

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

Name: Megan L Ulrich
Agency: Department of the Environment
Address: 1800 Washington Blvd.
State: MD
Zip: 21230
Phone: 410-537-3279
Email: megan.ulrich@maryland.gov

In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is stricter or more stringent than corresponding federal standards.

COMAR Codification: 26.11.32.01-.06, .08, .12, .14 and .16

Corresponding Federal Standard:

Consumer products as a pollution source were originally addressed by Federal regulations under 40 CFR Part 59 Subpart C which covered 24 product categories representing 48 percent of the consumer (and commercial) products inventory nationwide. The Federal regulations provided an overall reduction of 10 percent of volatile organic compound (VOC) emissions from consumer products nationwide. The Ozone Transport Commission (OTC) developed a model rule in 2001 which covered nearly 80 percent of the consumer products categories and set technology-forcing emission limits. Maryland adopted the OTC model rule into COMAR in 2003. The OTC model rule for consumer products was further amended in 2006, based upon changes by CARB in 2005, which were then adopted by Maryland in 2007. OTC has again updated their model rule in 2014, which is the version being adopted in Maryland's proposed regulation amendments. The 2014 OTC model rule further enhances reductions in VOC standards for specific consumer products and introduces VOC standards for new products.

Discussion/Justification:

The Environmental Protection Agency (EPA) has designated Maryland as nonattainment for the 2008 national ambient air quality standard (NAAQS) for ground-level ozone. Therefore, Maryland must continue to enact regulations to gain further reductions of the emissions of VOCs, a class of compounds that are precursors to ground-level ozone. Ground-level ozone is formed through the reaction of VOC and other compounds in the ambient air, particularly on hot, sunny days. High concentrations of ozone can cause or exacerbate difficulty in breathing, asthma and other serious respiratory problems, a health problem that could be more severe to children and the elderly.

The Department projects the proposed regulation amendments have an estimated statewide VOC emissions reduction potential of approximately 6.3 tons per day through the implementation of standards for new and existing forms of consumer products.

TO BE COMPLETED BY DBED

☒- Agree

☐-Disagree

Comments:

Commerce does not have the necessary subject matter expertise in this area. However, Commerce feels that the Maryland Department of the Environment does have the necessary expertise and therefore trusts their assertion that the proposal is more stringent than corresponding federal standards.

Name: Jennifer Cox

Date: 11/3/2016

☒- Submit to Governor's Office

Governor's Office Response

☒- Approve

☐-Disapprove

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/23/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

26 11 32 01-.06, .08, .12, .14 and .16

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator

Megan L Ulrich

Telephone Number

410-537-3279

Mailing Address

1800 Washington Blvd.

City	State	Zip Code
Baltimore	MD	21230

Email

megan.ulrich@maryland.gov

5. Name of Person to Call About this Document

Randy Mosier

Telephone No.

410-537-4488

Email Address

randy.mosier@maryland.gov

6. Check applicable items:

☒ New Regulations

☒ Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 06-20-2015.

☐ Repeal of Existing Regulations

☐ Recodification

☒ Incorporation by Reference of Documents Requiring DSD Approval

☐ Reproposal of Substantively Different Text:

: Md. R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

☐ Yes ☒ No

8. Incorporation by Reference

☒ Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

☐ OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

☐ OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

☒ Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Ellen Cohill, Assistant Attorney General, (telephone #410-537-3050) on 10-11-2016. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Benjamin H. Grumbles

Title

Secretary of the Environment

Telephone No.

410-537-4187

Date

11-01-2016

Title 26
DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.32 Control of Emissions of Volatile Organic Compounds from Consumer Products

Authority: Environment Article, §§ 1-101, 1-404, 2-101, 2-103, 2-301—2-303, 10-102, and 10-103 Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of the Environment proposes to amend Regulations .01-.05, .06, .08, .12, .14, and .16 and add new regulation .05-1 under COMAR 26.11.32 Control of Emissions of Volatile Organic Compounds from Consumer Products.

Statement of Purpose

The purpose of this action is to amend existing regulations and add a new regulation under COMAR 26.11.32 to establish new volatile organic compound (“VOC”) standards for 11 new consumer products and to strengthen VOC standards for 15 existing consumer products. The compliance date for these categories of consumer products is January 1, 2018.

This action will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's SIP.

Background

The EPA has designated Maryland as nonattainment for the 2008 national ambient air

quality standard (“NAAQS”) for ground-level ozone. Therefore, Maryland must continue to enact regulations to gain further reductions of the emissions of VOCs, a class of compounds that are precursors to ground-level ozone. Ground-level ozone is formed through the reaction of VOCs and other compounds in the ambient air, particularly on hot, sunny days. High concentrations of ozone can cause or exacerbate difficulty in breathing, asthma and other serious respiratory problems, a health problem that could be more severe to children and the elderly.

Maryland is a member state of the Ozone Transport Commission (“OTC”), an organization set up by Congress under the Clean Air Act (“CAA”), which is comprised of 13 entities in the Northeast and mid-Atlantic regions. These entities include the states from Virginia to Maine including the District of Columbia. The OTC region is generally in nonattainment of the ozone NAAQS established by the EPA. The OTC develops model rules for the member states to use to reduce the emissions of ground-level ozone precursors.

This action proposes amendments to COMAR 26.11.32 that institute the requirements of the 2010 and 2014 OTC model rules for consumer products. The 2010 and 2014 OTC model rules were developed as part of a regional effort to attain and maintain the eight-hour ozone standard, and reduce eight-hour ozone levels. The 2010 OTC model rule reflected changes made by the 2006 California Air Resources Board (“CARB”) rule. The 2014 OTC model rule reflected changes made by the 2009 CARB rule.

Consumer products, as a pollution source, were originally addressed by Federal regulations under 40 CFR Part 59 Subpart C, which covered 24 product categories representing 48 percent of the consumer products inventory nationwide. The Federal regulations, effective on September 11, 1998, provided an overall reduction of 10 percent of VOC emissions from consumer products nationwide. In the late 1990s, the CARB developed a more stringent rule covering a larger percentage of consumer product categories. The OTC developed a model rule for consumer products based on the CARB rule on November 1, 2001, which covered nearly 80 percent of the consumer product categories. The 2001 OTC model rule set technology-forcing emission limits, to be in effect by 2005, to address shortfalls identified by EPA in achieving the one-hour ozone standard. The emission reductions for the 2001 OTC model rule were estimated to reduce VOC emissions throughout the OTC region by 14 percent from the total consumer product inventory beyond the reductions achieved from the 1998 federal regulations.

Maryland adopted the 2001 OTC model rule for consumer products under COMAR 26.11.32 -Control of Emissions of Volatile Organic Compounds from Consumer Products on August 18, 2003. The OTC model rule for consumer products was further amended on September 19, 2006, based upon changes by CARB in 2005, which were then adopted by Maryland on June 8, 2007. The 2007 amendments adopted by Maryland were predicted to result in an additional two percent of VOC emission reductions from the 2003 regulations.

“Consumer products” are generally products sold to retail customers for personal, household, or automotive use, along with the products marketed by wholesale distributors for use in commercial or institutional organizations. VOC emissions from these products come from the evaporation of propellant and organic solvents during use. Consumer products cover a wide gamut of individual products, including personal care products, household products, automotive aftermarket products, adhesives and sealants, insecticides, coatings and other miscellaneous products.

The definitions for “paint thinner” and “multi-purpose solvents” adequately define the situation that marine and automotive coatings, for either original equipment manufacturer or refinish applications, where solvents and reducers are labeled exclusively for that use, are not subject to the consumer products regulation. Therefore, coatings and solvents subject to COMAR 26.11.19.23 - Control of VOC Emissions from Vehicle Refinishing and COMAR 26.11.19.27 Control of VOC Emissions from Marine Vessel Coating Operations are exempt from this regulatory action.

