

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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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 implement RSA 125-C:6, XVII and RSA 485:16-c relative to limiting emissions of volatile organic compounds (VOCs) by requiring reductions in the VOC content of consumer products.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4101.02 Applicability. Except as provided in Env-A 4101.04, this chapter shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products on or after the applicable effective date specified in Table 4105-1 for use in New Hampshire.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4101.03 References. For the purpose of this chapter, unless otherwise specified all references to 40 CFR 59 and 40 CFR 51 shall be to the July 1, 2013 edition.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

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 4105.01(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 4105.01(a), for antiperspirants or deodorants, shall not apply to ethanol.

(c) The VOC limits specified in Env-A 4105.01(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) Insecticides containing at least 98% para-dichlorobenzene;
- (7) Any of the following adhesives:
 - a. Adhesives sold in containers of one fluid (fl) ounce (oz) or less;

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- b. A contact adhesive that is a non-aerosol product sold in units of product, less packaging, 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, of more than one pound and 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, of more than one pound and more than 16 fl oz.

(d) The requirements of Env-A 4106.01 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; ss by #10527, eff 2-26-14

PART Env-A 4102 DEFINITIONS: A THROUGH E

Env-A 4102.01 “Adhesive” means any product that is used to bond one surface to another by attachment. The term does not include products labeled for use on humans or animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4102.02 “Adhesive remover” means a product designed exclusively for the removal of adhesives, caulks, sealants, glues, and other bonding materials from either a specific substrate or a variety of substrates. The term includes floor and wall covering adhesive remover, gasket or thread locking adhesive remover, and general purpose adhesive remover. The term does not include products that remove adhesives labeled for use exclusively on humans or animals.

Source. #10527, eff 2-26-14

Env-A 4102.03 “Aerosol adhesive” means an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for hand-held application without the need for ancillary hoses or spray equipment. The term includes special purpose spray adhesives and web spray adhesives.

Source. #10527, eff 2-26-14

Env-A 4102.04 “Aerosol cooking spray” means “aerosol cooking spray” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.05 “Aerosol product” means “aerosol product” as defined in 40 CFR §59.202, as reprinted in Appendix D. The term does not include pump sprays.

Source. #10527, eff 2-26-14

Env-A 4102.06 “Agricultural use” means “agricultural use” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.07 “Air freshener” means any product, including but not limited to sprays, wicks, wipes, diffusers, powders, and crystals, designed or labeled for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. The term includes dual purpose air freshener/disinfectant products but does not include products that are used on the human body, products that function primarily as cleaning products as indicated on a product label, odor remover/eliminator products, or toilet/urinal care products.

Source. #10527, eff 2-26-14

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Env-A 4102.08 “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.

Source. #10527, eff 2-26-14

Env-A 4102.09 “All other forms” means “all other forms” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.10 “Antimicrobial hand or body cleaner or soap” means a cleansing agent that is designed to reduce the level of microorganisms on the skin through germicidal activity in any form, 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. The term does not include any antiperspirant, astringent/toner, deodorant, facial cleaner or soap, general-use hand or body cleaner or soap, hand dishwashing detergent, heavy-duty hand cleaner or soap, medicated astringent/medicated toner, prescription drug product, or rubbing alcohol, regardless of any antimicrobial claims made for the product.

Source. #10527, eff 2-26-14

Env-A 4102.11 “Antiperspirant” means any product in any form, including but not limited to aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is designed to be used to reduce perspiration in the human axilla by at least 20% in at least 50% of a target population.

Source. #10527, eff 2-26-14

Env-A 4102.12 “Anti-static product” means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. The term does not include any electronic cleaner, floor polish or wax, or floor coating, or any product that is an aerosol coating product or architectural coating.

Source. #10527, eff 2-26-14

Env-A 4102.13 “Architectural coating” means any coating applied to any stationary structure including, but not limited to, mobile homes, pavements, curbs, and appurtenances.

Source. #10527, eff 2-26-14

Env-A 4102.14 “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 °C. The term does not include any compound excluded from the definition of VOC in this chapter.

Source. #10527, eff 2-26-14

Env-A 4102.15 “Artist’s solvent/thinner” means any liquid product that:

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

(b) Is packaged in a container equal to or less than 34 fl oz; and

(c) Is designed to be used to reduce the viscosity of, or remove, art coating compositions or components.

Source. #10527, eff 2-26-14

Env-A 4102.16 “Astringent/toner” means any product not regulated as a drug by the U.S. Food and Drug Administration (FDA) that 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 any cold cream, lotion, antiperspirant, medicated astringent/toner, or hand, face, or body cleaner or soap product.

Source. #10527, eff 2-26-14

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Env-A 4102.17 “Automotive brake cleaner” means a cleaning product manufactured prior to January 1, 2017, that is designed to remove oil, grease, brake fluid, brake pad material, or dirt, or any combination thereof, from motor vehicle brake mechanisms.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4102.18 “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).

Source. #10527, eff 2-26-14

Env-A 4102.19 “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.

Source. #10527, eff 2-26-14

Env-A 4102.20 “Automotive headliner adhesive” means an aerosol adhesive designed to bond together layers of motor vehicle interior roof covering materials.

Source. #10527, eff 2-26-14

Env-A 4102.21 “Automotive instant detailer” means a pump spray product that is applied to the painted surface of automobiles and wiped off before the product can dry.

Source. #10527, eff 2-26-14

Env-A 4102.22 “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.

Source. #10527, eff 2-26-14

Env-A 4102.23 “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. The term includes, but is 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 automotive rubbing or polishing compounds, automotive wash and wax products, surfactant-containing car wash products, or products designed for use on unpainted surfaces, such as bare metal, chrome, glass, or plastic.

Source. #10527, eff 2-26-14

Env-A 4102.24 “Automotive windshield cleaner” means a pre-moistened towelette that is:

- (a) Labeled as an automotive windshield cleaner and labeled “automotive use only”; and
- (b) Designed to be used on automotive windshields, automotive mirrors, and automotive headlights.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4102.25 “Automotive windshield washer fluid” means “automotive windshield washer fluid” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.26 “Bait station insecticides” means containers enclosing a material that is composed of solid feeding stimulants with less than 5% active ingredients, which is designed to be ingested by insects and then cause their death.

Source. #10527, eff 2-26-14

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Env-A 4102.27 “Bathroom and tile cleaner” means “bathroom and tile cleaner” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.28 “Brake cleaner” means a cleaning product manufactured on or after January 1, 2017, that is designed to remove oil, grease, brake fluid, brake pad material, or dirt, or any combination thereof, from motor vehicle brake mechanisms.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4102.29 “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:

- (a) Biological-type residues, such as insect carcasses and tree sap; or
- (b) Road grime, such as road tar, roadway paint markings, and asphalt.

Source. #10527, eff 2-26-14

Env-A 4102.30 “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, or products designed or labeled exclusively to be introduced during engine operation directly into air vacuum lines by using a pressurized sprayer wand.

Source. #10527, eff 2-26-14

Env-A 4102.31 “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 dry cleaning fluids, general purpose cleaners, products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing, spot removers, or vinyl or leather cleaners.

Source. #10527, eff 2-26-14

Env-A 4102.32 “Charcoal lighter material” means “charcoal lighter material” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.33 “Chemical compound” means a molecule of definite chemical formula and isomeric structure.

Source. #10527, eff 2-26-14

Env-A 4102.34 “Chemical mixture” means a substrate comprised of 2 or more chemical compounds.

Source. #10527, eff 2-26-14

Env-A 4102.35 “Clear, paintable, and water resistant caulking compounds” means a compound that:

- (a) Contains no appreciable level of opaque fillers or pigments;
- (b) Is immediately resistant to precipitation upon application;
- (c) Is paintable; and
- (d) Transmits most or all visible light through the caulk when cured.

Source. #10527, eff 2-26-14

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Env-A 4102.36 “Colorant” means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient.

