

State of Rhode Island  
Department of Environmental Management  
Office of Air Resources

Notice of Public Hearing and Comment Period

**Concerning adoption of proposed amendments to Air Pollution Control Regulations Nos. 25, 31 and 33 and proposed new Air Pollution Control Regulation No. 44.**

Notice is hereby given that a public hearing regarding adoption of proposed amendments to Air Pollution Control Regulations Nos. 25, 31 and 33 and proposed new Air Pollution Control Regulation No. 44 will be held in Room 300 of the Department of Environmental Management, at 235 Promenade Street, Providence, Rhode Island on Friday, February 20, 2009 at 10:00 AM, at which time interested parties will be heard.

The proposed revisions to Regulation No. 31, "Control of Volatile Organic Compounds (VOC) from Consumer Products," and No. 33, "Control of VOC from Architectural Coatings and Industrial Maintenance Coatings," and proposed new Regulation No. 44, "Control of VOC from Adhesives and Sealants," would limit the VOC content of 102 categories of consumer products, 53 categories of architectural and industrial maintenance coatings and 40 categories of adhesive and sealant products. VOC is a precursor to the formation of ozone in the ambient air. The proposed revision to Regulation No. 25, "Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt," would prohibit the use of cutback asphalt and limit the VOC content of emulsified asphalt used for road paving, maintenance or repair during the ozone season (April through September).

The proposed amendments and new regulation are based on control measures developed by the Ozone Transport Commission (OTC); these measures have previously been adopted by neighboring states. Based on the OTC analysis of the technical and economic feasibility of these measures, the Office of Air Resources has determined that implementation of these regulatory changes significantly reduce VOC emissions but would not have a significant adverse economic impact on small businesses, cities or towns. Copies of the proposed amended and new regulations and associated fact sheets are available from the Office of Air Resources, 235 Promenade Street, Providence, Rhode Island, between 8:30 am and 4:00 PM and from the Air Resources section of the Department's web site at [www.dem.ri.gov/](http://www.dem.ri.gov/). For more information contact Barbara Morin at (401) 222-4700, ext. 7012, TCDD (401) 222-6800.

Written comments may be sent to the Office of Air Resources at the above address until 4:00 PM on Friday, February 20, 2009, at which time the comment period will end, unless extended by the hearing officer. It is requested that persons who wish to make comments during the public hearing submit a copy of their statement for the record. Members of the Office of Air Resources may question commenters concerning their remarks.

The Department of Environmental Management building is accessible to those with disabilities. Persons with disabilities requiring accommodation should contact the Office of Air Resources at TCDD (401) 222-6800 or (401) 222-2808 at least three business days prior to the hearing.

Signed this 13<sup>th</sup> day of January 2009

Douglas McVay, Acting Chief  
Office of Air Resources

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**OFFICE OF AIR RESOURCES**

**AIR POLLUTION CONTROL REGULATION NO. 31**

**CONTROL OF VOLATILE ORGANIC COMPOUNDS FROM CONSUMER**  
**PRODUCTS**



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*Effective 31 March 1994*

*Last Amended*

*Proposed Amendments January 20, 2009*

AUTHORITY: These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

**AIR POLLUTION CONTROL REGULATION NO. 31**  
**CONTROL OF VOLATILE ORGANIC COMPOUNDS FROM**  
**COMMERCIAL AND CONSUMER PRODUCTS**

Effective 31 March 1994

Last Amended 8 April 1996

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES

AIR POLLUTION CONTROL REGULATION NO. 31  
CONTROL OF VOLATILE ORGANIC COMPOUNDS FROM  
CONSUMER PRODUCTS

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**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**DIVISION OFFICE OF AIR RESOURCES**  
**AIR POLLUTION CONTROL REGULATION NO. 31**

**CONTROL OF VOLATILE ORGANIC COMPOUNDS FROM**  
**COMMERCIAL AND CONSUMER PRODUCTS**

31 Control of Volatile Organic Compounds from ~~Commercial and~~ Consumer Products

31.1 Definitions

Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to the Air Pollution Control General Definitions Regulation. As used in these regulations, the following terms shall, where the context permits, be construed as follows:

- 31.1.1 **“ACP Agreement”** means a document signed by the CARB or NYSDEC which includes the conditions and requirements of an Alternative Control Plan (ACP).
- 31.1.2 **“Adhesive”** means any product that is used to bond one surface to another by attachment, including, but not limited to, caulks, sealants and glues. Adhesives do not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate.
- 31.1.3 **“Adhesive remover”** means a product designed to remove adhesives from either a specific substrate or a variety of substrates.
- 31.1.4 **“Aerosol adhesive”** means an aerosol product manufactured for consumer, industrial and/or commercial uses in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesives, mist spray adhesives and web spray adhesives.
- 31.1.5 **“Aerosol coating product”** means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant and is packaged in a disposable can for hand-held application or for use in

specialized equipment for ground traffic/marking applications.

- 31.1.6 **“Aerosol cooking spray”** means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.
- 31.1.7 **“Aerosol product”** means a pressurized spray system that dispenses product ingredients by means of a propellant or mechanically induced force. Aerosol products do not include pump sprays.
- 31.1.8 **“Agricultural use”** means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of any animal or plant crop. Agricultural use does not include the sale or use of pesticides in properly labeled packages or containers which are intended for: (i) home use, (ii) use in structural pest control, (iii) industrial or (iv) institutional use. For the purposes of this definition only:
- (a) **“Home use”** means use in a household or its immediate environment.
  - (b) **“Structural pest control”** means a use requiring a license for commercial applicators under the RIGL 23-25-12, Pesticide Control.
  - (c) **“Industrial use”** means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.
  - (d) **“Institutional use”** means use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.
- 31.1.9 **“Air freshener”** means any ~~commercial and~~ consumer product including, but not limited to, sprays, wicks, powders, and crystals, formulated for the purpose of masking of odors, or freshening, cleaning, scenting or deodorizing the air. Air fresheners include spray disinfectants and other products expressly represented for use as air fresheners The presence of and representations about a product's fragrance and ability, resulting from surface application, to deodorize or eliminate odors shall not constitute a claim of air freshening. ~~Air fresheners include dual purpose air freshener/disinfectant products, which are represented by the manufacturer as being appropriate for spraying into the air instead of or in addition to surface application.~~ Air fresheners do not include products that are used on the human body, ~~or~~ products that function primarily as cleaning products, ~~as indicated on a product label or advertisement~~ disinfectant

products claiming to deodorize by killing germs on surfaces, toilet/urinal care products or institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered.

- 31.1.10 **“All other carbon-containing compounds”** means all other compounds which contain at least one carbon atom and are not exempt compounds or LVP-VOCs.
- 31.1.11 **“All other forms”** means any consumer product form for which no form-specific VOC standard is specified. Unless specified otherwise by the applicable VOC standard, all other forms include, but are not limited to, solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).
- 31.1.12 **“Alternative Control Plan or ACP”** means an emissions averaging program approved by the CARB or the NYSDEC.
- 31.1.13 **“Antimicrobial hand or body cleaner or soap”** means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity. Antimicrobial hand or body cleaners or soaps include, but are not limited to, (i) antimicrobial hand or body washes/cleaners, (ii) foodhandler hand washes, (iii) healthcare personnel hand washes, (iv) pre-operative skin preparations and (v) surgical scrubs. Antimicrobial hand or body cleaners or soaps do not include prescription drug products, antiperspirants, astringents/toners, deodorants, facial cleaners or soaps, general-use hand or body cleaners or soaps, hand dishwashing detergents (including antimicrobial), heavy-duty hand cleaners or soaps, medicated astringents/medicated toners, and rubbing alcohol.
- 31.1.14 **“Antiperspirant”** means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least fifty percent of the target population.
- 31.1.15 **“Anti-static product”** means a product that is labeled to eliminate, prevent or inhibit the accumulation of static electricity. Anti-static products do not include electronic cleaners, floor polish or wax, floor coatings, aerosol coating products and architectural coatings.

- 31.1.16 **"Architectural coating"** means any coating which is applied to stationary structures and their appurtenances, mobile homes, pavements or curbs.
- 31.1.17 **"ASTM"** means the American Society for Testing and Materials.
- 31.1.18 **"Astringent/toner"** means any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include any hand, face, or body cleaner or soap product, medicated astringent/medicated toner, cold cream, lotion, or antiperspirant.
- 31.1.19 **"Automotive brake cleaner"** means a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.
- 31.1.20 **"Automotive hard paste wax"** means an automotive wax or polish which is: (i) designed to protect and improve the appearance of automotive paint surfaces; and (ii) a solid at room temperature; and (iii) contains 0% water by formulation.
- 31.1.21 **"Automotive instant detailer"** means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.
- 31.1.22 **"Automotive rubbing or polishing compound"** means a product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.
- 31.1.23 **"Automotive wax, polish, sealant or glaze"** means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. The automotive wax, polish, sealant or glaze category includes, but is not limited to, products designed for use in autobody repair shops and drive-through car washes, as well as products designed for the general public. The automotive wax, polish, sealant or glaze category does not include automotive rubbing or polishing compounds, automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.



- 31.1.24 **“Automotive windshield washer fluid”** means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. Automotive windshield washer fluids do not include fluids placed by the manufacturer in a new vehicle.
- 31.1.25 **“Bait station insecticide”** means a container containing not more than 0.5 ounces by weight of an insecticidal bait, in which the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5.0% active ingredients.
- 31.1.26 **“Bathroom and tile cleaner”** means a product designed to clean tile or surfaces in bathrooms. Bathroom and tile cleaners do not include products designed primarily to clean toilet bowls, toilet tanks or urinals.
- 31.1.27 **“Bug and tar remover”** means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish: (i) biological-type residues such as insect carcasses and tree sap and (ii) road grime, such as road tar, roadway paint markings, and asphalt.
- 31.1.28 **“CARB”** means the California Air Resources Board.
- 31.1.29 **“Carburetor or fuel-injection air intake cleaner”** means a product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system or associated linkages. Carburetor or fuel-injection air intake cleaners do not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.
- 31.1.30 **“Carpet and upholstery cleaner”** means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. Carpet and upholstery cleaners include, but are not limited to, products that make fabric protectant claims. Carpet and upholstery cleaners do not include general purpose cleaners, spot removers, vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.
- 31.1.31 **“CCR”** means the California Code of Regulations.

