

250-RICR-120-05-31

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 120 – AIR RESOURCES**

#### **SUBCHAPTER 05 – AIR POLLUTION CONTROL**

PART 31 – Control of Volatile Organic Compounds from Consumer Products

### **31.1 Purpose and Authority**

#### **31.1.1 Purpose**

The purpose of this regulation is to limit the emissions of volatile organic compounds from consumer products.

#### **31.1.2 Authority**

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

### **31.2 Application**

~~The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state laws, goals and policies.~~

### **31.3 Severability**

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

### **31.4 Incorporated Materials**

- A. These regulations hereby adopt and incorporate the American Society of Testing and Material's "ASTM D4359-90 (2012)" "ASTM 4236-94 (2016)," and "ASTM D86-17 (2017)," "ASTM E260-96 (2011)" by reference, not including any further editions or amendments thereof, and only to the extent that the provisions therein are not inconsistent with these regulations.

- B. These regulations hereby adopt and incorporate the California Air Resources Board's "Method 310: Determination of Volatile Organic Compounds (VOC) in Consumer Products (2005)," 17 California Code of Regulations, Section 93000 (2018) by reference, not including any further editions or amendments thereof, and only to the extent that the provisions therein are not inconsistent with these regulations.
- C. These regulations hereby adopt and incorporate the South Coast Air Quality Management District" Rule 1174 Ignition Method Compliance Certification Protocol, (1991)" by reference, not including any further editions or amendments thereof, and only to the extent that the provisions therein are not inconsistent with these regulations.

### **31.5 Definitions**

- A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to [Part 0](#) of this Subchapter (General Definitions). As used in this regulation, the following terms shall, where the context permits, be construed as follows:
  - 1. "ACP agreement" means a document signed by the CARB or NYSDEC which includes the conditions and requirements of an Alternative Control Plan (ACP).
  - 2. "Adhesive" means any product that is used to bond one surface to another by attachment, including, but not limited to, caulks, sealants and glues.
    - a. Adhesives do 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.
  - 3. "Adhesive remover" means a product designed to remove adhesives from either a specific substrate or a variety of substrates.
  - 4. "Aerosol adhesive" means an aerosol product manufactured for consumer, industrial and/or commercial uses in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesives, mist spray adhesives and web spray adhesives.
  - 5. "Aerosol coating product" means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant and is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic/marketing applications.

6. "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.
7. "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a propellant or mechanically induced force.
  - a. Aerosol products do not include pump sprays.
8. "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.
  - a. Agricultural use does not include the sale or use of pesticides in properly labeled packages or containers which are intended for home use, use in structural pest control, industrial or institutional use.
  - b. For the purposes of this definition only:
    - (1) "Home use" means use in a household or its immediate environment.
    - (2) "Structural pest control" means a use requiring a license for commercial applicators under the R.I. Gen. Laws § 23-25-12, Pesticide Control.
    - (3) "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.
    - (4) "Institutional use" means use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.
9. "Air freshener" means any consumer product including, but not limited to, sprays, wicks, powders, and crystals, formulated for the purpose of masking of odors, or freshening, cleaning, scenting or deodorizing the air. Air fresheners include spray disinfectants, dual purpose air freshener or disinfectant products and other products expressly represented for use as air fresheners. The presence of and representations about a product's fragrance and ability, resulting from surface application, to deodorize or eliminate odors shall not constitute a claim of air freshening.

- a. Air fresheners do not include products that are:
    - (1) Used on the human body, products that function primarily as cleaning products;
    - (2) Disinfectant products claiming to deodorize by killing germs on surfaces; or
    - (3) Toilet/urinal care products or institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution.
  - b. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered.
10. "All other carbon-containing compounds" means all other compounds which contain at least one carbon atom and are not exempt compounds or LVP-VOCs.
11. "All other forms" means any consumer product form 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).
12. "Alternative control plan" or "ACP" means an emissions averaging program approved by the CARB or the NYSDEC.
13. "Antimicrobial hand or body cleaner or soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity. Antimicrobial hand or body cleaners or soaps include, but are not limited to, antimicrobial hand or body washes/cleaners, foodhandler hand washes, healthcare personnel hand washes, pre-operative skin preparations and surgical scrubs.
- a. Antimicrobial hand or body cleaners or soaps do not include prescription drug products, antiperspirants, astringents/toners, deodorants, facial cleaners or soaps, general-use hand or body cleaners or soaps, hand dishwashing detergents (including antimicrobial), heavy-duty hand cleaners or soaps, medicated astringents/medicated toners, and rubbing alcohol.

14. "Antiperspirant" means any product 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 reduce perspiration in the human axilla by at least twenty percent (20%) in at least fifty percent (50%) of the target population.
15. "Anti-static product" means a product that is labeled to eliminate, prevent or inhibit the accumulation of static electricity.
  - a. Anti-static products do not include electronic cleaners, floor polish or wax, floor coatings, aerosol coating products and architectural coatings.
16. "Architectural coating" means any coating which is applied to stationary structures and their appurtenances, mobile homes, pavements or curbs.
17. "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 two hundred eighty degrees Celsius (280°C).
  - a. Aromatic compound does not include compounds excluded from the definition of VOC in [Part 0](#) of this Subchapter (General Definitions).
18. "Artist's solvent or thinner" means:
  - a. Any liquid product, labeled to meet ASTM D4236-94, "Standard Practice for Labeling Art Materials for Chronic Health Hazards", incorporated in § 31.4(A) of this Part;
  - b. Packaged in a container equal to or less than thirty-four (34) fluid ounces; and
  - c. Labeled to reduce the viscosity of, or remove, art coating compositions or components.
19. "ASTM" means the American Society for Testing and Materials.
20. "Astringent/toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products.

- a. Astringent/toner does not include any hand, face, or body cleaner or soap product, medicated astringent/medicated toner, cold cream, lotion, or antiperspirant.
21. “Automotive brake cleaner” means, for products manufactured prior to January 1, 2020, a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.
  22. “Automotive hard paste wax” means an automotive wax or polish which is: designed to protect and improve the appearance of automotive paint surfaces; a solid at room temperature; and contains zero percent (0%) water by formulation.
  23. “Automotive instant detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.
  24. “Automotive rubbing or polishing compound” means a product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.
  25. “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 automotive wax, polish, sealant or glaze category includes, but is not limited to, products designed for use in autobody repair shops and drive-through car washes, as well as products designed for the general public.
    - a. Automotive wax, polish, sealant or glaze does not include automotive rubbing or polishing compounds, automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.
  26. “Automotive windshield cleaner” means a product labeled and packaged as an automotive windshield cleaner in the form of a moistened towelette and is designed to be used on automotive windshields, automotive mirrors, and automotive headlights. The product shall be labeled for “automotive use only.”
    - a. Automotive windshield cleaner does not include automotive windshield washer fluid.

27. "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.
  - a. Automotive windshield washer fluids do not include fluids placed by the manufacturer in a new vehicle.
28. "Bait station insecticide" means a container containing not more than 0.5 ounces by weight of an insecticidal bait, in which the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than five percent (5.0%) active ingredients.
29. "Bathroom and tile cleaner" means a product designed to clean tile or surfaces in bathrooms.
  - a. Bathroom and tile cleaners do not include products designed primarily to clean toilet bowls, toilet tanks or urinals.
30. "Brake cleaner" means, for products manufactured on or after January 1, 2020, a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.
31. "Bug and tar remover" means a product labeled 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; and
  - b. Road grime, such as road tar, roadway paint markings, and asphalt.
32. "Cal. code reg." means the California Code of Regulations.
33. "CARB" means the California Air Resources Board.
34. "Carburetor or fuel-injection air intake cleaner" 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.
  - a. Carburetor or fuel-injection air intake cleaners do 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 intake vacuum lines by using a pressurized sprayer wand.

35. “Carpet and upholstery cleaner” means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. Carpet and upholstery cleaners include, but are not limited to, products that make fabric protectant claims.
  - a. Carpet and upholstery cleaners do not include general purpose cleaners, spot removers, vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.
36. “Charcoal lighter material” means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition.
  - a. Charcoal lighter materials do not include electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.
37. “Colorant” means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient.
38. “Construction, panel, and floor covering adhesive” means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of:
  - a. Structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or
  - b. Floor or wall coverings that include, but are 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 and other types of tiles, and artificial grass.
  - c. Construction, panel, and floor covering adhesives do not include floor seam sealers.