Source. #10527, eff 2-26-14

Env-A 4102.37 “Construction, panel, and floor covering adhesive” means any non-aerosol one-component adhesive that:

- (a) Is designed exclusively for the installation, remodeling, maintenance, or repair of:
 - (1) 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
 - (2) Floor or wall coverings, including but not limited to wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, non-resilient flooring material, mirror tiles, other types of tiles, or artificial grass; and
- (b) Is not a floor seam sealer.

Source. #10527, eff 2-26-14

Env-A 4102.38 “Consumer” means “consumer” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.39 “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, disinfectants, sanitizers, aerosol paints, automotive specialty products, and home, lawn, and garden products. The term does not include other paint products, furniture coatings, or architectural coatings.

Source. #10527, eff 2-26-14

Env-A 4102.40 “Contact adhesive” means a non-aerosol adhesive, other than rubber cements that are primarily intended for use on paper substrates, that:

- (a) 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;
- (b) Forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other;
- (c) Is allowed to dry before the 2 surfaces are placed in contact with each other; and
- (d) Is designed for application to both surfaces to be bonded together.

Source. #10527, eff 2-26-14

Env-A 4102.41 “Contact adhesive - general purpose” means any contact adhesive that is not a “contact adhesive - special purpose”.

Source. #10527, eff 2-26-14

Env-A 4102.42 “Contact adhesive - special purpose” means a contact adhesive that:

- (a) Is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate, or wood veneer 1/16-inch or less in thickness to any porous or nonporous surface and is sold in units of product, less packaging, that contain more than 8 fl oz; or
- (b) Is used in automotive applications that are:

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- (1) Automotive under-the-hood applications requiring heat, oil or gasoline resistance; or
- (2) Body-side molding, automotive weather-stripping, or decorative trim.

Source. #10527, eff 2-26-14

Env-A 4102.43 “Container or packaging” means “container or packaging” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.44 “Crawling bug insecticide” means “crawling bug insecticide” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.45 “Date code” means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating that date.

Source. #10527, eff 2-26-14

Env-A 4102.46 “Deodorant” means any product in any form, 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 axilla by retarding the growth of bacteria that cause the decomposition of perspiration, and that, for products manufactured on or after January 1, 2009, indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent or minimize odor. The term includes any deodorant body spray that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla.

Source. #10527, eff 2-26-14

Env-A 4102.47 “Deodorant body spray” means:

(a) For products manufactured before January 1, 2009, a personal fragrance product with 20 percent or less fragrance; and

(b) For products manufactured on or after January 1, 2009, a personal fragrance product with 20 percent or less fragrance that is designed for application all over the human body to provide a scent.

Source. #10527, eff 2-26-14

Env-A 4102.48 “Device” means any instrument or contrivance, other than a firearm, that is designed for trapping, destroying, repelling, or mitigating any pest, whether in the form of plant or animal life, excluding humans and excluding any bacteria, virus, or other microorganism on or living in humans or other animals. The term excludes equipment used for the application of pesticides when sold separately from the pesticides.

Source. #10527, eff 2-26-14

Env-A 4102.49 “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, that is designed to be mixed with water or other non-VOC solvent prior to being used.

Source. #10527, eff 2-26-14

Env-A 4102.50 “Disinfectant” means any product that is labeled by its manufacturer as a disinfectant, or is otherwise represented by its labeling for use to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered as a disinfectant under FIFRA. The term includes products that are labeled as both a sanitizer and a disinfectant, but does not include:

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- (a) Products designed solely for use on humans or animals;
- (b) Products designed for agricultural use;
- (c) Products designed solely for use in swimming pools, therapeutic tubs, or hot tubs;
- (d) Products labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces;
- (e) Products that are pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments;
- (f) Products labeled to be applied to food-contact surfaces that are not required to be rinsed off prior to contact with food; or
- (g) Products that are labeled as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet/urinal care products, metal polishes, carpet cleaners, or fabric cleaners, regardless of any disinfecting or antimicrobial claims on the label.

Source. #10527, eff 2-26-14

Env-A 4102.51 “Distributor” means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce. The term does not include manufacturers, retailers, and consumers.

Source. #10527, eff 2-26-14

Env-A 4102.52 “Double phase aerosol air freshener” means “double phase aerosol air freshener” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.53 “Dry cleaning fluid” means any non-aqueous liquid product designed and labeled exclusively for use on fabrics that 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. The term does not include spot remover or carpet and upholstery cleaner.

Source. #10527, eff 2-26-14

Env-A 4102.54 “Dual purpose air freshener/disinfectant” means an aerosol product that is represented on the product container for use as both a disinfectant and an air freshener, or is so represented on any sticker, label, packaging, or literature attached to the product container.

Source. #10527, eff 2-26-14

Env-A 4102.55 “Dusting aid” means “dusting aid” as defined in 40 CFR §59.202, as reprinted in Appendix D. The term does not include pressurized gas dusters.

Source. #10527, eff 2-26-14

Env-A 4102.56 “Electrical cleaner” means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including but not limited to electric motors, armatures, relays, electric panels, or generators. The term does not include general purpose cleaner, general purpose degreaser, dusting aid, electronic cleaner, energized electrical cleaner, pressurized gas duster, engine degreaser, anti-static product, or products designed to clean the casings or housings of electrical equipment.

Source. #10527, eff 2-26-14

Env-A 4102.57 “Electronic cleaner” means a product designed specifically for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment such as circuit

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boards and from the internal components of electronic devices, including but not limited to radios, compact disc (CD) players, digital video disc (DVD) players, and computers. The term does not include general purpose cleaner, general purpose degreaser, dusting aid, pressurized gas duster, engine degreaser, electrical cleaner, energized electrical cleaner, anti-static product, or products designed to clean the casings or housings of electronic equipment.

Source. #10527, eff 2-26-14

Env-A 4102.58 “Energized electrical cleaner” means a product that meets both of the following:

(a) The product is labeled to clean or degrease electrical equipment, where cleaning or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component of the equipment such as a capacitor; and

(b) The product label clearly displays the statement “Energized Equipment Use Only - Not to be used for maintenance of motorized vehicles or their parts.”

Source. #10527, eff 2-26-14

Env-A 4102.59 “Engine degreaser” means “engine degreaser” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4102.60 “Existing product” means any formulation of the same product category and form that is sold, supplied, manufactured, or offered for sale in New Hampshire prior to the 2014 effective date of this chapter, and any subsequently introduced identical formulation.

Source. #10527, eff 2-26-14

PART Env-A 4103 DEFINITIONS: F THROUGH M

Env-A 4103.01 “Fabric protectant” means:

(a) For products manufactured before January 1, 2015, 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; and

(b) For products manufactured on or after January 1, 2015, a product 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 fibers. The term does not include waterproofers, products labeled for use solely on leather, pigmented products that are designed to be used primarily for coloring, products that renew or restore fabric and qualifying as either “clear coating” or “vinyl/fabric/leather/polycarbonate coating”, or products used for construction, reconstruction, modification, structural maintenance, or repair of fabric substrates.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4103.02 “Fabric refresher” means a product labeled to neutralize or eliminate odors on non-laundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. The term does not include “anti-static product”, “carpet and upholstery cleaner”, “footwear or leather care product”, “spot remover”, “disinfectant”, or products labeled for application to both fabric and human skin.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4103.03 “Facial cleaner or soap” means a cleansing agent that is designed primarily to clean the face in any form, including but not limited to creams, gels, liquids, lotions, and substrate-impregnated material. The term

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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.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4103.04 “Fat wood” means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. The term does not include any kindling with one or more substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4103.05 “Finishing” means the maintaining or holding of previously styled hair for a period of time.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4103.06 “Flea and tick insecticide” means “flea and tick insecticide” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4103.07 “Flexible flooring material” means “flexible flooring material” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4103.08 “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.

Source. #10527, eff 2-26-14

Env-A 4103.09 “Flexible vinyl adhesive” means an aerosol adhesive designed to bond flexible vinyl to substrates.

Source. #10527, eff 2-26-14

Env-A 4103.10 “Floor and wall covering adhesive remover” means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

Source. #10527, eff 2-26-14

Env-A 4103.11 “Floor coating” means an opaque coating that is labeled and designed for application to horizontal surfaces that will be subject to foot traffic, including but not limited to flooring, decks, porches, and steps.

