

CHAPTER Env-A 4100 CONSUMER PRODUCTS

Statutory Authority: RSA 125-C:4, I(n); RSA 125-C:6, XVII; and RSA 485:16-c

PART Env-A 4101 PURPOSE, SCOPE, REFERENCES, AND EXEMPTIONS

Env-A 4101.01 Purpose. The purpose of this chapter is to limit emissions of volatile organic compounds (VOCs) by requiring reductions in the VOC content of consumer products as required by NH Laws of 2004, 175:1, I.

Source. #8439, eff 9-24-05

Env-A 4101.02 Scope. Except as provided in Env-A 4101.04, below, this chapter shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products for use in New Hampshire.

Source. #8439, eff 9-24-05

Env-A 4101.03 References. For the purpose of this chapter, unless otherwise specified, the July 1, 2004 edition of title 40 of the Code of Federal Regulations (CFR) shall control all references to 40 CFR 59.

Source. #8439, eff 9-24-05

Env-A 4101.04 Exemptions.

(a) This chapter shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in New Hampshire a consumer product that does not comply with the VOC standards specified in Env-A 4103.01(a), as long as the manufacturer or distributor can demonstrate both that the consumer product is intended for shipment and use outside of New Hampshire, and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed to New Hampshire. This exemption shall not apply to any person who sells, supplies, or offers for sale consumer products to retail outlets in New Hampshire.

(b) The medium volatility organic compound (MVOC) content standards specified in Env-A 4103.01(a), for antiperspirants or deodorants, shall not apply to ethanol.

(c) The VOC limits specified in Env-A 4103.01(a) shall not apply to:

- (1) Fragrances up to a combined level of 2 percent (%) by weight contained in any consumer product;
- (2) Colorants up to a combined level of 2% by weight contained in any antiperspirant or deodorant;
- (3) For antiperspirants or deodorants, those VOCs that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of 2 millimeters of mercury (mm Hg) or less at 20 degrees Celsius (°C);
- (4) Low vapor pressure VOCs (LVP-VOC);
- (5) Air fresheners that are comprised entirely of one or more of the following:
 - a. Fragrance;
 - b. Any compound excluded from the definition of “VOC”; or
 - c. Any LVP-VOC;
- (6) Air fresheners and insecticides containing at least 98% paradichlorobenzene;

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(7) Any of the following adhesives:

- a. Adhesives sold in containers of one fluid (fl) ounce (oz) or less;
- b. A contact adhesive that is a non-aerosol product sold in units of product less packaging, which consists of more than one gallon; and
- c. A construction, panel, and floor covering adhesive or general purpose adhesive that is a non-aerosol product sold in units of product, less packaging, which weigh more than one pound and consist of more than 16 fl oz;

(8) Bait station insecticides, if the bait is not more than 0.5 oz by weight; and

(9) Sealant and caulking compounds sold in units of product, less packaging, which weigh more than one pound and consist of more than 16 fl oz.

(d) The requirements of Env-A 4104.01 shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§136 through 136y.

Source. #8439, eff 9-24-05

PART Env-A 4102 DEFINITIONS

Env-A 4102.01 Definitions. For the purposes of this chapter, the following definitions shall apply:

(a) “Adhesive” means any product that is used to bond one surface to another by attachment. The term does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate;

(b) “Adhesive remover” means a product designed exclusively for the removal of adhesives, caulk, and other bonding materials from either a specific substrate or a variety of substrates;

(c) “Aerosol adhesive” means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment;

(d) “Aerosol cooking spray” means “aerosol cooking spray” as defined in 40 CFR §59.202, namely, “any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be directly applied on food for the purpose of reducing sticking on cooking and baking surfaces, or both”;

(e) “Aerosol product” means “aerosol product” as defined in 40 CFR §59.202, namely, “a product characterized by a pressurized spray system that dispenses product ingredients in aerosol form by means of a propellant (i.e., a liquefied or compressed gas that is used in whole or in part, such as a co-solvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container or mechanically induced force. ‘Aerosol product’ does not include pump sprays”;

(f) “Agricultural use” means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop. “Agricultural use” does not include the sale or use of pesticides in properly labeled packages or containers that are intended for:

- (1) Household use;
- (2) Use in structural pest control;
- (3) Industrial use; or
- (4) Institutional use;

(g) “Air freshener” means any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. This does not include products that are used on the human body, products that function primarily as cleaning products, disinfectant products claiming to deodorize by killing germs on surfaces, or institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution. It does include spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered;

(h) “All other carbon-containing compounds” means all compounds that contain at least one carbon atom and are not a Table B compound or a LVP-VOC;

(i) “All other forms” means all consumer product forms for which no form-specific VOC standard is specified. Unless specified otherwise by the applicable VOC standard, “all other forms” include, but are not limited to, solids, liquids, wicks, powders, crystals, and cloth or paper wipes, such as towelettes;

(j) “Antimicrobial hand or body cleaner or soap” means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity, including, but not limited to, antimicrobial hand or body washes/cleaners, food handler hand washes, healthcare personnel hand washes, pre-operative skin preparations, and surgical scrubs with the following exceptions:

- (1) Antiperspirant;
- (2) Astringent/toner;
- (3) Deodorant;
- (4) Facial cleaner or soap;
- (5) General-use hand or body cleaner or soap;
- (6) Hand dishwashing detergent, including those with antimicrobial claims;
- (7) Heavy-duty hand cleaner or soap;
- (8) Medicated astringent/medicated toner;
- (9) Prescription drug product; and
- (10) Rubbing alcohol;

(k) “Antiperspirant” means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human armpit by at least 20% in at least 50% of a target population;

(l) “Architectural coating” means a coating applied to mobile homes, pavements, curbs, or stationary structures and their appurtenances;

(m) “Astringent/toner” means any product not regulated as a drug by the U.S. Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores, including, but not limited to, clarifiers and substrate-impregnated products. The term does not include:

- (1) Cold cream, lotion, or antiperspirant;

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(2) Hand, face, or body cleaner or soap product; and

(3) Medicated astringent/medicated toner;

(n) “Automotive brake cleaner” means a cleaning product designed to remove oil, grease, brake fluid, brake pad material, or dirt from motor vehicle brake mechanisms;

(o) “Automotive engine compartment adhesive” means an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200 to 275 degrees Fahrenheit (°F);