39. "Consumer" means any person who seeks, purchases or acquires any consumer product for personal, family, household or institutional use. Persons acquiring a consumer product for resale are not consumers for that product.
40. "Consumer product" means a chemically formulated product used by household and/or institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn and garden products; disinfectants; sanitizers; aerosol adhesives, including aerosol adhesives used for consumer, industrial or commercial uses, and automotive specialty products.
- a. Consumer product does not include other paint products, furniture coatings or architectural coatings.
41. "Contact adhesive" means
- a. An adhesive that:
- (1) Is designed for application to both surfaces to be bonded together;
  - (2) Is allowed to dry before the two surfaces are placed in contact with each other;
  - (3) Forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and
  - (4) 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. Contact adhesives do not include rubber cements that are primarily intended for use on paper substrates and vulcanizing fluids that are designed and labeled for tire repair only.
42. "Contact adhesive-general purpose" means any contact adhesive that is not a contact adhesive-special purpose."
43. "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 eight (8) fluid ounces, or
  - b. Is used in automotive applications that are automotive under-the-hood applications requiring heat, oil or gasoline resistance, or body-side molding, automotive weather strip or decorative trim.
44. "Container" and "packaging" means the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. Containers and packaging include any articles onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.
45. "Crawling bug insecticide" means any insecticide product that is formulated for use against ants, cockroaches, mites, silverfish, spiders, and other household crawling arthropods.
- a. Crawling bug insecticides do not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:
    - (1) "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.
    - (2). "House dust mite" means mites which feed 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.
46. "Date-code" means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

47. "Deodorant" means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze bottles, that 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 and/or minimize odor.
48. "Device" means any instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacterium, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.
49. "Disinfectant" means a product that is formulated to destroy or irreversibly inactivate infectious, or otherwise undesirable, bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136, *et seq.*). A product that is labeled both as a "sanitizer" and a "disinfectant," is considered a "disinfectant."
  - a. Disinfectants do not include products:
    - (1) Labeled solely for use on humans or animals;
    - (2) Labeled solely for use in swimming pools, therapeutic tubs, or hot tubs;
    - (3) Labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces;
    - (4) That are pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments;
    - (5) Labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; or
    - (6) Labeled for agricultural use; or
    - (7) Labeled as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, metal polishes, urinal care products, carpet cleaners, or fabric refreshers that may also make disinfecting or anti-microbial claims on the label.

50. "Double-phase aerosol air freshener" means an aerosol air freshener in which the liquid contents is in two (2) or more distinct phases and which requires the product container to be shaken before use to mix the phases, producing an emulsion.
51. "Dry cleaning fluid" means any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled "for dry clean only", such as clothing or drapery, or S-coded fabrics.
- a. Dry cleaning fluids include, but are 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.
  - b. Dry cleaning fluids do not include spot removers or carpet and upholstery cleaners.
  - c. For the purposes of this definition, 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.
52. "Dual purpose air freshener or disinfectant" means an aerosol product represented on the product container, or on any sticker, label, packaging, or literature attached to the product container, for use as both disinfectant and an air freshener.
53. "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.
- a. Dusting aids do not include pressurized gas dusters.
54. "Electrical cleaner" means a product labeled to remove heavy soils such as grease, grime or oil from electrical equipment including, but limited to, electric motors, armatures, relays, electric panels or generators.
- a. Electric cleaners do not include general purpose cleaners, general purpose degreasers, dusting aids, electronic cleaners, energized electrical cleaners, pressurized gas dusters, engine degreasers, anti-static products or products designed to clean the casings or housings of electrical equipment.
55. "Electronic cleaner" means a product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or

precision equipment such as circuit boards and the internal components of electronic devices including, but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players and computers.

- a. Electronic cleaners do not include general purpose cleaners, general purpose degreasers, dusting aids, pressurized gas dusters, engine degreasers, electrical cleaners, energized electrical cleaners, anti-static products or products designed to clean the casings or housing of electronic equipment.

56. "Energized electrical cleaner" means a product that meets both of the following criteria:

- a. The product is labeled to clean and/or degrease electrical equipment where cleaning and/or degreasing is accomplished when electrical current exists or when there is a residual electrical potential from a component, such as a capacitor; and
- b. The product label clearly displays the statements: "Energized equipment use only. Not to be used for motorized vehicle maintenance of their parts."
- c. Energized electrical cleaners do not include electronic cleaners.

57. "Engine degreaser" means a cleaning product which is formulated to remove grease, oil, dirt, or other contaminants from the external surfaces of engines and other mechanical parts.

58. "Exempt compound" means any carbon-containing compound listed as an exemption to the definition of volatile organic compound (VOC) in [Part 0](#) of this Subchapter (General Definitions).

59. "Fabric protectant" means:

- a. For products manufactured before January 1, 2020: 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.
  - (1) Fabric protectant does not include waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics which are labeled "for dry clean only" and sold in containers of 10 fluid ounces or less.

- b. For products manufactured on or after January 1, 2020: 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.
    - (1) Fabric protectant does not include: waterproofers, or products labeled for use solely on leather, pigmented products that are designed to be used primarily for coloring, products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates products that renew or restore fabric and qualifying as either clear coating" or vinyl/fabric/leather/polycarbonate coating."
60. "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 and/or household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton or nylon.
- a. Fabric refreshers do not include anti-static products, carpet and upholstery cleaners, soft household surface sanitizers, footwear or leather care products, spot removers, disinfectants or products labeled for application to both fabric and human skin.
  - b. For the purposes of this definition only:
    - (1) "Soft household surface sanitizer" means a product labeled to neutralize or eliminate odors on surfaces listed above and for which the label is registered as a sanitizer under the Federal Insecticide, Fungicide and Rodenticide Act, (7 U.S.C. § 136 *et seq.*).
61. "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face. Facial cleaners or soaps include, but are not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms.
- a. Facial cleaners or soaps do 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.
62. "Fat wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. Fat wood

does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

63. "Flea and tick insecticide" means any insecticide that is designed for use against fleas, ticks, their larvae, or their eggs.
  - a. Flea and tick insecticides do not include products that are designed to be used exclusively on humans or animals or their bedding.
64. "Flexible flooring material" means asphalt, cork, linoleum, no wax, rubber, seamless vinyl, and vinyl composite flooring.
65. "Floor coating" means an opaque coating that is labeled and designed for application to flooring including, but not limited to, decks porches, steps and other horizontal surfaces which may be subject to foot traffic.
66. "Floor or wall covering adhesive remover" means an adhesive remover designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.
67. "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.
  - a. Floor polishes or waxes do not include spray buff products, products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and architectural coatings.
68. "Floor seam sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.
69. "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.
  - a. Floor wax strippers do not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.
70. "Flying bug insecticide" means any insecticide product that is designed for use against flying insects and or other flying arthropods, including but not limited to flies, mosquitoes, moths or gnats.

- a. Flying bug insecticides do not include wasp and hornet insecticides, products that are designed to be used exclusively on humans or animals, or any moth-proofing product.
  - b. For the purposes of this definition only, moth-proofing product 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.
71. "Footwear or leather care product" means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and non-leather foot apparel.
- a. Footwear or leather care products do not include fabric protectants, general purpose adhesives, contact adhesives, vinyl/fabric/leather/polycarbonate coatings, rubber and vinyl protectant, fabric refresher, products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than two (2) millimeters thick.
72. "Fragrance" means a substance or complex mixture of aroma chemicals, natural essence oils, and other functional components with a combined vapor pressure not in excess of two (2) mm of Hg at twenty degrees Celsius (20°C), the sole purpose of which is to impart an odor or scent, or to counteract a malodor.
73. "Furniture coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.
74. "Furniture maintenance product" means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors and other furniture surfaces including but not limited to acrylic, ceramic, plastic, stone, metal and fiberglass.
- a. Furniture maintenance products do not include dusting aids, wood cleaners, products designed exclusively for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.