In an effort to provide greater clarity and to meet the Style Manual for Maryland Regulations, the Department has amended the structure of the definition, exemptions, and VOC standard for the artist’s thinner/solvent consumer product category. However, the Department's regulatory language for artist’s thinner/solvent is intended to be fully consistent with 2009 CARB rule and the 2014 OTC Model Rule.

In 2006, CARB eliminated the “hair styling gel” category and now considers gels to fall under “hair styling product- all other forms”. Moving gels under the “hair styling product-all other forms” category reduced the VOC Limit from 6 to 2. The 2014 OTC model rule did not address this amendment as intended. The Department proposes to include this amendment and bring the VOC limit for “hair styling gel” in line with CARB. “Hair styling gels” will now fall under the category of “hair styling product - all other forms” and will need to meet the VOC limit of 2.

Sources Affected and Location

The standards and requirements of the proposed regulation amendments apply to a person who sells, supplies, offers for sale, or manufactures for sale in the State a consumer product on or after the effective date of the regulation.

Regulation Amendments

The proposed action amends the existing Maryland consumer products regulations under COMAR 26.11.32 by establishing VOC standards for 11 new consumer product categories. The proposed amendments further strengthen the VOC standards for 15 consumer product categories based on improved reformulations of these products which are capable of achieving lower VOC emissions and demonstrating an ability to maintain performance specifications for the products. The proposed amendments incorporate new definitions and numerous modifications to existing definitions for clarity.

The following substantial amendments are included in the proposed regulation:

A. New Consumer Products Categories and VOC Standards

1. Dual Purpose Air Freshener/Disinfectant, Aerosol- 60
2. Anti-Static Product, Aerosol- 80
3. Artist's Solvent/Thinner- 3
4. Automotive Windshield Cleaner- 35
5. Disinfectant, Aerosol- 70
6. Disinfectant, Non-Aerosol- 1
7. Multi-Purpose Solvent- 3
8. Paint Thinner- 3
9. Sanitizer, Aerosol- 70
10. Sanitizer, Non-Aerosol- 1
11. Temporary Hair Color, Aerosol- 55

B. Existing Consumer Products Categories and Enhanced VOC Standards

1. Adhesive - Construction, Panel and Floor- 7
2. Automotive Brake Cleaner* - 10
3. Bathroom and Tile Cleaner, All Other Forms† - 1
4. Carburetor or Fuel-Injection Air Intake Cleaner- 10
5. Engine Degreaser, Aerosol- 10
6. Floor Polish/Wax, Resilient Flooring Material- 1
7. Floor Polish/Wax, Non-Resilient Flooring Material- 1
8. Furniture Maintenance Product, All Other Forms† - 3
9. General Purpose Cleaner, Aerosol- 8
10. General Purpose Degreaser, Aerosol- 10
11. Laundry Starch/Sizing/Fabric Finish Product- 4.5
12. Nail Polish Remover- 1
13. Oven or Grill Cleaner, Non-Aerosol† - 4
14. Oven or Grill Cleaner, Aerosol- 8
15. Shaving Gel- 4

* Category changed to Brake Cleaner

† Subcategory changed to Non-Aerosol

In addition to strengthening VOC limits for consumer products, the proposed regulations prohibit the sale, offer for sale, supply, or manufacture for use in the State of any bathroom and tile cleaner, construction panel and floor covering adhesive, electronic cleaner labeled "Energized Electronic Equipment use only", general purpose cleaner, or oven or grill cleaner manufactured on or after January 1, 2018 that contains any of the following compounds: methylene chloride; perchloroethylene; or trichloroethylene.

CARB regulations address these compounds as Toxic Air Contaminants (TACs). A TAC is an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. CARB

has prohibited the use of the TACs perchloroethylene, methylene chloride, trichloroethylene, and para-dichlorobenzene from use in several consumer product categories because these compounds are potential carcinogens. CARB continues to evaluate the presence of TACs in consumer products to ensure that public health and the environment are protected.

While the 2014 OTC Consumer Products rule was developed as part of a regional effort to attain and maintain the eight-hour ozone standard, and reduce eight-hour ozone levels, the model rule also includes toxic prohibitions as developed by CARB. The 2014 OTC Consumer Products rule notes in the preamble that certain compounds affected by this model rule may not cause or contribute to formation of ozone, but due to their hazardous natures are included in this model for convenience of the States, which may regulate such compounds under other State authorities. Maryland consumer product regulations include the toxic prohibitions as included in the OTC model rules for consumer products.

Projected Emissions Reductions

Applying the emissions benefit methodology of CARB and OTC model rules, the Department projects the proposed amendments to COMAR 26.11.32 have an estimated statewide VOC emissions reduction potential of approximately 6.3 tons per day through the implementation of standards for new and existing forms of consumer products.

The following methodology has been used to project emission reduction benefits for 2018:

MD VOCR Tons/day =

Where:

OTC VOCR MOD = OTC VOC Region-wide Reduction from OTC Model Rule for Consumer

Products, Tons/day;

OTC POP = OTC Region Population, Millions;

MD POP = Maryland Population, Millions;

MD VOCR = Maryland VOC Reductions, Tons/day.

For the following values projected to 2018:

OTC VOCR MOD = 63.8 Tons/day;

OTC POP = 63.7 Million;

MD POP = 6.3 Million;

MD VOCR = 6.3 Tons/day starting in 2018.

The OTC estimated regional VOC emission reductions if all OTC states adopt the 2010 and 2014 model rules equates to approximately 15 percent.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

Consumer products as a pollution source were originally addressed by Federal regulations under 40 CFR Part 59 Subpart C which covered 24 product categories representing 48 percent of the consumer (and commercial) products inventory nationwide. The Federal regulations provided an overall reduction of 10 percent of VOC emissions from consumer products nationwide. The Ozone Transport Commission (OTC) developed a model rule in 2001 which covered nearly 80 percent of the consumer products categories and set technology-forcing emission limits. Maryland adopted the OTC model rule into COMAR in 2003. The OTC model rule for consumer products was further amended in 2006, based upon changes by CARB in 2005, which were then adopted by Maryland in 2007. OTC has again updated their model rule in 2014, which is the version being adopted in Maryland's proposed regulation amendments. The 2014 OTC model rule further enhances VOC standards for specific consumer products and introduces VOC standards for new products.

(2) Benefit to the public health, safety or welfare, or the environment:

The Environmental Protection Agency (EPA) has designated Maryland as nonattainment for the 2008 national ambient air quality standard (NAAQS) for ground-level ozone. Therefore, Maryland must continue to enact regulations to gain further reductions of the emissions of VOCs, a class of compounds that are precursors to ground-level ozone. Ground-level ozone is formed through the reaction of VOC and other compounds in the ambient air, particularly on hot, sunny days. High concentrations of ozone can cause or exacerbate difficulty in breathing, asthma and other serious respiratory problems, a health problem that could be more severe to children and the elderly.

The Department projects the proposed regulation amendments have an estimated statewide VOC emissions reduction potential of approximately 6.3 tons per day through the implementation of standards for new and existing forms of consumer products.

(3) Analysis of additional burden or cost on the regulated person:

Commercial, industrial, institutional organizations and businesses that sell, supply, offer for sale, or manufacture for sale in Maryland a consumer product will be impacted by the amendments in this action. The Department believes that the implementation date of January 1, 2018 will give manufacturers sufficient time to reformulate products and make products compliant with the VOC content limits and standards in COMAR 26.11.32 available to the public. Since the OTC consumer product standards are implemented in other states, such as New Hampshire and Delaware, the costs of compliance for manufacturers are expected to be reduced. The standards for 11 new consumer product categories and 15 existing categories can be met with reformulations and cost-effective technologies, which is how they have been implemented in California.

