



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# New Source Performance Standards/Industrial Surface Coating of Plastic Parts for Business Machines: U.S. Environmental Protection Agency Promulgates Amendments

03/28/2023

The United States Environmental Protection Agency (“EPA”) published a March 27th Federal Register Notice promulgating a final rule for the Clean Air Act New Source Performance Standards (“NSPS”) for the Industrial Surface Coating of Plastic Parts for Business Machines category (“ISC Category”). See 88 Fed. Reg. 18056.

The ISC Category amendments would apply to affected facilities that commenced construction, modification, or reconstruction after June 1, 2022.

Section 111 of the Clean Air Act addresses NSPS. These are applicable to new, modified, or reconstructed stationary sources for which EPA has promulgated NSPS regulations. Section 111 authorizes EPA to develop technology-based standards which apply to specific categories of stationary sources. They are developed and implemented by EPA and are delegated to the states.

Sources subject to NSPS are required to perform an initial performance test to demonstrate compliance. To demonstrate continuous compliance, certain NSPS categories require sources to utilize continuous emission monitors. They may also be required to monitor control device operating parameters to demonstrate continuous compliance.

The NSPS are applicable to criteria pollutant emissions. However, some NSPS also target non-criteria pollutants, such as acid mist, landfill gas, and fluorides. Minimum control requirements are established that are denominated “Best Demonstrated Technology” for all facilities within a specified category.

The ISC Category was listed as a source category for regulation under Section 111 in 1986. This was based on EPA’s determination that emissions from facilities that surface coat plastic business machine parts cause, or contribute significantly, to air pollution which may be reasonably anticipated to endanger public health or welfare (i.e., the Clean Air Act statutory requirement for development of a 111 standard).

EPA has noted that, in general, plastic parts are coated to provide color, texture, and protection, improve the appearance and durability, and conceal mold lines and flaws. Such examples of the plastic parts are noted to be specific to the coatings industry sector for the surface coating of plastic parts for business machines including plastic housings for electronic office equipment. This may include:

- Computers
- Copy machines
- Medical equipment

Structural foam injection molding and straight injection molding are noted to be among the predominant forming techniques used to manufacture plastic parts used in business machines. Surface coating of plastic parts for business machines is performed in industries such as:

- Business machine manufacturers
- Independent plastic molders and coaters
- Coating only shops

The amendments addressed include:

- Revised NSPS for surface coating of plastic parts for business machines
- NSPS subpart TTTa without startup, shutdown, malfunction exemptions (overriding the general provisions for startup, shutdown, and malfunction requirements)
- Testing and monitoring requirements (referencing use of a new ASTM method)
- Electronic reporting (requiring electronic submission of periodic compliance reports)

A copy of the Federal Register Notice can be downloaded [here](#).