75. "Gasket or thread locking adhesive remover" means a product designed or labeled to remove gaskets or thread locking adhesives. Products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover are considered gasket or thread locking removers.
76. "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as a jelly.
77. "General purpose adhesive" means any non-aerosol adhesive designed for use on a variety of substrates.
- a. General purpose adhesives do not include:
- (1) Contact adhesives;
  - (2) Construction, panel, and floor covering adhesives;
  - (3) Adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls); or
  - (4) Adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).
78. "General purpose adhesive remover" means a product designed or labeled to remove cyanoacrylate adhesives as well a non-reactive adhesives or residue from a variety of substrates. General purpose adhesive removers include, but are not limited to, products that remove thermoplastic adhesives, pressure sensitive adhesives, dextrine or starch-based adhesives, casein glues or rubber or latex-based adhesives; as well as products that remove stickers, decals, stencils or similar materials.
- a. General purpose adhesive removers do not include floor or wall covering adhesive removers.
79. "General purpose cleaner" means any product designed or labeled for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates or for specific situations. General purpose cleaners include products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces.

- a. General purpose cleaners do not include general purpose degreasers, furniture maintenance products and electronic cleaners.
80. "General purpose contact adhesive" means any contact adhesive that is not a special purpose contact adhesive.
81. "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 automotive or miscellaneous metallic parts.
- a. General purpose degreasers do not include:
    - (1) Engine degreasers, general purpose cleaners, adhesive removers, electronic cleaners, electrical cleaners, energized electrical cleaners, metal polish/cleansers, oven or grill cleaners, products used exclusively in solvent cleaning tanks or related equipment, or products that are sold exclusively to establishments which manufacture or construct goods or commodities; and labeled exclusively for "use in the manufacturing process only."
    - (2) For the purposes of this definition solvent cleaning tanks or related equipment includes, but is 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.
82. "General-use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. General-use hand or body cleaners or soaps include, but are not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps.
- a. General-use hand or body cleaners or soaps do 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.
83. "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass.

- a. Glass cleaners do not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.
84. "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 non-fabric substrates.
- a. Graffiti removers do not include paint removers or strippers, nail polish removers or spot removers.
  - b. Products labeled for dual use as both a paint stripper and graffiti remover are considered graffiti removers.
85. "Hair mousse" means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.
86. "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair. Hair shine includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair.
- a. Hair shine does not include hair spray, hair mousse, hair styling product, hair styling gel or products whose primary purpose is to condition or hold the hair.
87. "Hair spray" means a consumer product that is applied to styled hair and is designed or labeled to provide sufficient rigidity, to hold, retain and/or finish the style of the hair for a period of time. Hair sprays include aerosol hair sprays; pump hair sprays; spray waxes; color, glitter or sparkle hair sprays that make finishing claims; and products that are both a styling and finishing product.
- a. Hair sprays do not include spray products that are intended to aid in styling but do not provide finishing of a hair style.
  - b. For the purposes of this definition:
    - (1) "Finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time.
    - (2) "Styling" means the forming, sculpting or manipulating of hair to temporarily alter the hair's shape.

88. "Hair styling product" means a consumer product that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. Hair styling products include, but are 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 and/or conditioners that make styling claims.
- a. Hair styling products do not include hair mousses, hair shines, hair sprays, or shampoos and/or conditioners that are rinsed from the hair prior to styling.
  - b. For the purposes of this definition:
    - (1) "Finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time; and
    - (2) "Styling" means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.
89. "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.
- a. Heavy-duty hand cleaner or soap 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.
90. "Herbicide" means a pesticide product designed to kill or retard a plant's growth.
- a. Herbicide does not include products that are for agricultural use, or are a restricted material that requires a permit for use and possession.
91. "High temperature coating" means a high-performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two hundred four degrees Celsius (204°C) of four hundred degrees Fahrenheit (400°F).

92. "High volatility organic compound" or "HVOC" means any volatile organic compound that exerts a vapor pressure greater than eighty (80) mm Hg when measured at twenty degrees Celsius (20 °C).
93. "Household product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.
94. "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed in §§ 31.5(A)(94)(a) through (e) of this Part and labeled "for industrial use only," "for professional use only," "not for residential use," or "not intended for residential use:"
- a. Immersion in water, wastewater, or chemical aqueous or non-aqueous 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 one hundred twenty-one degrees Celsius (121°C) or two hundred fifty degrees Fahrenheit (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.
95. "Insecticide" means a pesticide product that is designed for use against insects or other arthropods.
- a. Insecticides does not include products that are;
    - (1) For agricultural use; or
    - (2) For a use which requires an Industrial, Structural and Health Related Pest Control license under the Rhode Island Department of Environmental Management, Division of Agriculture, "Rules and Regulations Relating to Pesticides" ([Part 40-15-2](#) of this Title); or

- (3) Restricted materials that require a permit for use and possession.
96. "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.
97. "Institutional product" or "Industrial and institutional product" means designed for use in an establishment that: manufactures, transports, or sells goods or commodities, provides services for profit; or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause.
- a. For the purpose of this definition, 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.
- b. 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 at the site of the establishment.
98. "Label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown onto, formed, molded onto, embossed on, or appearing upon any consumer product or consumer product package, for the purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.
99. "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.
100. "Laundry starch, sizing or fabric finish product" or "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, fresh look and may also act to help ease ironing of the fabric. Laundry starch products include, but are not limited to, fabric finish, sizing, and starch.
101. "Lawn and garden insecticide" means an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects and other arthropods. Notwithstanding the requirements of §

31.7(D) of this Part, aerosol lawn and garden insecticides may claim to kill insects or other arthropods.

102. "Liquid" means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90 incorporated in § 31.4(A) of this Part.
- a. Liquid does not include powders or other materials that are composed entirely of solid particles.
103. "Lubricant" means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms.
- a. Lubricants do not include:
    - (1) Automotive power steering fluids;
    - (2) Products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes;
    - (3) Two cycle oils or other products designed to be added to fuels; products for use on the human body or animals or products that are sold exclusively to establishments which manufacture or construct goods or commodities, and are labeled exclusively for "use in the manufacturing process only."
104. "LVP-VOC" means a chemical compound or mixture that:
- a. Contains at least one (1) carbon atom and meets one or more of the following conditions:
    - (1) It has a vapor pressure less than 0.1 mm Hg at twenty degrees Celsius (20°C), as determined by CARB Method 310, incorporated in § 31.4(A) of this Part; or
    - (2) It is a chemical compound with more than twelve (12) carbon atoms or a chemical mixture comprised solely of compounds with more than twelve (12) carbon atoms, as verified by formulation data, and the vapor pressure and boiling point are unknown; or
    - (3) It is a chemical compound with a boiling point greater than two hundred sixteen degrees Celsius (216°C), as

determined by CARB Method 310 incorporated in § 31.4(B) of this Part; or

- (4) It is the weight percent of a chemical mixture that boils above two hundred sixteen degrees Celsius (216 °C), as determined by CARB Method 310 incorporated in § 31.4(B) of this Part.

b. For the purpose of this definition;

- (1) Chemical compound means a molecule of definite chemical formula and isomeric structure; and
- (2) Chemical mixture means a substrate comprised of two (2) or more chemical compounds.

105. "Manufacturer" means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.

106. "Medicated astringent /medicated toner" means any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores. Medicated astringents/medicated toners include, but are not limited to, clarifiers and substrate-impregnated products.

- a. Medicated astringents/medicated toners do 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.

107. "Medium volatility organic compound" or "MVOC" means any volatile organic compound that exerts a vapor pressure greater than two (2) mm Hg and less than or equal to eighty (80) mm Hg when measured at twenty degrees Celsius (20 °C).

108. "Metal polish or cleanser" means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action to remove or reduce stains, impurities or oxidation from surfaces or to make surfaces smooth and shiny. Metal polishes or cleansers include but are not limited to; metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals.

- a. Metal polishes or cleansers do not include automotive wax, polish, sealant or glaze, wheel cleaner, paint remover or stripper, products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.



