

November 19, 2019

via electronic transmission

Ms. Karen Slattery
Supervising Air Quality Specialist
Department of Environmental Management, Office of Air Resources
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Subject: Proposed Amendments to Air Pollution Control Regulation No. 31, Control of Volatile Organic Compounds from Consumer Products; 250-RICR-120-05-31¹

Dear Ms. Slattery:

The Household & Commercial Products Association² (HCPA) appreciates the opportunity to offer comments on the Department of Environmental Management's (Department's or DEM's) proposed amendments to the current consumer products regulation.³

Statement of Interest

HCPA member companies manufacture and market more than two-thirds of the broad product categories governed by the Department's regulation.

Comments

- A. HCPA supports the Department's action to clarify the January 1, 2020 compliance date for product categories subject to the restrictions set forth in Section 31.7(J)(1)(a).

When the current regulation was amended last year, the Department added the following five product categories to the ban that has been in effect since July 1, 2009 on the sale or the

¹ The full text of the proposed amendments to Air Pollution Control Regulation No. 31, Control of Volatile Organic Compounds from Consumer Products is posted on the DEM website at: https://risos-apa-production-public.s3.amazonaws.com/DEM/REG_10883_20191017135341.pdf. Other and other relevant documents are posted at: <https://rules.sos.ri.gov/promulgations/part/250-120-05-31>.

² The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

³ 250-RICR-120-05-31. https://risos-apa-production-public.s3.amazonaws.com/DEM/REG_10883_20191017135341.pdf

manufacture for sale of products that contain methylene chloride, perchloroethylene or trichloroethylene:

- Bathroom and tile cleaners,
- Construction, panel, and floor covering adhesives,
- Electronic cleaners labeled as energized electronic equipment use only,
- General purpose cleaners, or
- Oven or grill cleaners.

However, as currently drafted, the regulation does not specify the applicable compliance date for the five above-cited product categories.

The proposed amendment resolves this problem by creating two subparagraphs:

- Section 31.7(J)(1)(a) clearly states that the effective date for the five above-cited added product categories is January 1, 2020; and
- Section 31.7(J)(1)(b) clearly states that the effective date for contact adhesive, electrical cleaner, electronic cleaner, footwear or leather care, general purpose degreaser, adhesive remover, or graffiti remover consumer products was July 1, 2009.

HCPA supports this proposed amendment because it provides bright-line clarity about the applicable compliance date for the new restriction on specified products.

- A. HCPA recommends that the Department make a minor revision to the proposed Section 31.7(J)(1)(a).

HCPA respectfully recommends a minor revision to the proposed amendment to Section 31.7(J)(1)(a) that is necessary to achieve internal consistency with the wording for the compliance date for the emission standards set forth in Section 31.7(B):

- a. any bathroom and tile cleaners, construction, panel, and floor covering adhesives, electronic cleaners labeled as energized electronic equipment use only, general purpose cleaners, oven or grill cleaners, manufactured **on or** after January 1, 2020, that contains methylene chloride, perchloroethylene or trichloroethylene.

In addition to achieving internal consistency of the language used to establish the applicable compliance date for the emission standards, this recommended change will ensure that the prohibition set forth in Section 31.7(J)(1)(a) will take effect on January 1, 2020. As currently drafted, the prohibition would not take effect until after January 1.

- B. HCPA recommends that the Department make a minor revision to the proposed Section 31.7(K).

For reasons stated above, HCPA respectfully recommends that the Department make the following revisions to proposed Section 31.7(K):

- K. Additional requirements for multi-purpose solvent or paint thinners manufactured **on or** after January 1, 2020.

C. HCPA supports the proposed Section 31.7(N).

HCPA supports the proposed sell-through provision set forth at Section 31.7(N). HCPA agrees with the Department's assessment that the sell-through period will "...minimize the generation of unnecessary waste from manufacturers disposing of non-compliant products." ⁴

If you have any questions about issues presented in these comments, please contact me at 202-872-8110.

Respectfully,



Joseph T. Yost
Vice President, Strategic Alliances
& Industry Relations

cc: HCPA Air Quality Council

⁴ DEM Fact Sheet In re: Proposed revisions to 250-RICR-120-05-31 "Control of Volatile Organic Compounds from Consumer Products." See https://risos-apa-production-public.s3.amazonaws.com/DEM/10883/ADDDOC_10883_20191017135342.pdf.