



MEMORANDUM OF RESPONSE

To: Joseph Baker, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: March 15, 2022

Subject: Memorandum of Response to CSI Review – Consumer Products Rules (OAC 3745-112-01, 3745-112-02, 3745-112-03, 3745-112-04, 3745-112-05, 3745-112-06, 3745-112-07, and 3745-112-08)

Recommendations

On March 14, 2022, Ohio EPA received the recommendations for the Division of Air Pollution Control's Consumer Products Rules (OAC 3745-112-01, 3745-112-02, 3745-112-03, 3745-112-04, 3745-112-05, 3745-112-06, 3745-112-07, and 3745-112-08) rules.

The CSI memorandum stated that:

"During early stakeholder outreach, the Agency provided the proposed rules to approximately 3,000 members of the Agency's electronic interested parties list. The Agency received four comments during that time from the American Coatings Association, Household and Commercial Products Association, Raymond Regulatory Resources, and the Ohio Manufacturers' Association. In response to the comments provided, the Agency determined to apply a compliance date of January 1, 2023, to allow for appropriate time to respond to the rule changes and to better align with standards in other states. Three comments were received during the CSI public comment period. Willert Home Products, Fresh Products LLC, and the Household Consumer Products Association (HCPA) requested that the Division of Air Pollution Control (Division) continue an exemption for air fresheners and toilet care products that contain at least 98% paradichlorobenzene. In response to the request, the Agency determined to renew the exemption. The HCPA also requested that changes to the rules be delayed to one year after the date of publication of the final rule. In response, the Agency delayed the implementation date to July 2023. The HCPA also recommended changes to better align the definition of adhesive and air freshener with the Ozone Transport Commission model law, remove an unnecessary reference to the Food and Drug Administration, retain the existing definition for bug and tar remover, correct various typos, include a limit exclusion for lawn and garden insecticides, and remove duplicative reporting information requirements. The Agency determined to adopt the recommended changes in response to the comments.

The business community impacted by the rules includes consumer products manufacturers, distributors and consumers. The adverse impact to business includes additional costs to comply with the VOC standards prescribed in the rules, including research and development expenses, product labeling costs, and ongoing testing expenses and associated administrative costs. The Agency notes in the BIA that these costs are likely to be passed on to purchasers of consumer products and that the cost effectiveness of VOC requirements ranges from \$0.29 to \$2.35/pound or from \$0.75 to \$1.50/gallon depending on the substance. The Agency states that the adverse impact to business is necessary to comply with National Ambient Air Quality Standards and the Clean Air Act, and to reduce pollution, provide cleaner air, reduce property damage due to pollution, reduce illnesses, and reduce healthcare costs.

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Based on the information above, the CSI Office has no recommendations on this rule package.

The CSI Office concludes that the EPA should proceed in filing the proposed rules with JCARR.”

Next Steps

At this time, it is Ohio EPA’s plan to move forward with the original filing of these rules with the Joint Committee on Agency Rule Review.

If you have any questions, please contact Mandi Payton at amanda.payton@epa.ohio.gov.