(p) “Automotive hard paste wax” means an automotive polish that is designed to protect and improve the appearance of automotive paint surfaces, is a solid at room temperature, and contains 0% water by formulation;

(q) “Automotive headliner adhesive” means an aerosol adhesive designed to bond together layers of motor vehicle interior roof covering materials;

(r) “Automotive instant detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry;

(s) “Automotive rubbing or polishing compound” means a product designed primarily to remove oxidation, old paint, scratches, swirl marks, or other defects from the painted surfaces of motor vehicles without leaving a protective barrier;

(t) “Automotive wax, polish, sealant, or glaze” means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle’s painted surfaces including, but not limited to, products designed for use in autobody repair shops and drive-through car washes, and products designed for the general public. The term does not include:

(1) Automotive rubbing or polishing compounds;

(2) Automotive wash and wax products;

(3) Products designed for use on unpainted surfaces, such as bare metal, chrome, glass, or plastic; and

(4) Surfactant-containing car wash products;

(u) “Automotive windshield washer fluid” means “automotive windshield washer fluid” as defined in 40 CFR §59.202, namely, “any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. ‘Automotive windshield washer fluid’ does not include fluids placed by the manufacturer in a new vehicle”;

(v) “Bait station insecticides” means containers enclosing an insecticidal bait designed to be ingested by insects and composed of solid material feeding stimulants with less than 5% active ingredients;

(w) “Bathroom and tile cleaner” means “bathroom and tile cleaner” as defined in 40 CFR §59.202, namely, “a product designed to clean tile or surfaces in bathrooms. ‘Bathroom and tile cleaner’ does not include products specifically designed to clean toilet bowls or toilet tanks”;

(x) “Bug and tar remover” means a product designed to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish:

(1) Biological-type residues, such as insect carcasses and tree sap; or

(2) Road grime, such as road tar, roadway paint markings, and asphalt;

(y) “Carburetor or fuel-injection air intake cleaners” means a product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. The term does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors;

(z) “Carpet and upholstery cleaner” means a cleaning product, including a product that makes fiber-protectant claims, designed for the purpose of eliminating dirt and stains on rugs, carpeting, the interior of motor vehicles, or household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon, or other synthetic fabrics. The term does not include:

- (1) Dry cleaning fluids;
- (2) General purpose cleaners;
- (3) Products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing;
- (4) Spot removers; or
- (5) Vinyl or leather cleaners;

(aa) “Charcoal lighter material” means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition excluding electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood;

(ab) “Chemical compound” means a molecule of definite chemical formula and isomeric structure;

(ac) “Chemical mixture” means a substrate comprised of 2 or more chemical compounds;

(ad) “Clear, paintable, and water resistant caulking compounds” means a compound that:

- (1) Contains no appreciable level of opaque fillers or pigments;
- (2) Is immediately resistant to precipitation upon application;
- (3) Is paintable; and
- (4) Transmits most or all visible light through the caulk when cured;

(ae) “Colorant” means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient;

(af) “Construction, panel, and floor covering adhesive” means any one-component adhesive that:

- (1) Is designed exclusively for the installation, remodeling, maintenance, or repair of:
 - a. Structural and building components including, but not limited to, beams, trusses, studs, paneling, such as drywall or drywall laminates, fiberglass reinforced plastic, plywood, particle board, insulation board, pre-decorated hardboard or tileboard, ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or
 - b. Floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, or artificial grass; and

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(2) Is not a floor seam sealer;

(ag) “Consumer” means “consumer” as defined in 40 CFR §59.202, namely, “any person who purchases or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not ‘consumers’ of that product”;

(ah) “Consumer product” means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home, lawn, and garden products, disinfectants, sanitizers, aerosol paints, and automotive specialty products. The term does not include other paint products, furniture coatings, or architectural coatings;

(ai) “Contact adhesive” means an adhesive, except for rubber cements that are primarily intended for use on paper substrates, that:

(1) Does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces;

(2) Forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other;

(3) Is allowed to dry before the 2 surfaces are placed in contact with each other; and

(4) Is designed for application to both surfaces to be bonded together;

(aj) “Container or packaging” means “container or packaging” as defined in 40 CFR §59.202, namely, “the part or parts of the consumer product which serve only to contain, enclose, incorporate, deliver, dispense, wrap, or store the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes for which the product was designed or intended. ‘Container or packaging’ includes any article onto or into which the principal display panel is incorporated, etched, printed, or attached”;

(ak) “Crawling bug insecticide” means any insecticide product that is designed for use against crawling arthropods including, but not limited to, ants, cockroaches, mites, but not house dust mites, silverfish, or spiders. “Crawling bug insecticide” does not include products designed to be used exclusively on humans or animals;

(al) “Deodorant” means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to minimize odor in the human armpit by retarding the growth of bacteria that cause the decomposition of perspiration;

(am) “Device” means any instrument or contrivance other than a firearm which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life other than humans or any bacteria, virus, or other microorganism on or living in humans or other animals excluding equipment used for the application of pesticides when sold separately therefrom;

(an) “Dilutable windshield washer fluid” means any automotive windshield washer fluid sold in a container with a capacity of either 55 gallons or more or one quart or less.

(ao) “Disinfectant” means any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under FIFRA with the following exceptions:

(1) Products designed solely for use on humans or animals;

(2) Products designed for agricultural use;

(3) Products designed solely for use in swimming pools, therapeutic tubs, or hot tubs; and

(4) Products, as indicated on the principal display panel or label, designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes;

(ap) “Distributor” means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors;

(aq) “Double phase aerosol air freshener” means “double phase aerosol air freshener” as defined in 40 CFR §59.202, namely, “an aerosol air freshener with liquid contents in 2 or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion”;

(ar) “Dry cleaning fluid” means any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled “for dry clean only”, such as clothing, drapery, or “S-coded” fabrics. The term includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics such as draperies at the customer’s residence or work place, excluding spot removers and carpet and upholstery cleaners;

(as) “Dusting aid” means “dusting aid” as defined in 40 CFR §59.202, namely, “a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone-based coating. ‘Dusting aid’ does not include products that consist entirely of compressed gases for use in electronic or other specialty areas”;

(at) “Electronic cleaner” means a product designed specifically for the removal of dirt, grease, or grime from electrical equipment such as electric motors, circuit boards, electricity panels, and generators;

