

Executive Summary

Amendments to 25 Pa. Code Chapter 130, Subchapter B, Consumer Products

The Department of Environmental Protection recommends proposed amendments to 25 Pa. Code Chapter 130, Subchapter B (relating to consumer products).

Purpose of the Proposed Rulemaking

The purpose of this proposed rulemaking is to add volatile organic compound (VOC) content limits for 11 additional categories of consumer products to the existing consumer products regulation promulgated by the Environmental Quality Board (EQB) on October 5, 2002. (32 Pa. B. 4824) The proposed amendments also revise the VOC content limits for the contact adhesive category that is currently regulated under Chapter 130. While there are Federal VOC content limits codified at 40 CFR Part 59 for certain consumer products, there are no Federal limits for the additional consumer products that are proposed for regulation. The additional VOC emission reductions that will occur as the result of the adoption of these amendments are necessary as part of the Commonwealth's efforts to achieve and maintain the health-based eight-hour National Ambient Air Quality Standard (NAAQS) for ozone. The final-form regulation, if adopted by the EQB, will be submitted to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan.

Summary of Proposal

The proposed rulemaking amends the definitions in § 130.202 (relating to definitions) to add approximately 30 new terms and definitions to improve clarity or explain new product categories, and revised definitions for approximately 110 existing terms to provide clarity. New terms and definitions added include "antistatic product," "deodorant body spray," "graffiti remover," "high pressure laminate," "toilet/urinal care product" and "wood cleaner." Amended terms include "air freshener," "carpet and upholstery cleaner," "floor polish or wax," "laundry prewash," "shaving cream" and "waterproof." "

The proposed amendments revise § 130.211 (relating to table of standards) by adding VOC content limits for 11 new categories of consumer products and revising the VOC content limits for one category of product currently regulated (contact adhesive). The 11 new categories are: "adhesive remover" (floor and wall covering, gasket or thread locking, general purpose and specialty), "antistatic product," "electrical cleaner," "electronic cleaner," "fabric refresher," "footwear or leather care product," "graffiti remover," "hair styling product," "shaving gel," "toilet/urinal care product," and "wood cleaner."

The proposed amendments make minor changes to several sections for clarity and format, including §§ 130.213 - 130.215, 130.331, 130.332, 130.334, 130.335, 130.411, 130.412, 130.414, 130.452 - 130.455, 130.457, 130.458, 130.460, 130.462 and 130.465. In addition, the proposal amends § 130.214 (relating to requirements for charcoal lighter material products) to incorporate future changes in test procedures. The proposed rulemaking adds § 130.217 (relating

to sell-through of products) to allow for sell-through of products manufactured prior to applicable effective dates.

The proposed amendments delete “air fresheners” from § 130.335 (relating to air fresheners) for consistency with the Ozone Transport Commission (OTC) 2006 Model Rule for Consumer Products, because these air fresheners would be regulated in the new category “toilet/urinal care product.” The proposal adds a new § 130.338 (relating to fragrances) to clarify previously existing requirements in § 130.332 (relating to antiperspirants and deodorants).

The proposal amends § 130.371 (relating to product dating) by updating the product dating requirements and explaining the format and location for the date code. The proposed amendments to this section also require that a manufacturer must submit an explanation of its modified codes to the Department before products displaying the modified code can be sold.

The proposed rulemaking amends § 130.372 (relating to most restrictive limit) to add new subsections (a) and (b). Subsection 130.372(a) establishes the lowest applicable VOC limit requirements for products manufactured before January 1, 2009, and FIFRA-registered insecticides manufactured before January 1, 2010. Subsection 130.372(b) establishes the lowest applicable VOC limit requirements for products manufactured on or after January 1, 2009, and FIFRA-registered insecticides manufactured on or after January 1, 2010.

The proposal adds requirements for additional information on product containers for products in § 130.373 (relating to additional labeling requirements for aerosol adhesive, adhesive remover, electrical cleaner, electronic cleaner, energized electrical cleaner and contact adhesive products). The proposal amends § 130.431 (relating to testing for compliance) to update the reference date for several test protocols and standards and to incorporate future amendments of test protocols and standards. An additional change amends § 130.471 (relating to public hearings) to require the applicant for a variance or alternative control plan to publish the notice for the three public hearings in newspapers of general circulation not less than 30 days prior to the hearings. The Department will publish notice in the *Pennsylvania Bulletin*.

These proposed amendments will provide approximately 767 tons per year of additional VOC emission reductions in Pennsylvania. These emission reductions are not only a part of Pennsylvania’s efforts to achieve and maintain the health-based ozone air quality standard, but will also reduce exposure to certain hazardous air pollutants (HAPs) contained in some of the regulated products. The reduced levels of HAPs will also benefit water quality through reduced quantities of HAP compounds in spillage on the ground and in waste water treatment plants.

Affected Parties

The proposed amendments will affect manufacturers, suppliers and sellers of consumer products. The proposed amendments may slightly increase costs to purchasers of consumer products, but these costs are expected to be negligible.

Advisory Groups

The Air Quality Technical Advisory Committee reviewed this proposal on March 29, 2007. The Committee concurred unanimously with the Department's recommendation to present the proposed rulemaking to the EQB for approval at the EQB's June 19, 2007, meeting. In addition, the proposed revisions were reviewed with the Citizens Advisory Council on April 17, 2007. An overview of the proposal was presented to the Small Business Compliance Advisory Committee on October 2006.

Public Comments and EQB Hearings

The Department recommends a 60-day public comment period on the proposed rulemaking and three public hearings.