



**AIR QUALITY CONTROL ADVISORY COUNCIL
AGENDA
September 19, 2016**

Maryland Department of the Environment
Aeris Conference Room (1st Floor MDE Lobby)
1800 Washington Boulevard
Baltimore MD 21230

<https://global.gotomeeting.com/join/917337285>

United States +1 (872) 240-3212

Access Code: 917-337-285

8:15 a.m. Welcome and Introductions John Quinn, Advisory Council Chair
Tad Aburn, Air Director

8:25 a.m. Approval of Meeting Minutes John Quinn

Action Items for Discussion/Approval:

8:30 a.m. AQCAC By-Laws Megan Ulrich

8:45 a.m. Consumer Products Regulations Randy Mosier
COMAR 26.11.32

9:45 a.m. CA LEV Amendments Justin Mabrey
COMAR 26.11.34

Briefings:

10:00 a.m. Solid Waste and Sewage Sludge Incinerators Husain Waheed

10:30 a.m. Adjourn

Next Meeting Dates:

December 12, 2016

Proposed 2017 Meeting Dates:

March 13, 2017; June 19, 2017; September 18, 2017; December 11, 2017

09/02/2016

Facts About...

Amendments to COMAR 26.11.32 - Control of Emissions of Volatile Organic Compounds from Consumer Products

Purpose

The purpose of this action is to amend existing regulations 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.

Submission to EPA as Revision to Maryland's State Implementation Plan (SIP)

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 in 2003, as COMAR 26.11.32 - Control of Emissions of Volatile Organic Compounds from Consumer Products. 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. An additional two percent of VOC emission reductions were predicted.

“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

Consumer Product	VOC Standard Percent VOC by Weight
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

Consumer Product	VOC Standard Percent VOC by Weight
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

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.

Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public

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. While the majority of the consumer products affected by these amendments 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. Also, there will be no impact on the Department or other State agencies or local government as a result of this action. 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.

Economic Impact on Small Businesses

There is no small business in Maryland that has been identified to incur substantial economic impact as a result of the proposed action. The 2010 and 2014 OTC Model Rules, and consequently, this proposed regulatory action, are based upon CARB 2006 and 2009 rules, which have resulted in consumer products able to meet the new standards being readily available in the marketplace. Small businesses in California that sell, supply, offer for sale, or manufacture consumer products have incurred minimum cost to meet the new VOC standards.

Is there an Equivalent Federal Standard to this Proposed Regulatory Action?

Yes, federal regulations introduced in 1998 under 40 CFR Part 59, Subpart C cover 24 product categories representing 48 percent of the consumer and commercial products inventory nationwide. The applicable VOC standards in the proposed regulation are more stringent than those in the federal regulations for several categories.

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, *as amended*, Standard Test Method for Determining Whether a Material is a Liquid or a Solid.
 - (3) ASTM Designation: E260-96 (Reapproved 2001), *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(Reapproved March 1, 2005), 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 towellete;*

(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)e1](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:

$$TMHE = (MHE)_1 + (MHE)_2 + \dots + (MHE)_N$$

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,

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

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]:			
<i>Aerosol:</i>			
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 <i>Covering</i>	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>			70
<i>Non-Aerosol</i>			1
Dusting Aid[s]:			
Aerosol[s]	25		