(au) “Engine degreaser” means a cleaning product designed to remove grease, grime, oil, and other contaminants from the external surfaces of engines and other mechanical parts. “Engine degreaser” does not include any solvent used in parts washing equipment, or any solvent use regulated under 40 CFR part 63, subpart T, national emission standard for halogenated solvent cleaning;

(av) “Fabric protectant” means a product designed to be applied to fabric substrates to protect the surface from soiling, from dirt and other impurities, or to reduce absorption of liquid into the fabric's fibers. The term does not include waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics that are labeled “for dry clean only” and sold in containers of 10 fl oz or less;

(aw) “Facial cleaner or soap” means a cleaner or soap designed primarily to clean the face, including, but not limited to, facial cleansing creams, gels, liquids, lotions, and substrate-impregnated forms. The term does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol;

(ax) “Fat wood” means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling, excluding any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products;

(ay) “Flea and tick insecticide” means “flea and tick insecticide” as defined in 40 CFR §59.202, namely, “any insecticide product that is designed for use against fleas, ticks, and their larvae, or their eggs. ‘Flea and tick insecticide’ does not include products that are designed to be used exclusively on humans or animals and their bedding”;

(az) “Flexible flooring material” means “flexible flooring material” as defined in 40 CFR §59.202, namely, “asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, and vinyl composite flooring”;

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(ba) “Flexible vinyl” means a non-rigid polyvinyl chloride plastic with at least 5%, by weight, of plasticizer content, as determined using ASTM E260-96 or from product formulation data;

(bb) “Flexible vinyl adhesive” means an aerosol adhesive designed to bond flexible vinyl to substrates;

(bc) “Floor polish or wax” means “floor polish or wax” as defined in 40 CFR §59.202, namely, “a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. ‘Floor polish or wax’ does not include ‘spray buff products’, products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and coatings subject to 40 CFR part 59, subpart D – National Volatile Organic Compound Emission Standards for Architectural Coatings”;

(bd) “Floor seam sealer” means any product designed and labeled exclusively for bonding, fusing, or sealing seams between adjoining rolls of installed flexible sheet flooring;

(be) “Floor wax stripper” means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers or by dissolving or emulsifying the polish or wax. The term does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion;

(bf) “Flying bug insecticide” means “flying bug insecticide” as defined in 40 CFR §59.202, namely, “any insecticide product that is designed for use against flying insects, including, but not limited to, flies, mosquitoes, or gnats. ‘Flying bug insecticide’ does not include ‘wasp and hornet insecticide’ or products that are designed to be used exclusively on humans or animals or their bedding”;

(bg) “Fragrance” means a substance or mixture of aroma chemicals, natural essential oils, and other functional components that is added to a consumer product to impart an odor or scent, or to counteract a malodor;

(bh) “Furniture maintenance product” means “furniture maintenance product” as defined in 40 CFR §59.202, namely, “a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting, or enhancing finished wood surfaces other than floors. ‘Furniture maintenance product’ does not include dusting aids, products designed solely for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers, and lacquers”;

(bi) “Furniture coating” means any paint designed for application to room furnishings including, but not limited to, tables, chairs, beds, sofas, and kitchen, bath or vanity cabinets;

(bj) “Gel” means “gel” as defined in 40 CFR §59.202, namely, “a colloid in which the dispersed phase has combined with the continuous phase to produce a semisolid material, such as jelly”;

(bk) “General purpose adhesive” means any non-aerosol adhesive designed for use on a variety of substrates with the following exclusions:

(1) Contact adhesives;

(2) Construction, panel, and floor covering adhesives;

(3) Adhesives designed exclusively for application on one specific category of substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls; or

(4) Adhesives designed exclusively for use on one specific category of articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets;

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(bl) “General purpose cleaner” means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. The term includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces. The term does not include general purpose degreasers and electronic cleaners;

(bm) “General purpose degreaser” means any product designed to remove or dissolve grease, grime, oil, and other oil-based contaminants from a variety of substrates, including, but not limited to, automotive or miscellaneous metallic parts. The term does not include:

- (1) Engine degreaser;
- (2) General purpose cleaner;
- (3) Adhesive remover;
- (4) Electronic cleaner;
- (5) Metal polish/cleanser;
- (6) Products used exclusively in solvent cleaning tanks or related equipment, including, but not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container; or
- (7) Products sold exclusively to establishments that manufacture or construct goods or commodities labeled “not for retail sale”;

(bn) “General-use hand or body cleaner or soap” means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils including, but not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. The term does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, hand dishwashing detergent including antimicrobial, heavy-duty hand cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol;

(bo) “Glass cleaner” means “glass cleaner” as defined in 40 CFR §59.202, namely, “a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment, and photocopying machines”;

(bp) “Hair mousse” means “hair mousse” as defined in 40 CFR §59.202, namely, “a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power”;

(bq) “Hair shine” means any product designed for the primary purpose of creating a shine when applied to the hair including, but not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include hair spray, hair mousse, hair styling gel or spray gel, or products whose primary purpose is to condition or hold the hair;

(br) “Hair styling gel” means “hair styling gel” as defined in 40 CFR §59.202, namely, “a high-viscosity, often gelatinous product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure”;

(bs) “Hair spray” means “hair spray” as defined in 40 CFR §59.202, namely, “a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure to impart sufficient rigidity to the coiffure to establish or retain the style for a period of time”;

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(bt) “Heavy-duty hand cleaner or soap” means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer’s ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. The term does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol;

(bu) “Herbicide” means a pesticide product designed to kill or retard plant growth. The term does not include products that are for agricultural use or are restricted materials that require a permit for use and possession;

(bv) “High pressure laminate” means sheet materials that consist of paper, fabric, or other core material that have been bonded at temperatures exceeding 265°F, and at pressures between 1,000 and 1,400 pounds per square inch (psi);

(bw) “High volatility organic compound (HVOC)” means “high-volatility organic compound (HVOC)” as defined in 40 CFR §59.202, namely, “any organic compound that exerts a vapor pressure greater than 80 millimeters of mercury when measured at 20 degrees Celsius”;

(bx) “House dust mite” means mites that feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum *Arthropoda*, the subphylum *Chelicerata*, the class *Arachnida*, the subclass *Acari*, the order *Astigmata*, and the family *Pyroglyphidae*.