(4) Justification for the need for more restrictive standards:

The federal Clean Air Act, 42 U.S.C. § 7401 et seq., requires EPA to establish health-based NAAQS to protect people with an "adequate margin of safety." States are

responsible for developing enforceable state implementation plans (SIPs) to meet the standards. This regulation is proposed pursuant to Maryland's obligation under the Clean Air Act to attain and maintain the ozone NAAQS. The proposed regulations will be submitted to EPA as part of the Maryland SIP.

For purposes of attaining and maintaining the eight-hour ozone standard, the existing 1998 federal consumer products regulation is not sufficient to protect public health or match the VOC limit performance capabilities of current consumer products. While the Federal regulations addressed 24 consumer product categories, Maryland's proposed consumer product regulations build upon existing State regulations and now address 120 consumer product categories and provide greater public health protection and VOC emission reductions. These proposed emission reductions help Maryland attain and maintain the National Ambient Air Quality Standards.

Estimate of Economic Impact

I. Summary of Economic Impact.

Commercial, industrial, institutional organizations and businesses that sell, supply, offer for sale, or manufacture for sale in Maryland a consumer product will be impacted by the amendments to COMAR 26.11.32. The Department believes that the implementation date of January 1, 2018 will give manufacturers sufficient time to reformulate products and make products compliant with the VOC content limits and standards in the regulation available to the public. While the majority of the consumer products affected by the amendments to COMAR 26.11.32 are already commercially available, the Department believes that additional time may be needed for manufacturers to make necessary changes in product distribution channels to ensure that compliant products are supplied to retailers.

Since the OTC consumer product standards are implemented in other states, such as New Hampshire and Delaware, the costs of compliance for manufacturers are expected to be reduced. Based upon projections derived from the 2006 and 2009 CARB reports (Initial Statement of Reasons, Chapter VII), the cost effectiveness of meeting the VOC limits is projected to be a range of \$500/ton to \$4,000/ton of VOC reduced.

The 2006 and 2009 CARB reports further estimate that the increase in cost to the manufacturer ranges from \$ 0.00 to \$1.57 per unit with an average increase of \$0.17 per unit. These cost estimates are based on the assumptions specific to each category depending on reformulation needs. For some categories it was assumed that some manufacturers would either drop the products or undergo minor reformulation changes, and for other categories, manufacturers would undergo complete production line overhaul and equipment replacement rather than simple retooling. These costs are likely to be less in the OTR because some of the research and reformulation costs to develop compliant products for California need not be incurred again for many nationally distributed products sold in the OTR. These cost estimates are consistent with estimates for previous CARB regulations and amendments.

The standards for 11 new consumer product categories and 15 existing categories can

be met with reformulations and cost-effective technologies, as they have been implemented in California. Also, there will be no impact on the Department or other State agencies or local government as a result of this action.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. Commercial, industrial, institutional organizations and businesses that sell, supply, offer for sale, or manufacture for sale in Maryland a consumer product will be impacted by the amendments in this action. The Department believes that the implementation date of January 1, 2018 will give manufacturers sufficient time to reformulate products and make products compliant with the VOC content limits and standards in the regulation available to the public.

Since the OTC consumer product standards are implemented in other states, such as New Hampshire and Delaware, the costs of compliance for manufacturers are expected to be reduced. The standards for 11 new consumer product categories and 15 existing categories can be met with reformulations and cost-effective technologies, which is how they have been implemented in California.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to , , , or call , or email to , or fax to . Comments will be accepted through . A public hearing will be held, The Department of the Environment will hold a public hearing on the proposed action on January 23, 2017 at 10:00 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference

Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or email to randy.mosier@maryland.gov. Comments must be received no later than 5:00 p.m. on January 23, 2017 or be submitted at the hearing. For more information, call Randy Mosier at (410) 537-4488.

Copies of the proposed action and supporting documents are available for review at the following locations:

The Department of the Environment's website at:

<http://www.mde.state.md.us/programs/regulations/air/Pages/reqcomments.aspx>

The Air and Radiation Management Administration; and Regional offices of the Department of the Environment in Cumberland and Salisbury. Anyone needing special accommodations at the public hearing should contact the Department of the Environment's Fair Practices Office at (410) 537-3964. TTY users may contact the Department of the Environment through the Maryland Relay Service at 1-800-735-2258.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2018

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

A combination of Maryland Clean Air Funds (Special) and Air Pollution Control Program Grant Funds (Federal) will be used.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

There is no small business in Maryland that has been identified to incur substantial economic impact as a result of the proposed action. Small businesses that purchase and use consumer products are likely to meet the standards at minimum cost.

G. Small Business Worksheet:

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 32 Control of Emissions of Volatile Organic Compounds from Consumer Products

Authority: Environment Article, §§ 1-101, 1-404, 2-101, 2-103, 2-301—2-303, 10-102, and 10-103 Annotated Code of Maryland

.01 Applicability and Exemptions.

A. — C. (text unchanged)

D. The VOC limits specified in Regulation .04B of this chapter do not apply to the following:

(1) — (8) (text unchanged)

(9) Fabric protectants that are:

(a) Designed for use solely on *leather and* fabrics that are labeled "for dry cleaning only"; and

(b) (text unchanged)

(10) *Artist's solvent/thinner packaged and sold in a container equal to or less than 34 fluid ounces.*

D-1. (text unchanged)

E. The requirements in Regulation .13A of this chapter do not apply to consumer products that:

(1) Are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. [§]§136 *et seq.*; or

(2) (text unchanged)

F. (text unchanged)

.02 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1) (text unchanged)

(2) ASTM Designation: D4359-90 [(Reapproved 2000)e1] (2012), *as amended*, Standard Test Method for Determining Whether a Material is a Liquid or a Solid.

(3) ASTM Designation: E260-96 [(Reapproved 2001)], (2011), *as amended*, Standard Practice for Packed Column Gas Chromatography.

(4) CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997, [and as last amended on September 3, 1999] *as amended*.

(5) ASTM Designation: [D86-04b] *D86-15, as amended*, Standard Test Method for Distillation of Petroleum Products and Liquid Fuels at Atmospheric Pressure.

(6) *ASTM Designation: D4236-94(2011), as amended, Standard Practice for Labeling Art Materials for Chronic Health Hazards.*

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) — (2) (text unchanged)

(3) "ACP emissions" means the sum of the VOC emissions from every ACP product subject to an ACP agreement during the compliance period specified in the ACP agreement, expressed to the nearest pound of VOC and calculated according to the following equation:

$$\text{ACP Emissions} = (\text{Emissions})_1 + (\text{Emissions})_2 + \dots + (\text{Emissions})_N$$

where:

(a) — (b) (text unchanged)

(c) For charcoal lighter material products only:

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

where:

(i) Certified Emissions = the emissions level for products approved by the Department under Regulation .05 of this chapter, as determined under the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. [27]28, 1991), expressed to the nearest 0.001 pound CH₂ per start; and

(ii) Certified Use Rate = the usage level for products approved by the Department under Regulation .05 of this chapter, as determined under the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. [27]28, 1991), expressed to the nearest 0.001 pound certified product used per start.

(4) — (7) (text unchanged)

(8) "ACP VOC standard" means the maximum allowable VOC content for an ACP product, determined as follows:

(a) (text unchanged)

(b) For charcoal lighter material products only, the VOC standard for the purposes of this chapter shall be calculated according to the following equation:

$$\text{VOC Standard} = (0.020 \text{ pound CH}_2 \text{ per start} \times 100) / \text{Certified Use Rate}$$

where:

(i) (text unchanged)

(ii) Certified Use Rate = the usage level for products approved by the Department under Regulation .05 of this chapter, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. [27]28, 1991), expressed to the nearest 0.001 pound certified product used per start.