Source. #10527, eff 2-26-14

Env-A 4103.12 “Floor polish or wax” means:

(a) For products manufactured before January 1, 2017, “floor polish or wax” as defined in 40 CFR §59.202, as reprinted in Appendix D; and

(b) For products manufactured on or after January 1, 2017, 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. The term includes wood floor wax, products for flexible flooring materials, and products for non-resilient flooring materials. The term does not include spray buff products, floor wax strippers, products designed or labeled for unfinished wood floors, or coatings subject to architectural coatings regulations.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

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Env-A 4103.13 “Floor seam sealer” means “floor seam sealer” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.14 “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.

Source. #10527, eff 2-26-14

Env-A 4103.15 “Flying bug insecticide” means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. The term does not include wasp and hornet insecticides, products that are designed to be used exclusively on humans or animals or their bedding, or any moth-proofing product.

Source. #10527, eff 2-26-14

Env-W 4103.16 “Footwear” means leather and non-leather foot apparel.

Source. #10527, eff 2-26-14

Env-A 4103.17 “Footwear or leather care product” means any product designed or labeled to be applied to footwear or to other leather items or components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather item or component. The term does not include fabric protectant, general purpose adhesive, contact adhesive, vinyl/fabric/leather/polycarbonate coating, rubber/vinyl protectant, fabric refresher, products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

Source. #10527, eff 2-26-14

Env-A 4103.18 “Fragrance” means a substance or mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 mm Hg at 20 °C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

Source. #10527, eff 2-26-14

Env-A 4103.19 “Furniture maintenance product” means a wax, polish, conditioner, or any other product designed or labeled for the purpose of polishing, protecting or enhancing finished wood surfaces, other than floors, and other furniture surfaces including but not limited to acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass. The term does not include dusting aids, wood cleaners, products designed solely for the purpose of cleaning, or products designed to leave a permanent finish such as stains, sanding sealers, or lacquers.

Source. #10527, eff 2-26-14

Env-A 4103.20 “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.

Source. #10527, eff 2-26-14

Env-A 4103.21 “Gasket or thread locking adhesive remover” means a product designed or labeled to remove gaskets or thread locking adhesives. The term includes products labeled for dual use as a paint stripper and gasket remover or thread locking adhesive remover.

Source. #10527, eff 2-26-14

Env-A 4103.22 “Gel” means “gel” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

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Env-A 4103.23 “General purpose adhesive” means any non-aerosol adhesive designed for use on a variety of substrates, excluding the following:

- (a) Contact adhesives;
- (b) Construction, panel, and floor covering adhesives;

(c) 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

(d) 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.

Source. #10527, eff 2-26-14

Env-A 4103.24 “General purpose adhesive remover” means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive adhesives or residue from a variety of substrates. The term includes, but is not limited to, products that remove thermoplastic adhesives, pressure sensitive adhesives, dextrine or starch-based adhesives, casein glues, and rubber or latex-based adhesives, as well as products that remove stickers, decals, stencils, or similar materials. The term does not include floor or wall covering adhesive remover.

Source. #10527, eff 2-26-14

Env-A 4103.25 “General purpose cleaner” means a product designed or labeled to clean a variety of hard surfaces, including small appliances. The term includes, but is not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves.

Source. #10527, eff 2-26-14

Env-A 4103.26 “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 engine degreaser, general purpose cleaner, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, metal polish/cleanser, oven or grill cleaner, products sold exclusively directly or through distributors to establishments that manufacture or construct goods or commodities and labeled “exclusively for use in the manufacturing process only”, or 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.

Source. #10527, eff 2-26-14

Env-A 4103.27 “General-use hand or body cleaner or soap” means a cleanser 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.

Source. #10527, eff 2-26-14

Env-A 4103.28 “Glass cleaner” means “glass cleaner” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.29 “Graffiti remover” means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish, from a variety of non-cloth or nonfabric substrates. The term includes

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products labeled for dual use as both a paint stripper and graffiti remover. The term does not include paint remover or stripper, nail polish remover, or spot remover.

Source. #10527, eff 2-26-14

Env-A 4103.30 “Hair mousse” means “hair mousse” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.31 “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, hair styling product, or products whose primary purpose is to condition or hold the hair.

Source. #10527, eff 2-26-14

Env-A 4103.32 “Hair styling gel” means a consumer product manufactured before January 1, 2009 that is a “hair styling gel” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.33 “Hair spray” means:

(a) For products manufactured before January 1, 2009, “hairspray” as defined in 40 CFR §59.202, as reprinted in Appendix D; and

(b) For products manufactured on or after January 1, 2009, a consumer product that is applied to styled hair that is designed or labeled to hold or retain the style of the hair for a period of time. The term includes aerosol hair sprays, pump hair sprays, spray waxes, color, glitter, or sparkle hairsprays that make finishing claims, and products that are both a styling and finishing product. The term does not include spray products that are intended to aid in styling but does not provide finishing of a hairstyle.

Source. #10527, eff 2-26-14

Env-A 4103.34 “Hair styling product” means a consumer product manufactured on or after January 1, 2009, that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and sculpting of the hair. The term includes, but is not limited to, hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers or conditioners that make styling claims. The term does not include hair mousse, hair shine, hair spray, or shampoos or conditioners that are rinsed from the hair prior to styling.

Source. #10527, eff 2-26-14

Env-A 4103.35 “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.

Source. #10527, eff 2-26-14

Env-A 4103.36 “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.

Source. #10527, eff 2-26-14

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Env-A 4103.37 “High pressure coating” means a high performance coating labeled and designed for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

Source. #10527, eff 2-26-14

Env-A 4103.38 “High volatility organic compound (HVOC)” means “high-volatility organic compound or HVOC” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.39 “House dust mite” means a mite that feeds 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*.

Source. #10527, eff 2-26-14

Env-A 4103.40 “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.

Source. #10527, eff 2-26-14

Env-A 4103.41 “Household product” means “household product” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.42 “Household use” means “household use” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.43 “Industrial maintenance coating” means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, labeled “For industrial use only,” “For professional use only,” “Not for residential use,” or “Not intended for residential use,” and designed to be exposed to one or more of the extreme environmental conditions listed below:

(a) Immersion in water, wastewater, or aqueous or non-aqueous solutions chemical solutions, or chronic exposure of interior surfaces to moisture condensation;

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

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

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

(e) Exterior exposure of metal structures and structural components.

Source. #10527, eff 2-26-14

Env-A 4103.44 “Industrial and institutional products” means “institutional product”.

Source. #10527, eff 2-26-14

Env-A 4103.45 “Industrial use” means “industrial use” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

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Env-A 4103.46 “Insecticide” means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are:

- (a) For agricultural use;
- (b) For a use that requires a structural pest control license under New Hampshire law; or
- (c) Restricted materials that require a permit for use and possession.

Source. #10527, eff 2-26-14

Env-A 4103.47 “Insecticide fogger” means “insecticide fogger” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.48 “Institutional product” means “institutional product” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.49 “Label” means “label” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.50 “Labeled” as a verb means identified by the label.

Source. #10527, eff 2-26-14

Env-A 4103.51 “Laminate repair/edgebanding adhesive” means an aerosol adhesive designed for:

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

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

Source. #10527, eff 2-26-14

Env-A 4103.52 “Large font” means a font size as large as, or larger than, the font size of all other words on the panel, not including the company name, brand name, or logo.

Source. #10527, eff 2-26-14

Env-A 4103.53 “Laundry prewash” means “laundry prewash” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.54 “Laundry starch/sizing/fabric finish product” means “laundry starch product” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4103.55 “Lawn and garden insecticide” means “lawn and garden insecticide” as defined in 40 CFR §59.202, as reprinted in Appendix D. The term includes insecticide foggers.

Source. #10527, eff 2-26-14

Env-A 4103.56 “Liquid” means a substance or mixture of substances that is capable of a visually-detectable flow using the method in ASTM D-4359-90(2000)e1. The term does not include powders or other materials that are composed entirely of solid particles.