(by) “House dust mite product” means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods;

(bz) “Household product” means “household product” as defined in 40 CFR §59.202, namely, “any consumer product that is primarily designed to be used inside or outside of living quarters or residences, including the immediate surroundings, that are occupied or intended for occupation by individuals”;

(ca) “Household use” means “household use” as defined in 40 CFR §59.202, namely, “use of a product in a home or its immediate environment”;

(cb) “Industrial use” means “industrial use” as defined in 40 CFR §59.202, namely, “use for, or in, a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites”;

(cc) “Insecticide” means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are:

- (1) For agricultural use;
- (2) For a use which requires a structural pest control license; or
- (3) Restricted materials that require a permit for use and possession;

(cd) “Insecticide fogger” means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application;

(ce) “Institutional product” means “institutional product” as defined in 40 CFR §59.202, namely, “a consumer product designed for use in the maintenance or operation of an establishment that manufactures, transports, or sells goods or commodities, provides services for profit; or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. ‘Establishments’ include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. ‘Institutional product’ does not include

household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities that are produced at the establishment”;

(cf) “Label” means “label” as defined in 40 CFR §59.202, namely, “any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package”;

(cg) “Laminate repair/edgebanding adhesive” means an aerosol adhesive designed for:

(1) The touch-up or repair of items laminated with high pressure laminates including, but not limited to, lifted edges or delaminates; or

(2) The touch-up, repair, or attachment of edgebonding materials, including, but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals;

(ch) “Laundry prewash” means “laundry prewash” as defined in 40 CFR §59.202, namely, “a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance”;

(ci) “Laundry starch product” means “laundry starch product” as defined in 40 CFR §59.202, namely, “a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp look and may also facilitate ironing of the fabric. ‘Laundry starch product’ includes, but is not limited to, fabric finish, sizing, and starch”;

(cj) “Lawn and garden insecticide” means “lawn and garden insecticide” as defined in 40 CFR §59.202, namely, “an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods”;

(ck) “Liquid” means a substance or mixture of substances that flows readily, but, unlike a gas, does not expand indefinitely, that is, a substance with constant volume but not constant shape. “Liquid” does not include powders or other materials that are composed entirely of solid particles;

(cl) “Low vapor pressure VOC (LVP-VOC)” means a chemical compound or mixture that contains at least one carbon atom and meets one of the following:

(1) Has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by California Air Resources Board (CARB) Method 310;

(2) Is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms and the vapor pressure is unknown;

(3) Is a chemical compound with a boiling point greater than 216°C, as determined by CARB Method 310; or

(4) Is the weight percent of a chemical mixture that boils above 216°C, as determined by CARB Method 310;

(cm) “Lubricant” means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms excluding automotive power steering fluids, products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes, 2 cycle oils or other products designed to be added to fuels, products for use on the human body or animals, or products that are sold exclusively to establishments which manufacture or construct goods or commodities and are labeled “not for retail sale”;

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(cn) “Manufacturer” means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product;

(co) “Medicated astringent /medicated toner” means any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores including, but not limited to, clarifiers and substrate-impregnated products. The term does not include hand, face, or body cleaner or soap products, astringent/toner, cold cream, lotion, antiperspirants, or products that must be purchased with a doctor’s prescription;

(cp) “Medium volatility organic compound (MVOC)” means any VOC that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20°C;

(cq) “Metal polish/cleanser” means any product designed primarily to improve the appearance, by removing or reducing stains, impurities, or oxidation from surfaces or by making surfaces smooth and shiny, of finished metal, metallic, or metallized surfaces by physical or chemical action including, but not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel, and other ornamental metals. The term does not include automotive wax, polish, sealant or glaze, wheel cleaner, paint remover or stripper, products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks;

(cr) “Mist spray adhesive” means any aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate;

(cs) “Moth-proofing product” means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods;

(ct) “Mounting adhesive” means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing including, but not limited to, paper, board, or cloth, without causing discoloration to the artwork;

(cu) “Multi-purpose dry lubricant” means any lubricant that is designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide, also known as “moly”, or polytetrafluoroethylene or closely related fluoropolymer, also known as “teflon”, on surfaces, and designed for general purpose lubrication or for use in a wide variety of applications;

(cv) “Multi-purpose lubricant” means any lubricant designed for general purpose lubrication or for use in a wide variety of applications, excluding multi-purpose dry lubricants, penetrants, or silicone-based multi-purpose lubricants;

(cw) “Multi-purpose solvent” means any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing, or dissolving other organic materials including, but not limited to solvents used in institutional facilities other than laboratory reagents used in analytical, educational, research, scientific, or other laboratories. The term does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers, or film cleaning machines, or solvents that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment;

(cx) “Nail polish” means any clear or colored coating designed for application to the fingernails or toenails including, but not limited to, lacquers, enamels, acrylics, base coats, and top coats;

(cy) “Nail polish remover” means “nail polish remover” as defined in 40 CFR §59.202, namely, “a product designed to remove nail polish or coatings from fingernails or toenails”;

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(cz) “New Hampshire sales” means the sales, in net pounds of product, less packaging and container, per year, in New Hampshire for either the calendar year immediately prior to the year that the registration is due or, if that data is not available, any consecutive 12-month period commencing no earlier than 2 years prior to the due date of the registration;

(da) “Non-aerosol product” means any consumer product that is not dispensed by a pressurized spray system;

(db) “Non-carbon-containing-compound” means any compound that does not contain any carbon atoms;

(dc) “Nonresilient flooring” means “nonresilient flooring” as defined in 40 CFR §59.202, namely, “floor of a mineral content that is not flexible. ‘Nonresilient flooring’ includes, but is not limited to, terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete”;

(dd) “Non-selective terrestrial herbicide” means a terrestrial herbicide product that is toxic to plants without regard to species;

(de) “Oven cleaner” means “oven cleaner” as defined in 40 CFR §59.202, namely, “any cleaning product designed to clean and to remove dried food deposits from oven interiors”;

(df) “Paint” means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration, or identification or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics;

(dg) “Paint remover or stripper” means any product designed to strip or remove paints or other related coatings, by chemical action from a substrate without markedly affecting the substrate. The term does not include multi-purpose solvents, paint brush cleaners, products designed and labeled exclusively to remove graffiti, and hand cleaner products that claim to remove paints and other related coatings from skin;

(dh) “Penetrant” means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. The term does not include multi-purpose lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts;

(di) “Pesticide” means “pesticide” as defined in RSA 430:29, XXVI, namely “(a) any substance or mixture of substances intended for use in preventing, destroying, repelling, or mitigating any pest; and (b) any chemical or biological agent, or substance or mixture of such agents, intended to control a pest or for use as a plant regulator, defoliant, or desiccant”;

(dj) “Plasticizer” means a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility;

(dk) “Polyolefin adhesive” means an aerosol adhesive designed to bond polyolefins to substrates;

(dl) “Polystyrene foam adhesive” means an aerosol adhesive designed to bond polystyrene foam to substrates;

(dm) “Premixed windshield washer fluid” means any automotive windshield washer fluid sold in a container with a capacity of greater than one quart but less than 55 gallons.