All Other Forms	7		
Electrical Cleaner		45	
Electronic Cleaner		75	
Engine Degreaser[s]:			
Aerosol	35		10
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		1
[Products for] Nonresilient Flooring Material	10		1
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
Non-Aerosol (Except Solid or Paste)			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 <i>O[other F]orms</i>		2	
Heavy-Duty Hand Cleaner or Soap	8		
Insecticide[s]:			
Crawling Bug (Aerosol)	15		
Crawling Bug (All <i>O[other F]orms</i>)	20		
Flea and Tick	25		
Flying Bug (Aerosol)	25		
Flying Bug (All <i>O[other F]orms</i>)	35		
Fogger[s]	45		
Lawn and Garden (All <i>O[other F]orms</i>)	20		
Lawn and Garden (Non-Aerosol)	3		
Wasp and Hornet	40		
Laundry Prewash:			
Aerosol[s]/Solid[s]	22		
All Other Forms	5		
Laundry Starch/ <i>Sizing/Fabric Finish</i> Product[s]	5		4.5
Metal Polish[es/] <i>or</i> Cleanser[s]	30		
Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Product[s])	50		
<i>Multi-Purpose Solvent</i>			3
Nail Polish Remover	75		1
Non-Selective Terrestrial Herbicide:			
Non-Aerosol[s]	3		
Oven <i>or</i> Grill Cleaner[s]:			
Aerosols/Pump Spray[s]	8		NA
Liquid[s]	5		NA
<i>Non-Aerosol</i>			4
<i>Aerosol</i>			8
Paint Remover or Stripper[s]	50		
<i>Paint Thinner</i>			3
Penetrant[s]	50		
[Rubber and Vinyl] <i>Rubber/Vinyl</i> Protectant[s]:			
Non-Aerosol[s]	3		
Aerosol[s]	10		
<i>Sanitizer:</i>			

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		
Temporary Hair Color, Aerosol			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)

Facts About...

Amendments to COMAR 26.11.34 Low Emissions Vehicle Program

August 31, 2016

Purpose of Amendments

The purpose of these amendments is to update COMAR 26.11.34.02 Incorporation by Reference to reflect the changes made to the California regulations since their last update.

Submission to EPA as Revision to Maryland's SIP

These amendments will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Maryland's State Implementation Plan (SIP).

Background

Vehicles sold in the United States must be certified under one of two certification programs: the federal program (Tier 3) or the California program (the Clean Car Program). Section 177 of the Clean Air Act Amendments of 1990 provides states the ability to adopt the California program in lieu of the federal program as long as the adopted state program is identical to the California program and the state allows two model years lead time from adoption to implementation.

The Maryland Clean Cars Act of 2007 required the Maryland Department of the Environment (MDE) to adopt regulations implementing the California Clean Car Program (also referred to as the California Low Emissions Vehicle Program-CAL LEV) in Maryland. Maryland's implementing regulations adopted, through incorporation by reference, the applicable California regulations. The Cal LEV program is a dynamic, changing program in which many of the relevant California regulations are continuously updated. To retain California's standards, Maryland must remain consistent with their regulations, hence when California updates its regulations, Maryland must reflect these changes by amending our regulations.

The proposed changes are in effect in California as well as some of the other states that have adopted the CAL LEV program. There have been a number of regulatory changes approved by the California Air Resources Board that require Maryland to update the Incorporation by Reference section. These updates will have minimal, if any, impact on the cost or implementation of the program in Maryland.

Sources Affected and Location

These amendments apply to automobile manufacturers that produce new motor vehicles for sale in Maryland. All vehicle types that have a gross vehicle weight rating of less than 14,000 pounds are affected.

Requirements

These amendments update Maryland's program requirements to be consistent with California's program requirements. This action is necessary since many of the California regulations that are incorporated into the Maryland regulation have been updated. These individual regulatory changes can be grouped into 5 areas:

- Amendments to the alternative fuel conversion certification procedure for on-road motor vehicles and engines to streamline testing and provide a reduced burden for small volume conversion manufacturers.
- Providing greater flexibility to Intermediate Volume Manufacturers to meet the Zero Emission Vehicle (ZEV) requirement.
- Amendments to align the Cal LEV III program and test procedures with the Federal Tier 3 program.
- Changes to California's Medium and Heavy-Duty GHG regulations to align them with EPA's Phase 1 GHG regulations. These amendments have a non-substantive impact on portions of California's program that are incorporated by reference.
- Updates to the OBD II regulation to improve compliance flexibility as well as strengthen the performance requirements.

The biggest change that will affect Maryland is the amendments to the ZEV requirement. The flexibilities added to the program may reduce the number of ZEVs delivered to Maryland through the program, but the number of vehicles is not expected to be significant. However, this was necessary to ease the burden of the requirements on smaller vehicle manufacturers. The other amendments being incorporated are necessary to stay consistent with California's program. They represent updated language to stay consistent with new federal criteria and GHG emission regulations, as well as amendments to alternative fuel conversions that will help grow the market for alternative fuels. These updates are already incorporated into California's program and are being met by the industry.