109. "Mist spray adhesive" means any aerosol adhesive which is not a special purpose spray adhesive and which 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.
110. "Multi-purpose dry lubricant" means any lubricant which is:
- a. Designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (teflon) on surfaces; and
  - b. Designed for general purpose lubrication, or for use in a wide variety of applications.
111. "Multi-purpose lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications.
- a. Multi-purpose lubricants do not include multi-purpose dry lubricants, penetrants, or silicone-based multi-purpose lubricants.
112. "Multi-purpose solvent" means:
- a. For products manufactured before January 1, 2020: any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. Multi-purpose solvents include solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories.
    - (1) Multi-purpose solvents do not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
  - b. For products manufactured on or after January 1, 2020; any liquid product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials. Multi-purpose solvent also includes:
    - (1) Products that do not display specific use instructions on the product container or packaging;

- (2) Products that do not specify an end-use function or application on the product container or packaging; and
  - (3) Solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories, and
  - (4) Paint clean-up products including any liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals; and
  - (5) Products labeled to prepare surfaces for painting.
- c. For products manufactured on or after January 1, 2020 multi-purpose solvent does not include:
- (1) A solvent used in a cold cleaner, a vapor degreaser, a conveyORIZED degreaser or film cleaning machine;
  - (2) A solvent labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings;
  - (3) A solvent that is incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment;
  - (4) A product that is labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; or
  - (5) Any product making any representation that the product may be used as, or is suitable for use as, any other consumer product listed in § 31.7(B) of this Part.
113. "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails and including, but not limited to, lacquers, enamels, acrylics, base coats and top coats.
114. "Nail polish remover" means a product designed to remove nail polish and coating from fingernails or toenails.
115. "Non-aerosol product" means any consumer product that is not dispensed by a pressurized spray system.
116. "Non-carbon containing compound" means any compound which does not contain any carbon atoms.

117. "Nonresilient flooring" means flooring of a mineral content which is not flexible and includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.
118. "Non-selective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
119. "NYCRR" means the Official Compilation of Codes, Rules and Regulations of the State of New York.
120. "NYSDEC" means the New York State Department of Environmental Conservation.
121. "Oven or grill cleaner" means a product labeled exclusively to remove baked on grease or deposits from food preparation or food cooking surfaces. A product that is labeled as an oven or grill cleaner that makes claims that it is suitable for degreasing other hard surfaces is a general purpose degreaser. A product that is labeled as an oven or grill cleaner that makes claims that it is suitable for cleaning other hard surfaces is a general purpose cleaner.
122. "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted 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.
123. "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.
  - a. Paint removers or strippers do not include multi-purpose solvents, paint brush cleaners, products designed and labeled exclusively to remove graffiti, and hand cleaner products that claim to remove paints and other related coatings from skin.
124. "Paint thinner" means, for products manufactured on and after January 1, 2020, 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.
  - a. Paint thinner does not include any of the following products:

- (1) Artist's solvent or thinner;
  - (2) A product that is sold in containers with a capacity of five gallons or more and labeled exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings;
  - (3) A product 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
  - (4) A product that meets both of the following criteria:
    - (AA) The principle display panel of the product indicates, in a font size as large as or larger than the font size of all other words on the panel, not including the font size used for the company name, brand name, or logo, that the product is used exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings, and
    - (BB) 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 may be used for any other purpose except the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings.
125. "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes.
- a. Penetrants do not include multi-purpose lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.
126. "Personal fragrance product" means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave and toilet water.
- a. Personal fragrance products do not include deodorants; medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes, breath fresheners

and deodorizers; lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals.

- b. A personal fragrance product is considered a deodorant for the purpose of this regulation if it meets all of the following criteria:
- (1) The product contains twenty percent (20%) or less fragrance;
  - (2) The product is designed for application all over the human body to provide a scent;
  - (3) On the container or packaging or any sticker or label affixed thereto, it is indicated or depicted that the product can be used on or applied to human axilla.

127. "Pesticide" means any substance or mixture of substances labeled, designed or intended for use as in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant, or plant regulator, provided that the term "pesticide" does not include any substance, mixture of substances or device which the Environmental Protection Agency does not consider to be a pesticide.
128. "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. Plasticizer content of a product may be determined using ASTM Method E260-96, incorporated in § 31.4(A) of this Part or from product formulation data.
129. "Pressurized gas duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards and other types of surfaces that cannot be cleaned with solvents. Pressurized gas dusters do not include dusting aids.
130. "Principal display panel or panels" 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.

131. "Product brand name" means the name of the product exactly as it appears on the principal display panel of the product.
132. "Product category" means the applicable category which best describes a consumer product, as defined in this regulation.
133. "Product form" means the form that most accurately describes the dispensing form of a product, including aerosols, solids, semisolids, liquids and pump sprays.
134. "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.
135. "Pump spray" means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.
136. "Resilient flooring" means flexible flooring of a material that may include but is not limited to asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, or vinyl composite.
137. "Responsible party" means the company, firm or establishment which is listed on the product's label. If the label lists two (2) or more companies, firms, or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by", as noted on the label.
138. "Restricted materials" means pesticides established as restricted materials under applicable Rhode Island laws or regulations.
139. "Rhode Island sales" means the sales (net pounds of product, less packaging and container, per year) in Rhode Island for either the calendar year immediately prior to the year that the report specified in § 31.9 of this Part, is due or, if those data are not available, any consecutive 12-month period commencing no earlier than two (2) years prior to the due date of the report. If direct sales data for Rhode Island are not available, sales may be estimated by prorating national or regional sales data by population.

140. "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.
141. "Rubber or vinyl protectant" means:
- a. For products manufactured prior to January 1, 2020, any product designed to protect, preserve or renew vinyl, rubber and plastic on motor vehicles, tires, luggage, furniture or household products such as vinyl covers, clothing and accessories.
    - (1) Rubber or vinyl protectant does not include a product primarily designed to clean a motor vehicle wheel rim, such as aluminum or magnesium wheel cleaner, or a tire cleaner that does not leave an appearance-enhancing or protective substance on the tire; and
  - b. For products manufactured on and after January 1, 2020, any product labeled to protect, preserve or renew vinyl, or rubber on motor vehicles, tires, luggage, furniture or household products such as vinyl covers, clothing, or accessories.
    - (1) Rubber or vinyl protectant does not include a product labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaner, or a tire cleaner that does not leave an appearance-enhancing or protective substance on the tire, a pigmented product designed or labeled to be used primarily for coloring, a product used for construction, reconstruction, modification, structural maintenance or repair of rubber or vinyl substrates, or a product, other than a product labeled to be used.
142. "Rubbing alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.
143. "Sanitizer" means:
- a. For products manufactured on and after January 1, 2020, a product that is labeled as a sanitizer, or labeled to reduce, but not necessary eliminate, microorganisms in the air, on surfaces, or on inanimate objects, and whose label is registered as a sanitizer under FIFRA. Products that are labeled both as a sanitizer and a disinfectant are considered disinfectants.

- b. "Sanitizer" does not include:
  - (1) Disinfectant;
  - (2) A product labeled solely for use on humans or animals;
  - (3) A product labeled solely for agricultural use;
  - (4) A product labeled solely for use in swimming, therapeutic tubs, or hot tubs;
  - (5) A product labeled for use on heat sensitive critical or semi-critical medical devices or medical equipment surfaces;
  - (6) A product that is a pre-moistened wipe or towelette sold exclusively to medical, convalescent or veterinary establishments;
  - (7) A product that is labeled to be applied to food-contact surfaces and is not required to be rinsed prior to contact with food; or
  - (8) A product that is labeled as bathroom and tile cleaner, glass cleaner, general purpose cleaner, toilet or urinal care product, metal polisher, carpet cleaner, or fabric refresher that may also make sanitizing or anti-microbial claims on the label.
  
- 144. "S-coded fabric" means an upholstery fabric designed to be cleaned with water-free spot cleaning products as specified by the Joint Industry Fabrics Standard Committee.
  
- 145. "Sealant and caulking compound" means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two (2) surfaces.
  - a. Sealants and caulking compounds do not include roof cements and roof sealants; insulating foams; removable caulking compounds; clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; or sealers that are applied as continuous coatings.
  