(dn) “Principal display panel” means that part, or those parts, of a label that are so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display or purchase;

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(do) “Product brand name” means the name of the product exactly as it appears on the principal display panel of the product;

(dp) “Product category” means the applicable category that best describes the product as listed in this section;

(dq) “Product form” means the applicable form that most accurately describes the product’s dispensing form including, but not limited to, aerosol, solid, pump spray, liquid, gel, or other;

(dr) “Product line” means a group of products of identical form and function belonging to the same product category(ies);

(ds) “Propellant” means a liquefied or compressed gas that is used in whole or in part, such as a co-solvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container;

(dt) “Pump spray” means “pump spray” as defined in 40 CFR §59.202, namely, “a packaging system in which the product ingredients are expelled only while a pumping action is applied to a button, trigger, or other actuator. Pump spray product ingredients are not under pressure”;

(du) “Removable caulking compounds” means a compound that temporarily seals windows or doors for 3 to 6-month intervals;

(dv) “Responsible party” means the company, firm, or establishment that is listed on the product's label or, if the label lists 2 companies, firms or establishments, the one that the product was manufactured for or distributed by, as noted on the label;

(dw) “Retailer” means any person who sells, supplies, or offers consumer products for sale directly to consumers;

(dx) “Retail outlet” means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

(dy) “Roll-on product” means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the targeted area;

(dz) “Rubber and vinyl protectant” means any product designed to protect, preserve, or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. The term does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire;

(ea) “Rubbing alcohol” means any product containing isopropyl alcohol, or isopropanol, or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches and for massage;

(eb) “S-coded fabric” means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee;

(ec) “Sealant and caulking compound” means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between 2 surfaces, excluding the following:

- (1) Clear, paintable, and water resistant caulking compounds;
- (2) Floor seam sealers;

- (3) Insulating foams;
- (4) Products designed exclusively for automotive uses;
- (5) Removable caulking compounds;
- (6) Roof cements and roof sealants; or
- (7) Sealers applied as continuous coatings;

(ed) “Semisolid” means a product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes, and greases;

(ee) “Shaving cream” means “shaving cream” as defined in 40 CFR §59.202, namely, “an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system in the removal of facial or other body hair”;

(ef) “Silicone-based multi-purpose lubricant” means any lubricant that is designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and which is designed and labeled for general purpose lubrication or for use in a wide variety of applications. The term does not include products designed and labeled exclusively to release manufactured products from molds;

(eg) “Single-phase aerosol air freshener” means “single-phase aerosol air freshener” as defined in 40 CFR §59.202, namely, “an aerosol air freshener with liquid contents in a single homogeneous phase that does not require that the product container be shaken before use”;

(eh) “Solid” means substance or mixture of substances that does not flow or expand readily, that is, a substance with constant volume such as the particles constituting a powder. “Solid” does not include liquids or gels;

(ei) “Special purpose spray adhesive” means an aerosol adhesive that meets any of the following definitions:

- (1) Automotive engine compartment adhesive;
- (2) Automotive headliner adhesive;
- (3) Flexible vinyl adhesive;
- (4) Laminate repair/edgebanding adhesive;
- (5) Mounting adhesive;
- (6) Polyolefin adhesive; or
- (7) Polystyrene foam adhesive;

(ej) “Spot remover” means any product designed to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, and which does not require subsequent laundering to achieve stain removal. The term does not include dry cleaning fluid, laundry prewash, carpet and upholstery cleaner, or multi-purpose solvent;

(ek) “Spray buff product” means “spray buff product” as defined in 40 CFR §59.202, namely, “a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad”;

(el) “Stick product” means any antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the targeted area;

(em) “Structural pest control” means a pesticide use requiring a license or registration as specified in Pes 100 through Pes 1100;

(en) “Structural waterproof adhesive” means “structural waterproof adhesive” as defined in 40 CFR §59.202, namely, “an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water, and that conforms with Federal Specification MMM-A-181 (Type 1, Grade A), and MIL-A-4605 (Type A, Grade A and Grade C)”;

(eo) “Table B compound” means any carbon-containing compound listed as an exception to the definition of VOC in 40 CFR §51.100(s);

(ep) “Terrestrial” means to live on or grow from land;

(eq) “Tire sealant and inflation” means any pressurized product that is designed to temporarily inflate and seal a leaking tire;

(er) “Type A propellant” means a compressed gas, such as carbon dioxide (CO₂), nitrogen (N₂), nitrous oxide (N₂O), or compressed air, that is used as a propellant, and which is either incorporated into the product or contained in a separate chamber within the product's packaging;

(es) “Type B propellant” means any halocarbon that is used as a propellant, including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs);

(et) “Type C propellant” means any propellant that is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether, or dimethyl oxide;

(eu) “Undercoating” means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, or firewall of motor vehicles to prevent the formation of rust or to deaden sound including, but not limited to, rubberized, mastic, or asphaltic products;

(ev) “Usage directions” means “usage directions” as defined in 40 CFR §59.202, namely, “the text or graphics on the consumer product's label or accompanying literature that describes to the end user how and in what quantity the product is to be used”;

(ew) “Volatile organic compound (VOC)” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates or carbides, and ammonium carbonate, which participates in atmospheric photochemical reactions. The term does not include any organic compound that the administrator of the EPA designates in 40 CFR 51.100(s) as having no or negligible photochemical reactivity;

(ex) “Wasp and hornet insecticide” means “wasp and hornet insecticide” as defined in 40 CFR §59.202, namely, “any insecticide product that is designed for use against wasps, hornets, yellow jackets, or bees by allowing the user to spray a high-volume directed stream or burst from a safe distance at the intended pest or its hiding place”;

(ey) “Waterproofers” means a product designed and labeled exclusively to repel water from fabric or leather substrates. The term does not include fabric protectants;

(ez) “Wax” means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers or plastics, including, but not limited to, substances derived from the secretions of plants and animals such as caruba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene;

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(fa) “Web spray adhesive” means any aerosol adhesive that is not a mist spray or special purpose spray adhesive; and

(fb) “Wood floor wax” means “wood floor wax” as defined in 40 CFR §59.202, namely, “wax-based products for use solely on wood floors”.

