manufacturing reduces overall emissions as California's metals industry adheres to the world's most stringent environmental standards. Shipping metals out of California—only to have the finished product shipped back into the state—can result in significant localized transportation emissions, as well as increased global greenhouse gas emissions.

COMMENTS ON MARCH 27, 2023, 15-DAY NOTICE

Item #1: Confusing Description of No Safe Level of Exposure to Hexavalent Chromium

In its recent literature CARB states:

Why is CARB Concerned about Hexavalent Chromium? In 1986, the California Air Resources Board (CARB) identified hexavalent chromium as a toxic air contaminant (TAC) under California law pursuant to Assembly Bill (AB) 1807 (Tanner, Stats. 1983, Ch. 1047) and Health and Safety Code section 39657. Specifically, the Board identified hexavalent chromium because of its toxicity and potential for exposures to this highly toxic compound. It was identified as a

compound that has the potential to cause cancer with no associated threshold for cancer initiation. This means there is no level of emissions below which exposure to hexavalent chromium would be considered safe.

In the latter part of this statement, if CARB is stating that “threshold” means a no safe exposure level, this position is solely based on CARB’s pursuit of policy, and not based on current science. More importantly, this statement is very confusing to the reader.

Both the Federal Occupational and Health Administration (Fed-OSHA) and Cal-EPA Office of Environmental Health Hazard Assessment (OEHHA) have a calculated risk factor for inhalation of hexavalent chromium—and neither are at “no level of emissions.”

It should also be noted that the highly conservative OEHHA risk factors come from worker Cr6 exposure data that occurred nearly 100 years ago. Workers from chromate plants in the 1930’s were exposed to extreme levels of hexavalent chromium that are not seen today in California. This worker data is the basis for OEHHA’s health risk analyses.

Overall, CARB should be focusing on the best available data for Cr6 exposures, which is available and currently being studied by experts at Vanderbilt University. Fed-EPA², and even OEHHA³, is seeking input with this better data, so that we can all act on scientific analysis that effectively calculates the health risks associated with hexavalent chromium.

Item #2: Technology Review Prior to the 2030 Proposed Ban.

The regulated community, and its employees/families, rely on rulemaking agencies to make thorough and informed decisions. Any loss in the livelihood of our small businesses and workforce is not acceptable if the agency does not properly review—and if necessary alter—its decisions.

We urge the Board to modify, at minimum, the proposed modifications to the ATCM to include a requirement for a technology review to be conducted prior to the 2030 ban date to assess the transition to alternatives and determine if more time is needed to phase out decorative hexavalent chromium plating for all applications.

Item #3: Concepts increase California’s warehouse construction and congestion.

The California Metals Coalition (CMC) has members that manufacture parts which require them to utilize chromium electroplating and chromic acid anodizing to satisfy customer specifications. Regardless of whether the finish is required to be decorative, or functional, the metal parts must meet the stated testing, engineering and product specs approved by the customer.

Eliminating local sources of chromium electroplating and/or acid anodizing in California will break a link in California’s manufacturing chain.

² www.metalscoalition.com/uploads/2/4/3/5/24359359/fed_epa_cr6_iris_comments_dec19_2022.pdf

³ www.oehha.ca.gov/water/public-health-goal/announcement-second-data-call-hexavalent-chromium-public-health-goal-update

Currently, parts are manufactured and kept at the same facilities prior to finishing. Without a local source of plating in California, keeping up with customer demand may lead to increased use of warehousing as the parts wait for interstate, or international, metal finishing.

California has seen a boom in warehouses, and trucks that carry the products to and from warehouses. This has resulted in an increase in pollution and rulemaking⁴ related to warehouse activities. In December 2021, SupplyChainDive published *7 charts show Southern California's warehousing crunch*⁵. According to the article, the increase in warehousing has resulted in "Stakeholders are attempting to provide relief in several ways, such as filling parking lots with drop trailers, (and) securing warehouse space outside port markets."

CMC questions whether CARB staff has considered the overall increase in congested warehousing, or even the increase in trucking/transportation based on its proposals. This analysis should quantify the pollution from localized warehousing, trucks, trains, planes, or ports—which includes hexavalent chromium.

Item #4: Concepts further congest statewide truck transportation and truck pollution.

The maximum total vehicle weight for a commercial truck in California is 80,000 lbs. Of all the different products shipped across the state, metal parts are heavy and can quickly hit the capacity limit of trucks on California's roads. Rules that further the distance of trucks traveling on our roads is a concern to CMC as it impacts local, regional and statewide health.

A metal part that is manufactured in California will see an increased travel route if the part must be shipped out of state for chromium electroplating and chromic acid anodizing—and then back into the state. CMC questions whether CARB staff has considered the overall increase in transportation routes (ex: trucks, train, ships, plans) to get the product out of California—and back into California—rather than utilizing in-state commerce. This comparative analysis should quantify the increased pollution—which includes hexavalent chromium.

It should also be noted that the relationship between a local manufacturer of metal parts, and the local finisher of metal parts, occurs because very often individual parts must first be tested and accepted prior to placing a full order.

Without a local chromium electroplating and/or acid anodizing facility, even 1 or 2 parts that are being cleared for initial approval must travel much longer distances out of California—and then back into California.

Item #5: Exhaustive analysis of pollution control technologies.

The CARB website on "chrome plating ATCM" includes several references to local and national rules. More specifically, the local California air agency South Coast Air Quality Management District (SCAQMD) has completed several rounds of rulemaking in recent years specific to chromium electroplating or acid anodizing.

⁴ [Fighting Toxic Pollution: The Indirect Sources Rule – California Green Zones \(calgreenzones.org\)](https://www.calgreenzones.org/)

⁵ [7 charts show Southern California's warehousing crunch | Supply Chain Dive](#)

Since SCAQMD is authorized and monitored by CARB it is unclear why SCAQMD rules for chromium electroplating or acid anodizing are not acceptable to CARB and has sparked this rulemaking.

SCAQMD's health agents, air experts, legal, staff and board are heralded as the best local air district team in the United States. CARB staff has not commented on where it disagrees with SCAQMD rulemaking; and if it does disagree with SCAQMD, why it didn't make comments while local rulemaking was being debated by industry, communities, and local government?

CARB staff should specifically analyze the control measures in SCAQMD rules and provide data, analysis, and testing that shows SCAQMD's rules are not effective in protecting public health.

CONCLUSION

Please take the time to work with local metal manufacturing and local metal platers to find local solutions that allow us to survive locally, address all public health concerns, limit warehousing and truck pollution, and find a balance between productivity and innovation.

Thank you for your time, and for allowing CMC to participate and comment on CARB's *Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations*. Please do not hesitate to contact me with questions:
james@metalscoalition.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James Simonelli', is positioned above the typed name and title.

James Simonelli
Executive Director