  - b. For the purposes of this definition only:



- (1) Removable caulking compounds means compounds which temporarily seal windows or doors for three to six-month time intervals, and
  - (2) Clear/paintable/water resistant caulking compounds means compounds which contain no appreciable level of opaque fillers or pigments; transmit most or all visible light through the caulk when cured; are paintable; and are immediately resistant to precipitation upon application.
146. "Semisolid" means a product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes, and greases.
147. "Shaving cream" means an aerosol product which 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 bodily hair.
  - a. Shaving creams do not include shaving gels.
148. "Shaving gel" means an aerosol product which dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor or other shaving system in the removal of facial or other bodily hair.
  - a. Shaving gels do not include shaving creams.
149. "Silicone-based multi-purpose lubricant" means any lubricant which is:
  - a. Designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane; and
  - b. Designed and labeled for general purpose lubrication, or for use in a wide variety of applications.
  - c. Silicone-based multi-purpose lubricants do not include products designed and labeled exclusively to release manufactured products from molds.
150. "Single-phase aerosol air freshener" means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product be shaken before use.
151. "Solid" means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of

visually detectable flow as determined under ASTM D-4359-96, incorporated in § 31.4(A) of this Part.

152. "Solid or paste form furniture maintenance product" means a furniture maintenance product which contains waxes and which is applied by being rubbed onto a surface and then wiped off after drying occurs.
  - a. Solid or paste form furniture maintenance product does not include aerosol, liquid, and pump-spray furniture maintenance products.
153. "Special purpose contact adhesive" means a contact adhesive that meets the following conditions:
  - a. Product 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 eight (8) fluid ounces; or
  - b. Product is used in automotive under-the-hood applications requiring heat oil or gasoline resistance or automotive body-side molding, weather strip or decorative trim applications.
154. "Special purpose spray adhesive" means an aerosol adhesive that meets any of the following definitions:
  - a. "Mounting adhesive" means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.
  - b. "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-96 incorporated in § 31.4(A) of this Part or from product formulation data.
  - c. "Polystyrene foam adhesive" means an aerosol adhesive designed to bond polystyrene foam to substrates.

- d. "Automobile headliner adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.
  - e. "Polyolefin adhesive" means an aerosol adhesive designed to bond polyolefins to substrates.
  - f. "Laminate repair/edgebanding adhesive" means an aerosol adhesive designed for:
    - (1) The touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.) or for;
    - (2) The touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals.
    - (3) For the purposes of this definition "high pressure laminate" means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding two hundred sixty-five degrees Fahrenheit (265 °F), and at pressures between one thousand (1,000) and one thousand four hundred (1,400) psi.
  - g. "Automotive engine compartment adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of two hundred degrees Fahrenheit (200 °F) to two hundred seventy-five degrees Fahrenheit (275 °F).
155. "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur. Examples of reactive adhesives include, but are not limited to: epoxies, urethanes and silicones.
- a. Specialty adhesive removers do not include gasket or thread locking adhesive removers.
156. "Spot remover" means any product designed to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal.

- a. Spot remover does not include dry cleaning fluid, laundry prewash, carpet and upholstery cleaner, or multi-purpose solvent.
157. "Spray buff product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.
158. "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 affected area.
159. "Structural waterproof adhesive" means an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water, and that conforms to Federal Specification MMM-A-181D (Type 1, Grade A). This definition is as per the Federal Consumer Products Regulation 40 C.F.R. § 59, Subpart C.
160. "Temporary hair color" means, for products manufactured on and after January 1, 2020, any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed. Temporary hair color includes hair color mousses and products labeled to add texture or thickness to cover thinning or balding areas.
- a. Temporary hair color does not include hair spray, hair styling product, or hair mousse.
161. "Terrestrial" means to live on or grow from land.
162. "Tire sealant and inflator" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
163. "Toilet/urinal care product" means any consumer product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, toilets or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft.
- a. Toilet/urinal care products do not include bathroom and tile cleaners or general-purpose cleaners.
164. "Type A propellant" means a compressed gas such as CO<sub>2</sub>, N<sub>2</sub>, N<sub>2</sub>O, or compressed air which is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.

165. "Type B propellant" means any halocarbon which is used as a propellant, including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs).
166. "Type C propellant" means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).
167. "Undercoating" means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. Undercoating includes, but is not limited to, rubberized, mastic, or asphaltic products.
168. "Usage directions" means the text or graphics on the product's principal display panel, label, or accompanying literature which describes to the end user how and in what quantity the product is to be used.
169. "Vinyl/fabric/leather/polycarbonate coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather or polycarbonate substrates.
170. "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 from a distance a directed stream or burst at the intended insects, or their hiding place.
171. "Waterproofers" means a product designed and labeled exclusively to repel water from fabric or leather substrates.
  - a. Waterproofers do not include fabric protectants.
172. "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 (plastics). Wax includes, but is not limited to, substances derived from the secretions of plants and animals such as carnauba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.
173. "Web spray adhesive" means any aerosol adhesive which is not a mist spray or special purpose spray adhesive.

174. “Wood cleaner” means a product labeled to clean wooden materials including but not limited to decking, fences, flooring, logs, cabinetry, and furniture.
- a. Wood cleaners do not include dusting aids, general purpose cleaners, furniture maintenance products, floor wax strippers, floor polish or wax, or products designed and labeled exclusively to preserve or color wood.
175. “Wood floor wax” means wax-based products for use solely on wood floors.

### **31.6 Applicability and Exemptions**

- A. Except as provided in §§ 31.6(B) through (E) of this Part, the provisions of this regulation apply to any person who sells, supplies, offers for sale, distributes for sale or manufactures for sale within Rhode Island any consumer products on or after the applicable date identified in § 31.7 of this Part.
- B. The provisions of this regulation do not apply to the following:
1. Any product that is sold, offered for sale or manufactured in Rhode Island for shipment and use outside of Rhode Island;
  2. A manufacturer or distributor who sells, supplies, or offers for sale in Rhode Island a consumer product that does not comply with the VOC standards specified in § 31.7 of this Part, as long as the manufacturer or distributor can demonstrate both that the consumer product is intended for shipment and use outside of Rhode Island, and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed to Rhode Island.
  3. Insecticides which contain at least ninety-eight percent (98%) para-dichlorobenzene;
  4. Air fresheners comprised entirely of fragrance, less compounds not defined as VOCs in [Part 0](#) of this Subchapter (General Definitions) and LVP-VOCs;
  5. Fragrances contained in a consumer product up to a combined level of two percent (2%) by weight of the product and colorants up to a combined level of two percent (2%) by weight in an antiperspirant or deodorant;
  6. Ethanol in antiperspirant and deodorant products shall not be considered a MVOG for the purposes of this regulation;

7. In antiperspirants and deodorants, compounds that contain more than ten (10) carbon atoms per molecule and for which the vapor pressure is unknown or that have a vapor pressure of two (2) mm Hg or less at twenty degrees Celsius (20° C);
8. LVP-VOCs;
9. Adhesives sold in containers of one (1) fluid ounce or less;
10. Contact adhesives sold in units of product, less packaging, of more than one (1) gallon;
11. Construction, panel and floor covering adhesives, general purpose adhesives, and sealants and caulking compounds sold in units of product, less packaging, which weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces. This exemption does not apply to aerosol adhesives; and
12. Bait station insecticides.

C. Innovative Products

1. Consumer products which have been granted an Innovative Products exemption under the provisions of 17 Cal. Code Reg. §§ 94511 or 94503.5 or by the NYSDEC under the provisions in 6 NYCRR § 235-5.1, and such Innovative Products exemptions have been approved by EPA, shall be exempt from the VOC content limits in § 31.7(B) of this Part for the period of time that Innovative Products exemption remains in effect. Any manufacturer claiming such an exemption must submit to the Department and to the EPA a copy of the CARB or NYSDEC exemption decision, including all conditions established by CARB or NYSDEC applicable to the exemption by the date that the product is first marketed in Rhode Island.