Source. #8439, eff 9-24-05

PART Env-A 4103 STANDARDS

Env-A 4103.01 Standards.

(a) Except as provided in Env-A 200, Env-A 4101.04, Env-A 4103.03, or Env-A 4107, no person shall sell, supply, or offer for sale in New Hampshire any consumer product manufactured on or after January 1, 2007, or manufacture any consumer product for sale in New Hampshire on or after January 1, 2007, which contains VOCs in excess of the limits specified in the table 4103-1, below:

Table 4103-1: VOC Limits for Consumer Products

Product Category	Percent VOCs by Weight
Adhesives	
Aerosol:	
Mist Spray	65
Web Spray	55
Special Purpose Spray Adhesives:	
Mounting, Automotive Engine Compartment, and Flexible Vinyl	70
Polystyrene Foam and Automotive Headliner	65
Polyolefin and Laminate Repair / Egdebanding	60
Contact	80
Construction, Panel, and Floor Covering	15
General Purpose	10
Structural Waterproof	15
Air Fresheners	
Single-Phase Aerosols	30
Double-Phase Aerosols	25
Liquids /Pump Sprays	18
Solids / Gels	3
Antiperspirants	
Aerosol	40 HVOC 10 MVOC
Non-Aerosol	0 HVOC 0 MVOC
Automotive Brake Cleaners	45
Automotive Rubbing or Polishing Compound	17
Automotive Wax, Polish, Sealant, or Glaze	
Hard Paste Waxes	45
Instant Detailers	3
All Other Forms	15
Automotive Windshield Washer Fluids	35

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Product Category	Percent VOCs by Weight
Bathroom and Tile Cleaners	
Aerosols	7
All Other Forms	5
Bug and Tar Remover	40
Carburetor or Fuel-Injection Air Intake Cleaners	45
Carpet and Upholstery Cleaners	
Aerosols	7
Non-Aerosols (Dilutables)	0.1
Non-Aerosols (Ready-to-Use)	3.0
Charcoal lighter materials	See Env-A 4102.07
Cooking Spray	
Aerosols	18
Deodorants	
Aerosol	0 HVOC 10 MVOC
Non-Aerosol	0 HVOC 0 MVOC
Dusting Aids	
Aerosols	25
All Other Forms	7
Engine Degreasers	
Aerosol	35
Non-Aerosol	5
Fabric Protectants	60
Floor Polishes / Waxes	
Products for Flexible Flooring Materials	7
Products for Nonresilient Flooring	10
Wood Floor Wax	90
Floor Wax Strippers	
Non-Aerosol	See Env-A 4102.05
Furniture Maintenance Products	
Aerosols	17
All Other Forms Except Solid or Paste	7
General Purpose Cleaners	
Aerosols	10
Non-Aerosols	4
General Purpose Degreasers	
Aerosols	50
Non-Aerosols	4
Glass Cleaners	
Aerosols	12
Non-Aerosols	4
Hair Mousses	6
Hairshines	55
Hairsprays	55
Hair Styling Gels	6
Heavy-Duty Hand Cleaner or Soap	8

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Product Category	Percent VOCs by Weight
Insecticides	
Crawling Bug (Aerosol)	15
Crawling Bug (all other forms)	20
Flea and Tick	25
Flying Bug (Aerosol)	25
Flying Bug (all other forms)	35
Foggers	45
Lawn and Garden (all other forms)	20
Lawn and Garden (Non-Aerosol)	3
Wasp and Hornet	40
Laundry Prewash	
Aerosols / Solids	22
All Other Forms	5
Laundry Starch Products	5
Metal Polishes / Cleansers	30
Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products)	50
Nail Polish Remover	75
Non-Selective Terrestrial Herbicide	
Non-Aerosols	3
Oven Cleaners	
Aerosols / Pump Sprays	8
Liquids	5
Paint Remover or Strippers	50
Penetrants	50
Rubber and Vinyl Protectants	
Non-Aerosols	3
Aerosols	10
Sealants and Caulking Compounds	4
Shaving Creams	5
Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60
Spot Removers	
Aerosols	25
Non-Aerosols	8
Tire Sealants and Inflators	20
Undercoatings	
Aerosols	40

(b) No person shall sell, supply, offer for sale, or manufacture for sale in New Hampshire on or after January 1, 2007, any antiperspirant or deodorant that contains any compound listed in table 4103-2, below:

Table 4103-2: Prohibited Compounds in Antiperspirant or Deodorant

Prohibited Compounds
Benzene
Ethylene Dibromide
Ethylene Dichloride
Hexavalent Chromium

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Asbestos
Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7 and 8 positions and containing 4,5,6 or 7 chlorine atoms
Cadmium (metallic cadmium and cadmium compounds)
Carbon Tetrachloride
Trichloroethylene
Chloroform
Vinyl Chloride
Inorganic Arsenic
Nickel (metallic nickel and inorganic nickel compounds)
Perchloroethylene
Formaldehyde
1,3-Butadiene
Inorganic Lead

Source. #8439, eff 9-24-05

Env-A 4103.02 Diluted Products.

(a) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in table 4103-1 shall apply to the product only after the minimum recommended dilution has taken place.

(b) For purposes of (a), above, the minimum recommended dilution shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(c) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in table 4103-1 shall apply to the product only after the maximum recommended dilution has taken place.

(d) This section shall not apply to premixed windshield washer fluid.

Source. #8439, eff 9-24-05

Env-A 4103.03 Products registered under FIFRA. For those consumer products that are registered under FIFRA, the VOC standards specified in table 4103-1 shall apply on or after January 1, 2008.

Source. #8439, eff 9-24-05

Env-A 4103.04 Requirements for Aerosol Adhesives.

(a) The standards for aerosol adhesives shall apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses.

(b) Except as otherwise provided in Env-A 4101.04, no person shall sell, supply, offer for sale, use or manufacture for sale in New Hampshire on or after January 1, 2007, any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of the specified standard.

