



Innovative Products For **Home. Work. Life.**

September 8, 2021

*via* electronic transmission

Paul Braun  
Rules Coordinator  
Ohio Environmental Protection Agency  
Division of Air Pollution Control  
PO Box 1049  
Columbus, Ohio 43216-1049

Subject: Early Stakeholder Outreach, OAC Chapter 3745-112, Consumer Products Rules

Dear Mr. Braun,

The Household & Commercial Products Association<sup>1</sup> (HCPA) appreciates the opportunity to offer comments during the Early Stakeholder Outreach (ESO) to the state's current consumer products rules<sup>2</sup> issued by the Ohio Environmental Protection Agency (Ohio EPA) Division of Air Pollution Control. HCPA thanks Ohio EPA for the outreach so that interested parties can help inform the rulemaking process in the early stages.

HCPA supports adoption of regionally consistent consumer products regulations based on the Ozone Transport Commission (OTC) Model Rules. During the past 20 years, HCPA has supported – and continues to support – the efforts by the OTC to develop a workable regional regulatory framework for states to achieve technologically and commercially feasible reductions in the volatile organic compound (VOC) content of consumer products that are necessary to demonstrate compliance with State Implementation Plan (SIP) commitments.

Chapter 3745-112 of the Ohio Administrative Code (OAC) is based on the Phase II OTC Model Rule for Consumer Products. As a practical matter, HCPA would work with and support Ohio EPA Division of Air Pollution Control on updating OAC Chapter 3745-112 to align with the Phase IV OTC Model Rule for Consumer Products if updating to this model rule would help provide attainment for the 2015 ozone standard in the Cleveland and Cincinnati ozone nonattainment areas.

---

<sup>1</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

<sup>2</sup> Ohio Administrative Code Chapter 3745-112

It is important to HCPA and its members that groups of states are on the same model rule. As such, HCPA would like to request that such an update occur in a similar timeline with neighboring states. Other Lake Michigan Air Directors Consortium (LADCO) states that have adopted stricter VOC regulations for consumer products than the U.S. Environmental Protection Agency (U.S. EPA) National Volatile Organic Compound Emission Standards<sup>3</sup> for Consumer Products – Illinois, Indiana, and Michigan – as well as another neighboring state, Pennsylvania, all have VOC regulations for consumer products based on the Phase II OTC Model Rule for Consumer Products. Having regionally consistent VOC regulations help supply chains for consumer products that are not sold nationally ensure that compliant products are sold and distributed appropriately and in compliance with each state’s applicable laws and regulations, so HCPA requests that if Ohio EPA Division of Air Pollution Control were to amend OAC Chapter 3745-112, it be done so in a similar timeline with the surrounding states to the Phase IV OTC Model Rule.

There are other states, including Colorado, Connecticut, Delaware, Maryland, New Hampshire, New York, Rhode Island, and Utah, that have regulations based on the Phase IV OTC Model Rule. With this in mind, HCPA is willing to work with and support Ohio EPA amending their consumer products rules to align with the Phase IV OTC Model Rule as part of an overall strategy to bring nonattainment areas into attainment. So that companies have sufficient time to modify the distribution of their products, HCPA requests the updated rules become effective one year after the date of publication of the final rule. Furthermore, HCPA requests that consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) receive one additional year to comply with the revised VOC limits as these products must first be registered with the Ohio Department of Agriculture Pesticide Program before they can be sold within the state. The OTC Model Rules, as well as the U.S. Environmental Protection Agency (EPA) within their National Consumer Products Regulation and the California Air Resources Board (CARB) regulation provide this additional year for FIFRA-registered products due to the requirement that these products are registered and approved for sale within the state before commerce can begin.

As no state has adopted regulations based on the Phase V OTC Model Rule, HCPA requests that Ohio not do so unless it would be coordinated in adoption with other states. Not all manufacturers that do business in Ohio or the surrounding states conduct business and sell their products in California. These small state or regional manufacturers would need significantly more time than one year to reformulate their products to the technically challenging limits found within the Phase V OTC Model Rule. If Ohio and surrounding states would look to adopt the Phase V OTC Model Rule, HCPA would request a minimum of three years so that small product manufacturers that do not conduct business in California have adequate time to reformulate their products to meet the challenging limits found in the Phase V OTC Model Rule.

---

<sup>3</sup> 40 CFR Part 59 Subpart C

In conclusion, using the Phase IV OTC Model Rule as the basis for future amendments to OAC Chapter 3745-112 will promote regional consistency and enable Ohio EPA Division of Air Pollution Control to achieve significant additional SIP-creditable VOC emission reductions. HCPA appreciates the opportunity to participate in the ESO and we look forward to working cooperatively with the Ohio EPA and other stakeholders to support consistent regional regulatory requirements.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Nicholas Georges".

Nicholas B. Georges  
Vice President, Scientific & International Affairs