D. Alternative Control Plan (ACP)

1. Any manufacturer of consumer products which has been granted an ACP Agreement by the CARB under the provisions of 17 Cal. Code Reg §§ 9451140-94555 or by NYSDEC under the provisions of 6 NYCRR § 235-11.1, shall be exempt from complying with the VOC content limits in § 31.7(B) of this Part for the period of time that the ACP Agreement remains in effect. Any manufacturer claiming an ACP Agreement on this basis must submit upon request to the Department and to the EPA a copy of the ACP decision (i.e., the Executive Order), including all conditions applicable to the exemption by the date that the product is first marketed

in Rhode Island. Any such ACP Agreement must be approved by EPA for the product to be marketed in Rhode Island.

E. Variances

1. Consumer products which have been granted a variance under the provisions of 17 Cal. Code Reg. § 94514 or by the NYSDEC under the provisions of 6 NYCRR § 235-8.1, and such variances have been approved by EPA, shall be exempt from the VOC content limits in § 31.7(B) of this Part for the period of time that the variance remains in effect. Any person claiming a variance on this basis must submit to the Department and to the EPA a copy of the variance decision, including all conditions applicable to the variance by the date that the product is first marketed in Rhode Island.

F. FIFRA Products

1. For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. § 136-136y), the effective date of the VOC content limits in § 31.7 of this Part shall be January 1, 2021.

### **31.7 VOC Content Limits**

- A. Except as provided in §§ 31.6(B) through (F) of this Part, no person shall sell, supply, offer for sale or manufacture for sale in Rhode Island a consumer product, that contains volatile organic compounds in excess of the limits specified in § 31.7(B) of this Part:
- B. Emissions Standards



Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
Adhesive Removers (See also § 31.7(J) of this Part)		
- Floor or Wall Covering Adhesive Remover	5	5
- Gasket or Thread Locking Adhesive Remover	50	50
- General Purpose Adhesive Remover	20	20
- Specialty Adhesive Remover	70	70
Adhesives		
Aerosol Adhesives:		
- Mist Spray Adhesives	65	65
- Web Spray Adhesives	55	55
Special Purpose Spray Adhesives: (See also § 31.7(G) of this Part)		
- Mounting, automotive engine compartment and flexible vinyl	70	70
- Polystyrene Foam and Automobile	65	65

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
Headliner		
- Polyolefin; Laminate Repair/Edgebanding	60	60
- Construction, Panel, Floor Covering Adhesives (See also § 31.7(J) of this Part)	15	7
Contact Adhesives:(See also § 31.7(J) of this Part)		
- General Purpose Contact Adhesives	55	55
- Special Purpose Contact Adhesives	80	80
General Purpose Adhesives	10	10
Structural Waterproof Adhesives	15	15
Aerosol Cooking Spray	18	18
Air Fresheners:		
- Single-Phase Aerosols	30	30
- Double-Phase Aerosols	25	25
- Dual purpose air freshener or disinfectant	n/a	60

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
- Liquids/Pump Sprays	18	18
- Solids/Semisolids (See also § 31.7(L) of this Part)	3	3
Antiperspirants (See also § 31.7(C) of this Part)		
- Aerosol	40 HVOC	40 HVOC
	10 MVOC	10 MVOC
- Non-Aerosol	0 HVOC	0 HVOC
	0 MVOC	0 MVOC
Anti-static Product		
- Aerosol	n/a	80
- Non-Aerosol	11	11
Automotive Brake Cleaners	45	n/a
Automotive Rubbing or Polishing Compound	17	17

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
Automotive Wax, Polish, Sealant or Glaze		
- Hard Paste Waxes	45	45
- Instant Detailers	3	3
- All Other Forms	15	15
Automotive Windshield Cleaner	n/a	35
Automotive Windshield Washer Fluids	35	35
Bathroom and Tile Cleaners (See also § 31.7(J) of this Part)		
- Aerosols	7	7
- All Other Forms	5	1
Brake Cleaner	n/a	10
Bug and Tar Remover	40	40
Carburetor or Fuel-injection Air Intake Cleaners	45	10
Carpet and Upholstery Cleaners		

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
- Aerosols	7	7
- Non-Aerosols (Dilutables)	0.1	0.1
- Non-Aerosols (Ready-to-Use)	3	3
Charcoal Lighter Material	See § 31.7(F) of this Part	See § 31.7(F) of this Part
Deodorants (See also § 31.7(C) of this Part)		
- Aerosol	0 HVOC	0 HVOC
	10 MVOC	10 MVOC
- Non-Aerosol	0 HVOC	0 HVOC
	0 MVOC	0 MVOC
Disinfectant		
- Aerosol	n/a	70
- Non-Aerosol	n/a	1
Dusting Aids		

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
- Aerosols	25	25
- All other forms	7	7
Electrical Cleaner (See also § 31.7(J) of this Part)	45	45
Electronic Cleaner (See also § 31.7(J) of this Part)	75	75
Engine Degreasers		
- Aerosols	35	10
- Non-Aerosols	5	5
Fabric Protectants	60	60
Fabric Refresher		
- Aerosol	15	15
- Non-Aerosol	6	6
Floor Polishes/Waxes		
- Products for Flexible Flooring Material	7	1

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
- Products for Non-resilient Flooring	10	1
- Wood Floor Wax	90	90
Floor Wax Strippers (non aerosol)	(See § 31.7(H) of this Part)	(See § 31.7(H) of this Part)
Footware or Leather Care Product (See also § 31.7(J) of this Part)		
- Aerosol	75	75
- Solid	55	55
- All Other Forms	15	15
Furniture Maintenance Products		
- Aerosols	17	17
- All Other Forms (except solid or paste)	7	n/a
- Non-Aerosol	n/a	3
General Purpose Cleaners (See also § 31.7(J) of this Part)		

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
- Aerosols	10	8
- Non-Aerosols	4	4
General Purpose Degreasers (See also § 31.7(J) of this Part)		
- Aerosols	50	10
- Non-Aerosols	4	4
Glass Cleaners		
- Aerosols	12	12
- Non-Aerosols	4	4
Graffiti Remover (See also § 31.7(J) of this Part)		
- Aerosols	50	50
- Non-Aerosols	30	30
Hair Care Products		
- Hair Sprays	55	55



Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
- Hair Mousses	6	6
Hair styling Products		
- Aerosol and pump sprays	6	6
- All other forms	2	2
Hair Shines	55	55
Heavy-Duty Hand Cleaners or Soap	8	8
Insecticides		
- Crawling Bug (Aerosol)	15	15
- Crawling Bug (all other forms)	20	20
- Flea and Tick	25	25
- Flying Bug (Aerosol)	25	25
- Flying Bug (all other forms)	35	35
- Foggers	45	45
- Lawn and Garden (all other forms)	20	20

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
- Lawn and Garden (Non-Aerosol)	3	3
- Wasp and Hornet	40	40
Laundry Prewashes		
- Aerosol/Solids	22	22
- All other forms	5	5
Laundry Starch Products	5	4.5
Metal Polishes/Cleaners	30	30
Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products)	50	50
Multi -purpose solvent (See also § 31.7(K) of this Part)	n/a	3
Nail Polish Removers	75	1
Non-selective Terrestrial Herbicides (Non-Aerosols)	3	3
Oven or Grill Cleaners (See also § 31.7(J) of this Part)		

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
- Aerosols/Pump Sprays	8	n/a
- Liquids	5	n/a
- Non-aerosol	n/a	4
- Aerosol	n/a	8
Paint Removers or Strippers (See also § 31.7(M) of this Part)	50	50
Paint Thinner (See also § 31.7(K) of this Part)	n/a	3
Penetrants	50	50
Rubber or Vinyl Protectants		
- Non-Aerosols	3	3
- Aerosols	10	10
Sanitizer		
- Non-Aerosol	n/a	1
- Aerosol	n/a	70

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
Sealants and Caulking Compounds	4	4
Shaving Creams	5	5
Shaving Gels	7	4
Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60	60
Spot Removers		
- Aerosols	25	25
- Non-Aerosols	8	8
Temporary hair color (non-aerosol)	n/a	55
Tire Sealants and Inflators	20	20
Toilet/Urinal Care Products (See also § 31.7(L) of this Part)		
- Aerosols	10	10
- Non-Aerosols	3	3
Undercoatings (aerosols)	40	40

Product Category	VOC Content Limit  Effective for products manufactured prior to January 1, 2020  (Percent VOC by Weight)	VOC Content Limit  Effective for products manufactured on or after January 1, 2020  (Percent VOC by Weight)
Wood Cleaners		
- Aerosols	17	17
- Non-Aerosols	4	4

C. Toxic Air Contaminants in Antiperspirants and Deodorants

1. No person shall sell, supply, offer for sale, or manufacture for sale in Rhode Island any antiperspirant or deodorant which contains any compound that has been identified in 17, Cal Code Reg., § 93000, incorporated in § 31.4(B) of this Part, as a toxic air contaminant.