(9) — (14) (text unchanged)

(15) Air Freshener.

(a) "Air freshener" means [a consumer] *any* product designed *or labeled* for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air [, including sprays, wicks, powders, and crystals].

(b) "*Air freshener*" includes *sprays, wicks, wipes, diffusers, powders, crystals, liquids, semisolids, solids, or aerosol or pump sprays, and dual purpose air freshener/disinfectant products.*

[(b)] (c) "Air freshener" does not include:

(i) A product that is used on the human body; *or*

(ii) A product that functions primarily as a cleaning product, as indicated on a product label, *odor remover/eliminator* product or [toilet and urinal] *toilet/urinal* care product[s].

[(iii)] A disinfectant product claiming to deodorize by killing germs on surfaces; or

(iv) An institutional and industrial disinfectant offered for sale solely through institutional or industrial channels of distribution.

(c) "Air freshener" includes spray disinfectants and other products that are expressly represented for use as air fresheners, unless offered for sale through institutional and industrial channels of distribution.

(d) 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. The presence of, and representations about, a product's fragrance and ability to deodorize resulting from surface application is not a claim of air freshening.]

(16) (text unchanged)

(17) All Other Forms.

(a) (text unchanged)

(b) "All other forms" includes, unless specified otherwise by the applicable VOC standard, solids, liquids, including *pre-moistened cloth or paper wipes (towelettes)*, wicks, powders[, and crystals. [, and cloth or paper wipes (towelettes).]

(18) — (22) (text unchanged)

(22-1) Aromatic compound.

(a) "*Aromatic compound*" means *a carbon-containing compound that contains one or more benzene or equivalent heterocyclic rings and has an initial boiling point less than or equal to 280 degrees C.*

(b) "*Aromatic compound*" does not include compounds excluded from the definition of Volatile organic compound (VOC) under COMAR 26.11.01.01B.

(22-2) Artist's solvent/thinner. "Artist's solvent/thinner" means any liquid product that:

(a) Has a label that meets the requirements of ASTM D4236-94(2011), as amended, Standard Practice for Labeling Art Materials for Chronic Health Hazards; and

(b) Is labeled to reduce the viscosity of, or remove, art coating compositions or components.

(23) — (25) (text unchanged)

(26) "Automotive brake cleaner" means[,] a cleaning product *manufactured before January 1, 2018 that is designed or labeled to remove oil, grease, brake fluid, brake pad material, or dirt from motor vehicle brake mechanisms.*

(27) — (31) (text unchanged)

(31-1) *Automotive Windshield Cleaner.*

(a) "*Automotive windshield cleaner*" means a product *manufactured on and after January 1, 2018 that:*

(i) *Is labeled and packaged as an automotive windshield cleaner in the form of a pre-moistened towlelete;*

(ii) *Is labeled "automotive use only"; and*

(iii) *Is designed to be used on automotive windshields, automotive mirrors, and automotive headlights.*

(b) "*Automotive windshield cleaner*" does not include *automotive windshield washer fluid.*

(32) — (33) (text unchanged)

(34) *Bathroom and Tile Cleaner.*

(a) "Bathroom and tile cleaner" means a product *designed or labeled to clean tile or surfaces in bathrooms.*

(b) "Bathroom and tile cleaner" does not include [products specifically designed primarily to clean toilet bowls, toilet tanks, or urinals] *odor remover/eliminator and toilet/urinal care products.*

(34-1) "*Brake cleaner*" means a cleaning product *manufactured on or after January 1, 2018 that is designed or labeled to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.*

(35) — (36) (text unchanged)

(37) *Carburetor or Fuel-Injection Air Intake Cleaner.*

(a) "Carburetor or fuel-injection air intake cleaner" means a product *designed or labeled to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages.*

(b) "Carburetor or fuel-injection air intake cleaner" does not include [a product]:

(i) *Products designed or labeled exclusively to be introduced directly into the fuel lines or fuel storage tank before introduction into the carburetor or fuel injectors; or*

(ii) *Products designed or labeled exclusively to be introduced during engine operation directly into air intake vacuum lines by using a pressurized sprayer wand.*

(38) — (39) (text unchanged)

(39-1) "*Clear coating*" means a transparent coating *usually applied over a colored opaque coating, metallic substrate, or placard to give improved gloss and protection to the color coat.*

(40) — (42) (text unchanged)

(43) *Construction, Panel, and Floor Covering Adhesive.*

(a) "Construction, panel, and floor covering adhesive" means a *non-aerosol* one-component adhesive that is *designed or labeled [exclusively] for the installation, remodeling, maintenance, or repair of:*

(i) *Structural and building components including beams, trusses, studs, ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, flooring or subflooring, and paneling [such as drywall or drywall laminates, fiberglass reinforced plastic, plywood, particle board, insulation board, predecorated hardboard or tileboard]; or*

(ii) (text unchanged)

(b) (text unchanged)

(44) — (45) (text unchanged)

(46) *Contact Adhesive.*

(a) "Contact adhesive" means [an] *a non-aerosol* adhesive that:

(i) — (iv) (text unchanged)

(b) (text unchanged)

(47) — (55) (text unchanged)

(56) *Disinfectant.*

(a) "Disinfectant" means a product [intended] that *is designed or labeled as a disinfectant, or is labeled for use to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and for which the label is registered as a disinfectant under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §136 et seq.*

(b) *Disinfectant* includes products that are *designed or labeled as both a sanitizer and a disinfectant.*

[(b)] (c) "Disinfectant" does not include:

(i) [Designed] Products *designed or labeled solely for use on humans or animals;*

(ii) [Designed] Products *designed or labeled solely for agricultural use;*

(iii) [Designed] Products *designed or labeled solely for use in swimming pools, therapeutic tubs, or hot tubs; [and]*

(iv) [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.] *Products designed or labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces;*

(v) *Products that are pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments;*

(vi) *Products designed or labeled to be applied to food-contact surfaces that are not required to be rinsed off prior to contact with food; or*

(vii) *Products designed or labeled as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet/urinal care products, metal polishes, carpet cleaners, or fabric refreshers regardless of any disinfecting or anti-microbial claims on the label.*

(57) — (59) (text unchanged)

(59-1) *“Dual purpose air freshener/disinfectant” means an aerosol product that is designed or labeled for use as both a disinfectant and an air freshener, or is so represented on any sticker, packaging, or literature attached to the product container.*

(60) — (61) (text unchanged)

(62) Electronic Cleaner.

(a) – (b) (text unchanged)

(c) *“Electronic cleaner” does not include any product that meets both the following criteria:*

(i) *The product is designed or labeled to clean or degrease electronic equipment, where cleaning or degreasing is accomplished when electrical current exists, or when there is residual electrical potential from a component; and*

(ii) *The product label clearly displays the statement: “Energized Electronic Equipment use only.”*

(63) Energized Electrical Cleaner.

(a) (text unchanged)

(i) (text unchanged)

(ii) *Whose label clearly displays the statements: “Energized Electronic Equipment [equipment] use only.*

Not to be used for motorized vehicle maintenance, or their parts.”

(b) *“Energized electrical cleaner” does not include electronic cleaner.*

(64) – (65) (text unchanged)

(66) *“Engine degreaser” means a cleaning product designed or labeled to remove grease, grime, oil, and other contaminants from the external surfaces of engines and other mechanical parts.*

(66-1) *“Exempt compound” means any carbon-containing compound listed as an exception to the definition of “Volatile organic compound (VOC)” under COMAR 26.11.01.01B.*

(66-2) *“Extremely Flammable” means a product that is labeled “Extremely Flammable” on the product container or meets the criteria for the term as specified in 16 CFR §1500.3(c)(6).*

(67) Fabric Protectant.

