

# State Legislative and Regulatory Update

Andrew Hackman  
CSPA / ASPA

# State VOC Updates

- CARB 2008 Rulemaking

**CARB Draft VOC Limits and ASPA Consensus Positions  
2008 Amendments to Consumer Products Regulation**

| CATEGORY                           | NEW CARB PROPOSED VOC LIMIT | OLD CARB PROPOSED LIMIT  | ASPA CONSENSUS POSITION  | Proposed EFFECTIVE DATE   | NOTES     |
|------------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------|-----------|
| Automotive Wash/Cleaner            | 0.2%                        | 2% RTU<br>0.1% Dilutable | 0.2%                     | 12/31/2010                | No Toxics |
| Tire/Wheel Cleaner Aerosols        | 8%                          | 6%, 0.1%                 | 8%                       | 12/31/2010                | No Toxics |
| Tire or Wheel Cleaner Non-Aerosols | 2%                          | 0.1                      | 2%                       | 12/31/2010                | No Toxics |
| Windshield Water Repellent         | 75%                         | 11%                      | 75%, 2012 Effective Date | 12/31/2010                |           |
| Glass Cleaner Aerosols             | 10%                         | 7%                       | 12%                      | 12/31/2012                |           |
| Penetrants and MP Lubricants       | 25% & 10%                   | 45%                      | 45% or possible PWMIR    | 12/31/2013,<br>12/31/2015 | No Toxics |

# OTC / Midwestern State Adoption

- States with Final Rules – Effective January 1, 2009
  - CT, DC, ME, MD, MA, MI, OH
- States with Pending Rules – Effective January 1, 2009
  - IL, IN, NJ\*, NY\*, PA\*, VA\*, WI?
  - \*indicates the state already has existing “Old OTC” regulation
- States Deferring to EPA
  - RI (Also no existing “Old OTC” regulation)
  - VT (Also no existing “Old OTC” regulation)
  - WI?

# EPA's Proposed nPB Ban

- On, May 15, 2007, the U.S. EPA published the intent to propose a rule to restrict the chemical n-propyl bromide (nPB) in aerosol solvents and adhesive carrier solvents under the Significant New Alternatives Policy (SNAP) program.
- Companies that manufacture industrial-use aerosol products, particularly industrial degreasers have quickly mobilized and through a taskforce within CSPA and have submitted three sets of comments and technical data to U.S. EPA opposing this ban.
- EPA is currently considering this data and CSPA's comments.
- A decision is expected in late 2008.
- More information is available at:  
[http://www.epa.gov/Ozone/snap/solvents/FactSheet\\_ProposalnPB5907.htm](http://www.epa.gov/Ozone/snap/solvents/FactSheet_ProposalnPB5907.htm)  
!

# State Legislative Issues

# State Legislation: Ingredient Disclosure

- California Senate Bill 509
  - Amended, May 17, 2007
  - Passed Senate, March 2008
- Disclosure Requirements
  - 1/10 of 1-Percent of all “Substances” in a Consumer Products
  - Website Disclosure
- External Pressures
  - July - Women’s Voices for the Environment Report
  - September – Phthalate Attack
  - November – Biomonitoring Study
  - California Green Chemistry Initiative

# Ingredient Communication Model

- Joint SDA / CSPA Initiative
- Disclosure Model
  - Product Categories: Cleaning Products, Automotive Products, Air Care Products, Floor Care Products
  - All Intentionally Added Ingredients
  - Website or Label Disclosure
  - Ingredients listed by: Common Chemical Name, INCI Name, IUPAC Name, or CAS
  - Exempted Classes: Fragrances, Dyes, & Preservatives
  - CBI Provision will be Provided

# Ingredient Communication Model

- Effective Date: January 1, 2011
- Unlimited Sell-Through
- Ingredients present at a concentration of greater than one percent shall be listed in descending order by predominance.  
Ingredients present at a concentration of not more than one percent shall be listed but may be disclose without respect to order of predominance.

# Timeline

- Spring 2008 – Negotiate with Stakeholders
  - DTSC, ENGOs, Senator Simitian & Staff
- June 4 – Assembly Hearing
- June – Legislative Re-drafting
- June 14 – Final Assembly Hearing
- July - Potential Passage
- Early Fall 2008 – Potential Signing

# Other State Legislative Issues

- Chemical Authority Ban Bills
  - Maine
  - California
  - Massachusetts
  - New England
  - Minnesota
  - Wisconsin
  - Washington

# Other State Legislative Issues

- Environmentally Preferable Procurement
- Packaging
  - California PVC Ban
  - New Jersey Recycling
- Bittering Agents
- Inhalant Abuse Restrictions

# Future State Challenges

- 2008 Elections
- Increased NGO Advocacy
- More State-specific Action
- International Pressures

# Questions?

Andy Hackman  
Director of State Affairs  
CSPA

[ahackman@cspa.org](mailto:ahackman@cspa.org)

202-833-7328