D. Most Restrictive Limit

1. With the exception of antiperspirants, deodorants, insecticide defoggers and general-purpose cleaners, if, anywhere on the container or packaging of a consumer product or on any sticker or label affixed thereto, 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 content limit is specified in this section, then the lowest VOC content limit shall apply.

E. Products that are Diluted Prior to Use

1. Water or Non-VOC Solvent Dilution
  - a. For consumer products which display, on the label, container or packaging or accompanying literature, a statement that the contents should be diluted with water or non-VOC solvent before use, the VOC content limits listed in § 31.7(B) of this Part, shall apply only after the minimum recommended dilution occurs. For the

purposes of this subsection, recommended dilution shall not include a recommendation for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

2. VOC Solvent Dilution

- a. For consumer products which display, on the label, container or packaging or accompanying literature, a statement that the contents should be diluted with any VOC solvent before use, then the VOC content limits listed in § 31.7(B) of this Part, shall apply only after the maximum recommended dilution occurs.

F. Charcoal Lighter Material Products

1. No person shall sell, supply, or offer for sale any charcoal lighter material product unless the product has been issued and conforms to the conditions in a currently effective certification issued pursuant to the Consumer Products provisions of 17 Cal. Code Reg. § 94509(h). A copy of the CARB certification decision (i.e., the Executive Order), including all conditions established by CARB applicable to the certification, shall be submitted to the Department within thirty (30) days of written request.

G. Aerosol Adhesives

1. In addition to the VOC content limits in § 31.7(B) of this Part. An aerosol adhesive shall be subject to the following applicable standards:
  - a. If the aerosol adhesive is sold as a special purpose spray adhesive, the product label shall indicate that the adhesive is suitable only for substrates and applications identified in the definition of special purpose spray adhesive in § 31.5(A)(154) of this Part. If the product label indicates that the adhesive is suitable for use on any substrate or application that is not identified in § 31.5(A)(154) of this Part, then the product shall be classified as either a web spray adhesive or a mist spray adhesive; and
  - b. If the aerosol adhesive meets more than one of the classifications for a special purpose spray adhesive as defined in § 31.5(A)(154) of this Part, and the product is not classified as a web spray adhesive or a mist spray adhesive pursuant to §§ 31.5(A)(173) and 31.5(A)(109) of this Part, then the VOC content limit for the product shall be the lowest applicable VOC content limit specified in § 31.7(B) of this Part, as applicable.

2. No person shall sell, supply, offer for sale, or manufacture for use in Rhode Island any aerosol adhesive which contains any of the following compounds: methylene chloride, perchloroethylene, and trichloroethylene.

#### H. Floor Wax Strippers

1. No person shall sell, supply, offer for sale, or manufacture for use in Rhode Island any floor wax stripper unless the following requirements are met:
  - a. The label of each non-aerosol floor wax stripper must specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3 percent (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 must specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of twelve percent (12%) by weight or less.
  - c. The terms light build-up, medium build-up or heavy build-up are not specifically required, as long as comparable terminology is used.

#### I. Requirements for products containing ozone-depleting compounds

1. No person shall sell, supply, offer for sale, or manufacture for sale in Rhode Island any consumer product listed in § 31.7(B) this Part which contains an ozone-depleting compound, except as specified in §§ 31.7(I) (2) and (3) of this Part.
2. The requirements of § 31.7(I)(1) of this Part shall not apply to any product formulation that is manufactured, sold, supplied or offered for sale in Rhode Island , provided that the product complies with § 31.7(B) of this Part, or to any product formulation that is reformulated to meet the VOC content limits in § 31.7(B) of this Part, provided the reformulation does not increase the content of the ozone depleting compound in the product.
3. The requirements of § 31.7(I)(1) of this Part 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.
4. For the purposes of § 31.7(I) of this Part, “ozone-depleting compounds” includes the following compounds:
  - a. CFC-11 (trichlorofluoromethane)

- b. CFC-12 (dichlorodifluoromethane)
- c. CFC-113 (1,1,1-trichloro 2,2,2-trifluoroethane)
- d. CFC-114 (1,2-dichloro 1,1,2,2-tetrafluoroethane)
- e. CFC-115 (chloropentafluoroethane)
- f. HCFC-22 (chlorodifluoromethane)
- g. HCFC-31 (chlorofluoromethane)
- h. HCFC-123 (1,1,1-trifluoro 2,2-dichloroethane)
- i. HCFC 123a (1,2-dichloro-1,1,2-trifluoroethane)
- j. HCFC-124 (2-chloro 1,1,1,2-tetrafluoroethane)
- k. HCFC-141b (1,1-dichloro 1-fluoroethane)
- l. HCFC-142b (1-chloro 1,1-difluoroethane)
- m. HCFC-151a (1-chloro-1-fluoroethane)
- n. HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane)
- o. HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane)
- p. Methyl chloroform (1,1,1-trichloroethane)
- q. Halon 1211 (bromochlorodifluoromethane)
- r. Halon 1301 (bromotrifluoromethane)
- s. Halon 2402 (dibromotetrafluoroethane)
- t. Carbon tetrachloride

- J. Additional requirements for bathroom and tile cleaners, construction, panel, and floor covering adhesives, electronic cleaners labeled as energized electronic equipment use only, general purpose cleaners, oven or grill cleaners, contact adhesives, electrical cleaners, electronic cleaners, footwear or leather care products, general purpose degreasers, adhesive removers and graffiti removers;
- 1. Except as provided in § 31.7(J)(2) of this Part, no person shall sell, supply, offer for sale, or manufacture for sale in Rhode Island:



- a. Any bathroom and tile cleaners, construction, panel, and floor covering adhesives, electronic cleaners labeled as energized electronic equipment use only, general purpose cleaners, oven or grill cleaners, manufactured on or after January 1, 2020, that contains methylene chloride, perchloroethylene or trichloroethylene.
    - (1) Bathroom and tile cleaners, construction, panel, and floor covering adhesives, electronic cleaners labeled as energized electronic equipment use only, general purpose cleaners, oven or grill cleaners, manufactured prior to January 1, 2020, that contains methylene chloride, perchloroethylene or trichloroethylene may be sold, supplied, or offered for sale, if that product complies with the product dating requirements set forth in § 31.8(A) of this Part.
  - b. Any contact adhesive, electrical cleaner, electronic cleaner, footwear or leather care product, general purpose degreaser, adhesive remover or graffiti remover consumer product, manufactured after July 1, 2009, that contains methylene chloride, perchloroethylene or trichloroethylene.
2. The requirements in § 31.7(J)(1) of this Part do not apply to any bathroom and tile cleaners, construction, panel, and floor covering adhesives, electronic cleaners labeled as energized electronic equipment use only, general purpose cleaners, oven or grill cleaners, contact adhesive, electrical cleaner, electronic cleaner, footwear or leather care product, general purpose degreaser, adhesive remover or graffiti remover consumer product which contains methylene chloride, perchloroethylene or trichloroethylene as an impurity in a combined amount equal to or less than 0.01% by weight.
- K. Additional requirements, for multi-purpose solvent or paint thinners, manufactured on or after January 1, 2020:
- 1 Except as provided in § 31.7(K)(2) of this Part, no person shall sell, supply, offer for sale, or manufacture for sale in Rhode Island any multi-purpose solvent or paint thinner that contains methylene chloride, perchloroethylene, or trichloroethylene, or greater than 1% aromatic compound content by weight, except:
    - a. Multi-purpose solvent aerosols and paint thinner aerosols that contain methylene chloride, perchloroethylene or trichloroethylene, or greater than 1% aromatic compound content by weight and that were manufactured prior to January 1, 2020 may be sold, supplied,

or offered for sale, if that product complies with the product dating requirements set forth in § 31.8(A) of this Part;