- 31.1.32 **“Charcoal lighter material”** means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. Charcoal lighter materials do not include any of the following: (i) electrical starters and probes, (ii) metallic cylinders using paper tinder, (iii) natural gas, (iv) propane, and (v) fat wood.
- 31.1.33 **“Colorant”** means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient.
- 31.1.34 **“Construction, panel, and floor covering adhesive”** means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of: (i) structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or (ii) floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. Construction, panel, and floor covering adhesives do not include floor seam sealers.
- 31.1.35 **“Consumer”** means any person who seeks, purchases or acquires any consumer product for personal, family, household or institutional use. Persons acquiring a consumer product for resale are not consumers for that product.
- 31.1.36 ~~“Commercial and Consumer product”~~ means a chemically formulated product sold retail or wholesale and used by household, commercial, and/or institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn and garden products; disinfectants; sanitizers; ~~aerosol paints;~~ and automotive specialty products; but does not including include other paint products paints, furniture coatings or architectural coatings. Consumer products also include aerosol adhesives, including aerosol adhesives used for consumer, industrial or commercial uses.
- 31.1.37 **“Contact adhesive”** means an adhesive that: (i) is designed for application to both surfaces to be bonded together, and (ii) is allowed to dry before the two surfaces are placed in contact with each other, and (iii) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated

surfaces are placed in contact with each other, and (iv) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact adhesives do not include rubber cements that are primarily intended for use on paper substrates and vulcanizing fluids that are designed and labeled for tire repair only.

- 31.1.38 **“Container” and “Packaging”** mean the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. Containers and packaging include any articles onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.
- 31.1.39 **“Crawling bug insecticide”** means ~~an~~ any insecticide product that is formulated for use against ants, cockroaches, mites, silverfish, spiders, and other household crawling arthropods. Crawling bug insecticides do not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:
- (a) **“House dust mite product”** means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.
- (b) **“House dust mite”** means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.
- 31.1.40 **“Date-code”** means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.
- 31.1.41 **“Deodorant”** means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze bottles, that ~~is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria which cause the decomposition of perspiration~~ indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent

and/or minimize odor.

- 31.1.42 **“Device”** means any instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacterium, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.
- 31.1.43 **"Disinfectant"** means a product that is formulated to destroy or irreversibly inactivate infectious, or otherwise undesirable, bacteria, pathologic pathogenic fungi, or viruses on surfaces or inanimate objects and that whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.). Disinfectants do not include any of the following: products designed solely for use on humans or animals; products designed solely for use in swimming pools, therapeutic tubs, or hot tubs; products designed for agricultural use; or products which, as indicated on the principal display panel or label, are designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners or metal polishes.
- 31.1.44 **"Double-phase aerosol air freshener"** means an aerosol ~~product~~ air freshener in which the liquid contents is in two or more distinct phases and which requires the product container to be shaken before use to mix the phases, producing an emulsion.
- 31.1.45 **“Dry cleaning fluid”** means any non-aqueous liquid product designed and labeled exclusively for use on: (i) fabrics which are labeled “for dry clean only”, such as clothing or drapery; or (ii) S-coded fabrics. Dry cleaning fluids include, but are not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer’s residence or work place. Dry cleaning fluids do not include spot removers or carpet and upholstery cleaners. For the purposes of this definition, S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.

**"Dual Purpose Air Freshener/Disinfectant"** ~~means a commercial and consumer product which is represented on the product container, or on any sticker, label, packaging, or literature attached to the product container, as being appropriate for use as both a disinfectant and an air freshener and which is consistent with both the definition of~~

~~"disinfectant" and the definition of "air freshener" specified in this regulation.~~

31.1.46 **"Dusting aid"** means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. Dusting aids do not include pressurized gas dusters.

31.1.47 **"Electrical cleaner"** means a product labeled to remove heavy soils such as grease, grime or oil from electrical equipment including, but limited to, electric motors, armatures, relays, electric panels or generators. Electric cleaners do not include general purpose cleaners, general purpose degreasers, dusting aids, electronic cleaners, energized electrical cleaners, pressurized gas dusters, engine degreasers, anti-static products or products designed to clean the casings or housings of electrical equipment.

31.1.48 **"Electronic cleaner"** means a product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment such as circuit boards and the internal components of electronic devices including, but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players and computers. Electronic cleaners do not include general purpose cleaners, general purpose degreasers, dusting aids, pressurized gas dusters, engine degreasers, electrical cleaners, energized electrical cleaners, anti-static products or products designed to clean the casings or housing of electronic equipment.

31.1.49 **"Energized electrical cleaner"** means a product that meets both of the following criteria:

- (a) The product is labeled to clean and/or degrease electrical equipment where cleaning and/or degreasing is accomplished when electrical current exists or when there is a residual electrical potential from a component, such as a capacitor: and
- (b) The product label clearly displays the statements: "Energized equipment use only. Not to be used for motorized vehicle maintenance of their parts."

Energized electrical cleaners do not include electronic cleaners.

31.1.50 **"Engine degreaser"** means a specialty cleaning product which is formulated to remove grease, oil, dirt, or other contaminants from the external surfaces of engines and other mechanical parts.

31.1.51 **“Exempt compound”** means any carbon-containing compound listed as an exemption to the definition of volatile organic compound (VOC) in the Rhode Island Air Pollution Control General Definitions Regulation.

~~31.1.15 “Existing Antiperspirant and Deodorant Products” means any antiperspirant or deodorant product which is:~~

~~—————(a) Sold, supplied, manufactured or offered for sale in Rhode Island prior to the effective date of this regulation; or~~

~~—————(b) Identical in formulation to an antiperspirant or deodorant product sold, supplied, or offered for sale in Rhode Island prior to the effective date of this regulation; or~~

~~—————(c) Identical in formulation to a product sold, supplied, manufactured, or offered for sale in Rhode Island prior to the effective date of the regulation except that the ethanol content has been reduced without increasing the HVOC or MVOC content of the product..~~

31.1.52 **Fabric protectant”** means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. Fabric protectants do not include waterproofer, products designed for use solely on leather, or products designed for use solely on fabrics which are labeled “for dry clean only” and sold in containers of 10 fluid ounces or less.

31.1.53 **“Fabric refresher”** means a product labeled to neutralize or eliminate odors on non-laundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing and/or household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton or nylon. Fabric refreshers do not include anti-static products, carpet and upholstery cleaners, soft household surface sanitizers, footwear or leather care products, spot removers, disinfectants or products labeled for application to both fabric and human skin. For the purposes of this definition only:

(a) **“Soft household surface sanitizer”** means a product labeled to neutralize or eliminate odors on surfaces listed above and for which the label is registered as a sanitizer under the Federal Insecticide, Fungicide and Rodenticide Act, (FIFRA, 7 U.S.C. 136 et seq.).

- 31.1.54 **“Facial cleaner or soap”** means a cleaner or soap designed primarily to clean the face. Facial cleaners or soaps include, but are not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. Facial cleaners or soaps do not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.
- 31.1.55 **“Fat wood”** means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. Fat wood does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.
- 31.1.56 **"Flea and tick insecticide"** means any insecticide that is designed for use against fleas, ticks, their larvae, or their eggs. Flea and tick insecticides do not include products that are designed to be used exclusively on humans or animals or their bedding
- 31.1.57 **"Flexible flooring material"** means asphalt, cork, linoleum, no wax rubber, seamless vinyl, and vinyl composite flooring.
- 31.1.58 **“Floor coating”** means an opaque coating that is labeled and designed for application to flooring including, but not limited to, decks porches, steps and other horizontal surfaces which may be subject to foot traffic.
- 31.1.59 **“Floor or wall covering adhesive remover”** means an adhesive remover designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.
- 31.1.60 **"Floor polish/ or wax"** means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. Floor polishes/ or waxes do not include spray buff products, products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and architectural coatings.
- 31.1.61 **“Floor seam sealer”** means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

- 31.1.62 **“Floor wax stripper”** means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. Floor wax strippers do not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.
- 31.1.63 **“Flying bug insecticide”** means any insecticide product that is designed for use against flying insects and or other flying arthropods, ~~included~~ including but not limited to flies, mosquitoes, moths or gnats. Flying bug insecticides do not include wasp and hornet insecticides, ~~or~~ products that are designed to be used exclusively on humans or animals, or any moth-proofing product. For the purposes of this definition only, “moth-proofing product” means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.
- 31.1.64 **“Footware or leather care product”** means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and non-leather foot apparel. Footwear or leather care products do not include fabric protectants, general purpose adhesives, contact adhesives, vinyl/fabric/leather/polycarbonate coatings, rubber and vinyl protectant, fabric refresher, products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.
- 31.1.65 **“Fragrance”** means a substance or complex mixture of aroma chemicals, natural essence oils, and other functional components with a combined vapor pressure not in excess of 2mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.
- 31.1.66 **“Furniture coating”** means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.
- 31.1.67 **“Furniture maintenance product”** means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors. Furniture maintenance products do not include dusting aids, wood cleaners, products designed exclusively for the purpose of cleaning, and products designed to leave a permanent finish such as



stains, sanding sealers and lacquers.