(a) *“Fabric protectant” means, for products manufactured before January 1, 2018, a product designed to be applied to fabric substrates to:*

(i) — (ii) (text unchanged)

(b) *“Fabric protectant”, for products manufactured before January 1, 2018, does not include waterproofers, or products designed for use solely on leather or on fabrics that are labeled “for dry clean only” and sold in containers of 10 fluid ounces or less.*

(c) *“Fabric protectant” means, for products manufactured on and after January 1, 2018, a product designed or labeled to be applied to fabric substrates to protect the surface from soiling from dirt or other impurities or to reduce absorption of liquid into the fabric’s fibers.*

(d) *“Fabric protectant”, for products manufactured on and after January 1, 2018, does not include:*

(i) *Waterproofers;*

(ii) *Products labeled for use solely on leather, pigmented products that are designed to be used primarily for coloring;*

(iii) *Products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates; or*

(iv) *Products that renew or restore fabric and qualifying as either clear coating or vinyl/fabric/leather/polycarbonate coating.*

(68) Fabric Refresher.

(a) (text unchanged)

(b) *“Fabric refresher” does not include anti-static product, carpet and upholstery cleaner, [soft household surface sanitizers], footwear or leather care product, spot remover, or disinfectant, or products labeled for application to both fabric and human skin.*

[(c) For the purposes of this definition only, soft household surface sanitizer means a product labeled to neutralize or eliminate odors on surfaces listed in §B(68)(a) of this regulation whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA, 7 U.S.C. 136 et seq.).]

(69) — (70) (text unchanged)

(70-1) *“Flammable” means a product that is labeled “Flammable” on the product container or meets the criteria for the term as specified in 16 CFR §1500.3(c)(6).*

(71) (text unchanged)

(72) "Flexible flooring material" means[,] *a product manufactured before January 1, 2018, including asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, and vinyl composite flooring.*

(73) — (75) (text unchanged)

(76) Floor Polish or Wax.

(a) "Floor polish or wax" means, *for products manufactured before January 1, 2018, a wax, polish, or other product designed or labeled to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished.*

(b) "Floor polish or wax", *for products manufactured before January 1, 2018, does not include spray buff products, products designed or labeled solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, or coatings subject to architectural coatings regulations.*

(c) "Floor polish or wax" means, *for products manufactured on or after January 1, 2018, a product designed or labeled to polish, wax, condition, protect, temporarily seal, or otherwise enhance floor surfaces by leaving a protective finish that is designed or labeled to be periodically replenished.*

(d) "Floor polish or wax", *for products manufactured on or after January 1, 2018, is divided into the following three categories:*

(i) *Products for resilient flooring materials;*

(ii) *Products for nonresilient flooring materials; and*

(iii) *Wood floor wax.*

(e) "Floor polish or wax", *for products manufactured on or after January 1, 2018, does not include spray buff products, floor wax strippers, products designed or labeled for unfinished wood floors, or architectural and industrial maintenance coatings subject to COMAR 26.11.39.*

(77) — (81) (text unchanged)

(82) Furniture Maintenance Product.

(a) "Furniture maintenance product" means a wax, polish, conditioner, or other product designed *or labeled* for the purpose of polishing, protecting, or enhancing finished wood surfaces other than floors, *and other furniture surfaces, including acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass.*

(b) (text unchanged)

(83) — (87) (text unchanged)

(88) General Purpose Cleaner.

(a) "General purpose cleaner" means a product designed *or labeled to clean a variety of hard surfaces, including small appliances* [general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations].

(b) "General purpose cleaner" includes:

(i) *Products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning; and*

(ii) *Cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves.*

(c) "General purpose cleaner" does not include general purpose degreasers or electronic cleaners.]

(89) General Purpose Degreaser.

(a) (text unchanged)

(b) "General purpose degreaser" does not include:

(i) *Engine degreaser, general purpose cleaner, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, [or] metal polish or cleanser, or oven or grill cleaner;*

(ii) *Products used exclusively in solvent cleaning tanks or related equipment [such as], including, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container; [or]*

(iii) *Products [that are labeled "not for retail sale" and sold] exclusively sold directly or through distributors to establishments that manufacture or construct goods or commodities[.]; or*

(iv) *Products labeled exclusively for "use in the manufacturing process only".*

(90) — (96) (text unchanged)

(97) Repealed.

(98) — (101) (text unchanged)

(101-1) "High-temperature coating" means *a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204 degrees C (400 degrees F).*

(102) — (105) (text unchanged)

(105-1) Industrial Maintenance Coating.

(a) "Industrial maintenance coating" means *a high performance architectural coating formulated for application to substrates exposed to one or more of the following extreme environmental conditions:*

(i) *Immersion in water, wastewater, chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation;*

(ii) *Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;*

(iii) *Frequent exposure to temperatures above 121°C (250°F);*

(iv) *Frequent and heavy abrasion, including mechanical wear and scrubbing with industrial solvents, cleansers, or scouring agents; or*

(v) *Exterior exposure of metal structures and structural components.*

(b) *“Industrial maintenance coating” includes primers, sealers, undercoaters, intermediate coats, and topcoats.*

(106) — (112) (text unchanged)

(113) Laundry Starch/Sizing/Fabric Finish Product.

(a) *“Laundry starch/sizing/fabric finish product” means a product that is designed or labeled for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look.*

(b) *“Laundry starch/sizing/fabric finish product” includes, fabric finish, sizing, and starch.*

(114) (text unchanged)

(115) Liquid.

(a) *“Liquid” means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D4359-90[(2000)el](2012), as amended.*

(b) (text unchanged)

(116) Lubricant.

(a) (text unchanged)

(b) *“Lubricant” does not include:*

(i) — (iii) (text unchanged)

(iv) *Products for use on the human body or animals; [or]*

(v) *Products that are [labeled “not for retail sale” and sold] exclusively sold directly by or through distributors to establishments that manufacture or construct goods or commodities [.]; or*

(vi) *Products that are labeled exclusively for “use in the manufacturing process only”.*

(117) — (119) (text unchanged)

(120) Medicated Astringent/Medicated Toner.

(a) — (b) (text unchanged)

(c) *“Medicated astringent/medicated toner” does not include: hand, face, or body cleaner or soap products, personal fragrance products, astringent/toner, cold creams, lotions, antiperspirants, or products that must be purchased with a doctor's prescription.*

(121) — (127) (text unchanged)

(128) Multi-Purpose Solvent.

(a) *“Multi-purpose solvent” means, for products manufactured before January 1, 2018, an organic liquid designed or labeled 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.*

(b) *“Multi-purpose solvent”, for products manufactured before January 1, 2018, includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific, or other laboratories.*

(c) *“Multi-purpose solvent”, for products manufactured before January 1, 2018, does not include solvents:*

(i) — (ii) (text unchanged)

(d) *“Multi-purpose solvent” means, for products manufactured on or after January 1, 2018, any liquid product designed or labeled to be used for thinning, dispersing or dissolving or removing contaminants or other organic materials.*

(e) *“Multi-purpose solvent”, for products manufactured on or after January 1, 2018, includes:*

(i) *Products that do not display specific use instructions on the product container or packaging;*

(ii) *Products that do not specify an end-use function or application on the product container or packaging;*

(iii) *Solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories;*

(iv) *Paint clean-up products; and*

(v) *Products designed or labeled to prepare surfaces for painting.*

(f) *“Multi-purpose solvent”, for products manufactured on or after January 1, 2018, does not include:*

(i) *Solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines;*

(ii) *Solvents designed or labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings;*

(iii) *Solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment; or*

(iv) *Products that are designed or labeled exclusively to clean a specific contaminant on a single substrate in specific situations.*

(129) — (131) (text unchanged)

(132) *“Non-[a]Aerosol product” means a consumer product that is not dispensed by a pressurized spray system.*

(133) (text unchanged)

(134) Nonresilient Flooring.