Source. #10527, eff 2-26-14

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Env-A 4103.57 “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:

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

(b) 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;

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

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

Source. #10527, eff 2-26-14

Env-A 4103.58 “Lubricant” means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms, other than automotive power steering fluids, 2 cycle oils or other products designed to be added to fuels, products for use on the human body or animals, products that are sold exclusively directly by or through distributors to establishments that manufacture or construct goods or commodities and are labeled exclusively for “use in the manufacturing process only”, and products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes.

Source. #10527, eff 2-26-14

Env-A 4103.59 “Manufacturer” means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.

Source. #10527, eff 2-26-14

Env-A 4103.60 “Medicated astringent /medicated toner” means any product regulated as a drug by the FDA that 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.

Source. #10527, eff 2-26-14

Env-A 4103.61 “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.

Source. #10527, eff 2-26-14

Env-A 4103.62 “Metal polish/cleanser” means any product designed to improve the appearance of a finished metal, metallic, or metallized surface by physical or chemical action, by removing or reducing stains, impurities, or oxidation from the surface or by making the surface smooth and shiny. The term includes but is not limited to metal polishes used on brass, silver, chrome, copper, stainless steel, and other ornamental metals. The term does not include wheel cleaner, paint remover or stripper, products designed and labeled exclusively for automotive and marine detailing, products designed for use in degreasing tanks, or automotive wax, polish, sealant, or glaze.

Source. #10527, eff 2-26-14

Env-A 4103.63 “Mist spray adhesive” means any aerosol that is not a special purpose spray adhesive and that 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.

Source. #10527, eff 2-26-14

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Env-A 4103.64 “Moth-proofing product” for purposes of the definition of “flying bug insecticide” 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.

Source. #10527, eff 2-26-14

Env-A 4103.65 “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.

Source. #10527, eff 2-26-14

Env-A 4103.66 “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.

Source. #10527, eff 2-26-14

Env-A 4103.67 “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.

Source. #10527, eff 2-26-14

Env-A 4103.68 “Multi-purpose solvent” means any liquid product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials. The term includes products that do not display specific use instructions on the product container or packaging, products that do not specify an end-use function or application on the product container or packaging, paint clean up products, products labeled to prepare surfaces for painting, and solvents used in institutional facilities other than laboratory reagents used in analytical, educational, research, scientific, or other laboratories. The term does not include solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings, solvents that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment, products that are labeled exclusively to clean a specific contaminant on a single substrate in specific situations, or solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

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Env-A 4104.01 “Nail polish” means any clear or colored coating designed for application to fingernails or toenails including but not limited to lacquers, enamels, acrylics, base coats, and top coats.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4104.02 “Nail polish remover” means “nail polish remover” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

Env-A 4104.03 “New Hampshire sales” means the sales per year in New Hampshire, in pounds of product, less packaging and container, 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.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14

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Env-A 4104.04 “Non-aerosol product” means any consumer product that is not dispensed by a pressurized spray system.

Source. #10527, eff 2-26-14

Env-A 4104.05 “Non-carbon containing-compound” means any compound that does not contain any carbon atoms.

Source. #10527, eff 2-26-14

Env-A 4104.06 “Nonresilient flooring” means “nonresilient flooring” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4104.07 “Nonresilient flooring material” means flooring of a mineral content that is not flexible. The term includes, but is not limited to, terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete.

Source. #10527, eff 2-26-14

Env-A 4104.08 “Non-selective terrestrial herbicide” means a terrestrial herbicide product that is toxic to plants without regard to species.

Source. #10527, eff 2-26-14

Env-A 4104.09 “Oven or grill cleaner” means any cleaning product designed or labeled exclusively to clean and to remove dried or baked on greases and/or food deposits from oven walls, food preparation and/or food cooking surfaces. The term does not include a product labeled as an oven or grill cleaner that makes claims that it is suitable for cleaning or degreasing other hard surfaces.

Source. #10527, eff 2-26-14

Env-A 4104.10 “Paint” means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer that dries 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.

Source. #10527, eff 2-26-14

Env-A 4104.11 “Paint clean-up product” means any liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from items not intended to be painted, including but not limited to painting equipment, tools, plastics, and metals.

Source. #10527, eff 2-26-14

Env-A 4104.12 “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 clean-up products, products designed and labeled exclusively to remove graffiti, and hand cleaner products that claim to remove paints and other related coatings from skin.

Source. #10527, eff 2-26-14

Env-A 4104.13 “Paint thinner” means any liquid product used for reducing the viscosity of coating compositions or components, that prominently displays the term “Paint thinner,” “Lacquer thinner,” “Thinner,” or “Reducer” on the front panel of its packaging. The term does not include any of the following:

(a) “Artist’s solvent/thinner”;

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

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(c) Products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient; or

(d) Products that meet both of the following:

(1) The principle display panel of the product displays, in large font, language that the product is used exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings; and

(2) No representation is made anywhere on the product container or packaging, or any label or sticker attached thereto, that the product is suitable for use or can be used for any other purpose except the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4104.14 “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.

Source. #10527, eff 2-26-14

Env-A 4104.15 “Person” means “person” as defined in RSA 125-C:2, X, as reprinted in Appendix C.

Source. #10527, eff 2-26-14

Env-A 4104.16 “Personal fragrance product” means any product that is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor. The terms includes, but is not limited to, cologne, perfume, aftershave, and toilet water. The term does not include fragrance products designed to be used exclusively on non-human animals, deodorant, medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body, mouthwashes, breath fresheners and deodorizers, products designed exclusively for use on human genitalia, soaps, shampoos, and products primarily used to clean the human body, or lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations.

Source. #10527, eff 2-26-14

Env-A 4104.17 “Pesticide” means “pesticide” as defined in RSA 430:29, XXVI, as reprinted in Appendix C.

Source. #10527, eff 2-26-14

Env-A 4104.18 “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.

Source. #10527, eff 2-26-14

Env-A 4104.19 “Polyolefin adhesive” means an aerosol adhesive designed to bond polyolefins to substrates.

Source. #10527, eff 2-26-14

Env-A 4104.20 “Polystyrene foam adhesive” means an aerosol adhesive designed to bond polystyrene foam to substrates.

Source. #10527, eff 2-26-14

Env-A 4104.21 “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 that is not designed to be diluted prior to use.

Source. #10527, eff 2-26-14

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Env-A 4104.22 “Pressurized gas duster” means a pressurized product labeled to remove dust from a surface that cannot be cleaned with solvents, including but not limited to photographs, photographic film negatives, and computer keyboards, solely by means of mass air or gas flow. The term does not include dusting aid.

Source. #10527, eff 2-26-14

Env-A 4104.23 “Principal display panel(s)” means “principal display panel(s)” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4104.24 “Product brand name” means the name of the product exactly as it appears on the principal display panel of the product.

Source. #10527, eff 2-26-14

Env-A 4104.25 “Product category” means the category listed in table 4105-1 that best describes the product and appears on the product’s principal display panel.

Source. #10527, eff 2-26-14

Env-A 4104.26 “Product form” means the form that most accurately describes the product’s dispensing form including, but not limited to, aerosol, solid, pump spray, liquid, gel, semi-solid, or other.

Source. #10527, eff 2-26-14

Env-A 4104.27 “Product line” means a group of products of identical form and function belonging to the same product category(ies).

Source. #10527, eff 2-26-14

Env-A 4104.28 “Propellant” means a liquefied or compressed gas that is used to expel a liquid or any other material from the same self-pressurized container or from a separate container. The term includes a liquefied or compressed gas that is used as a co-solvent.

Source. #10527, eff 2-26-14

Env-A 4104.29 “Pump spray” means “pump spray” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4104.30 “Reactive adhesive” means an adhesive that requires a hardener or catalyst in order for a bond to occur. The term includes, but is not limited to, epoxies, urethanes, and silicones.

Source. #10527, eff 2-26-14

Env-A 4104.31 “Removable caulking compound” means a compound that seals windows or doors for 3- to 6-month intervals and is designed to be removed.