Expected Emissions Reductions

Updates to the OBD II system will help ensure the in-use motor vehicle emissions will not exceed certification standards. This has the potential to reduce some in-use vehicle emissions that would not have previously been detected. It is not expected to have a significant emissions impact.

There is no expected emission reductions associated with the other amendments. The fleet average emission requirement for manufacturers remains the same as it was previously, and converted vehicles remain at their original certification level.

Economic Impact on Affected Sources and the Department

Minimal additional burden or cost is expected as a result of these amendments. The changes to the ZEV program will provide intermediate volume manufacturers a reduced burden as well as greater flexibility to meet the program's requirements in a way that is best for their business situation. The

increased availability of alternative fuel conversion kits could have a positive impact on manufacturers of these kits as well as fuel suppliers.

These amendments will have no economic impact on the Department. They also will have no impact on the Motor Vehicle Administration's registration, data management, and dealer oversight activities related to this program.

Economic Impact on Consumers and Dealers

The economic impact of these amendments upon Maryland consumers is minimal as there are no significant changes to the vehicle requirements.

These amendments should have no impact on Maryland dealers.

Economic Impact on Small Businesses

These amendments will have a small impact on small businesses only to the extent that they manufacture, sell or install alternative fuel conversion kits. This impact should be positive.

Is there an Equivalent Federal Standard to this Proposed Regulatory Action?

Yes, the federal Tier 3 vehicle emission standards as well as the national GHG emission standards apply to the same types of vehicles. The California standards are currently aligned with the federal program. However, the alternative fuel conversion requirements are more stringent.

There is no equivalent federal Zero Emission Vehicle program.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 34 Low Emissions Vehicle Program

Authority: Environment Article, §§1-404, 2-102, 2-103, 2-301, 2-1102, and 2-1103, Annotated Code of Maryland

.02 Incorporation by Reference.

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

B. Documents Incorporated.

(1) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 1, §1900 Definitions, as effective [December 31, 2012] *July 25, 2016*.

(2)–(5) (text unchanged)

(6) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.2 Exhaust Emission Standards and Test Procedures-2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [December 31, 2012] *October 8, 2015*.

(7)–(8) (text unchanged)

(9) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.1 Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [July 10, 2014] *January 1, 2016*.

(10) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.2 Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [July 10, 2014] *January 1, 2016*.

(11) (text unchanged)

(12) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1965 Emission Control, Smog Index, and Environmental Performance Labels- 1979 and Subsequent Model-Year Motor Vehicles, as effective [August 7, 2012] *October 8, 2015*.

(13) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.2 Malfunction and Diagnostic System Requirements-2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective [July 31, 2013] *July 25, 2016*.

(14) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.5 Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective [July 31, 2013] *July 25, 2016*.

(15)–(16) (text unchanged)

(17) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1976 Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions, as effective [December 31, 2012] *October 8, 2015*.

(18) (text unchanged)

(19) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1978 Standards and Test Procedures for Vehicle Refueling Emissions, as effective [August 7, 2012] *October 8, 2015*.

(20) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 5, §2030 Liquefied Petroleum Gas or Natural Gas Retrofit Systems, as effective [February 13, 2010] *September 15, 2014*.

(21)–(22) (text unchanged)

(23) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2037 Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles, as effective [August 7, 2012] *December 5, 2014*.

(24)–(34) (text unchanged)

(35) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2112 Definitions, undated, as effective [August 7, 2012] *December 5, 2014*.

(36)–(62) (text unchanged)

(63) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2139 Testing, as effective [August 7, 2012] *December 5, 2014*.

(64) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2140 Notification and Use of Test Results, as effective [August , 2009] *December 8, 2010*.

(65)–(70) (text unchanged)

(71) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2147 Demonstration of Compliance with Emission Standards, as effective [August 7, 2012] *December 5, 2014*.

(72)–(79) (text unchanged)