(a) "Nonresilient flooring" means a flooring product manufactured before January 1, 2018 of a mineral content that is not flexible.

(b) (text unchanged)

(135) (text unchanged)

(135-1) *Odor Remover/Eliminator*.

(a) "Odor remover/eliminator" means a product that is designed or labeled to be applied exclusively to hard surfaces to inhibit the ability of soils to create malodors, or functions to entrap, encapsulate, neutralize, convert or eliminate malodor molecules.

(b) "Odor remover/eliminator" does not include:

(i) Products designed or labeled for use in cleaning soils from hard surfaces, laundering, softening, de-wrinkling or cleaning fabrics, or dishwashing; or

(ii) Products designed or labeled as air freshener, bathroom and tile cleaner, carpet/upholstery cleaner, disinfectant, fabric refresher, general purpose cleaner, sanitizer, or toilet/urinal care product.

(136) (text unchanged)

(137) *Oven or Grill Cleaner*. ["Oven cleaner" means a cleaning product designed to clean and remove dried food deposits from oven walls.]

(a) "Oven or grill cleaner" means a product designed or labeled exclusively to clean and to remove baked on greases or deposits from food preparation surfaces or food cooking surfaces.

(b) "Oven or grill cleaner" does not include a product where representation is made on the product's label or packaging that the product is suitable for cleaning or degreasing other hard surfaces.

(138) (text unchanged)

(138-1) "Paint clean-up product" means any liquid product designed or labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from items not intended to be painted, including painting equipment, tools, plastics, and metals.

(139) (text unchanged)

(139-1) *Paint Thinner*.

(a) "Paint thinner" means any liquid product used for reducing the viscosity of coating compositions or components, that is manufactured on or after January 1, 2018, and that prominently displays the term "Paint Thinner", "Lacquer Thinner", "Thinner", or "Reducer" on the front panel of its packaging.

(b) Paint thinner does not include:

(i) Products that are sold in containers with a capacity of 5 gallons or more and labeled exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high-temperature coatings;

(ii) Products where the principal display panel of the product displays, in a font size as large or larger than the font size of all other words on the principal display panel (not including the font size used for the company name, brand name, or logo), language that the product is used exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high-temperature coatings;

(iii) Products where no representation is made on the product container or packaging, or any attached label or sticker that the product is suitable for use or may be used for any other purpose except the thinning of industrial maintenance coatings, zinc-rich primers, or high-temperature coatings; or

(iv) Products that are labeled and used exclusively as an ingredient in a specific coating or coating brand line, where the coating would not be complete or useable without the specific ingredient.

(140) — (142) (text unchanged)

(143) "Plasticizer" means a material, such as a high boiling point organic solvent, that:

(a) (text unchanged)

(b) May be determined using ASTM Method E260-96(2011), as amended, or from product formulation data.

(144) — (157) (text unchanged)

(157-1) "Resilient flooring material" means flexible flooring material, including asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, and vinyl composite flooring.

(158) — (163) (text unchanged)

(164) [Rubber and Vinyl] *Rubber/Vinyl Protectant*.

(a) "[Rubber and vinyl protectant] *Rubber/vinyl protectant*" means, for products manufactured before January 1, 2018, a product designed or labeled to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, or household products such as vinyl covers, clothing, and accessories.

(b) "[Rubber and vinyl protectant] *Rubber/vinyl protectant*", for products manufactured before January 1, 2018, does not include products primarily designed or labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners, or tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

(c) "Rubber/vinyl protectant" means, for products manufactured on or after January 1, 2018, any product designed or labeled to protect, preserve, or renew vinyl or rubber on vehicles, tires, luggage, furniture, or household products such as vinyl covers, clothing, or accessories.

(d) "Rubber/vinyl protectant", for products manufactured on or after January 1, 2018, does not include:

(i) Products designed or labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners;

(ii) *Products designed or labeled as tire cleaners that do not leave an appearance-enhancing or protective substance on the tire;*

(iii) *Pigmented products designed or labeled to be used primarily for coloring;*

(iv) *Products used for construction, reconstruction, modification, structural maintenance or repair of rubber or vinyl substrates; or*

(v) *Products not designed or labeled to be used on vehicle tires, qualifying as either clear coating or vinyl coating or fabric coating or leather coating or polycarbonate coating.*

(165) (text unchanged)

(165-1) *Sanitizer.*

(a) *“Sanitizer” means a product manufactured on and after January 1, 2018 that is labeled as a “sanitizer,” or that is labeled to reduce, but not necessarily eliminate, microorganisms in the air, on surfaces, or on inanimate objects, and whose label is registered as a “sanitizer” under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §136 et seq.*

(b) *“Sanitizer” does not include:*

(i) *Disinfectants;*

(ii) *Products designed or labeled as both a “sanitizer” and a “disinfectant”;*

(iii) *Products designed or labeled solely for use on humans or animals;*

(iv) *Products designed or labeled solely for agricultural use;*

(v) *Products designed or labeled for use in swimming pools, therapeutic tubs, or hot tubs;*

(vi) *Products designed or labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces;*

(vii) *Products that are pre-moistened wipes or towelettes sold exclusively to medical, convalescent or veterinary establishments;*

(viii) *Products designed or labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; or*

(ix) *Products designed or labeled as bathroom and tile cleaners; glass cleaners; general purpose cleaners; toilet/urinal care products; metal polish; carpet and upholstery cleaners; or fabric refreshers that may also make sanitizing or anti-microbial claims on the product’s label.*

(166) — (172) (text unchanged)

(173) *“Solid” means a substance or mixture of substances that, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D4359-90[(2000)e1] (2012), as amended.*

(174) — (182) (text unchanged)

(183) *“Table B compound” means a carbon-containing compound that is an exception to the definition of VOC in COMAR 26.11.01.01B[(53)].*

(183-1) *Temporary Hair Color.*

(a) *“Temporary hair color” means a product manufactured on or after January 1, 2018 that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed.*

(b) *“Temporary hair color” includes hair color mousses and products designed or labeled to add texture or thickness to cover thinning or balding areas.*

(c) *“Temporary hair color” does not include hair spray, hair styling products or hair mousse.*

(184) — (185) (text unchanged)

(186) *[Toilet and Urinal] Toilet/Urinal Care Product.*

(a) *“[Toilet and urinal] Toilet/urinal care product” means any product designed or labeled to clean or to deodorize toilet bowls, toilet tanks, or urinals.*

(b) (text unchanged)

(c) *“[Toilet and urinal] Toilet/urinal care product” does not include bathroom and tile cleaner or general purpose cleaner.*

(187) *“Total maximum historical emissions (TMHE)” means the total VOC emissions from all ACP products for which the responsible ACP party has failed to [submit] record the required VOC content or enforceable sales records [and] that are:*

(a) *Determined by calculating emissions of each ACP product during each portion of a compliance period for which the responsible ACP has failed to [provide] record the required VOC content or enforceable sales records;*

(b) *Expressed to the nearest pound and calculated according to the following calculation:*

$$TMHE = (MHE)_1 + (MHE)_2 + . . . + (MHE)_N$$

where:

(i) — (iv) (text unchanged)

(v) *Missing data days are estimated as 1, 2, . . . , N* = each product in an ACP, up to the maximum N, for which the responsible ACP party has failed to [submit] *record* the required enforceable sales records or VOC content data as specified in the ACP agreement.

(188) — (193) (text unchanged)

(194) VOC Content.

