Notice Number <u>2023-285</u>		Rule Number	Env-A 4100	
1.	Agency Name & Address:	2. RSA Authority:	RSA 125-C:4, I(n) & I-b	
	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	3. Federal Authority:	40 CFR Part 59, Subpart C (§§201 et seq.)	
		4. Type of Action: Adoption		
		Repeal		
		Readoption Readoption w/	X amendment X	
5	Short Title: Consumer Products			

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

The Department of Environmental Services is proposing to readopt Env-A 4100, Consumer Products, with three minor amendments. Specifically, Env-A 4106.01 on date coding of a consumer product container or package is being readopted with an amendment in paragraph (e) to add an email address. Env-A 4107.01 on reporting requirements is being readopted with amendments in subparagraph (a)(2) and paragraph (e) to correct citations to Department rules.

The purpose of this chapter is to limit emissions of volatile organic compounds (VOCs), which contribute to ozone formation, by requiring reductions in the VOC content of consumer products that are sold, supplied, offered for sale, or manufactured by any person in New Hampshire, as required by NH Laws of 2004, 175:1, I.

Most of the rules are due to expire on February 26, 2024. The existing rules are subject to extension for the duration of this readoption proceeding pursuant to RSA 541-A:14-a, I.

6. (b) Brief description of the groups affected:

The rules affect manufacturers of consumer products.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

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		

7.	Contact p	Contact person for copies and questions including requests to accommodate persons with disabilities:						
	Name:	Karla McMa	nus		Title:	DES-ARD Planning and Rules Manager		
	Address: 29 Hazen Dr P.O. Box 95		of Environmental Services ive I 03302-0095		Phone #: Fax#: E-mail:	(603) 271-6854 (603) 271-1381 Karla.S.McManus@des.nh.gov		
	The rules also can be viewed in PDF in the Public Comment Opportunities section of the NHDES website at https://www.des.nh.gov/public-comment-opportunities and selecting "Rulemaking"			ortunities section of t ov/public-comment-	TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)			
8.	Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: 4:00 p.m. on Friday, January 19, 2024							
	⊠ Fax			⊠ E-mail		Other format (specify):		
9.	Public he	aring scheduled	for:					
Date and Time: Thursday, January 11, 2024 at 10:00 a.m.								
		hysical ocation:	Room 208C, DES Offices, 29 Hazen Drive, Concord, NH NOTE: NHDES security procedures require all visitors to sign in a present photo identification (such as a driver's license). If you plan attend the public hearing in person, please bring photo identification with you.			equire all visitors to sign in and driver's license). If you plan to		
Join on your computer, mobile app or room Click here to join the meeting Meeting ID: 243 648 771 488 Passcode: zCNEqT Download Teams Join on the web Electronic Access (if applicable): Or call in (audio only) +1 603-931-4944,503083361# Phone Conference ID: 503 083 361#								
Contact Meg King at Margaret.M.King@des.nh.gov or (60) you have any questions or technical issues connecting to the								
10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):								
	FIS#	23:2	75	, dated	11/17/2023			
1. Comparison of the costs of the proposed rule(s) to the existing rule(s): There is no difference in cost when comparing the proposed rules to the existing rules.								

2. Cite the Federal mandate. Identify the impact on state funds:

Federal regulation, 40 CFR Part 59, Subpart C (§§201 et seq.) establishes VOC limits for various categories of consumer products. New Hampshire is not specifically required by federal law to adopt corresponding state rules, but adoption of the rules will assist the State in meeting the federal air quality standard for ozone. New Hampshire is currently in compliance with the federal ozone standard. However, failure to adopt the lower VOC limits would make it more difficult for New Hampshire to remain in compliance. If the State does not achieve the federal ozone standard and fails to implement an appropriate remedy, the EPA could impose sanctions pursuant to the Clean Air Act up to and, ultimately, the temporary loss of eligibility for federal funds for transportation projects.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rules apply only to manufacturers of consumer products, not to political subdivisions. Further, political subdivisions are not required to enforce the standards in the rules. Thus, the rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.