Source. #10527, eff 2-26-14

Env-A 4104.32 “Non-selective terrestrial herbicide” means a terrestrial herbicide product that is toxic to plants without regard to species.

Source. #10527, eff 2-26-14

Env-A 4104.33 “Responsible party” means:

(a) If only one individual or legal entity is identified on a product’s label, the individual or legal entity so identified; or

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(b) If the label lists more than one individual or legal entity, the individual or legal entity for whom the product was manufactured or distributed, as noted on the label.

Source. #10527, eff 2-26-14

Env-A 4104.34 “Retailer” means any person who sells, supplies, or offers consumer products for sale directly to consumers.

Source. #10527, eff 2-26-14

Env-A 4104.35 “Retail outlet” means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

Source. #10527, eff 2-26-14

Env-A 4104.36 “Roll-on product” means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the targeted area.

Source. #10527, eff 2-26-14

Env-A 4104.37 “Rubber/vinyl protectant” means:

(a) For products manufactured before January 1, 2015, any product designed to protect, preserve, or renew vinyl, rubber, or plastic, or any combination thereof, 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 wheel rims, such as aluminum or magnesium wheel cleaners, or tire cleaners that do not leave an appearance-enhancing or protective substance on the tire;

(b) For products manufactured on or after January 1, 2015, other than aerosol tire shine products, any product labeled to protect, preserve, or renew vinyl or rubber on vehicles, tires, luggage, furniture, or household products such as vinyl covers, clothing, or accessories. The term does not include products labeled to clean wheel rims, such as aluminum or magnesium wheel cleaners, tire cleaners that do not leave an appearance-enhancing or protective substance on the tire, pigmented products designed or labeled to be used primarily for coloring, products used for construction, reconstruction, modification, structural maintenance or repair of rubber or vinyl substrates, or products, other than those labeled to be used on vehicle tires, that qualify as either clear coating or vinyl/fabric/leather/polycarbonate coating; and

(c) For products manufactured on or after January 1, 2016, “rubber/vinyl protectant” as defined in (b), above, with the addition of aerosol tire shine products.

Source. #10527, eff 2-26-14

Env-A 4104.38 “Rubbing alcohol” means any product containing isopropyl alcohol, also called isopropanol, or denatured ethanol and labeled for topical uses such as to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

Source. #10527, eff 2-26-14

Env-A 4104.39 “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.

Source. #10527, eff 2-26-14

Env-A 4104.40 “Sanitizer” means a product 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 FIFRA. The term does not include:

(a) Products labeled as both a “sanitizer” and a “disinfectant”;

(b) Disinfectants;

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- (c) Products labeled solely for use on humans or animals;
- (d) Products labeled solely for agricultural use;
- (e) Products labeled solely for use in swimming, therapeutic tubs, or hot tubs;
- (f) Products labeled to be used on heat -sensitive critical or semi-critical medical devices or medical equipment surfaces;
- (g) Pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments;
- (h) Products labeled to be applied to food-contact surfaces that are not required to be rinsed prior to contact with food; or
- (i) Products labeled as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet/urinal care products, metal polishers, carpet cleaners, or fabric refreshers regardless of any sanitizing or anti-microbial claims on the label.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4104.41 “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. The term does not include any of the following:

- (a) Clear, paintable, and water resistant caulking compounds;
- (b) Floor seam sealers;
- (c) Insulating foams;
- (d) Products designed exclusively for automotive uses;
- (e) Removable caulking compounds;
- (f) Roof cements and roof sealants;
- (g) Sealers applied as continuous coatings; or
- (h) Units of product, less packaging, that weigh more than one pound and consist of more than 16 fluid ounces.

Source. #10527, eff 2-26-14

Env-A 4104.42 “Semisolid” means a product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes, and greases.

Source. #10527, eff 2-26-14

Env-A 4104.43 “Shaving cream” means “shaving cream” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4104.44 “Shaving gel” means an aerosol product that dispenses a gel which transforms into a foam when rubbed onto the skin and is designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. The term does not include shaving cream.

Source. #10527, eff 2-26-14

Env-A 4104.45 “Silicone-based multi-purpose lubricant” means any lubricant that is designed and labeled to reduce friction primarily through the use of silicone compounds including but not limited to polydimethylsiloxane, and that is designed and labeled for general purpose lubrication or for use in a wide variety

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of applications. The term does not include products designed and labeled exclusively to release manufactured products from molds.

Source. #10527, eff 2-26-14

Env-A 4104.46 “Single-phase aerosol air freshener” means “single-phase aerosol air freshener” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4104.47 “Solid” means a substance or mixture of substances that, whether whole or subdivided into particles, such as those comprising a powder, is not capable of visually detectable flow using the method in ASTM D-4359-90(2000)e1. The term does not include liquids or gels.

Source. #10527, eff 2-26-14

Env-A 4104.48 “Special purpose spray adhesive” means an aerosol adhesive that is any of the following:

- (a) Automotive engine compartment adhesive;
- (b) Automotive headliner adhesive;
- (c) Flexible vinyl adhesive;
- (d) High pressure laminate;
- (e) Laminate repair or edgebonding adhesive;
- (f) Mounting adhesive;
- (g) Polyolefin adhesive; or
- (h) Polystyrene foam adhesive.

Source. #10527, eff 2-26-14

Env-A 4104.49 “Specialty adhesive remover” means a product designed to remove reactive adhesives from a variety of substrates. The term does not include gasket or thread locking adhesive remover.

Source. #10527, eff 2-26-14

Env-A 4104.50 “Spot remover” means a product designed to clean localized areas or to remove localized spots or stains from cloth or fabric such as drapes, carpets, upholstery, and clothing, that 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.

Source. #10527, eff 2-26-14

Env-A 4104.51 “Spray buff product” means “spray buff product” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4104.52 “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.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4104.53 “Structural pest control” means a pesticide use requiring a license or registration as specified in Pes 100 through Pes 1100.

Source. #10527, eff 2-26-14

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Env-A 4104.54 “Structural waterproof adhesive” means “structural waterproof adhesive” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4104.55 “Styling” means forming, sculpting, or manipulating hair to temporarily alter the overall shape of the hair.

Source. #10527, eff 2-26-14

Env-A 4104.56 “Table B compound” means any carbon-containing compound listed as an exception to the definition of VOC in 40 CFR §51.100(s).

Source. #10527, eff 2-26-14

Env-A 4104.57 “Temporary hair color” means any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed. The term includes hair color mousses and products labeled to add texture or thickness to cover thinning or balding areas. The term does not include hair spray, hair styling product, or hair mousse.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4104.58 “Terrestrial” means to live on or grow from land.

Source. #10527, eff 2-26-14

Env-A 4104.59 “Tire sealant and inflation” means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

Source. #10527, eff 2-26-14

Env-A 4104.60 “Toilet/urinal care product” means any product designed or labeled to clean, deodorize, or clean and deodorize toilet bowls, toilet tanks, or urinals, whether such fixtures are connected to permanent plumbing in buildings and other structures, in portable housing placed at temporary or remote locations, or in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. The term does not include bathroom and tile cleaner or general purpose cleaner.

Source. #10527, eff 2-26-14

Env-A 4104.61 “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, that is either incorporated into the product or contained in a separate chamber within the product’s packaging.

Source. #10527, eff 2-26-14

Env-A 4104.62 “Type B propellant” means any halocarbon that is used as a propellant, including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

Source. #10527, eff 2-26-14

Env-A 4104.63 “Type C propellant” means any propellant that is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether, also known as dimethyl oxide.

Source. #10527, eff 2-26-14

Env-A 4104.64 “Undercoating” means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, or firewall of a motor vehicle to prevent the formation of rust or to deaden sound. The term includes, but is not limited to, rubberized, mastic, and asphaltic products.

Source. #10527, eff 2-26-14

Env-A 4104.65 “Usage directions” means “usage directions” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

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Env-A 4104.66 “Vinyl/fabric/leather/polycarbonate coating” means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.

Source. #10527, eff 2-26-14

Env-A 4104.67 “Volatile organic compound (VOC)” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides, and ammonium carbonate, that 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.

