



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

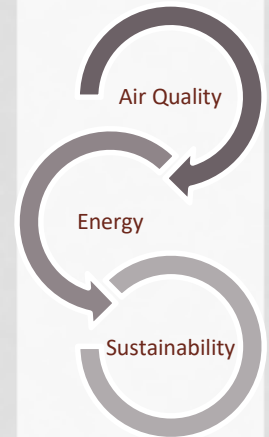


DIVISION OF AIR QUALITY

AIR QUALITY, ENERGY, AND SUSTAINABILITY

**POTENTIAL REVISIONS TO N.J.A.C. 7:27-24
CONSUMER PRODUCTS**

SEPTEMBER 6, 2019



CONSUMER PRODUCTS



The Department is **seeking input** on proposal of new rule amendments based on the Ozone Transport Commission (OTC) model rules for Consumer Products.



PURPOSE OF RULE

- Consumer Products and Architectural Coatings represent the largest source of **volatile organic compound (VOC)** emissions in the State's air emission inventory, compared to mobile, industrial and commercial sources.
- VOCs are precursors to **ozone** formation and secondary fine particulate formation.
- New Jersey is in **nonattainment** for the National Ozone Ambient Air Quality Standards (NAAQS) for Ozone.

OTC MODEL RULES

- New Jersey is one of 13 northeast states and DC that are part of the Ozone Transport Region (OTR)
- New Jersey works with the Ozone Transport Commission (OTC) and other states to develop model rules and guidelines for states to follow to reduce ozone pollution.
- The OTC has developed five phases of consumer product model rules and guidelines, based on California rules.
- These model rules go through a stakeholder process, review and comment at a regional and national level.

UNIFORMITY

- The OTC strives for uniformity with California and uniformity among its states to the extent practical or feasible for each state and the OTC.
- New Jersey recognizes that Stakeholders have consistently expressed the importance of uniformity when it comes to rules that regulate the manufacture of products sold in multiple states.

CONSUMER PRODUCTS

- Existing regulated **Consumer Products** include, but are not limited to:
 - hair styling products
 - Insecticides
 - household cleaners
 - air fresheners
 - automotive maintenance products
 - personal care products
 - carpet and upholstery cleaners
 - household and commercial adhesives.

CONSUMER PRODUCTS

- Consumer Products can be used in the home, or in commercial, institutional and industrial settings.



EXISTING RULES

- The existing New Jersey product rules control the emissions of VOCs and some toxics from Consumer Products by setting **manufacturing limits on the VOC content** of products **sold** in the state **for use in the state**.
- The existing OTC and New Jersey rules are based on California product rules. California has adopted many phases of these rules since the 80's.
- New Jersey has been adopting product rules since 1989.

CONSUMER PRODUCTS PROPOSAL

- The proposed rules would **revise** VOC limits for several **existing** categories of products and **add new** categories of products for regulation.
 - There are **56 existing** categories in New Jersey's existing consumer products rules.
 - New Jersey proposes to add **19 new categories**, **lower** the VOC limits for **26** existing categories (41 Subcategories) and **eliminate 1** category.
- Anticipated effective date of the VOC limits would be 6 months to 1 year after the effective date of the rule adoption.
 - These new limits are already effective in California.
 - Please provide feedback on timeframe necessary to comply with the rule.

EXISTING CONSUMER PRODUCTS CATEGORIES

Adhesive Remover
Adhesives
Air fresheners
Antiperspirants
Anti-static products, non-aerosol
Automotive brake cleaners
Automotive rubbing or polishing compounds
Automotive waxes, polishes, sealants or glazes
Automotive windshield washer fluids
Bathroom and tile cleaners
Bug and tar removers
Carburetor or fuel-injection air intake cleaners
Carpet and upholstery cleaners
Charcoal lighter material
Cooking sprays
Deodorants
Dusting aids
Electrical cleaners
Electronic cleaners
Engine degreasers
Fabric polishes/waxes
Fabric protectants
Fabric refreshers
Floor wax strippers
Footwear or leather care products
Furniture maintenance products
General purpose cleaners
General purpose degreasers