(a) (text unchanged)

(b) "VOC content" means, for charcoal lighter material products only,

VOC Content = (Certified Emissions × 100) / Certified Use Rate

where:

(i) Certified Emissions = the emissions level for products approved by the Department under Regulation .05 of this chapter, as determined under South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. [27]28, 1991), expressed to the nearest 0.001 pound CH₂ per start;

(ii) Certified Use Rate = the usage level for products approved by the Department under Regulation .05 of this chapter, as determined under South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. [27]28, 1991), expressed to the nearest 0.001 pound certified product used per start.

(195) – (201) (text unchanged)

(202) *"Zinc-rich primer" means a coating that:*

(a) *Contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids;*

(b) *Is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and*

(c) *Is designed for professional use only and labeled "For Professional Use Only", "For Industrial Use Only", "Not for Residential Use", or "Not Intended for Residential Use."*

.04 Standards — General.

A. Except as provided in Regulations .01, .04D, [.08, .09, .10] .11, .12, .15, and .17—.26 of this chapter, a person may not sell, supply, offer for sale, or manufacture for sale in the State a consumer product manufactured on or after the effective date in §B of this regulation that contains volatile organic compounds (VOC) in excess of the limits specified in §B of this regulation.

B. (text unchanged)

Table 1.VOC Standards.			
Product Category	VOC Limits Effective 1/1/2005	VOC Limits Effective 1/1/2009	VOC Limits Effective 1/1/2018
[Adhesive Removers:]			
[Floor or Wall Covering]		[5]	
[Gasket or Thread Locking]		[50]	
[General Purpose]		[20]	
[Specialty]		[70]	
Adhesive[s]:			
Aerosol:			
Aerosol Mist Spray	65		
Aerosol Web Spray	55		
Special Purpose Spray Adhesive[s]:			

	Mounting, Automotive Engine Compartment, and Flexible Vinyl	70		
	Polystyrene Foam and Automotive Headliner	65		
	Polyolefin and Laminate Repair/Edge Banding	60		
	Construction, Panel, and Floor Covering	15		7
	Contact	80	NA	
	Contact General Purpose		55	
	Contact Special Purpose		80	
	General Purpose	10		
	Structural Waterproof	15		
<i>Adhesive Remover:</i>				
	<i>Floor or Wall Covering</i>		5	
	<i>Gasket or Thread Locking</i>		50	
	<i>General Purpose</i>		20	
	<i>Specialty</i>		70	
Air Freshener[s]:				
	Single[-]Phase Aerosol[s]	30		
	Double[-]Phase Aerosol[s]	25		
	<i>Dual Purpose Air Freshener/Disinfectant, Aerosol</i>			60
	Liquid[s]/Pump Spray[s]	18		
	Solid[s]/Semisolid[s]	3		
Antiperspirant[s]:				
	Aerosol	40 HVOC		
		10 MVOC		
	Non-Aerosol	0 HVOC		
		0 MVOC		
Anti-Static Product:[,]				
	<i>Aerosol</i>			80
	Non-[a]Aerosol		11	
<i>Artist's solvent/thinner</i>				3

Automotive Brake Cleaner[s]	45		NA
Automotive Rubbing or Polishing Compound	17		
Automotive Wax, Polish, Sealant or Glaze:			
Hard Paste Wax[es]	45		
Instant Detailer[s]	3		
All Other Forms	15		
<i>Automotive Windshield Cleaner</i>			35
Automotive Windshield Washer Fluid[s]	35		
Bathroom and Tile Cleaner[s]:			
Aerosol[s]	7		
All Other Forms	5		NA
<i>Non-Aerosol</i>			1
<i>Brake Cleaner</i>			10
Bug and Tar Remover	40		
Carburetor or Fuel-Injection Air Intake Cleaner[s]	45		10
Carpet and Upholstery Cleaner[s]:			
Aerosol[s]	7		
Non-Aerosol[s] (Dilutables)	0.1		
Non-Aerosol[s] (Ready-to-Use)	3.0		
Charcoal Lighter Material	Regulation .05 of this chapter		
Cooking Sprays, Aerosol[s]	18		
Deodorant[s]:			
Aerosol	0 HVOC		
	10 MVOC		
Non-Aerosol	0 HVOC		

		0 MVOC		
<i>Disinfectant:</i>				
	<i>Aerosol</i>			<i>70</i>
	<i>Non-Aerosol</i>			<i>1</i>
Dusting Aid[s]:				
	Aerosol[s]	25		
	All Other Forms	7		
Electrical Cleaner			45	
Electronic Cleaner			75	
Engine Degreaser[s]:				
	Aerosol	35		<i>10</i>
	Non-Aerosol	5		
Fabric Protectant[s]		60		
Fabric Refresher:				
	Aerosol		15	
	Non-Aerosol		6	
Floor Polish[es]/Wax[es]:				
	[Products for Flexible] <i>Resilient</i> Flooring Material[s]	7		<i>1</i>
	[Products for] Nonresilient Flooring <i>Material</i>	10		<i>1</i>
	Wood Floor Wax	90		
Floor Wax Stripper[s], Non-Aerosol		Regulation .07 of this chapter		
Footwear or Leather Care Product[s]				
	Aerosol		75	
	Solid		55	
	All Other F [f]orms		15	
Furniture Maintenance Product[s]:				
	Aerosol[s]	17		

All Other Forms (Except Solid or Paste)	7		NA
<i>Non-Aerosol (Except Solid or Paste)</i>			3
General Purpose Cleaner[s]:			
Aerosol[s]	10		8
Non-Aerosol[s]	4		
General Purpose Degreaser[s]:			
Aerosol[s]	50		10
Non-Aerosol[s]	4		
Glass Cleaner[s]:			
Aerosol[s]	12		
Non-Aerosol[s]	4		
Graffiti Remover:			
Aerosol		50	
Non-Aerosol		30	
Hair Mousse[s]	6		
Hairshine[s]	55		
Hairspray[s]	55		
[Hair Styling Gel]	[6]		
Hair Styling Product[s]:			
Aerosol and pump spray[s]		6	
All O[o]ther F[f]orms		2	
Heavy-Duty Hand Cleaner or Soap	8		
Insecticide[s]:			
Crawling Bug (Aerosol)	15		
Crawling Bug (All O[o]ther F[f]orms)	20		
Flea and Tick	25		
Flying Bug (Aerosol)	25		
Flying Bug (All O[o]ther F[f]orms)	35		
Fogger[s]	45		

Lawn and Garden (All Other Forms)	20		
Lawn and Garden (Non-Aerosol)	3		
Wasp and Hornet	40		
Laundry Prewash:			
Aerosol[s]/Solid[s]	22		
All Other Forms	5		
Laundry Starch/Sizing/Fabric Finish Product[s]	5		4.5
Metal Polish[es/] or Cleanser[s]	30		
Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Product[s])	50		
Multi-Purpose Solvent			3
Nail Polish Remover	75		1
Non-Selective Terrestrial Herbicide:			
Non-Aerosol[s]	3		
Oven or Grill Cleaner[s]:			
Aerosols/Pump Spray[s]	8		NA
Liquid[s]	5		NA
Non-Aerosol			4
Aerosol			8
Paint Remover or Stripper[s]	50		
Paint Thinner			3
Penetrant[s]	50		
[Rubber and Vinyl] Rubber/Vinyl Protectant[s]:			
Non-Aerosol[s]	3		
Aerosol[s]	10		
Sanitizer:			
Aerosol			70
Non-aerosol			1

Sealant[s] and Caulking Compound[s]	4		
Shaving Cream[s]	5		
Shaving Gel		7	4
Silicone-Based Multi-Purpose Lubricant[s] (Excluding Solid or Semi-Solid Product[s])	60		
Spot Remover[s]:			
Aerosol[s]	25		
Non-Aerosol[s]	8		
<i>Temporary Hair Color, Aerosol</i>			55
Tire Sealant[s] and Inflator[s]	20		
Toilet/Urinal Care:			
Aerosol		10	
Non-Aerosol		3	
Undercoating[s], Aerosol[s]	40		
Wood Cleaner:			
Aerosol		17	
Non-Aerosol		4	

NA = Not applicable [after January 1, 2009]

B-1.— C. (text unchanged)

D. Products Registered under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). For a consumer product that is registered under the *Federal Insecticide, Fungicide, and Rodenticide Act*, (FIFRA), [(7 U.S.C. §§136-136y)] §136 *et seq.*, the effective date of the VOC standards is 1 year after the date specified in §B of this regulation.

