

New VOC Limits for Cleaning Products Effective Beginning of 2009

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I INTRODUCTION

As states continue to be challenged in meeting the national ambient air quality standards, we will continue to see more aggressive VOC limitations. In fact, numerous new state VOC limitations for cleaning product formulations became effective at the beginning of 2009. This document summarizes those changes that are pertinent to the cleaning industry and directs the reader to additional resources where appropriate.

II NEW STATE REGULATIONS

In brief, the VOC limitations for cleaning products in **Connecticut**, **Massachusetts**, and **Ohio** went into effect for the first time on **January 1, 2009**. (Note: For EPA registered products, the effective date is January 1, 2010.) Each of these state regulations is modeled after the latest edition of the OTC Model Rule.

Covered products manufactured on or after January 1, 2009 must be in compliance with the new VOC limitations. Each of these states allow for the “**sell-through**” of covered products produced prior to January 1, 2009, provided the product displays the date of manufacture or code indicating such date.

The full text of each of these state regulations, including the VOC limitations, is available on the Internet and can be found at the following URLs:

Connecticut:

<http://www.ct.gov/dep/lib/dep/air/regulations/mainregs/sec40consumerprod.pdf>

Massachusetts:

<http://www.mass.gov/dep/service/regulations/310cmr07.pdf>

(Reference Section 7.25)

Ohio:

http://www.epa.state.oh.us/dapc/regs/3745-112/3745_112.html

III NEW LIMITS, PRODUCT CATEGORIES

In addition, effective **January 1, 2009** (**December 31, 2008** in the case of **California**), the states of **California**, **Maine**, **Maryland**, **Michigan**, **New Jersey** and **Pennsylvania** impose more aggressive VOC limits for product categories already covered, and in some cases add new product categories to their existing VOC regulations. The changes that become effective at the beginning of 2009 for each of these states are summarized below:

A. California: New VOC Limits—Effective 12/31/08 (12/31/09 for EPA Registered Products)

Product Category	VOC Limitation (% VOC by Weight)
Adhesives: Construction, Panel and Floor Covering	7
Anti-Static product: Aerosol	80
Automotive Windshield Washer Fluids (Type 'A' Areas)	25
Bathroom and Tile Cleaners: Non-Aerosol	1
Brake Cleaners	20
Carburetor or Fuel Injection Air Intake Cleaners	20
Disinfectant: Aerosol	70
Disinfectant: Non-Aerosol	1
Furniture Maintenance Products: Non-Aerosol, except solid/paste	3
General Purpose Cleaners: Aerosols	8
General Purpose Degreasers: Aerosols	20
Laundry Starch / Sizing / Fabric Finish Product	4.5
Oven Cleaners: Non-Aerosol including pump sprays and liquids	1
Sanitizer: Aerosol	70
Sanitizer: Non-Aerosol	1

Sell Through: Please note that California generally allows a three-year sell through period for covered products manufactured prior to the effective date provided the container or package sets forth the date of manufacture or a code indicating the same.

B. Maine, Maryland, Michigan, New Jersey and Pennsylvania: New VOC Limitations—Effective January 1, 2009

Product Category	VOC Limitation (% VOC by Weight)
Adhesive Removers <ul style="list-style-type: none"> • Gasket or Thread Locking • Floor or Wall Covering • General Purpose • Specialty 	50 5 20 70
Anti-Static product: Non-Aerosol	11
Electrical Cleaner	45
Electronic Cleaner	75
Fabric Refresher: Aerosol	15
Fabric Refresher: Non-Aerosol	6
Footwear or Leather Care Product <ul style="list-style-type: none"> • Aerosols • Solids • All Other Forms 	75 55 15
Graffiti Remover: Aerosol	50
Graffiti Remover: Non- Aerosol	30
Hair Styling Products <ul style="list-style-type: none"> • Aerosols • Pump Spray • All Other Forms 	6 6 2
Shaving Gels	7
Toilet / Urinal Care Product <ul style="list-style-type: none"> • Aerosol • Non-Aerosol 	10 3
Wood Cleaners <ul style="list-style-type: none"> • Aerosol • Non-Aerosol 	17 4

Sell Through: Maine, Maryland, Michigan, New Jersey and Pennsylvania allow for the sell through of covered products that are manufactured prior to Jan. 1, 2009 provided that the container or package lists the date of manufacture or a code indicating the same.

New Jersey Registration: Unlike other states with VOC regulations, New Jersey requires manufacturers whose products are subject to the VOC limits in the state to file an electronic registration form setting forth a list of the company’s regulated product categories sold or offered for sale in the state. The registration must be submitted electronically, either by e-mail, CD-ROM or diskette, unless a company can demonstrate in writing that it would suffer a hardship if it cannot submit the registration using paper or other means.

Manufacturers of chemically formulated cleaning products subject to the NJ VOC limitations should already have submitted registrations in 1995, when the original product category limits were promulgated, or in 2004, a year before additional limits went into effect.