(c) In order to qualify as a “special purpose spray adhesive” the product shall meet one or more of the definitions specified in Env-A 4102.01(ei), but if the product label indicates that the product is suitable for use on any substrate or application not listed in Env-A 4102.01(ei), then the product shall be classified as either a “web spray adhesive” or a “mist spray adhesive”.

(d) A product that meets more than one of the definitions specified in Env-A 4102.01(ei) and is not classified as a “web spray adhesive” or “mist spray adhesive” under (c), above, shall comply with the lowest applicable VOC limit specified in Env-A 4103.01(a) for special purpose spray adhesives.

(e) No person shall sell, supply, offer for sale, or manufacture for use in New Hampshire any aerosol adhesive that contains methylene chloride, perchloroethylene, or trichloroethylene on or after January 1, 2007.

(f) All aerosol adhesives shall comply with the labeling requirements specified in Env-A 4104.03.

Source. #8439, eff 9-24-05

Env-A 4103.05 Requirements for Floor Wax Strippers. On or after January 1, 2007, no person shall sell, supply, offer for sale, or manufacture for use in New Hampshire any floor wax stripper unless the following requirements are met:

(a) The label of each non-aerosol floor wax stripper shall specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3% by weight or less;

(b) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper shall specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12% by weight or less; and

(c) Terminology describing the amount of polish build-up the non-aerosol floor wax stripper is intended to remove, such as light, medium, or heavy, shall be displayed on the label.

Source. #8439, eff 9-24-05

Env-A 4103.06 Products Containing Ozone-Depleting Compounds.

(a) No consumer product for which standards are specified under Env-A 4103.01(a), shall be sold, supplied, offered for sale, or manufactured for sale in New Hampshire if it contains any of the following ozone-depleting compounds:

- (1) Trichlorofluoromethane (CFC-11);
- (2) Dichlorodifluoromethane (CFC-12);
- (3) 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113);
- (4) 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114);
- (5) Chloropentafluoroethane (CFC-115);
- (6) Bromochlorodifluoromethane (Halon 1211);
- (7) Bromotrifluoromethane (Halon 1301);
- (8) Dibromotetrafluoroethane (Halon 2402);
- (9) Chlorodifluoromethane (HCFC-22);
- (10) 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123);
- (11) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (12) 1,1-dichloro-1-fluoroethane (HCFC-141b);

- (13) 1-chloro-1,1-difluoroethane (HCFC-142b);
- (14) 1,1,1-trichloroethane; and
- (15) Carbon tetrachloride.

(b) The prohibition in (a), above, shall not apply to any existing product formulation that complies with table 4103-1 or any existing product formulation that is reformulated to meet table 4103-1, provided the ozone-depleting compound content of the reformulated product does not increase.

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

Source. #8439, eff 9-24-05

Env-A 4103.07 Requirements for Charcoal Lighter Material.

(a) No person shall sell, supply, or offer for sale on or after January 1, 2007 any charcoal lighter material product unless at the time of the transaction:

- (1) The manufacturer has been issued a currently effective certification by CARB or an air pollution agency of another state and EPA; and
- (2) The product usage directions provided on the label, packaging, or accompanying literature are the same as those on which the certification is based.

(b) In an investigation or for an inspection by the department, a manufacturer claiming to have a certification as specified in (a)(1), above, shall submit to the department upon request a copy of the certification decision, including all conditions applicable to the certification established by CARB or the air pollution agency of another state.

Source. #8439, eff 9-24-05

PART Env-A 4104 ADMINISTRATIVE REQUIREMENTS

Env-A 4104.01 Date-Coding.

(a) Each manufacturer of a consumer product subject to Env-A 4103 shall clearly display on each consumer product container or package:

- (1) The day, month, and year on which the product was manufactured; or
- (2) A code indicating such date.

(b) The date or code information shall be located on the container or inside the cover or cap so that it is readily observable or obtainable by simply removing the cap or cover without disassembling any part of the container or packaging.

(c) The date or code shall be displayed on each consumer product container or package no later than:

- (1) January 1, 2006; or
- (2) January 1, 2007 for consumer products registered under FIFRA.

(d) No person who sells, supplies, offers for sale, or manufactures consumer products for use in New Hampshire shall erase, alter, deface, or otherwise remove or make illegible any date or code from any regulated

product container without the express authorization of the manufacturer unless the product contains no VOCs or contains VOCs at 0.10% by weight or less.

(e) If a manufacturer uses a code indicating the date of manufacture, an explanation of the code shall be filed with the department no later than:

- (1) January 1, 2006; or
- (2) January 1, 2007 for consumer products registered under FIFRA.

Source. #8439, eff 9-24-05

Env-A 4104.02 Most Restrictive Limit.

(a) Notwithstanding the definition of “product category” in Env-A 4102.01, if anywhere on the principal display panel of any consumer product any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC limit is specified in Env-A 4103.01(a), then the lower VOC limit shall apply.

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

(c) The requirement in (a), above, shall not apply to general purpose cleaners and antiperspirant/deodorant products.

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

Source. #8439, eff 9-24-05

Env-A 4104.03 Additional Labeling Requirements for Aerosol Adhesives.

(a) In addition to the requirements specified in Env-A 4104.01, Env-A 4104.02, and Env-A 4105, each aerosol adhesive product subject to this chapter shall clearly display the following information on each product container that is manufactured on or after January 1, 2007:

- (1) The aerosol adhesive category as specified in Env-A 4103.01(a) or an abbreviation of the category;
- (2) The applicable VOC standard for the product that is specified in Env-A 4103.01(a), expressed as a percentage by weight; and
- (3) If the product is classified as a special purpose spray adhesive, the applicable substrate, application, or an abbreviation of the substrate or application that qualifies the product as special purpose.

(b) If the manufacturer or responsible party uses an abbreviation as allowed by (a)(1) or (a)(3), above, an explanation of the abbreviation shall be filed with the department before the abbreviation is used.

(c) The information required in Env-A 4104.01 shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging including, but not limited to, information displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(d) No person who sells, supplies, offers for sale, or manufactures consumer products for use in New Hampshire shall remove, alter, conceal, or deface the information required in (a), above, prior to final sale of the product.

Source. #8439, eff 9-24-05

PART Env-A 4105 REPORTING AND RECORDKEEPING REQUIREMENTS.

Env-A 4105.01 Reporting Requirements.