- 31.1.68 **“Gasket or thread locking adhesive remover”** means a product designed or labeled to remove gaskets or thread locking adhesives. Products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover are considered gasket or thread locking removers.
- 31.1.69 **"Gel"** means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as a jelly.
- 31.1.70 **“General purpose adhesive”** means any non-aerosol adhesive designed for use on a variety of substrates. General purpose adhesives do not include (i) contact adhesives, (ii) construction, panel, and floor covering adhesives, (iii) adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or (iv) adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).
- 31.1.71 **“General purpose adhesive remover”** means a product designed or labeled to remove cyanoacrylate adhesives as well a non-reactive adhesives or residue from a variety of substrates. General purpose adhesive removers include, but are not limited to, products that remove thermoplastic adhesives, pressure sensitive adhesives, dextrine or starch-based adhesives, casein glues or rubber or latex-based adhesives; as well as products that remove stickers, decals, stencils or similar materials. General purpose adhesive removers do not include floor or wall covering adhesive removers.
- 31.1.72 **"General purpose cleaner"** means any product designed for general all purpose cleaning, in contrast to cleaning products designed to clean specific substrates or for specific situations. General purpose cleaners include products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces, but do not include ~~engine~~ general purpose degreasers and electronic cleaners.
- 31.1.73 **“General purpose contact adhesive”** means any contact adhesive that is not a special purpose contact adhesive.
- 31.1.74 **“General purpose degreaser”** means any product designed to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of

substrates, including automotive or miscellaneous metallic parts. General purpose degreasers do not include engine degreasers, general purpose cleaners, adhesive removers, electronic cleaners, electrical cleaners, energized electrical cleaners, metal polish/cleansers, products used exclusively in solvent cleaning tanks or related equipment, or products that are (i) sold exclusively to establishments which manufacture or construct goods or commodities; and (ii) labeled “not for retail sale”. Solvent cleaning tanks or related equipment includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

- 31.1.75 **“General-use hand or body cleaner or soap”** means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. General-use hand or body cleaners or soaps include, but are not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. General-use hand or body cleaners or soaps do not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, hand dishwashing detergent (including antimicrobial), heavy-duty hand cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.
- 31.1.76 **"Glass cleaner"** means a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaners do not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.
- 31.1.77 **“Graffiti remover”** means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish or shoe polish from a variety of non-cloth or non-fabric substrates. Graffiti removers do not include paint removers or strippers, nail polish removers or spot removers. Products labeled for dual use as both a paint stripper and graffiti remover are considered graffiti removers.
- 31.1.78 **"Hair mousse"** means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.
- 31.1.79 **“Hair shine”** means any product designed for the primary purpose of creating a shine when applied to the hair. Hair shine includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. Hair shine” does not include hair spray, hair mousse, hair styling product, hair styling gel or products whose primary purpose is to condition or hold the hair.

31.1.80 **"Hair spray"** means a ~~commercial and consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure to establish or retain the style for a period of time.~~ that is applied to styled hair and is designed or labeled to provide sufficient rigidity, to hold, retain and/or finish the style of the hair for a period of time. Hair sprays include aerosol hair sprays; pump hair sprays; spray waxes; color, glitter or sparkle hair sprays that make finishing claims; and products that are both a styling and finishing product. Hair sprays do not include spray products that are intended to aid in styling but do not provide finishing of a hair style. For the purposes of this definition:

- (a) **"Finish"** or **"Finishing"** means the maintaining and/or holding of previously styled hair for a period of time.
- (b) **"Styling"** means the forming, sculpting or manipulating of hair to temporarily alter the hair's shape.

~~**"Hair styling gel"** means a high viscosity, often gelatinous, product that contains a resin and is designed for application to hair to aid in styling and sculpturing of the hair coiffure.~~

31.1.81 **"Hair styling product"** means a consumer product that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. Hair styling products include, but are not limited to hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers and/or conditioners that make styling claims. Hair styling products do not include hair mousses, hair shines, hair sprays, or shampoos and/or conditioners that are rinsed from the hair prior to styling. For the purposes of this definition:

- (a) **"Finish"** or **"Finishing"** means the maintaining and/or holding of previously styled hair for a period of time; and
- (b) **"Styling"** means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

31.1.82 **"Heavy-duty hand cleaner or soap"** means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. Heavy-duty hand cleaner or soap does

not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, general-use hand or body cleaner or soap, medicated astringent/medicated toner or rubbing alcohol.

- 31.1.83 **“Herbicide”** means a pesticide product designed to kill or retard a plant’s growth, but excludes products that are: (i) for agricultural use, or (ii) restricted materials that require a permit for use and possession.
- 31.1.84 **"High volatility organic compound (HVOC)"** means any volatile organic compound that exerts a vapor pressure greater than 80 mm Hg when measured at 20°C.
- 31.1.85 **“Household product”** means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.
- 31.1.86 **"Insecticide"** means a pesticide product that is designed for use against insects or other arthropods, ~~found in or around the household but excluding products~~ that are: (i) for agricultural use, or (ii) for a use which requires an Industrial, Structural and Health Related Pest Control license under the Rhode Island Department of Environmental Management, Division of Agriculture Rule A, “Rules and Regulations Relating to Pesticides,” or (iii) restricted materials that require a permit for use and possession.
- 31.1.87 **"Insecticide fogger"** means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.
- 31.1.88 **“Institutional product” or “Industrial and institutional product”** means designed for use in an establishment that: (i) manufactures, transports, or sells goods or commodities, or provides services for profit; or (ii) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. For the purpose of this definition, “establishments” include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. Institutional product does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.
- 31.1.89 **"Label"** means any written, printed, or graphic matter affixed to, applied to,

attached to, blown onto, formed, molded onto, embossed on, or appearing upon any ~~commercial and~~ consumer product or ~~commercial and~~ consumer product package, for the purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

- 31.1.90 **“Laundry prewash”** means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.
- 31.1.91 **“Laundry starch product”** means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. Laundry starch products include, but are not limited to, fabric finish, sizing, and starch.
- 31.1.92 **“Lawn and garden insecticide”** means an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects and other arthropods. Notwithstanding the requirements of subsection 31.3.3, aerosol lawn and garden insecticides may claim to kill insects or other arthropods.
- 31.1.93 **“Liquid”** means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90. Liquid does not include powders or other materials that are composed entirely of solid particles.
- 31.1.94 **“Lubricant”** means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. Lubricants do not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals or products that are (i) sold exclusively to establishments which manufacture or construct goods or commodities, and (ii) labeled “not for retail sale”.
- 31.1.95 **“LVP-VOC”** means a chemical compound or mixture that:
- (a) Contains at least one carbon atom and meets one or more of the following conditions:
    - (1) It has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by CARB Method 310; or

- (2) It is a chemical compound with more than 12 carbon atoms or a chemical mixture comprised solely of compounds with more than 12 carbon atoms, as verified by formulation data, and the vapor pressure and boiling point are unknown; or
  - (3) It is a chemical compound with a boiling point greater than 216°C, as determined by CARB Method 310; or
  - (4) It is the weight percent of a chemical mixture that boils above 216°C, as determined by CARB Method 310.
- (b) For the purpose of this definition;
- (1) “**Chemical compound**” means a molecule of definite chemical formula and isomeric structure; and
  - (2) “**Chemical mixture**” means a substrate comprised of two or more chemical compounds.
- 31.1.96 “**Manufacturer**” means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.
- 31.1.97 “**Medicated astringent /medicated toner**” means any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores. Medicated astringents/medicated toners include, but are not limited to, clarifiers and substrate-impregnated products. Medicated astringents/medicated toners do not include hand, face, or body cleaner or soap products, astringent/toner, cold cream, lotion, antiperspirants, or products that must be purchased with a doctor’s prescription.
- 31.1.98 “**Medium volatility organic compound (MVOC)**” means any volatile organic compound that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20°C.
- 31.1.99 “**Metal polish /cleanser**” means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. To “improve the appearance” means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. Metal polishes/cleaners include, but are not limited to; metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental

metals. Metal polishes/cleansers do not include automotive wax, polish, sealant or glaze, wheel cleaner, paint remover or stripper, products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.

- 31.1.100 **“Mist spray adhesive”** means any aerosol adhesive which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.
- 31.1.101 **“Multi-purpose dry lubricant”** means any lubricant which is: (i) designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (teflon) on surfaces, and (ii) designed for general purpose lubrication, or for use in a wide variety of applications.
- 31.1.102 **“Multi-purpose lubricant”** means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. Multi-purpose lubricants do not include multi-purpose dry lubricants, penetrants, or silicone-based multi-purpose lubricants”.
- 31.1.103 **“Multi-purpose solvent”** means any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. Multi-purpose solvents include solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. Multi-purpose solvents do not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
- 31.1.104 **"Nail polish"** means any clear or colored coating designed for application to the fingernails or toenails and including, but not limited to, lacquers, enamels, acrylics, base coats and top coats.
- 31.1.105 **"Nail polish remover"** means a product designed to remove nail polish and coating from fingernails or toenails.
- 31.1.106 **"Non-aerosol product"** means any consumer product that is not dispensed by a pressurized spray system.

- 31.1.107 **“Non-carbon containing compound”** means any compound which does not contain any carbon atoms.
- 31.1.108 **“Nonresilient flooring”** means flooring of a mineral content which is not flexible and includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.
- 31.1.109 **“Non-selective terrestrial herbicide”** means a terrestrial herbicide product that is toxic to plants without regard to species
- 31.1.110 **“NYCRR”** means the Official Compilation of Codes, Rules and Regulations of the State of New York.
- 31.1.111 **“NYSDEC”** means the New York State Department of Environmental Conservation.
- 31.1.112 **“Oven cleaner”** means any cleaning product designed to clean and to remove dried food deposits from oven walls.
- 31.1.113 **“Paint”** means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.
- 31.1.114 **“Paint remover or stripper”** means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. Paint removers or strippers do not include multi-purpose solvents, paint brush cleaners, products designed and labeled exclusively to remove graffiti, and hand cleaner products that claim to remove paints and other related coatings from skin.
- 31.1.115 **“Penetrant”** means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Penetrants do not include multi-purpose lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.
- 31.1.39 ~~“Person” means an individual, trust, firm, joint stock company, corporation (including quasi-governmental corporation), partnership, association, syndicate, municipality, municipal or state agency, fire district, club, non profit agency or any~~



~~subdivision, commission, department, bureau, agency or department of state or federal government (including quasi governmental corporation) or of any interstate body.~~

- 31.1.116 **“Personal fragrance product”** means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave and toilet water. Personal fragrance products do not include deodorants; medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes, breath fresheners and deodorizers; lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals. A personal fragrance product is considered a deodorant for the purpose of this regulation if it meets all of the following criteria:
- (a) The product contains 20 percent or less fragrance;
  - (b) The product is designed for application all over the human body to provide a scent;
  - (c) On the container or packaging or any sticker or label affixed thereto, it is indicated or depicted that the product can be used on or applied to human axilla.
- 31.1.117 **"Pesticide"** means any substance or mixture of substances labeled, designed or intended for use as in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant, or plant regulator, provided that the term "pesticide" does not include any substance, mixture of substances or device which the Environmental Protection Agency does not consider to be a pesticide.
- 31.1.118 **“Pressurized gas duster”** means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards and other types of surfaces that cannot be cleaned with solvents. Pressurized gas dusters do not include dusting aids.
- 31.1.119 **"Principal display panel or panels"** means that part, or those parts, of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase.

Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all such principal display panels.

- 31.1.120 **“Product brand name”** means the name of the product exactly as it appears on the principal display panel of the product.
- 31.1.121 **“Product category”** means the applicable category which best describes a consumer product, as defined in this regulation.
- 31.1.122 **“Product form”** means the form that most accurately describes the dispensing form of a product, including aerosols, solids, semisolids, liquids and pump sprays. :
- 31.1.123 **“Propellant”** means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container
- 31.1.124 **“Pump spray”** means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.
- 31.1.125 **“Responsible party”** means the company, firm or establishment which is listed on the product's label. If the label lists two or more companies, firms, or establishments, the responsible party is the party which the product was “manufactured for” or “distributed by”, as noted on the label.
- 31.1.126 **“Restricted materials”** means pesticides established as restricted materials under applicable Rhode Island laws or regulations.
- 31.1.127 **“Rhode Island sales”** means the sales (net pounds of product, less packaging and container, per year) in Rhode Island for either the calendar year immediately prior to the year that the report specified in section 31.5 is due or, if those data are not available, any consecutive 12 month period commencing no earlier than 2 years prior to the due date of the report. If direct sales data for Rhode Island are not available, sales may be estimated by prorating national or regional sales data by population.
- 31.1.128 **“Roll-on product”** means ~~a commercial and consumer product~~ any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

- 31.1.129 **“Rubber and vinyl protectant”** means any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. Rubber and vinyl protectants do not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.
- 31.1.130 **“Rubbing alcohol”** means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.
- 31.1.131 **“S-coded fabric”** means an upholstery fabric designed to be cleaned with water-free spot cleaning products as specified by the Joint Industry Fabrics Standard Committee.
- 31.1.132 **“Sealant and caulking compound”** means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. Sealants and caulking compounds do not include roof cements and roof sealants; insulating foams; removable caulking compounds; clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; or sealers that are applied as continuous coatings. For the purposes of this definition only:
- (a) **“Removable caulking compounds”** means compounds which temporarily seal windows or doors for three to six month time intervals, and
  - (b) **“Clear/paintable/water resistant caulking compounds”** means compounds which contain no appreciable level of opaque fillers or pigments; transmit most or all visible light through the caulk when cured; are paintable; and are immediately resistant to precipitation upon application.
- 31.1.133 **“Semisolid”** means a product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes, and greases.
- 31.1.134 **“Shaving cream”** means an aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving

system, in the removal of facial or other bodily hair. Shaving creams do not include shaving gels.

- 31.1.135 **“Shaving gel”** means an aerosol product which dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor or other shaving system in the removal of facial or other bodily hair. Shaving gels do not include shaving creams.
- 31.1.136 **“Silicone-based multi-purpose lubricant”** means any lubricant which is: (i) designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and (ii) designed and labeled for general purpose lubrication, or for use in a wide variety of applications. Silicone-based multi-purpose lubricants do not include products designed and labeled exclusively to release manufactured products from molds.
- 31.1.137 **“Single-phase aerosol air freshener”** means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product be shaken before use.
- 31.1.138 **“Solid”** means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90.
- 31.1.139 **“Solid or paste form furniture maintenance product”** means a furniture maintenance product which contains waxes and which is applied by being rubbed onto a surface and then wiped off after drying occurs. Aerosol, liquid, and pump-spray furniture maintenance products are not included in this category.
- 31.1.140 **“Special purpose contact adhesive”** means a contact adhesive that meets the following conditions:
- (a) Product is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface and is sold in units of product, less packaging, that contain more than eight fluid ounces; or
  - (b) Product is used in automotive under-the-hood applications requiring heat oil or gasoline resistance or automotive body-side molding, weatherstrip

or decorative trim applications.

31.1.141 **“Special purpose spray adhesive”** means an aerosol adhesive that meets any of the following definitions:

- (a) **“Mounting adhesive”** means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.
- (b) **“Flexible vinyl adhesive”** means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 or from product formulation data.
- (c) **“Polystyrene foam adhesive”** means an aerosol adhesive designed to bond polystyrene foam to substrates.
- (d) **“Automobile headliner adhesive”** means an aerosol adhesive designed to bond together layers in motor vehicle headliners.
- (e) **“Polyolefin adhesive”** means an aerosol adhesive designed to bond polyolefins to substrates.
- (f) **“Laminate repair/edgebanding adhesive”** means an aerosol adhesive designed for:
  - (1) The touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.) or for;
  - (2) The touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals.

For the purposes of this definition “high pressure laminate” means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

- (g) **“Automotive engine compartment adhesive”** means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200 - 275 degrees F.
- 31.1.142 **“Specialty adhesive remover”** means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur. Examples of reactive adhesives include, but are not limited to: epoxies, urethanes and silicones. Specialty adhesive removers do not include gasket or thread locking adhesive removers.
- 31.1.143 **“Spot remover”** means any product designed to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal. Spot remover does not include dry cleaning fluid, laundry prewash, carpet and upholstery cleaner, or multi-purpose solvent.
- 31.1.144 **“Spray buff product”** means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.
- 31.1.145 **“Stick product”** means a ~~commercial and consumer product~~ any antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the affected area.
- 31.1.146 **“Structural waterproof adhesive”** means an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water, and that conforms to Federal Specification MMM-A-181D (Type 1, Grade A). This definition is as per the Federal Consumer Products Regulation 40 CFR59 Subpart C.
- 31.1.147 **“Terrestrial”** means to live on or grow from land.
- 31.1.148 **“Tire sealant and inflator”** means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
- 31.1.149 **“Toilet/urinal care product”** means any consumer product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, toilets or urinals connected to permanent plumbing in buildings and other structures, portable

toilets or urinals placed at temporary or remote locations, and toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. Toilet/urinal care products do not include bathroom and tile cleaners or general purpose cleaners.

- 31.1.150 **“Type A propellant”** means a compressed gas such as CO<sub>2</sub>, N<sub>2</sub>, N<sub>2</sub>O, or compressed air which is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.
- 31.1.151 **“Type B propellant”** means any halocarbon which is used as a propellant, including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs).
- 31.1.152 **“Type C propellant”** means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).
- 31.1.153 **“Undercoating”** means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. Undercoating includes, but is not limited to, rubberized, mastic, or asphaltic products.
- 31.1.154 **“Usage directions”** means the text or graphics on the product's principal display panel, label, or accompanying literature which describes to the end user how and in what quantity the product is to be used.
- 31.1.155 **“Vinyl/fabric/leather/polycarbonate coating”** means a coating designed and labeled exclusively to coat vinyl, fabric, leather or polycarbonate substrates.

31.1.2 ~~“Volatile Organic Compound” and “VOC” means any organic compound which participates in atmospheric photochemical reactions. This includes any organic compound other than the following compounds:~~

- ~~\_\_\_\_\_ (a) acetone~~
- ~~\_\_\_\_\_ (b) CFC 11 (trichlorofluoromethane)~~
- ~~\_\_\_\_\_ (c) CFC 12 (dichlorodifluoromethane)~~
- ~~\_\_\_\_\_ (d) CFC 113 (1,1,1 trichloro 2,2,2 trifluoroethane)~~
- ~~\_\_\_\_\_ (e) CFC 114 (1,2 dichloro 1,1,2,2 tetrafluoroethane)~~
- ~~\_\_\_\_\_ (f) CFC 115 (chloropentafluoroethane)~~
- ~~\_\_\_\_\_ (g) ethane~~
- ~~\_\_\_\_\_ (h) HCFC 22 (chlorodifluoromethane)~~

- ~~\_\_\_\_\_ (i) HCFC 123 (1,1,1 trifluoro 2,2 dichloroethane)~~
- ~~\_\_\_\_\_ (j) HCFC 124 (2 chloro 1,1,1,2 tetrafluoroethane)~~
- ~~\_\_\_\_\_ (k) HCFC 141b (1,1 dichloro 1 fluoroethane)~~
- ~~\_\_\_\_\_ (l) HCFC 142b (1 chloro 1,1 difluoroethane)~~
- ~~\_\_\_\_\_ (m) HFC 23 (trifluoromethane)~~
- ~~\_\_\_\_\_ (n) HFC 125 (pentafluoroethane)~~
- ~~\_\_\_\_\_ (o) HFC 134 (1,1,2,2 tetrafluoroethane)~~
- ~~\_\_\_\_\_ (p) HFC 134a (1,1,1,2 tetrafluoroethane)~~
- ~~\_\_\_\_\_ (q) HFC 143a (1,1,1 trifluoroethane)~~
- ~~\_\_\_\_\_ (r) HFC 152a (1,1 difluoroethane)~~
- ~~\_\_\_\_\_ (s) methane~~
- ~~\_\_\_\_\_ (t) methyl chloroform (1,1,1 trichloroethane)~~
- ~~\_\_\_\_\_ (u) methylene chloride (dichloromethane)~~
- ~~\_\_\_\_\_ (v) parachlorobenzotrifluoride (PCBTF)~~
- ~~\_\_\_\_\_ (w) volatile methyl siloxanes (VMS)~~
- ~~\_\_\_\_\_ (x) The perfluorocarbon compounds which fall into these classes:~~