If such companies sell any of the newly regulated product categories, then they must re-register by March 29, 2009, or within 90 days of selling these products into the state. Companies selling regulated products into the state for the first time are subject to the same registration deadlines. Registered companies have a continuing obligation to update any information submitted with the registration form within 90 days of a change.

IV PARA-DICHLOROBENZENE

Para-dichlorobenzene (PDCB) based products continue to come under stricter regulation by those states that have implemented VOC limitations and regulations. The following is a summary of where the various states stand on the subject of PDCB based products.

California: Effective Dec. 31, 2005, no person shall sell, supply, offer for sale, or manufacture for use in California any Solid Air Fresheners or Toilet / Urinal Care Products that contain PDCB. Such products manufactured prior to that date were allowed to be sold through Dec. 31, 2006.

Connecticut: Effective Jan. 1, 2009, no person shall sell, supply, offer for sale or manufacture for use in Connecticut any Solid Air Freshener or Toilet / Urinal Care Product that contains PDCB. In addition, Connecticut imposes a VOC limitation of 3% on solid air fresheners and non-aerosol toilet / urinal care products. Such products manufactured before the effective date may continue to be sold provided they display the date of manufacture or a code indicating the same.

Delaware: At the present there is no ban on PDCB based products. However, the Delaware VOC regulations are undergoing review, and it is possible that, when revised, they will include such a prohibition in the future.

Maine: Effective January 1, 2009, no person shall sell, supply, offer for sale, or manufacture for use in Maine any Solid Air Fresheners or Toilet/Urinal Care Products that contain PDCB, except that Solid Air Fresheners and Toilet/Urinal Care Products that contain PDCB and were manufactured before January 1, 2009 may be sold, supplied, or offered for sale until January 1, 2010, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date.

In addition, if the product is sold or supplied to a distributor or retailer after June 30, 2009, the manufacturer or supplier must notify them in writing that the sell through period will end on January 1, 2010.

Maine also imposes a 3% VOC limitation on Solid Air Fresheners and Toilet / Urinal Care Products.

Maryland: Effective January 1, 2009, a person may not sell, supply, offer for sale, or manufacture for use in the State any Solid Air Fresheners or Toilet / Urinal Care Products that contain PDCB, except that solid air fresheners, toilet and urinal care products that contain PDCB and were manufactured before January 1, 2009, may be sold, supplied, or offered for sale until January 1, 2010, if the product container or package displays the date of manufacture or a code indicating such date.

In addition, if the product is sold or supplied to a distributor or retailer after June 30, 2009, the manufacturer or supplier must notify them in writing that the sell through period will end on January 1, 2010.

Maryland also imposes a VOC limitation of 3% on Solid Air Fresheners and Toilet / Urinal Care Products.

Massachusetts: Effective January 1, 2009, no person shall sell, supply, offer for sale, or manufacture for use in Massachusetts any Solid Air Freshener or Toilet / Urinal Care products that contain PDCB. Solid Air Fresheners and Toilet / Urinal Care Products that contain PDCB and were manufactured before January 1, 2009 may be sold, supplied, or offered for sale until January 1, 2010, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date.

In addition, Massachusetts imposes a 3% VOC limitation on Solid Air Fresheners and Toilet / Urinal Care Products.

Michigan: Effective January 1, 2009, no person shall sell, supply, offer for sale, or manufacture for use in Michigan any Solid Air Fresheners or Toilet / Urinal Care Products that contain PDCB, except that Solid Air Fresheners and Toilet / Urinal Care Products that contain PDCB and were manufactured before January 1, 2009 may be sold, supplied, or offered for sale until Jan. 1, 2010 provided the product container or package displays the date on which the product was manufactured, or a code indicating such date.

Michigan also imposes a 3% VOC limitation on Solid Air Fresheners and Toilet / Urinal Care Products.

New Hampshire: The New Hampshire VOC regulations provide an exception from the VOC limitations for Air Fresheners and Insecticides that are comprised of at least 98% PDCB.

New Jersey: On and after January 1, 2009, no person shall sell, supply for sale, offer for sale, or manufacture for use in New Jersey any Solid Air Fresheners or Toilet / Urinal Care Products that contain PDCB, except that Solid Air Fresheners and Toilet / Urinal Care Products that contain PDCB and were manufactured before January 1, 2009 may be sold, supplied, or offered for sale through December 31, 2011, provided that the product

container or package displays the date on which the product was manufactured, or a code indicating such date.

In addition, if the product is sold or supplied to a distributor or retailer on or after June 30, 2011, the manufacturer or supplier must notify them in writing that the product cannot be sold after December 31, 2011.

New Jersey also imposes a 3% VOC limitation on Solid Air Fresheners and Toilet / Urinal Care Products.

New York: Current New York State regulations provide an exception from the VOC limitations for Air Fresheners and Insecticides that are comprised of at least 98% PDCB.