Source. #10527, eff 2-26-14

Env-A 4104.68 “Wasp and hornet insecticide” means “wasp and hornet insecticide” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14

Env-A 4104.69 “Waterproofer” means a product designed and labeled exclusively to repel water from fabric or leather substrates. The term does not include fabric protectants.

Source. #10527, eff 2-26-14

Env-A 4104.70 “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.

Source. #10527, eff 2-26-14

Env-A 4104.71 “Web spray adhesive” means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.

Source. #10527, eff 2-26-14

Env-A 4104.72 “Wood cleaner” means a product labeled to clean wooden materials including but not limited to decking, fences, flooring, logs, cabinetry, and furniture. The term does not include dusting aid, general purpose cleaner, furniture maintenance product, floor wax stripper, floor polish or wax, or any product designed and labeled exclusively to preserve or color wood.

Source. #10527, eff 2-26-14

Env-A 4104.73 “Wood floor wax” means “wood floor wax” as defined in 40 CFR §59.202, as reprinted in Appendix D.

Source. #10527, eff 2-26-14; ss by #10750, eff 12-19-14

Env-A 4104.74 “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 designed 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, as indicated by its label, for example with a phrase such as “For professional use only,” “For industrial use only,” “Not for residential use,” or “Not intended for residential use.”

Source. #10527, eff 2-26-14

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PART Env-A 4105 STANDARDS

Env-A 4105.01 Standards.

(a) Except as provided in Env-A 200, Env-A 4101.04, Env-A 4105.02, Env-A 4105.03, or Env-A 4109, no person shall sell, supply, or offer for sale in New Hampshire any consumer product manufactured on or after the applicable date specified in table 4105-1, and no person shall manufacture any consumer product for sale in New Hampshire on or after the applicable date specified in table 4105-1, that contains VOCs in excess of the limits specified in table 4105-1, below, subject to the notes in (b), below:

Table 4105-1: VOC Limits for Consumer Products

Product Category	Percent VOCs by Weight		
	Manufactured on or after 1/1/2007	Manufactured on or after 1/1/2015	Manufactured on or after 1/1/2017
<u>Adhesive Removers</u>			
Floor or Wall Covering		5	
Gasket or Thread Locking		50	
General Purpose		20	
Specialty		70	
<u>Adhesives</u>			
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 / Edgebanding	60		
Contact:			
Contact General Purpose	80 ^A	55	
Contact Special Purpose	N/A	80	
Construction, Panel, and Floor Covering	15 ^C		7
General Purpose	10		
Structural Waterproof	15		
<u>Air Fresheners</u>			
Single-Phase Aerosols	30		
Double-Phase Aerosols	25		
Dual Purpose Air Freshener/Disinfectant Aerosol			60
Liquids /Pump Sprays	18		
Solids / Gels	3		
<u>Antiperspirants</u>			
Aerosol	40 HVOC 10 MVOC		

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Product Category	Percent VOCs by Weight		
	Manufactured on or after 1/1/2007	Manufactured on or after 1/1/2015	Manufactured on or after 1/1/2017
Non-Aerosol	0 HVOC 0 MVOC		
<u>Anti-static Product</u>			
Aerosol			80
Non-Aerosol		11	
Automotive Brake Cleaner	45		
Automotive Rubbing or Polishing Compound	17		
<u>Automotive Wax, Polish, Sealant, or Glaze</u>			
Hard Paste Waxes	45		
Instant Detailers	3		
All Other Forms	15		
Automotive Windshield Cleaner			35
Automotive Windshield Washer Fluids	35		
<u>Bathroom and Tile Cleaners</u>			
Aerosols	7		
All Other Forms	5 ^c		N/A
Non-Aerosol			1
Brake Cleaner			10
Bug and Tar Remover	40		
Carburetor or Fuel-Injection Air Intake Cleaners	45 ^c		10
<u>Carpet and Upholstery Cleaners</u>			
Aerosols	7		
Non-Aerosols (Dilutables)	0.1		
Non-Aerosols (Ready-to-Use)	3.0		
Charcoal lighter materials	See Env-A 4105.08		
<u>Cooking Spray</u>			
Aerosols	18		
<u>Deodorants</u>			
Aerosol	0 HVOC 10 MVOC		
Non-Aerosol	0 HVOC 0 MVOC		
<u>Disinfectant</u>			
Aerosols			70
Non-Aerosols			1
<u>Dusting Aids</u>			
Aerosols	25		
All Other Forms	7		

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Product Category	Percent VOCs by Weight		
	Manufactured on or after 1/1/2007	Manufactured on or after 1/1/2015	Manufactured on or after 1/1/2017
Electrical Cleaner		45	
Electronic Cleaner		75	
<u>Engine Degreasers</u>			
Aerosol	35 ^C		10
Non-Aerosol	5		
Fabric Protectants	60		
<u>Fabric Fresheners</u>			
Aerosols		15	
Non-Aerosols		6	
<u>Footwear or Leather Care Products</u>			
Aerosol		75	
Solid		55	
Other forms		15	
<u>Floor Polishes / Waxes</u>			
Products for Flexible Flooring Materials	7 ^C		1
Products for Nonresilient Flooring	10 ^C		1
Wood Floor Wax	90		
<u>Floor Wax Strippers</u>			
Non-Aerosol	See Env-A 4105.06		
<u>Furniture Maintenance Products</u>			
Aerosols	17		
All Other Forms Except Solid or Paste	7 ^C		N/A
Non-Aerosol Except Solid or Paste			3
<u>General Purpose Cleaners</u>			
Aerosols	10 ^C		8
Non-Aerosols	4		
<u>General Purpose Degreasers</u>			
Aerosols	50 ^C		10
Non-Aerosols	4		
<u>Glass Cleaners</u>			
Aerosols	12		
Non-Aerosols	4		
<u>Graffiti Remover</u>			
Aerosols		50	
Non-Aerosols		30	
Hair Mousses	6		
Hair shines	55		

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Product Category	Percent VOCs by Weight		
	Manufactured on or after 1/1/2007	Manufactured on or after 1/1/2015	Manufactured on or after 1/1/2017
Hairsprays	55		
Hair Styling Gels	6		
<u>Hair Styling Products</u>			
Aerosols and Pump Sprays		6	
All other forms		2	
Heavy-Duty Hand Cleaner or Soap	8		
<u>Insecticides</u>			
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		
<u>Laundry Prewash</u>			
Aerosols and Solids	22		
All Other Forms	5		
Laundry Starch / Sizing / Fabric Finish Product	5 ^C		4.5
Metal Polishes / Cleansers	30		
Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products)	50		
Multi-Purpose Solvent			3
Nail Polish Remover	75 ^C		1
<u>Non-Selective Terrestrial Herbicide</u>			
Non-Aerosols	3		
<u>Oven or Grill Cleaners</u>			
Aerosols / Pump Sprays	8		
Liquids	5 ^C		N/A
Non-Aerosols			4
Paint Remover or Strippers	50		
Paint Thinner			3
Penetrants	50		
<u>Rubber/Vinyl Protectants</u>			
Non-Aerosols	3		
Aerosols ^B	10		

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Product Category	Percent VOCs by Weight		
	Manufactured on or after 1/1/2007	Manufactured on or after 1/1/2015	Manufactured on or after 1/1/2017
<u>Sanitizer</u>			
Aerosol			70
Non-Aerosol			1
Sealants and Caulking Compounds	4		
Shaving Creams	5		
Shaving Gel		7	4
Silicone-Based Multi-Purpose Lubricants, excluding Solid or Semi-Solid Products	60		
<u>Spot Removers</u>			
Aerosols	25		
Non-Aerosols	8		
<u>Temporary Hair Color</u>			
Aerosol			55
Tire Sealants and Inflators	20		
Undercoatings, Aerosols	40		
<u>Wood Cleaner</u>			
Aerosol		17	
Non-Aerosol		4	

(b) The notes for Table 4105-1 shall be as follows:

- (1) "A" means that the specified standard no longer applies after December 31, 2014 because a revised VOC standard takes effect January 1, 2015;
- (2) "B" means that the VOC standard for rubber/vinyl protectant aerosols applies to aerosol tire shine products in this category beginning January 1, 2016; and
- (3) "C" means that the specified standard no longer applies after December 31, 2016 because a revised VOC standard takes effect January 1, 2017.