- ~~\_\_\_\_\_ (1) Cyclic, branched, or linear, completely fluorinated alkanes;~~
- ~~\_\_\_\_\_ (2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;~~
- ~~\_\_\_\_\_ (3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and~~
- ~~\_\_\_\_\_ (4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.~~

~~\_\_\_\_\_ These compounds have been determined to have negligible photochemical reactivity. For purposes of determining compliance with emission limits, VOC will be measured by the approved test methods. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, as defined above, an owner or operator may exclude these negligible photochemical reactive compounds when determining compliance with an emissions standard. Exempt solvents will not be considered as a VOC in "percent VOC by weight" calculations.~~

~~\_\_\_\_\_ 31.1.3 "Halogenated Organic Compound" and "HOC" means the following compounds:~~

- ~~\_\_\_\_\_ (a) CFC 11 (trichlorofluoromethane)~~
- ~~\_\_\_\_\_ (b) CFC 12 (dichlorodifluoromethane)~~
- ~~\_\_\_\_\_ (c) CFC 113 (1,1,1 trichloro 2,2,2 trifluoroethane)~~
- ~~\_\_\_\_\_ (d) CFC 114 (1,2 dichloro 1,1,2,2 tetrafluoroethane)~~
- ~~\_\_\_\_\_ (e) CFC 115 (chloropentafluoroethane)~~



- \_\_\_\_\_ (f) ~~HCFC 22 (chlorodifluoromethane)~~
- \_\_\_\_\_ (g) ~~HCFC 123 (1,1,1 trifluoro 2,2 dichloroethane)~~
- \_\_\_\_\_ (h) ~~HCFC 124 (2-chloro 1,1,1,2-tetrafluoroethane)~~
- \_\_\_\_\_ (i) ~~HCFC 141b (1,1-dichloro 1-fluoroethane)~~
- \_\_\_\_\_ (j) ~~HCFC 142b (1-chloro 1,1-difluoroethane)~~
- \_\_\_\_\_ (k) ~~methyl chloroform (1,1,1-trichloroethane)~~
- \_\_\_\_\_ (l) ~~methylene chloride (dichloromethane)~~

- 31.1.156 **“Wasp and hornet insecticide”** means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.
- 31.1.157 **“Waterproofers”** means a product designed and labeled exclusively to repel water from fabric or leather substrates. Waterproofers do not include fabric protectants.
- 31.1.158 **“Wax”** means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). Wax includes, but is not limited to, substances derived from the secretions of plants and animals such as carnauba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.
- 31.1.159 **“Web spray adhesive”** means any aerosol adhesive which is not a mist spray or special purpose spray adhesive.
- 31.1.160 **“Wood cleaner”** means a product labeled to clean wooden materials including but not limited to decking, fences, flooring, logs, cabinetry, and furniture. Wood cleaners do not include dusting aids, general purpose cleaners, furniture maintenance products, floor wax strippers, floor polish or wax, or products designed and labeled exclusively to preserve or color wood.
- 31.1.161 **“Wood floor wax”** means wax-based products for use solely on wood floors.

## 31.2 Applicability and Exemptions

- 31.2.1 Except as provided in subsections 31.2.2 -31.2.6, the provisions of this regulation apply to any person who sells, supplies, offers for sale, or manufactures for sale within Rhode Island, any commercial and consumer products on or after July 1, 2009. that is specified in Section 31.3.

31.2.2 The provisions of this regulation do not apply to the following:

- (a) Any product that is sold, offered for sale or manufactured in Rhode Island for shipment and use outside of Rhode Island;

~~Any product manufactured prior to the date specified in Subsection 31.5.3 which is sold or offered for sale until 18 months after that date, provided that the product is labeled with the date that the contents were manufactured or a date code indicating the date of manufacture of the contents in accordance with the requirements of Subsection 31.4.1;~~

- (b) Consumer products manufactured prior to July 1, 2009, provided that the product is in compliance with the labeling requirements in subsection 31.4.1.
- (c) ~~Air fresheners and flying bug i~~ Insecticides which contain at least 98% para-dichlorobenzene;
- (d) Air fresheners comprised entirely of fragrance, non-volatile compounds, inorganic compounds, and LVP-VOCs ~~the compounds specified in Subsection 31.2.3(g);~~
- (e) ~~Fragrances contained in a commercial and consumer product up to a combined level of 2% by weight of the product and colorants up to a combined level of 2% by weight in an antiperspirant or deodorant;~~
- (f) Ethanol in ~~existing~~ antiperspirant and deodorant products shall not be considered a MVOC for the purposes of this regulation, ~~however no existing product may be reformulated to increase the product's total ethanol content. An existing product may be reformulated to reduce the product's total ethanol content as long as the reformulation does not increase the product's total HVOC content;~~
- (g) In antiperspirants and deodorants, compounds that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown or that have a vapor pressure of 2 mm Hg or less at 20°C;
- (h) LVP-VOCs; ~~Volatile organic compounds which exert a vapor pressure of less than 0.1 mm of mercury, when measured at 20°C and 760 mm of~~

~~mercury or, if the vapor pressure is unknown, consist of more than 12 carbon atoms; and~~

- (i) Adhesives sold in containers of 1 fluid ounce or less;
- (j) Contact adhesives sold in units of product, less packaging, of more than 1 gallon;
- (k) Construction, panel and floor covering adhesives, general purpose adhesives, and sealants and caulking compounds sold in units of product, less packaging, which weigh more than 1 pound and consist of more than 16 fluid ounces. This exemption does not apply to aerosol adhesives; and
- (l) Bait station insecticides.

### 31.2.3 Innovative Products

~~Commercial and eConsumer products which have been granted an Innovative Products exemption by the CARB to the California Air Resources Board (CARB) Consumer Products Regulation, under the Innovative Products provisions in of Subchapter 8.5, Article 2, Section 94511, or Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the California Code of Regulations 17 CCR 94511 or 17 CCR 94503.5 or by the NYSDEC under the provisions in 6 NYCRR 235-5.1 shall be exempt from the VOC content limits in S-section 31.3 for the period of time that the CARB-Innovative Products exemption remains in effect. Any manufacturer claiming such an exemption must submit to the Division Department a copy of the CARB or NYSDEC exemption decision, including all conditions established by CARB or NYSDEC applicable to the exemption, by July 1, 2009 – the date specified in Subsection 31.5.3 or by the date that the product is first marketed in Rhode Island, whichever is later.~~

### 31.2.4 Alternative Control Plan (ACP)

Any manufacturer of consumer products which has been granted an ACP Agreement by the CARB under the provisions of 17 CCR 94540-94555 or by NYSDEC under the provisions of 6 NCRR 235-11.1 shall be exempt from complying with the VOC content limits in section 31.3 for the period of time that the ACP Agreement remains in effect. Any manufacturer claiming an ACP Agreement on this basis must submit upon request to the Department a copy of the ACP decision (i.e., the Executive Order), including all conditions applicable to the exemption, by July 1, 2009 or by the date that the product is first marketed in Rhode Island, whichever is later.

#### 31.2.5 Variances

Consumer products which have been granted a variance by the CARB under the provisions of 17 CCR 94514 or by the NYSDEC under the provisions of 6 NYCRR 235-8.1 shall be exempt from the VOC content limits in section 31.3 for the period of time that the variance remains in effect. Any person claiming a variance on this basis must submit to the Department a copy of the variance decision, including all conditions applicable to the variance, by July 1, 2009 or by the date that the product is first marketed in Rhode Island, whichever is later.

#### 31.2.6 FIFRA Products

For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136-136y), the effective date of the VOC content limits in section 31.3 shall be July 1, 2010.

### 31.3 VOC Content Limits

- 31.3.1 Except as provided in subsections 31.2.2 – 31.2.6 of this regulation, ~~No~~ no person shall sell, supply, offer for sale or manufacture for sale in Rhode Island ~~any commercial and~~ consumer product manufactured on or after July 1, 2009 listed below which, at the time of sale or manufacture (with those exceptions defined in Subsection 31.3.4), contains volatile organic compounds in excess of the limits specified in the Table of Standards below:

**Table of Standards Table 1**

<b><u>Product Category</u></b>	<b><u>VOC Content Limit (Percent VOC by Weight)</u></b>
<b><u>Adhesive Removers</u></b> (See also 31.3.9)	
<u>Floor or Wall Covering Adhesive Remover</u>	<u>5</u>
<u>Gasket or Thread Locking Adhesive Remover</u>	<u>50</u>
<u>General Purpose Adhesive Remover</u>	<u>20</u>
<u>Specialty Adhesive Remover</u>	<u>70</u>
<b><u>Adhesives</u></b>	
<u>Aerosol Adhesives:</u> (See also 31.3.6)	
<u>Mist Spray Adhesives</u>	<u>65</u>
<u>Web Spray Adhesives</u>	<u>55</u>
<u>Special Purpose Spray Adhesives:</u>	
<u>Mounting; Automotive Engine Compartment:</u>	
<u>Flexible Vinyl</u>	<u>70</u>
<u>Polystyrene Foam and Automobile Headliner</u>	<u>65</u>
<u>Polyolefin; Laminate Repair/Edgebanding</u>	<u>60</u>
<u>Construction, Panel, Floor Covering Adhesives</u>	<u>15</u>
<u>Contact Adhesives:</u> (See also 31.3.9)	
<u>General Purpose Contact Adhesives</u>	<u>55</u>
<u>Special Purpose Contact Adhesives</u>	<u>80</u>
<u>General Purpose Adhesives</u>	<u>10</u>
<u>Structural Waterproof Adhesives</u>	<u>15</u>
<b><u>Aerosol Cooking Spray</u></b>	<u>18</u>
<b><u>Air Fresheners</u></b>	
<u>Single-Phase Aerosols</u>	<u>70-30</u>
<u>Double-Phase Aerosols</u>	<u>30-25</u>
<u>Liquids/Pump Sprays</u>	<u>18</u>
<u>Solids/Gels/Semisolids</u> (See also 31.3.10)	<u>3</u>
<u>Dual Purpose Air Freshener/Disinfectant Aerosols</u>	<u>60</u>
<b><u>Antiperspirants</u></b> (See also 31.3.2)	
<u>Aerosol</u>	<u>40 HVOC</u> <u>10 MVOC</u>
<u>Non-Aerosol</u>	<u>0 HVOC</u> <u>0 MVOC</u>
<b><u>Anti-static Product</u></b>	
<u>Non-Aerosol</u>	<u>11</u>
<b><u>Automotive Brake Cleaners</u></b> (See also 31.3.9)	<u>45</u>
<b><u>Automotive Rubbing or Polishing Compound</u></b>	<u>17</u>

