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Submitted via AQRegulationRewrites@ClarkCountyNV.gov

Subject: Proposed Rule Changes: Section 0: Definitions

The Household & Commercial Products Association¹ (HCPA) appreciates the opportunity to submit comments to the Clark County Department of Environment & Sustainability Division of Air Quality (DAQ) on the proposed rule changes² for Section 0: Definitions.

HCPA has a long-standing history of working with government agencies on air quality matters, particularly as it relates to the volatile organic compound (VOC) content of consumer and commercial products. HCPA member companies manufacture and market more than two-thirds of the broad product categories governed by consumer product VOC regulations, and we have been actively working with DAQ on a potential proposed regulation for consumer products in Clark County.

HCPA works with government agencies to ensure consistent regulations are developed that achieve improvements in air quality without imposing impediments to interstate commerce. Clear and concise definitions are necessary for the success with any regulation, and HCPA requests the following changes to clarify language and align with federal definitions.

I. Update the Definition of Volatile Organic Compound (VOC)

Within the definition of a VOC, there are several organic compounds that are not defined as VOCs because of their negligible photochemical reactivity. The Environmental Protection Agency (EPA) has excluded five additional substances that are not currently listed in the

¹ 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.

² Available at <https://publicinput.com/Customer/File/Full/714f3b14-8319-47af-8cad-71e4136d317e>

proposed rule change to Section 0. HCPA suggests in order to avoid potential future conflict that DAQ incorporate by reference the federal definition³ of a VOC. This way, DAQ's definition will always remain consistent with EPA's. However, if DAQ is unable to incorporate by reference this definition, the following organic compounds need to be added to the list of excluded substances:

- 2-amino-2methyl-1-propanol;
- t-butyl acetate;
- 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane;
- *cis*-1,1,1,3,3,3-hexafluorobut-2-ene (HFO-1336mzz-Z);
- *trans*-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz(E))

II. Correct Spacing Issues within Nomenclature of VOCs within Definition

If DAQ is able to incorporate by reference the definition of a VOC as suggested previously, this comment will then be resolved. However, if DAQ is unable to incorporate by reference EPA's definition of a VOC, HCPA recommends making the following edits to the proposed revised Section 0:

- List HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane) on its own line separate from HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane)
- Remove unnecessary extra spaces in the listing of the following compounds:
 - 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
 - 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3 or HFE-7100)
 - 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CF2OCH3)
 - 2-ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CF2OC2H5)

III. Other Recommendations Beyond the Definition of a VOC

HCPA would also like to make the following recommendations for DAQ's consideration.

As DAQ is working on a potential regulation for consumer products, it will be important for definitions found within Section 0 to align with the definitions within the regulation for consumer products. As definitions such as "adhesive" and "aerosol spray container" are being added to Section 0, HCPA recommends using the definitions used in the consumer product regulation instead of the proposed definition.

Thus, HCPA recommends that for the definition of "adhesive", the following is used:

"Adhesive" means any product that is used to bond one surface to another by attachment. "Adhesive" does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For "Contact Adhesive,"

³ 40 CFR 51.100(s)

adhesive does not include units of product, less packaging, which consist of more than one gallon. For “Construction, Panel, and Floor Covering Adhesive,” and “General Purpose Adhesive”, “adhesive” does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives.

HCPA also recommends using the term “aerosol product” instead of “aerosol spray container” along with the following definition:

“Aerosol product” means pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product’s container, or by means of mechanically induced force. “Aerosol product” does not include “pump spray”.

Lastly, HCPA suggests updating the spacing for the terms “EPA”, “ethanol”, and “excess emissions” such that they all have their own lines.

Conclusion

HCPA appreciates the opportunity to provide these comments to DAQ on proposed rule changes to Section 0: Definitions. HCPA will continue to participate as an active stakeholder in DAQ’s rulemaking process to ensure consistent regulations are developed and improvements in air quality in Clark County are achieved.

If you have any questions about our comments in this letter, please contact me at ngeorges@thehcpa.org.

Respectfully submitted,



Nicholas B. Georges
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