(a) During an investigation or for an inspection by the department, a responsible party shall submit to the department, upon request, any of the following information specified by the department:

- (1) The name, address, and telephone number of the responsible party and the name and telephone number of the party's designated contact person;
- (2) Any claim of confidentiality made pursuant to Env-A 103;
- (3) For each product subject to Env-A 4103:
 - a. The product brand name;
 - b. The product label;
 - c. The product category to which the consumer product belongs;
 - d. The applicable product form(s) listed separately; and
 - e. An identification of the product as a household product, institutional product, or both;
- (4) Separate New Hampshire sales in pounds per year, to the nearest pound, and the method used to calculate New Hampshire sales for each product form;
- (5) For information submitted by 2 companies, an identification of the company which is submitting relevant data separate from that submitted by the responsible party. All information from both companies shall be submitted by the date specified in this section;
- (6) For each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth of a percent (0.1%):
 - a. Total table B compounds;
 - b. Total LVP-VOCs that are not fragrances;
 - c. Total all other carbon-containing compounds that are not fragrances;
 - d. Total all non-carbon-containing compounds;
 - e. Total fragrance;
 - f. For products containing greater than 2% by weight fragrance:
 - (i) The percent of fragrance that are LVP-VOCs; and
 - (ii) The percent of fragrance that are all other carbon-containing compounds; and

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g. Total paradichlorobenzene;

(7) For each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:

- a. Each table B compound; and
- b. Each LVP-VOC that is not a fragrance; and

(8) If the product includes a propellant, the following:

- a. The weight percent comprised of propellant for each product; and
- b. An identification of the type of propellant, such as Type A, Type B, Type C, or a blend of the different types.

(b) In addition to the requirements of (a)(7), above, the responsible party shall report or shall arrange to have reported to the department, the net percent by weight of each ozone-depleting compound which is:

- (1) Listed in Env-A 4103.06(a); and
- (2) Contained in a product subject to registration under (a), above, in any amount greater than 0.1% by weight.

(c) All confidential information submitted by responsible parties pursuant to this section shall be handled in accordance with the procedures specified in Env-A 103.

Source. #8439, eff 9-24-05

Env-A 4105.02 Special Recordkeeping Requirements for Consumer Products that Contain Perchloroethylene or Methylene Chloride.

(a) The requirements of this section shall apply to all responsible parties for consumer products that are subject to Env-A 4103.01(a) and which contain 1.0% or more by weight, exclusive of the container or packaging, of perchloroethylene or methylene chloride.

(b) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall keep records of the following information for products sold in New Hampshire during each calendar year, beginning with the year 2007, and ending with the year 2010:

- (1) The product brand name and a copy of the product label with legible usage instructions;
- (2) The product category to which the consumer product belongs;
- (3) The applicable product form(s) listed separately;
- (4) For each product form listed in (3), above, the total sales in New Hampshire during the calendar year, to the nearest pound, exclusive of the container or packaging, and the method used for calculating the New Hampshire sales; and
- (5) The weight percent, to the nearest 0.1%, of perchloroethylene and methylene chloride in the consumer product.

Source. #8439, eff 9-24-05

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Env-A 4105.03 Calculating New Hampshire Sales. If direct sales data for New Hampshire are not available, sales may be estimated by prorating national or regional sales data by population.

Source. #8439, eff 9-24-05

PART Env-A 4106 TEST METHODS

Env-A 4106.01 Test Methods.

(a) 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 as last amended on July 18, 2001, which is incorporated herein by reference.

(b) Compliance with the requirements of this chapter may also be demonstrated through calculation of the VOC content from records of the amounts of constituents used to make the product pursuant to the following criteria:

- (1) Accurate manufacturing records shall be kept for each day of production of the amount and chemical composition of the individual product constituents;
- (2) Records required by (1), above, shall be kept for at least 3 years;
- (3) For (4), below, the following shall apply:
 - a. "A" means the total net weight of unit excluding container and packaging;
 - b. "B" means the total weight of all VOCs per unit; and
 - c. "C" means the total weight of all exempted VOCs per unit;
- (4) For the purposes of this section, the VOC content shall be calculated by subtracting the total weight of VOCs exempted under Env-A 4101.04 per unit from the total weight of all VOCs per unit, divided by the total net weight of unit excluding container and packaging and the product, multiplied by 100 as in the formula below:

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

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

(c) Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90, published in 1990, and amended in 2000.

(d) Testing to determine compliance with the certification requirements for charcoal lighter material shall be performed using the procedures specified in the South Coast Air Quality Management District (SCAQMD) Test Protocol Rule 1174 Ignition Method Compliance Certification Protocol dated Feb. 28, 1991.

(e) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-04b, 2004 edition.

(f) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other test, processes, or records used in connection with product manufacture.

Source. #8439, eff 9-24-05

PART Env-A 4107 INNOVATIVE PRODUCTS AND ALTERNATIVE COMPLIANCE PLANS

Env-A 4107.01 Innovative Products and Alternative Compliance Plans.

(a) Any manufacturer of a consumer product that has been granted an innovative products exemption or alternative compliance plan by CARB or the air pollution agency of another state and EPA shall be exempt from table 4103-1 in Env-A 4103.01(a) for the period of time that the innovative products exemption or alternative compliance plan remains in effect, provided that:

- (1) The consumer product is subject to a limit specified in table 4103-1 in Env-A 4103.01(a); and
- (2) The VOC content limit promulgated for the consumer product in the innovative products exemption or alternative compliance plan is equal to or more stringent than the most stringent applicable VOC content limit in table 4103-1 in Env-A 4103.01(a).

(b) Any manufacturer of a consumer product that has received approval from CARB or the air pollution agency of another state and EPA to use an alternate test procedure may use the alternate test procedure in lieu of the test method specified in Env-A 4106, provided that the alternate method accurately determines the VOC concentration in the product or its emissions.

(c) Any manufacturer claiming to have an exemption or plan as specified in (a), above, or an alternate test method as specified in (b), above, shall submit to the department at the time the claim is made a copy of the exemption decision, plan, or alternate test method decision, including all conditions applicable to the exemption decision, plan, or alternate test method decision established by CARB or the air pollution agency of another state.

Source. #8439, eff 9-24-05

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APPENDIX

Rule	Specific Section of State or Federal Statute or Regulation which the Rule Implements
Env-A 4100	RSA 125-C:4, I(n); RSA 125-C:6, XVII; and RSA 485:16-c