<b><u>Product Category</u></b>	<b><u>VOC Content Limit (Percent VOC by Weight)</u></b>
<b><u>Automotive Wax, Polish, Sealant or Glaze</u></b>	
<u>Hard Paste Waxes</u>	<u>45</u>
<u>Instant Detailers</u>	<u>3</u>
<u>All Other Forms</u>	<u>15</u>
<b><u>Automotive Windshield Washer Fluids</u></b>	<u>35</u>
<b><u>Bathroom and Tile Cleaners</u></b>	
Aerosols	7
All Other Forms	5
<b><u>Bug and Tar Remover</u></b>	40
<b><u>Carburetor or Fuel-injection Air Intake Cleaners</u></b> (See also 31.3.9)	<u>45</u>
<b><u>Carpet and Upholstery Cleaners</u></b>	
<u>Aerosols</u>	<u>7</u>
<u>Non-Aerosols (Dilutables)</u>	<u>0.1</u>
<u>Non-Aerosols (Ready-to-Use)</u>	<u>3</u>
<b><u>Charcoal Lighter Material</u></b>	<u>See 31.3.7</u>
<b><u>Deodorants</u></b> (See also 31.3.2)	
<u>Aerosol</u>	<u>0 HVOC</u> <u>10 MVOC</u>
<u>Non-Aerosol</u>	<u>0 HVOC</u> <u>0 MVOC</u>
<b><u>Dusting Aids</u></b>	
<u>Aerosols</u>	<u>25</u>
<u>All other forms</u>	<u>7</u>
<b><u>Electrical Cleaner</u></b> (See also 31.3.9)	<u>45</u>
<b><u>Electronic Cleaner</u></b> (See also 31.3.9)	<u>75</u>
<b><u>Engine Degreasers</u></b> (See also 31.3.9)	75
<u>Aerosols</u>	<u>35</u>
<u>Non-Aerosols</u>	<u>5</u>
<b><u>Fabric Protectants</u></b>	<u>60</u>
<b><u>Fabric Refresher</u></b>	
<u>Aerosol</u>	<u>15</u>
<u>Non-Aerosol</u>	<u>6</u>
<b><u>Floor Polishes/Waxes</u></b>	
Products for Flexible Flooring Material	7
Products for Nonresilient Flooring	10
Wood Floor Wax	90

<b><u>Product Category</u></b>	<b><u>VOC Content Limit (Percent VOC by Weight)</u></b>
<b><u>Floor Wax Strippers</u></b> Non-Aerosols	<u>See 31.3.7</u>
<b><u>Footware or Leather Care Product</u></b> (See also 31.3.9) Aerosol Solid All Other Forms	<u>75</u> <u>55</u> <u>15</u>
<b><u>Furniture Maintenance Products</u></b> Aerosols All other forms except solid or paste forms	<u>25 17</u> <u>7</u>
<b><u>General Purpose Cleaners</u></b> Aerosols Non-Aerosols	<u>10</u> <u>4</u>
<b><u>General Purpose Degreasers</u></b> (See also 31.3.9) Aerosols Non-Aerosols	<u>50</u> <u>4</u>
<b><u>Glass Cleaners</u></b> Aerosols —All other forms Non-Aerosols	<u>12</u> <u>8 4</u>
<b><u>Graffiti Remover</u></b> (See also 31.3.9) Aerosols Non-Aerosols	<u>50</u> <u>30</u>
<b><u>Hair Care Products</u></b> Hair Sprays Hair Mousses Hair Styling Products Aerosols and Pump Sprays All other forms Hair Shines	<u>80 55</u> <u>16 6</u> <u>6</u> <u>2</u> <u>55</u>
<b><u>Heavy-Duty Hand Cleaners or Soap</u></b>	<u>8</u>

<b><u>Product Category</u></b>	<b><u>VOC Content Limit (Percent VOC by Weight)</u></b>
<b><u>Insecticides</u></b>	
Crawling Bug (Aerosol)	<u>40 15</u>
Crawling Bug (all other forms)	<u>20</u>
Flea and Tick	<u>25</u>
Flying Bug (Aerosol)	<u>35 25</u>
Flying Bug (all other forms)	<u>35</u>
Foggers	<u>45</u>
Lawn and Garden (all other forms)	<u>20</u>
Lawn and Garden (Non-Aerosol)	<u>3</u>
Wasp and Hornet	<u>40</u>
<b><u>Laundry Prewashes</u></b>	
Aerosol/Solids	<u>22</u>
All other forms	<u>5</u>
<b><u>Laundry Starch Products</u></b>	<u>5</u>
<b><u>Metal Polishes/Cleaners</u></b>	<u>30</u>
<b><u>Multi-Purpose Lubricant</u></b> (Excluding Solid or Semi-Solid Products)	<u>50</u>
<b><u>Nail Polish Removers</u></b>	<u>85 75</u>
<b><u>Non-selective Terrestrial Herbicides</u></b>	
Non-Aerosols	<u>3</u>
<b><u>Oven Cleaners</u></b>	
Aerosols/Pump Sprays	<u>8</u>
Liquids	<u>5</u>
<b><u>Paint Removers or Strippers</u></b>	<u>50</u>
<b><u>Penetrants</u></b>	<u>50</u>
<b><u>Rubber and Vinyl Protectants</u></b>	
Non-Aerosols	<u>3</u>
Aerosols	<u>10</u>
<b><u>Sealants and Caulking Compounds</u></b>	<u>4</u>
<b><u>Shaving Creams</u></b>	<u>5</u>
<b><u>Shaving Gels</u></b>	<u>7</u>
<b><u>Silicone-Based Multi-Purpose Lubricants</u></b> (Excluding Solid or Semi-Solid Products)	<u>60</u>
<b><u>Spot Removers</u></b>	
Aerosols	<u>25</u>
Non Aerosols	<u>8</u>
<b><u>Tire Sealants and Inflators</u></b>	<u>20</u>



<u>Product Category</u>	<u>VOC Content Limit (Percent VOC by Weight)</u>
<b><u>Toilet/Urinal Care Products</u></b> (See also 31.3.10)	
<u>Aerosols</u>	<u>10</u>
<u>Non-Aerosols</u>	<u>3</u>
<b><u>Undercoatings</u></b>	
<u>Aerosols</u>	<u>40</u>
<b><u>Wood Cleaners</u></b>	
<u>Aerosols</u>	<u>17</u>
<u>Non-Aerosols</u>	<u>4</u>

No person shall sell, offer for sale or manufacture for sale in Rhode Island any antiperspirant or deodorant which at the time of sale or manufacture (with those exceptions defined in Subsection 31.3.4), contains volatile organic compounds in excess of the limits specified in Table 2:

**Table 2**

<b>Product Form</b>	<b>HVOC</b>	<b>MVOC</b>
<b>Aerosol antiperspirant</b>	60	20
<b>Aerosol deodorant</b>	20	20
<b>Non-aerosol product</b>	0	0

31.3.2 Toxic Air Contaminants in Antiperspirants and Deodorants

No person shall sell, supply, offer for sale, or manufacture for sale in Rhode Island any antiperspirant or deodorant which contains any compound that has been identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 7, Section 93000 as a toxic air contaminant.

31.3.3 Most Restrictive Limit

With the exception of antiperspirants, deodorants, insecticide defoggers and general purpose cleaners, If if, anywhere on the principal display panel container or packaging of a commercial and consumer product with the exception of antiperspirants, deodorants and general purpose cleaners or on

any sticker or label affixed thereto, any representation is made that the product may be used as, or is suitable for use as, a ~~commercial and~~ consumer product for which a lower ~~percent-VOC by weight content limitation~~ is specified in this section, then the lowest ~~percent-VOC by weight content limitation~~ shall apply.

#### 31.3.4 Products That are Diluted Prior to Use

##### (a) Water or Non-VOC Solvent Dilution

For ~~commercial and~~ consumer products which display, on the ~~container label, container or packaging or accompanying literature~~, a statement that the contents should be diluted with water or non-VOC solvent before use, ~~then the percent-VOC by weight content limitations listed in the Table of Standards in Subsection 31.3.1 shall apply only after the minimum recommended dilution occurs.~~ For the purposes of this subsection, recommended dilution shall not include a recommendation for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

##### (b) VOC Solvent Dilution

For consumer products which display, on the label, container or packaging or accompanying literature, a statement that the contents should be diluted with any VOC solvent before use, then the VOC content limits listed in the Table of Standards in Subsection 31.3.1 shall apply only after the maximum recommended dilution occurs.

#### 31.3.5 Charcoal Lighter Material Products

No person shall sell, supply, or offer for sale any charcoal lighter material product unless the product has been issued and conforms to the conditions in a currently effective certification issued by the CARB pursuant to the Consumer Products provisions of 17 CCR 94509(h). A copy of the CARB certification decision (i.e., the Executive Order), including all conditions established by CARB applicable to the certification, shall be submitted to the Department within 30 days of written request. Usage directions shall be clearly delineated on the charcoal lighter material's principal display panel label and shall include the following information:

- (a) For all charcoal lighter material except material that is already incorporated into the charcoal, such as certain “bag light,” “instant light” or “match light” products and material that is intended to be used in fixed amounts independent of the amount of charcoal used, such as certain paraffin cubes, the usage directions shall accurately reflect the quantity of charcoal lighter material per pound of charcoal that was used in the South Coast Air Quality Management District Rule 1174 Testing Protocol for that product.
- (b) For charcoal lighter material that is intended to be used in fixed amounts independent of the amount of charcoal used, such as certain paraffin cubes, the usage instructions shall accurately reflect the quantity of charcoal lighter material used in the South Coast Air Quality Management District Rule 1174 Testing Protocol for that product.