(c) 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 4105-2, below:

Table 4105-2: Prohibited Compounds in Antiperspirant or Deodorant

<u>Prohibited Compounds</u>
Benzene
Ethylene Dibromide
Ethylene Dichloride
Hexavalent Chromium
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)

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<u>Prohibited Compounds</u>
Carbon Tetrachloride
Trichloroethylene
Chloroform
Vinyl Chloride
Inorganic Arsenic
Nickel (metallic nickel and inorganic nickel compounds)
Perchloroethylene
Formaldehyde
1,3-Butadiene
Inorganic Lead

(d) No person shall sell, supply, offer for sale, or manufacture for sale in New Hampshire on or after January 1, 2015, any antiperspirant or deodorant that contains ethylene oxide or methylene chloride.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14 (from Env-A 4103.01); ss by #10750, eff 12-19-14

Env-A 4105.02 Product Sell-Through. Any consumer product manufactured prior to the applicable date specified in table 4105-1, as indicated by a date code on the product container or label, may be sold, supplied, or offered for sale after the specified date.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14 (from Env-A 4103.03)

Env-A 4105.03 Products registered under FIFRA. For any consumer product that is registered under FIFRA, the VOC standards specified in table 4105-1 shall apply one year after the specified date.

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14 (from Env-A 4103.03)

Env-A 4105.04 Diluted Products.

(a) For any consumer product 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 4105-1 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 any consumer product for which the label, packaging, or accompanying literature states that the product should be diluted with a VOC solvent prior to use, the limits specified in table 4105-1 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. #10527, eff 2-26-14 (from Env-A 4103.02)

Env-A 4105.05 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 or Env-A 4105.02, no person shall sell, supply, offer for sale, use or manufacture for sale in New Hampshire on or after the applicable date specified in table 4105-1

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any aerosol adhesive that, at the time of sale, use, or manufacture, contains VOCs in excess of the specified standard.

(c) A product that is within the definition of special purpose spray adhesive in Env-A 4104.48 whose label indicates that the product is suitable for use on any substrate or application not listed in Env-A 4104.48 shall be classified as:

(1) A mist spray adhesive, if it meets the definition of mist spray adhesive in Env-A 4104 other than as relates to a special purpose spray adhesive; or

(2) A web spray adhesive, if it does not otherwise meet the definition of mist spray adhesive.

(d) A product that is within more than one of the categories listed in Env-A 4104.48 and is not classified as a mist spray adhesive or web spray adhesive under (c), above, shall comply with the lowest VOC limit specified in table 4105-1 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 the applicable effective date specified in table 4105-1.

(f) All aerosol adhesives shall comply with the labeling requirements specified in Env-A 4106.03.

Source. #10527, eff 2-26-14 (from Env-A 4103.04)

Env-A 4105.06 Requirements for Floor Wax Strippers. 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. #10527, eff 2-26-14 (from Env-A 4103.05)

Env-A 4105.07 Products Containing Ozone-Depleting Compounds.

(a) Subject to (b) and (c), below, no consumer product for which a standard is specified in table 4105-1 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);

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- (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 4105-1 or any existing product formulation that is reformulated to meet table 4105-1, 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. #10527, eff 2-26-14 (from Env-A 4103.06)

Env-A 4105.08 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 the issuing air pollution agency.

Source. #10527, eff 2-26-14 (from Env-A 4103.07)

Env-A 4105.09 Requirements for Paint Thinner and Multipurpose Solvents.

(a) Except as provided in (b) through (d), below, starting on January 1, 2015 no person shall sell, supply, offer for sale, or manufacture for use in New Hampshire any multi-purpose solvent or paint thinner that contains any of the following:

- (1) Methylene chloride, perchloroethylene, or trichloroethylene; or
- (2) Greater than one percent aromatic compound content by weight.

(b) Multi-purpose solvents and paint thinners that contain methylene chloride, perchloroethylene, or trichloroethylene, or greater than one percent aromatic compound content by weight, that are manufactured before January 1, 2015 may be sold, supplied, or offered for sale until January 1, 2018, so long as the product complies with the product dating requirements specified in Env-A 4106.01.

(c) Any person who sells or supplies a consumer product identified in this section shall notify the purchaser of the product in writing that the sell-through period for that product will end on January 1, 2018 if both of the following conditions are met:

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- (1) The product is sold or supplied to a distributor or retailer; and
- (2) The product is sold or supplied on or after June 30, 2017.

(d) The requirements of (a), (b), and (c) above shall not apply to any multi-purpose solvent or paint thinner that contains any 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.

Source. #10527, eff 2-26-14

Env-A 4105.10 Additional Requirements for Paint Thinner and Multi-Purpose Solvents.

(a) Subject to (b), below, no person shall sell, supply, offer for sale, or manufacture for use in New Hampshire any flammable or extremely flammable multipurpose solvent or paint thinner named, on the principle display panel as “Paint Thinner,” “Multi-purpose Solvent,” “Clean-up Solvent,” or “Paint Clean-up.”

(b) The prohibition in (a), above, shall not apply to a product that meets any of the following criteria:

- (1) Products that include an attached hang tag, sticker, or contrasting square or rectangular area on the principle display panel that displays, at a minimum, the following statements in large font, a signal word such as “DANGER,” “WARNING,” or “CAUTION”, as specified in 16 CFR 1500.121;
- (2) Products labeled “Formulated to meet California VOC limits; see warnings on label;” or
- (3) The principle display panel displays, in large font, the common name of the chemical compound that results in the product meeting the criteria for flammable or extremely flammable, such as acetone or methyl acetate.

(c) For purposes of this section, a product is flammable or extremely flammable if it:

- (1) Is labeled as “Flammable” or “Extremely Flammable” on the product container; or
- (2) Meets the criteria for these terms specified in 16 CFR 1500.3(c)(6).

Source. #10527, eff 2-26-14

PART Env-A 4106 ADMINISTRATIVE REQUIREMENTS

Env-A 4106.01 Date Coding.

(a) Each manufacturer of a consumer product subject to Env-A 4105 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 date code 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 date code shall be displayed on each consumer product container or package no later than:

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

(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 date code from any

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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 date code to indicate the date of manufacture, an explanation of the code shall be filed with the department no later than:

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

Source. #8439, eff 9-24-05; ss by #10527, eff 2-26-14b (from Env-A 4104.04)

Env-A 4106.02 Most Restrictive Limit.

(a) Notwithstanding the definition of “product category” in Env-A 4104, 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 table 4105-1, 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) through (c), above, shall not apply to general purpose cleaners, antiperspirants, deodorants, or insecticide foggers.

(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. #10527, eff 2-26-14 (from Env-A 4104.02)

Env-A 4106.03 Additional Labeling Requirements for Aerosol Adhesives, Adhesive Removers, Contact Adhesives, Electronic Cleaners, Electrical Cleaners, and Energized Electrical Cleaners.

(a) In addition to the requirements specified in Env-A 4106.01, Env-A 4106.02, and Env-A 4107, each aerosol adhesive, adhesive remover, contact adhesive, electronic cleaner, electrical cleaner, and energized electrical cleaner product subject to this chapter shall clearly display the following information on the container of each product manufactured on or after the applicable effective date for the category specified in table 4105-1:

- (1) The product category as specified in table 4105-1 or an abbreviation of the category;
- (2) The applicable VOC standard for the product that is specified in table 4105-1, 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 date code information required by Env-A 4106.01 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.