Ohio: The Ohio VOC regulations do not prohibit PDCB-based Air Fresheners or Toilet / Urinal Care Products. Effective January 1, 2009, the regulations place a 3% VOC limitation on Air Fresheners, but the definition of Air Fresheners excludes Toilet / Urinal Care Products. Non-compliant products manufactured prior to the effective date can continue to be sold after Jan. 1, 2009 provided that the product container or package displays the date of manufacture or a code indicating the same.

Pennsylvania: Effective January 1, 2009, Pennsylvania imposes a 3% VOC limitation on Toilet / Urinal Care Products. Products manufactured before the effective date may be sold, supplied or offered for sale after the effective date provided that the product container or package displays the date of manufacture or a code indicating such date.

Virginia: Current Virginia regulations provide an exception from the VOC limitations for Air Fresheners (including Toilet / Urinal Care Products) and Insecticides that are comprised of at least 98% PDCB.

Washington, DC: Washington D.C. is expected to issue revised VOC regulations for consumer products -- including a prohibition on the sale and marketing of PDCB Air Fresheners and Toilet / Urinal Care Products -- in the spring of 2009. Specifically, it is the district's intention to implement such regulations on or shortly after May 1. The revised regulations are also expected to impose a VOC limit of 3% on other Solid Air Fresheners and Toilet / Urinal Care Products and include a one year sell through period for products manufactured prior to the effective date provided the product container or package displays the date of manufacture or a code indicating the same.

V BAN ON CERTAIN PRODUCTS CONTAINING METHYLENE CHLORIDE, PERCHLOROETHYLENE, TRICHLOROETHYLENE

A. California: Effective **December 31, 2008**, no person shall sell, supply, offer for sale, or manufacture for use in California any Bathroom and Tile Cleaner, Construction, Panel and Floor Covering Adhesive, Electronic Cleaners (labeled as energized electronic equipment use only), General Purpose Cleaners, or Oven Cleaners that contain any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.

However, if the products were manufactured prior to December 31, 2008, then they can be sold, supplied, or offered for sale until December 31, 2011 provided that the product containers or package displays the date on which the product was manufactured, or a code indicating such a date.

B. Connecticut, Maine, Maryland, Massachusetts, Michigan, New Jersey: Effective January 1, 2009, no person shall sell, offer for sale, or manufacture for use in these respective states any Adhesive Remover, Contact Adhesive, Electrical Cleaner, Electronic Cleaner, Footwear or Leather Care Product, General Purpose Degreaser, or Graffiti Remover that contains methylene chloride, perchloroethylene or trichloroethylene.

New Jersey: In addition to the aforementioned product categories, New Jersey also bans the sale of “automotive consumer products” that contain methylene chloride, perchloroethylene or trichloroethylene. Automotive consumer product is defined any of the following chemically formulated products, aerosol or liquid, used in automotive maintenance or repair activities: brake cleaners, carburetor or fuel injection air intake cleaners, engine degreasers, and general purpose degreasers intended for use in automotive maintenance or repair activities.

Maine, Maryland, Massachusetts, Michigan, New Jersey: Each of these state regulations states that such products that were manufactured prior to Jan. 1, 2009 may be sold, supplied or offered for sale until Jan.1, 2012 provided the package or container displays the date of manufacture or a code indicating the same.

Connecticut regulations do not provide for a sell through period for such products.

VI ADDITIONAL INFORMATION

ISSA has available a detailed summary of the state and federal VOC limitations for members only. To obtain a copy of the detailed VOC Summary, please go to www.issa.com/vocsum.

Architectural Coating Category	DC	DE	ME	MD	NY	NJ	PA	VA	EPA
Specialty Primers, Sealers and Undercoaters	350	350	350	350	350	350	350	350	
Stains	250	250	250	250	250	250	250	250	
Clear & Semi-Transparent									550
Opaque									350
Stain Controllers									720
Swimming Pool Coatings	340	340	340	340	340	340	340	340	600
Swimming Pool Repair and Maintenance Coatings	340	340	340	340	340	340	340	340	
Temperature-Indicator Safety Coatings	550	550	550	550	550	550	550	550	
Thermoplastic Rubber Coatings and Mastics	550	550	550	550	550	550	550		550
Tire-Like Glaze Coating						550			
Traffic Marking Coatings	150	150	150	150	150	150	150	150	150
Varnishes	350		350	350		350	350	350	450
Waterproofing Sealers	250	250	250	250	250	250	250	250	600
Waterproofing Concrete/ Masonry Sealers	400	400	400	400	400	400	400	400	
Wood Preservatives	350	350	350	350	350	350	350	350	
Below Ground									550
Clear & Semi-Transparent									550
Opaque									350
Low Solids									120
Zone Marking Coatings									450

***VOC Content is expressed in grams / liter, thinned to the manufacturer's maximum recommendation

***The VOC content of architectural coatings is regulated in California by the local air districts. A complete list of the local air districts' established limits is available at: <http://www.arb.ca.gov/coatings/arch/rules/ruleinfo.htm>