E.— F. (text unchanged)

.05 Standards — Requirements for Charcoal Lighter Materials.

A.— B. (text unchanged)

C. Certification Requirements.

(1) A charcoal lighter material formulation may not be certified under this regulation unless the applicant for certification demonstrates to the Department's satisfaction that the VOC emissions from the ignition of charcoal with the charcoal lighter material are less than or equal to 0.02 pound of VOC per start, using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, dated February [27]28, 1991 (the "South Coast Air Quality Management District Rule 1174 Testing Protocol").

(2)— (5) (text unchanged)

D.— F. (text unchanged)

.05-1 Requirements for Flammable and Extremely Flammable Multi-Purpose Solvent and Paint Thinner. *Effective January 1, 2018, no person shall sell, supply, offer for sale, or manufacture for use in the State any "flammable" or "extremely flammable" multi-purpose solvent or paint thinner named, on the principal display panel as paint thinner, multi-purpose solvent, clean-up solvent, or paint clean-up unless the product:*

A. Contains less than 1 percent by weight aromatic compound;

B. Contains methylene chloride, perchloroethylene, or trichloroethylene in a combined amount equal to or less than 0.01 % by weight; and

C. Includes an attached hang tag, sticker, or contrasting square or rectangular area on the principal display panel that displays:

(1) At a minimum, the following statements or information in font size as large, or larger than, the signal word, DANGER, WARNING, or CAUTION (not including the font size used for the company name, brand name or logo), as specified in 16 CFR §1500.121;

(2) That the product is “formulated to meet California VOC limits; see warnings on label”; or

(3) The common name of the chemical compound, in large font, that results in the product meeting the criteria for flammable or extremely flammable, such as acetone or methyl acetate.

.06 Standards — Requirements for Aerosol Adhesives.

A. The standards for aerosol adhesives under Regulation .04B of this chapter apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in Regulations .01, [.08,] .11, .12, and .15 of this chapter, a person may not sell, supply, offer for sale, use, or manufacture for sale in the State an aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of the specified standard.

B. — D. (text unchanged)

.07 (text unchanged)

.08 Requirements for Contact Adhesives, Electronic Cleaners, Footwear[,] or Leather Care Products, [and] General Purpose Degreasers, Bathroom and Tile Cleaners, Construction Panel and Floor Covering Adhesives, Electronic Cleaner Labeled “Energized Electronic Equipment Use Only”, General Purpose Cleaners, and Oven or Grill Cleaners.

A. Except as provided in §§[B and D] *C and E* of this regulation, effective January 1, 2009, a person may not sell, supply, offer for sale, or manufacture for use in the State any contact adhesive, electronic cleaner, footwear or leather care product, or general purpose degreaser that contains any of the following compounds:

(1) [Ethylene] *Methylene* chloride;

(2) — (3) (text unchanged)

B. Except as provided in §E of this regulation, a person may not sell, supply, offer for sale, or manufacture for use in the State any bathroom and tile cleaner, construction panel and floor covering adhesive, electronic cleaner labeled “Energized Electronic Equipment use only”, general purpose cleaner, or oven or grill cleaner manufactured on or after January 1, 2018, that contains any of the following compounds:

(1) Methylene chloride;

(2) Perchloroethylene; or

(3) Trichloroethylene.

[B.] C. (text unchanged)

[C.] D. (text unchanged)

[D.] E. Impurities. The requirements in §§A, B, and C of this regulation do not apply to any contact adhesive, electronic cleaner, footwear[,] or leather care product, [or] general purpose degreaser, *bathroom and tile cleaner, construction panel and floor covering adhesive, electronic cleaner labeled “Energized Electronic Equipment Use Only”, general purpose cleaner, or oven or grill cleaner* containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01 percent by weight.

.09 — .11 (text unchanged)

.12 Innovative Products — Department Exemption.

A. — C. (text unchanged)

D. Application Information.

(1) — (2) (text unchanged)

(3) All information submitted by a manufacturer under this section shall be maintained in accordance with the confidentiality requirements in [State Government Article, §10-617,] *General Provisions Article, Title 4*, Annotated Code of Maryland.

E. — J. (text unchanged)

.13 (text unchanged)

.14 Reporting Requirements.

A. Upon 90 days written notice, the Department may require a responsible party to report the following information for a consumer product:

(1) (text unchanged)

(2) Any claim of confidentiality made under [State Government Article, §10-617,] *General Provisions Article, Title 4*, Annotated Code of Maryland;

(3) — (12) (text unchanged)

B. All information submitted by any person under this regulation shall be maintained in accordance with the confidentiality requirements in [State Government Article, §10-617,] *General Provisions Article, Title 4*, Annotated Code of Maryland.

C. — E. (text unchanged)

.15 (text unchanged)

.16 Test Methods.

A. VOC Compliance Test Method.

(1) Testing to determine compliance with the requirements of this chapter shall be performed using CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997,[and last amended on May 5, 2005]*as amended*.

(2) (text unchanged)

B. (text unchanged)

C. Determination of Liquid or Solid. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 [(2000)el](2012), *as amended, Standard Test Method for Determining Whether a Material is a Liquid or a Solid*.

D. (text unchanged)

E. Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM [D86-014b] *D86-15, as amended*.

F. *Testing to determine whether a material is a plasticizer, may be performed using ASTM Designation: E260-96 (2011), as amended, Standard Practice for Packed Column Gas Chromatography.*

G. *Testing to determine whether an art material label provides appropriate precautions concerning chronic health hazards related to the use of art materials, may be performed using ASTM Designation: D4236-94(2011), as amended, Standard Practice for Labeling Art Materials for Chronic Health Hazards.*

[F.] H. (text unchanged)

.17— .26 (text unchanged)

STATE OF MARYLAND
EXECUTIVE DEPARTMENT

**OFFICE OF THE SECRETARY OF STATE
DIVISION OF STATE DOCUMENTS**

LAWRENCE J. HOGAN, JR.
Governor

Maryland Register

BOYD K. RUTHERFORD
Lt.
Governor

**Code of Maryland Regulations
(COMAR)**

JOHN C. WOBENSMITH
Secretary of State

**Incorporation by Reference
APPROVAL FORM**

Date: September 14, 2016
COMAR: 26.11.32.02

Randy Mosier
Maryland Department of the Environment
1800 Washington Boulevard
Suite 730
Baltimore, MD 21230

Dear Randy:

The following documents are approved for incorporation by reference:

1. ASTM Designation: D4359-90(2012) Standard Test Method for Determining Whether a Material is a Liquid or a Solid;
2. ASTM Designation: E260-96(2011) Standard Practice for Packed Column Gas Chromatography;
3. ASTM Designation: D86-15 Standard Test Method for Distillation of Petroleum Products and Liquid Fuels at Atmospheric Pressure; and
4. ASTM Designation: D4236-94(2011) Standard Practice for Labeling Art Materials for Chronic Health Hazards.

Please note the following special instructions: Please place in an ACCCO press type binder.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor

Office of the Secretary of State, Division of State Documents, State House, Annapolis, MD 21401
410-974-2486; 800-633-9657; fax 410-280-5647; email: statedocs@sos.state.md.us