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(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. #10527, eff 2-26-14

PART Env-A 4107 REPORTING AND RECORDKEEPING REQUIREMENTS

Env-A 4107.01 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 4105:
 - 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 multiple companies, an identification of each company that is submitting relevant data separate from that submitted by the responsible party, provided that all information from all 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
 - 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

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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 4105.07(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; ss by #10527, eff 2-26-14 (from Env-A 4105.01)

Env-A 4107.02 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 table 4105-1 and energized electrical cleaners that 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 report the following information for products sold in New Hampshire upon request within 90 days of written notice:

(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. #10527, eff 2-26-14 (from Env-A 4105.02)

Env-A 4107.03 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. #10527, eff 2-26-14 (from Env-A 4105.03)

PART Env-A 4108 COMPLIANCE DEMONSTRATIONS

Env-A 4108.01 Methods of Demonstrating Compliance. Compliance with the requirements of this chapter shall be demonstrated by:

(a) Testing the product as specified in Env-A 4108.02(a); or

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(b) Calculating the VOC content of the product as specified in Env-A 4108.04, based on the records required by Env-A 4108.03.

Source. #10527, eff 2-26-14

Env-A 4108.02 Test Methods.

(a) Unless otherwise specified in (b) through (d), below, 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, as amended on September 11, 2011, available as noted in Appendix A.

(b) Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90, 2000 edition, available as noted in Appendix A.

(c) 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 October 5, 1990, available as noted in Appendix A.

(d) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-12, 2012 edition, available as noted in Appendix A.

Source. #10527, eff 2-26-14

Env-A 4108.03 Records Required for Calculating VOC Content.

(a) In order to demonstrate compliance by calculating the VOC content, the product manufacturer shall maintain accurate manufacturing records for each day of production of the product, as described in (b), below.

(b) The manufacturing records shall:

(1) Document the chemical composition of the individual product constituents and the amount of each constituent used; and

(2) Be retained for not less than 3 years.

(c) 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. #10527, eff 2-26-14

Env-A 4108.04 Calculating VOC Content.

(a) For purposes of the calculation described in (b), below, the following shall apply:

(1) "A" means the total weight of a unit of product, excluding container and packaging ;

(2) "B" means the total weight of all VOCs per unit of product; and

(3) "C" means the total weight of all exempted VOCs per unit of product.

(b) VOC content shall be calculated by subtracting the total weight of VOCs exempted under Env-A 4101.04 per unit of product from the total weight of all VOCs per unit of product, dividing the resultant figure by the total weight of unit excluding container and packaging, and multiplying the result by 100, as shown in the formula below:

$$\text{VOC Content} = \{ (B - C) / A \} \times 100$$

Source. #10527, eff 2-26-14

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Env-A 4108.05 Resolution of Conflict Between Testing and Calculation. If calculations based on product records appear to demonstrate compliance with applicable VOC limits but the results are contradicted by product testing performed using CARB Method 310, the results of CARB Method 310 shall take precedence over the product records.

Source. #10527, eff 2-26-14

PART Env-A 4109 INNOVATIVE PRODUCTS; ALTERNATIVE COMPLIANCE PLANS

Env-A 4109.01 Exemptions Recognized.

(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 4105-1 in Env-A 4105.01(a) for the period of time that the innovative products exemption or alternative compliance plan remains in effect, provided that:

- (1) Each consumer product used for emission credits is subject to a limit specified in table 4105-1 in Env-A 4105.01(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 4105-1 in Env-A 4105.01(a).

Source. #10527, eff 2-26-14

Env-A 4109.02 Alternative Test Procedures Recognized. A 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 4108, provided that the alternate method accurately determines the VOC concentration in the product or its emissions.

Source. #10527, eff 2-26-14

Env-A 4109.03 Documentation of Alternate Approval Required. A manufacturer claiming to have an exemption or plan as specified in Env-A 4109.01 or an alternate test method as specified in Env-A 4109.02 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 the issuing air pollution agency.

Source. #10527, eff 2-26-14

APPENDIX A: STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-A 4100	RSA 125-C:6, XVII; RSA 485:16-c
Env-A 4101-Env-A 4103	RSA 125-C:2, V-c; RSA 125-C:6, XVII; RSA 485:16-c
Env-A 4104-Env-A 4109	RSA 125-C:6, XVII; RSA 125-C:4, I-b; RSA 485:16-c

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APPENDIX B: INCORPORATION BY REFERENCE INFORMATION

Rule	Title (Date)	Source
Env-A 4108.02(a)	CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products (September 11, 2011)	California Air Resources Board 1001 "I" Street; P.O. Box 2815 Sacramento, CA 95814 Download at no charge from: http://www.arb.ca.gov/testmeth/cptm/method310.pdf
		ASTM International 100 Barr Harbor Drive, PO Box C700 West Conshohocken, PA, 19428-2959
Env-A 4108.02(b)	ASTM D4359-90 (2000)	Purchase for \$37 at: http://www.astm.org/Standards/D4359.htm
Env-A 4108.02(d)	ASTM D86-12, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure (2012)	Purchase for \$60 at: http://www.astm.org/Standards/D86.htm
Env-A 4108.02(c)	South Coast Air Quality Management District (SCAQMD) Test Protocol Rule 1174 Ignition Method Compliance Certification Protocol (October 5, 1990)	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765 Download at no charge from: http://aqmd.gov/rules/reg/reg11/r1174.pdf

APPENDIX C: STATUTORY DEFINITIONS

RSA 125-C:2

X. "Person," any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

RSA 430:29

XXVI. "Pesticide" means:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and

(b) Any chemical or biological agent, or substance or mixture of substances of such agents, intended to control a pest or for use as a plant regulator, defoliant, or desiccant.

APPENDIX D: FEDERAL DEFINITIONS

40 CFR §59.202:

Aerosol cooking spray means 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.

Aerosol product means 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

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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.

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; or
- (3) Institutional use.

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 (towelettes).

Automotive windshield washer fluid means 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.

Bathroom and tile cleaner means 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.

Charcoal lighter material means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. “Charcoal lighter material” does not include any of the following:

- (1) Electrical starters and probes;
- (2) Metallic cylinders using paper tinder;
- (3) Natural gas; and
- (4) Propane.

Consumer means 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.

Container or packaging means the part or parts of the consumer product that 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.

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 for agricultural use or products designed to be used exclusively on humans or animals.

Double-phase aerosol air freshener means an aerosol air freshener with liquid contents in two or more distinct phases that requires the product container to be shaken before use to mix the phases, producing an emulsion.

Dusting aid means 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.

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

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in parts washing equipment, or any solvent use regulated under 40 CFR part 63, subpart T (halogenated solvent NESHAP).

Flea and tick insecticide means 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 or their bedding.

Flexible flooring material means asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, and vinyl composite flooring.

Floor polish or wax means 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.

Floor seam sealer means any low viscosity specialty adhesive used in small quantities for the sole purpose of bonding adjoining rolls of installed flexible sheet flooring or to fill any minute gaps between and adjoining rolls.

Gel means a colloid in which the dispersed phase has combined with the continuous phase to produce a semisolid material, such as jelly.

Glass cleaner means 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.

Hair mousse means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

Hair styling gel means 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.

Hairspray means 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.

High-volatility organic compound or HVOC means any organic compound that exerts a vapor pressure greater than 80 millimeters of mercury when measured at 20 degrees Celsius.

Household product means 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.

Household use means use of a product in a home or its immediate environment.

Industrial use means use for, or in, a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.

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. Foggers may target a variety of pests including (but not limited to) fleas and ticks, crawling insects, lawn and garden pests, and flying insects. Foggers are not subject to the specific VOC limitations or other categories of insecticides list in table 1 of this subpart.

Institutional product means a consumer product that is designed for use in the maintenance or operation of an establishment that manufactures, transports, or sells goods or commodities, or 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.

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“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 by the establishment.

Label means 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.

Laundry prewash means 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.

Laundry starch product means 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.

Lawn and garden insecticide means an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.

Nail polish remover means a product designed to remove nail polish or coatings from fingernails or toenails.

Nonresilient flooring means 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.

Principal display panel(s) 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. 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.”

Pump spray means 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.

Shaving cream means 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.

Single-phase aerosol air freshener means an aerosol air freshener with liquid contents in a single homogeneous phase that does not require that the product container be shaken before use.

Spray buff product means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

Structural waterproof adhesive means 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).

Usage directions means 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.

Wasp and hornet insecticide means 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.

Wood floor wax means wax-based products for use solely on wood floors.