### 31.3.6 Aerosol Adhesives

In addition to the VOC content limits in the Table of Standards in subsection 31.3.1, aerosol adhesives are subject to the following requirements.

- (a) Applicable standard
  - (1) A spray adhesive that meets one or more of the definitions in paragraphs 31.1.141 (a) – (g) shall be classified as a special purpose spray adhesive if the product label does not indicate that the product is suitable for use on any substrate or for any application not listed in those paragraphs.
  - (2) A spray adhesive that meets one or more of the definitions in paragraphs 31.1.141 (a) – (g) shall be classified as either a web spray adhesive or mist spray adhesive if the product label indicates that the product is suitable for use on any substrate or application not listed in those paragraphs.
  - (3) If a product meets more than one of the definitions specified in paragraphs 31.1.141 (a) – (g) and is not classified as a web spray adhesive or mist spray adhesive according to paragraph 31.3.6(a)(2), then the VOC content limit for the product shall be the lowest applicable VOC content limit specified in the Table of Standards.
- (b) Air Toxics

No person shall sell, supply, offer for sale, or manufacture for use in Rhode Island any aerosol adhesive which contains any of the following compounds: methylene chloride, perchloroethylene, and trichloroethylene.

31.3.7 Floor Wax Strippers

No person shall sell, supply, offer for sale, or manufacture for use in Rhode Island any floor wax stripper unless the following requirements are met:

- (a) The label of each non-aerosol floor wax stripper must specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3 percent by weight or less.
- (b) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper must specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12 percent by weight or less.
- (c) The terms “light build-up”, “medium build-up” or “heavy build-up” are not specifically required, as long as comparable terminology is used.

31.3.8 Requirements for products containing ozone-depleting compounds

- (a) No person shall sell, supply, offer for sale, or manufacture for sale in Rhode Island any consumer product listed in the Table of Standards which contains an ozone-depleting compound, except as specified in paragraphs (b) and (c) of this subsection.
- (b) The requirements of paragraph (a) of this subsection shall not apply to any product formulation that is manufactured, sold, supplied or offered for sale in Rhode Island prior to July 1, 2009, provided that the product complies with Table of Standards, or to any product formulation that is reformulated to meet the VOC content limits in the Table of Standards, provided the reformulation does not increase the content of the ozone depleting compound in the product.

(c) The requirements of paragraph (a) of this subsection shall not apply to any ozone-depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than 0.01% by weight of the product.

(d) For the purposes of subsection 31.3.8, “ozone-depleting compounds” means the following compounds:

- (1) CFC-11 (trichlorofluoromethane)
- (2) CFC-12 (dichlorodifluoromethane)
- (3) CFC-113 (1,1,1-trichloro 2,2,2-trifluoroethane)
- (4) CFC-114 (1,2-dichloro 1,1,2,2-tetrafluoroethane)
- (5) CFC-115 (chloropentafluoroethane)
- (6) HCFC-22 (chlorodifluoromethane)
- (7) HCFC-31 (chlorofluoromethane)
- (8) HCFC-123 (1,1,1-trifluoro 2,2-dichloroethane)
- (9) HCFC 123a (1,2-dichloro-1,1,2-trifluoroethane)
- (10) HCFC-124 (2-chloro 1,1,1,2-tetrafluoroethane)
- (11) HCFC-141b (1,1-dichloro 1-fluoroethane)
- (12) HCFC-142b (1-chloro 1,1-difluoroethane)
- (13) HCFC-151a (1-chloro-1-fluoroethane)
- (14) HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane)
- (15) HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane)
- (16) Methyl chloroform (1,1,1-trichloroethane)
- (17) Halon 1211 (bromochlorodifluoromethane)
- (18) Halon 1301 (bromotrifluoromethane)
- (19) Halon 2402 (dibromotetrafluoroethane)
- (20) Carbon tetrachloride

31.3.9 Additional requirements for contact adhesives, electrical cleaners, electronic cleaners, footwear or leather care products, general purpose degreasers, adhesive removers and graffiti removers

(a) Except as provided in paragraphs (b) and (c) of this subsection, no person shall sell, supply, offer for sale, or manufacture for sale in Rhode Island any contact adhesive, electrical cleaner, electronic cleaner, footwear or leather care product, general purpose degreaser, adhesive remover or graffiti remover consumer product manufactured on or after July 1, 2009 which contains methylene chloride, perchloroethylene or trichloroethylene.

- (b) The requirements in paragraph (a) of this subsection do not apply to any consumer product which contains methylene chloride, perchloroethylene or trichloroethylene as an impurity in a combined amount equal to or less than 0.01% by weight.

31.3.10 Additional requirements for solid air fresheners and toilet/urinal care products

No person shall sell, supply, offer for sale or manufacture for sale in Rhode Island any solid air freshener or toilet/urinal care product that contains para-dichlorobenzene

31.4 Labeling Requirements

31.4.1 No person shall sell, supply, offer for sale in Rhode Island, or manufacture for use in Rhode Island any product specified in Section 31.3 unless the date of manufacture of the contents or a code indicating the date of manufacture of the contents is displayed on the product. The following requirements apply to the date or date-code:

- (a) The date or date-code information shall be readily observable or obtainable without disassembling any part of the container or packaging.
- (b) No person shall erase, alter, deface or otherwise remove or make illegible any date or date-code indicating the date of manufacture from any regulated product without the express authorization of the manufacturer.
- (c) The manufacturer shall supply an explanation of each code to the Director ~~by the date specified in Subsection 31.5.3 and, thereafter,~~ within 30 days before the use of any new code of written request.

31.4.2 ~~The labeling~~ requirements in ~~this~~ section 31.4.1 do not apply to:

- (a) Consumer products containing no VOC or containing VOC at 0.10% by weight or less, and
- (b) ~~commercial and e~~ Consumer products which must be registered with the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

- 31.4.3 Products sold, supplied or offered for sale in multi-unit packages are not required to comply with subsection 31.4.1. However, if a multi-unit package is not labeled with a date or date-code as specified in subsection 31.4.1, that product shall be subject to the VOC content limits in section 31.3. A multi-unit package may comply with subsection 31.4.1 by displaying the date that the package was assembled.
- 31.4.4 In addition to the labeling requirements in subsections 31.4.1, the container or packaging of aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, and contact adhesive products subject to this regulation shall clearly display the following information :
- (a) For adhesives, the applicable adhesive category, as specified in the Table of Standards, or an abbreviation of the category;
  - (b) The applicable VOC standard for the product, as specified in the Table of Standards, expressed as a percentage by weight, unless the product is included in an approved alternative control plan, as provided in subsection 31.2.4, and the product exceeds the applicable VOC content limit;
  - (c) If the product is included in an approved alternative control plan and the product exceeds the applicable VOC standard specified in the Table of Standards, the product shall be labeled with the term “ACP” or “ACP product”;
  - (d) If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application or an abbreviation of the substrate or application that qualifies the product as special purpose shall be displayed;
  - (e) If the manufacturer or responsible party uses an abbreviation for the aerosol adhesive category, an explanation of the abbreviation must be submitted to the Department upon request.

## ~~31.5 Compliance Schedule and Compliance Demonstration/Testing~~

### 31.5 Reporting Requirements

31.5.1 Each manufacturer of a ~~commercial and~~ consumer product subject to the requirements of this regulation shall submit to the Director within 90 days of notice, the following information: ~~by the date specified in Subsection 31.5.3 a document which certifies that each commercial and consumer product manufactured after that date and sold in Rhode Island is in compliance with this regulation. Compliance certifications for new or reformulated products introduced after the date specified in Subsection 31.5.3 shall be submitted to the Director before those products are sold or offered for sale in Rhode Island. The following information for each subject product must be included in the compliance certification and must be maintained by the manufacturer and made available to the EPA or the Division on request:~~

- (a) The name and address of the owner of the product brand name responsible party and the name, address and telephone number of a designated contact person;
- (b) Any claims of confidentiality;
- (c) ~~Commercial and e~~ Consumer product brand name, category, and form and label (note that information about each product form should be provided separately);
- (d) An identification of the product as a household product, industrial and institutional product, or both, according to the definitions in section 31.1;
- (e) Rhode Island sales of the product in pounds per year, to the nearest pound, and the method to calculate Rhode Island sales;
- (f) For information submitted by two companies, an identification of the company which is submitting relevant data separate from that submitted by the responsible party;
- (g) For each product name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth of a percent (0.1%):
  - (1)Total exempt compounds;
  - (2)Total LVP-VOCs that are not fragrances;



- (3)~~(d)~~ Total all other carbon-containing compounds that are not fragrances VOC content of the product (percent by weight);
- (4) Total all non-carbon-containing compounds;
- (5)~~(e)~~ Total content and VOC content of fragrances in the product (percent by weight);
- (6) For products containing greater than 2 percent by weight fragrance:
- (i) The percent of fragrances that are LVP-VOCs;
  - (ii) The percent of fragrances that are all other carbon-containing compounds;
- (7) For deodorants and antiperspirants:
- (i) ~~(f)~~ Total HVOC and total MVOC content of deodorants and antiperspirants (percent by weight);
  - (ii) ~~(g)~~ Total ethanol content of existing deodorants and antiperspirants (percent by weight);
- (8)~~(h)~~ Total para-dichlorobenzene content (percent by weight) of air fresheners and ~~flying bug~~ insecticides;
- (h) For each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number of the following:
- (1) Each exempt compound; and
  - (2) Each LVP-VOC that is not a fragrance
- (i) For products which use propellants:
- (1) The weight percent of the product comprised of propellant;
  - (2) An identification of the type of propellant (Type A, Type B, Type C or a blend of the different types) in each product;

- (j) The net percent by weight of each ozone-depleting compound listed in subsection 31.3.8 that is present in a consumer product subject to this regulation in any amount greater than 0.1 percent by weight; and.
- (k) The net percent by weight of perchloroethylene, methylene chloride and trichloroethylene in the product.