2. The requirements of § 31.7(K)(1) of this Part 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.
  3. After January 1, 2020, no person shall sell, supply, offer for sale, or manufacture for use in Rhode Island any flammable or extremely flammable multi-purpose solvent or paint thinner named, on the principle display panel as paint thinner, multi-purpose solvent, clean-up solvent, or paint:
    - a. This shall not apply to a product that meets either of the following criteria:
      - (1) A product that includes 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 a font size as large as, or larger than, a “signal word” (i.e., “DANGER”, “WARNING”, or “CAUTION”) not including the font size used for the company name, brand name, or logo, as specified in 16 C.F.R. § 1500.121: “Formulated to meet California VOC limits; see warnings on label,” or
      - (2) A product where the principle display panel displays, in a font size as large as, or larger than, the font size of all other words on the panel not including the font size used for the company name, brand name, or logo, the common name of the chemical compound(e.g., “acetone,” “methyl acetate,” etc.) that results in the product meeting the criteria for “flammable” or “extremely flammable.”
    - b. For the purposes of § 31.7(K)(3) of this Part, a product is “flammable” or “extremely flammable” if it is labeled as “flammable” or “extremely flammable” on the product container, or if the product meets the criteria for these terms specified 16 C.F.R. § 1500.3(c)(6).
- L. Additional requirements for solid air fresheners and toilet/urinal care products.

1. No person shall sell, supply, offer for sale or manufacture for sale in Rhode Island any solid air freshener or toilet/urinal care product that contains para-dichlorobenzene.
- M. Additional requirement for paint remover and stripper.
1. No person shall sell, supply, offer for sale or manufacture for sale in Rhode Island any consumer paint remover or stripper that contains methylene chloride after November 22, 2019.
- N. Sell-through of products
1. Notwithstanding the provisions of §§ 31.7(A), 31.7(G), 31.7(L), 31.7(M) of this Part, a consumer product listed in § 31.7(B) of this Part and manufactured prior to the effective dates specified for that product, may be sold, supplied, or offered for sale if the consumer product complies with the VOC content limits and other applicable requirements in effect at the time such product is manufactured. This exception shall only apply to a product that displays a date or date code as required by § 31.8 of this Part.

### **31.8 Labeling Requirements**

- A. No person shall sell, supply, offer for sale in Rhode Island, or manufacture for use in Rhode Island any product specified in § 31.7 of this Part, unless the date of manufacture of the contents or a code indicating the date of manufacture of the contents is displayed on the product. The following requirements apply to the date or date-code:
1. The date or date-code information shall be readily observable or obtainable without disassembling any part of the container or packaging.
  2. No person shall erase, alter, deface or otherwise remove or make illegible any date or date-code indicating the date of manufacture from any regulated product without the express authorization of the manufacturer.
  3. The manufacturer shall supply an explanation of each code to the Director within thirty (30) days of written request.
- B. The requirements in § 31.8(A) of this Part, do not apply to:
1. Consumer products containing no VOC or containing VOC at 0.10% by weight or less, and

2. Consumer products which must be registered with the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136 *et seq.*
- C. Products sold, supplied or offered for sale in multi-unit packages are not required to comply with § 31.8(A) of this Part. However, if a multi-unit package is not labeled with a date or date-code as specified in § 31.8(A) of this Part, that product shall be subject to the VOC content limits in § 31.7 of this Part. A multi-unit package may comply with § 31.8(A) of this Part, by displaying the date that the package was assembled.
- D. In addition to the labeling requirements in § 31.8(A) of this Part, the container or packaging of aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, and contact adhesive products subject to this regulation shall clearly display the following information:
1. For adhesives, the applicable adhesive category, as specified in the § 31.7(B) of this Part, or an abbreviation of the category;
  2. The applicable VOC standard for the product, as specified in the § 33.7(B) of this Part, expressed as a percentage by weight, unless the product is included in an approved alternative control plan, as provided in § 31.6(D) of this Part, and the product exceeds the applicable VOC content limit;
  3. If the product is included in an approved alternative control plan and the product exceeds the applicable VOC standard specified in § 31.7(B) of this Part, the product shall be labeled with the term “ACP” or “ACP product”;
  4. If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application or an abbreviation of the substrate or application that qualifies the product as special purpose shall be displayed;
  5. If the manufacturer or responsible party uses an abbreviation for the aerosol adhesive category, an explanation of the abbreviation must be submitted to the Department upon request.

## **31.9 Reporting Requirements**

- A. Each manufacturer of a consumer product subject to the requirements of this regulation shall submit to the Director, within ninety (90) days of notice, the following information:

1. The name and address of the responsible party and the name, address and telephone number of a designated contact person;
2. Any claims of confidentiality;
3. Consumer product brand name, category, form and label (note that information about each product form should be provided separately);
4. An identification of the product as a household product, industrial and institutional product, or both, according to the definitions in § 31.5 of this Part;
5. Rhode Island sales of the product in pounds per year, to the nearest pound, and the method used to calculate Rhode Island sales;
6. For information submitted by two (2) companies, an identification of the company which is submitting relevant data separate from that submitted by the responsible party;
7. For each product 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 exempt 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 fragrances;
  - f. For products containing greater than two percent (2%) by weight fragrance:
    - (1) The percent of fragrances that are LVP-VOCs;
    - (2) The percent of fragrances that are all other carbon-containing compounds;
  - g. For deodorants and antiperspirants:
    - (1) Total HVOC and total MVOC content of deodorants and antiperspirants (percent by weight);

- (2) Total ethanol content;
  - h. Total para-dichlorobenzene content (percent by weight) of air fresheners and insecticides;
- 8. 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 exempt compound; and
  - b. Each LVP-VOC that is not a fragrance
- 9. For products which use propellants:
  - a. The weight percent of the product comprised of propellant;
  - b. An identification of the type of propellant (Type A, Type B, Type C or a blend of the different types) in each product;
- 10. The net percent by weight of each ozone-depleting compound listed in § 31.7(l) of this Part, that is present in a consumer product subject to this regulation in any amount greater than 0.1 percent by weight; and.
- 11. The net percent by weight of perchloroethylene, methylene chloride and trichloroethylene in the product.

### **31.10 Test Methods**

- A. Compliance with the VOC content limits in this regulation shall be determined by one of the following methods:
  - 1. CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, incorporated in § 31.4(B) of this Part;
  - 2. Alternative testing methods approved by the Department and EPA;
  - 3. Calculation of the VOC content from records of the amounts of constituents used to make the product, pursuant to the following criteria:
    - a. Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three (3) years.

- b. Except for charcoal lighter materials, VOC content shall be calculated according to the following equation:

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

Where:

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOC, per unit

C = total weight of VOCs exempted under § 31.6(B) of this Part, per unit

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

Where:

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOC, per unit

C = total weight of VOCs exempted under § 31.6(B) of this Part, per unit

- c. For charcoal lighter materials, VOC content shall be calculated according to the following equation:

$$\text{VOC Content} = \frac{(\text{Certified Emissions} \times 100)}{\text{Certified Use Rate}}$$

Where:

Certified emissions = the emissions level determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, incorporated in § 31.4(C) of this Part, expressed to the nearest 0.001-pound CH<sub>2</sub> per start.

Certified use rate = the usage level determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, incorporated in § 31.4(C) of this Part, expressed to the nearest 0.001-pound certified product used per start.

- d. If product records appear to demonstrate compliance with the VOC content limits, but these records are contradicted by product testing performed using CARB Method 310, incorporated in § 31.4(B) of this Part the results of CARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this regulation.
- B. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90, "Standard Test Method for Determining Whether a Material is a Liquid or Solid," incorporated in § 31.4(A) of this Part.
- 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 Rule 1174 Ignition Method Compliance Certification Protocol incorporated in § 31.4(C) of this Part.
- D. Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-17, "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure," incorporated in § 31.4(A) of this Part.
- E. 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.