Glass cleaners
Graffiti removers
Hair mousses
Hair shines
Hair sprays
Hair styling gels
Hair styling products
Heavy-duty hand cleaner or soaps
Insecticides
Laundry prewash
Laundry starch products
Metal polishes/ cleansers
Multi-purpose lubricants
Nail polish removers
Non-selective terrestrial herbicide
Oven cleaners
Paint removers or strippers
Penetrants
Rubber and vinyl protectants
Sealants and caulking compounds
Shaving creams
Shaving gels
Silicone-based multi-purpose lubricants
Spot removers
Tire sealants and inflators
Toilet/urinal care products
Undercoatings
Wood cleaners

PROPOSED NEW AND REVISED CONSUMER PRODUCTS CATEGORIES

New

Adhesives: Screen Printing
Air Fresheners: Dual Purpose/ Disinfectant
Anti-Static Product, aerosol
Astringent/Toner
Automotive Windshield Water Repellent
Disinfectant
Fabric Softener
Floor Maintenance Product
Insect Repellent
Lubricants: Anti-Seize, Special Purpose
Motor Vehicle Wash
Multi-purpose Solvent & Paint Thinner
Odor Remover/Eliminator
Personal Fragrance Product
Pressurized Gas Duster
Sanitizer
Shaving Gel
Temporary Hair Color
Tire or Wheel Cleaner

Lower

Adhesives: Mist Spray and Web Spray
Air Freshener: Double Phase
Automotive Windshield Washer Fluid
Bathroom and Tile Cleaner
Brake Cleaner
Carburetor or Fuel-Injection Air Intake Cleaner
Carpet/Upholstery Cleaner
Construction, Panel, and Floor Covering Adhesive
Dusting Aid
Engine Degreaser
Fabric Protectant
Floor Polish or Wax
Floor Polish or Wax
Furniture Maintenance Product
General Purpose Cleaner
General Purpose Degreaser
Glass Cleaner
Heavy-duty Hand Cleaner or Soap
Insecticide: Flying Bug, Wasp and Hornet
Laundry Starch/Sizing/Fabric Finish Product
Lubricant: Multi-purpose and penetrant
Metal Polish or Cleanser
Nail Polish Remover
Oven Cleaner
Sealant or Caulking Compound
Spot Remover

PROPOSED NEW AND REVISED CONSUMER PRODUCTS CATEGORIES

- For example:
 - General Purpose Aerosol Cleaners are going from 10% Volatile Organic Compound (VOC) content, by weight, to 8%
 - Brake Cleaners are going from 45% VOC to 10% VOC
 - Multi-purpose Solvents and Paint Thinners are a new category of regulation at 3% VOC

CONSUMER PRODUCTS OTC PHASE V HIGHLIGHTS

- Includes limits in CA with an effective date of January 1, 2017 or earlier in CA;
- Will not include limits with future effective dates in CA or reactivity-based limits (lubricants at 10%);
- Includes insect repellent, personal fragrance & windshield washer fluid limits from older CARB phases;
- OTC rule includes an optional 3 year sell through limit for existing products that do not comply with VOC limits;
- Removes category exemption for structural waterproof adhesives.

REDUCTIONS AND COSTS

| Measures | VOC Reductions Estimate (tons per day) | Cost-Effectiveness (\$/ton) |
|---|---|------------------------------------|
| Consumer Products: OTC Phase III | 3 | \$5,487/ton average |
| Consumer Products: OTC Phase IV, Paint Thinners/Solvents | 5 | \$480/ton |
| Consumer Products: OTC Phase V | 4 | \$5,891/ton average |

COSTS

Cost to Consumer:

- CA estimates a “potential” “average” cost increase to be about \$0.17/unit for all of its CP rules.
- In reality, products have already been reformulated for CA, and estimated costs would be lower.
- In addition, manufacturers may absorb the cost rather than pass it on to the consumer.
- Some reformulations result in a cost savings.

MODEL RULES

- These rules would be based on the following OTC model rules:
 - 1) Consumer Products Phase III 2010;
 - 2) Consumer Products Phase IV 2012;
 - 3) OTC Regulatory & Technical Guideline for Consumer Products Phase V 11/20/2018; and
- See Handout for a more detailed list of regulated categories
- See OTC Model Rules for more details at:
<https://otcair.org/document.asp?Fview=modelrules> .

QUESTIONS/COMMENTS

Questions?

Please send comments and/or technical support information to:

NJDEP-BAQP@dep.nj.gov

Use the following heading in the Subject Line of the email:

- Consumer Products

By October 4, 2019