~~(i) Total content (percent by weight) of VOC which exert a vapor pressure of less than 0.1 mm Hg, when measured at 20°C and 760 mm Hg or, if the vapor pressure is unknown, consist of more than 12 carbon atoms; and~~

~~(j) For products which are exempt from Section 31.3 according to the innovative products exemption specified in Subsection 31.2.4, the product's VOC emission rate.~~

## 31.6 Test Methods

31.6.1 Compliance with the VOC content limits in this regulation shall be determined by one of the following methods:

- (a) CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997, and as last amended on May 5, 2005, which is incorporated herein by reference;
- (b) Alternative testing methods approved by the Department and EPA;
- (c) Calculation of the VOC content from records of the amounts of constituents used to make the product, pursuant to the following criteria:
  - (1) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three years.
  - (2) Except for charcoal lighter materials, VOC content shall be calculated according to the following equation:

$$VOC\ Content = \frac{(B - C) \times 100}{A}$$

where,

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOC, per unit

C = total weight of VOCs exempted under section 31.2.2, per unit

- (3) For charcoal lighter materials, VOC content shall be calculated according to the following equation:

$$VOC\ Content = \frac{(Certified\ Emissions \times 100)}{Certified\ Use\ Rate}$$

Where:

Certified

emissions = the emissions level determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), including subsequent amendments, expressed to the nearest 0.001 pound CH<sub>2</sub> per start.

Certified

use rate = the usage level determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), including subsequent amendments, expressed to the nearest 0.001 pound certified product used per start.

- (4) If product records appear to demonstrate compliance with the VOC content limits, but these records are contradicted by product testing performed using CARB Method 310, the results of CARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this regulation.

31.6.2 Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90(2000)e1, "Standard Test Method for Determining Whether a Material is a Liquid or Solid," which is incorporated by reference herein.

- 31.6.3 Testing to determine compliance with the certification requirements for charcoal lighter material shall be performed using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 28, 1991), which is incorporated by reference herein.
- 31.6.4 Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-05, "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure," which is incorporated by reference herein.
- 31.6.5 No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other test, processes, or records used in connection with product manufacture.

~~31.5.2 On and after 1 July 1994, the manufacturer of a commercial and consumer product shall maintain records of the amount, in pounds, of each product subject to this regulation sold in Rhode Island during the previous calendar year, and the method used to determine that amount, and shall make that information available to EPA or to the Division on request.~~

~~31.5.3 Compliance with this regulation, with the exception of Subsection 31.5.2, shall be achieved by the date 90 days after the date that the EPA notifies the Director that Rhode Island has failed to achieve a 15% reduction in VOC emissions from the 1990 emission levels, in accordance with the contingency measure provisions of Rhode Island's State Implementation Plan. New products developed after the compliance date shall be in compliance with the requirements of this regulation upon being offered for sale.~~

~~31.5.4 Compliance with the emission limitations of Subsections 31.3.1 and 31.3.2 shall be demonstrated upon request of the Director in accordance with 40 CFR 60, Appendix A, Methods 24, or 24A, or any other EPA approved method which has been accepted by the Director. Alternatively, compliance with those limitations may be demonstrated by calculating the VOC content of a product from records of the amounts of constituents used to make the product. Manufacturers demonstrating compliance by that method must keep accurate records of the amounts and chemical composition of the individual product constituents for each batch of product manufactured.~~

~~31.5.5 Testing to demonstrate that a product or ingredient in a product is exempt from the emissions limits in this regulation in accordance with the provisions of Subsection 31.2.3 and testing to measure the concentration of such ingredients in a product shall be performed using methods acceptable to EPA and the Division.~~

## 31.7 General Provisions

### 31.7.1 Purpose

The purpose of this regulation is to limit the emissions of volatile organic compounds from consumer products.

### 31.7.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

### 31.7.3 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.

### 31.7.4 Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

31.7.5 Effective Date

The foregoing regulation, "Control of Volatile Organic Compounds from Consumer Products", after due notice, is hereby adopted and filed with the Secretary of State this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 23-23, 42-35, 42-17.1, 42-17.6, of the General Laws of Rhode Island of 1956, as amended.

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W. Michael Sullivan, PhD., Director  
Department of Environmental Management

**Notice Given on:** \_\_\_\_\_ **[Month day, year]**

**Public Hearing held:** **[Month day, year]**

**Filing Date:** \_\_\_\_\_ **[Month day, year]**

**Effective Date:** \_\_\_\_\_ **[Month day, year]**

## **FACT SHEET**

### **PROPOSED AMENDMENTS TO AIR POLLUTION CONTROL REGULATION NO. 31 “CONTROL OF VOLATILE ORGANIC COMPOUNDS FROM CONSUMER PRODUCTS”**

#### DISCUSSION

Rhode Island Air Pollution Control Regulation No. 31, “Control of Volatile Organic Compounds from Commercial and Consumer Products,” was adopted in 1996 pursuant to requirements in the federal Clean Air Act Amendments of 1990 (CAAA). Specifically, the CAAA required states, like Rhode Island, with areas that were in serious nonattainment of the federal ozone standard to reduce their emissions of volatile organic compounds (VOC) by at least 15% between 1990 and 1996 and to adopt contingency measures that would yield an additional 3% reduction in VOC emissions if the state failed to meet the 15% emissions reduction goal.

Regulation No. 31 was adopted as a contingency measure and, as such, stipulated that, for existing products, compliance with the emissions limits in the regulation would be required “90 days after the date that the EPA notifies the Director that Rhode Island has failed to achieve a 15% reduction in VOC emissions from the 1990 emission levels.” Since EPA did not notify Rhode Island of such a failure, the emissions limitations for existing products in that regulation have not become effective. A federal rule for this source category was adopted by the EPA in September 1998.

In 2001, the Ozone Transport Commission (OTC) developed a series of model rules that could be adopted by states to reduce emissions of ozone precursors (VOCs and oxides of nitrogen) to aid in efforts to attain the ozone standard. The OTC is a multi-state organization created under the CAAA to coordinate efforts to reduce ozone levels in the region from Virginia to Maine. Among the 2001 OTC model rules was one that limits the VOC content of approximately 80 categories of consumer products, including several categories not covered by the federal rule. The OTC rule was based on a regulation developed by the California Air Resources Board (CARB) in the late 1990s.

In 2006, the OTC developed a second set of model rules to further reduce emissions of ozone precursors and to enable states to attain EPA’s revised ozone standard adopted in 1997, the 8-hour standard. The 2006 model rules included an updated rule for consumer products with new or modified VOC limits for 23 product categories beyond those in the 2001 model rule. The

2006 OTC model rule, which is based on 2005 amendments to CARB consumer product requirements, forms the basis for the proposed Rhode Island regulation.

The consumer products listed in this rule include items sold to retail customers for household or automotive use as well as products used in commercial and institutional settings such as beauty shops, schools and hospitals. VOCs are emitted when the propellant and solvent ingredients evaporate during product use. The proposed amended Regulation No. 31 includes the following:

- VOC content limits for 102 categories of consumer products;
- Limits on toxic contaminants in antiperspirants and deodorants and other consumer products;
- Requirements for charcoal lighter materials, aerosol adhesives and floor wax strippers,
- Requirements for products containing ozone-depleting compounds;
- Product labeling requirements; and
- Record keeping, reporting and testing requirements.

These requirements would be effective on and after July 1, 2009 and would apply to products manufactured after that date. The amended regulation, once finalized, will be submitted to the EPA as a SIP amendment.

#### DEMONSTRATION OF NEED

Rhode Island is a moderate nonattainment area for the 8-hour ozone standard and, as such, was required to submit an attainment demonstration to the EPA showing that the State will be in compliance with the standard by the end of the 2009 ozone season. As required by the CAAA, that attainment demonstration, which was submitted in April 2008, included an analysis of Reasonably Available Control Measures (RACM) to determine whether adoption of any such measures would expedite the date that compliance with the ozone standard was achieved in the State. RI DEM utilized the OTC control measure analysis and resultant model rules for the State RACM analysis.

At the time that attainment demonstration was submitted, the EPA was developing amendments to the federal consumer product rule. As such, in RACM analysis in the attainment demonstration, RI DEM committed to adopting a State rule for consumer products only if, by July 1, 2008, the EPA had not adopted a federal regulation for that category that was as stringent as the 2006 OTC model rule. Since EPA has not, to date, adopted such a rule, RI DEM is required to proceed with adoption of these State requirements.

#### ALTERNATIVE APPROACHES CONSIDERED

Since it is essential, for product distribution purposes, that Rhode Island requirements for this source category be consistent with those of neighboring states, no alternative approaches were considered.



## IDENTIFICATION OF OVERLAPPED OR DUPLICATED STATE REGULATIONS

Proposed amended Regulation No. 31 does not overlap or duplicate other state regulations.

## DETERMINATION OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS OR ANY CITY OR TOWN

The Office of Air Resources has determined that implementation of the amendments to Regulation No. 31 would not have a significant adverse economic impact on small businesses or cities and towns in the State. These emissions limits are already effective in other states and products that meet those limits are readily available.

Copies of the proposed regulation may be obtained at:

RI Department of Environmental Management  
Office of Air Resources  
235 Promenade Street  
Providence, RI 02908

or by contacting the Office of Air Resources at 401-222-2808 (TCDD 401-222-6800). The regulation and this fact sheet are also available in the Program Updates section of RI DEM's web site at [www.state.ri.us/dem/](http://www.state.ri.us/dem/).

Questions about the proposed regulation should be directed to Barbara Morin at the above address and telephone.