

February 12, 2020

Honorable Ralph L. Tucker  
2 State House Station  
State House, Room 333  
Augusta, ME 04333-0002

**Re: Legislative Document 226 (HP 161) – Support if Amended**

Dear Representative Tucker:

On behalf of the the Household & Commercial Products Association (HCPA), I write to respectfully request amendments to Legislative Document 226 (HP 161), a proposal to prohibit the use of hydrofluorocarbon (HFCs) in the state of Maine.

HCPA represents a wide range of products, from household cleaners and air fresheners to commercial disinfectants and pest control whose use of aerosol technology makes the aerosol industry an integral part of the household and commercial products industry. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, representing the interest of companies that manufacture, formulate, supply and market a wide variety of products packaged in an aerosol form.

HCPA applauds the intent of the bill to prohibit the selling, leasing, renting, installing, use or entering into commerce of any product or equipment that utilize a high global warming (GWP) hydrofluorocarbon (HFC), as we have with each state that has either acted or is in process of taking action of these substances. By utilizing the EPA Significant New Alternatives Policy (SNAP) Program Rules, states like Maine can ensure a consistent approach with other states that have undergone the same activity.

In order to ensure consistency across states to appropriately prohibit products from using a high GWP HFC (GWP > 150), HCPA is requesting the following amendments:

***Disclosure***

Section 4 of the bill would unnecessarily impose Maine-only labels on aerosol products. HCPA members would be forced to undertake a complex and expensive process of manufacturing containers for distribution in Maine, in addition to containers labeled for 49 other states. HCPA has a proud history of support for product transparency and consumer disclosure. Because of the wide array of products that utilize the aerosol technology, there are several federal government agencies with the

jurisdiction over a product's label. Some federal agencies have strict labeling requirements that not only make it difficult to change the text of the label for what manufacturers are allowed to say, but makes it even more challenging to list the propellant on the label. HCPA therefore recommends striking Section 4 or considering alternatives such as utilizing a product's Safety Data Sheet (SDS).

### ***Record Retention***

HCPA has a concern with LD 226, section 5, the record keeping requirement. EPA has record keeping requirements for aerosol products in the National Consumer Products Regulation, 40 CFR Part 59 Subpart C, that are set at three years, and while states like Maine have stricter limits for volatile organic compounds in Code Me. R. Ch. 152, Control of Emissions of Volatile Organic Compounds from Consumer Products, the record keeping requirements are still set at three years. As such, HCPA requests that the bill's record keeping requirement be modified from five years to three to maintain alignment with already existing Maine regulations.

### ***Electrical Equipment***

Under Section 3, one of the aerosol end uses is inconsistent with the acceptable uses under the federal Significant New Alternatives Policy (SNAP) Rule 20 (40 CFR Appendix U to Subpart G of Part 82). HCPA recommends amendments to clarify that the first acceptable use is "As an aerosol propellant in new cleaning products designed to remove grease, flux and other soils from electrical equipment *or electronics.*"

### ***Definition of Propellant***

HCPA also recommends the definition of an aerosol propellant in the bill align with the definition in Code Me. R. Ch. 152. The definition of a "Propellant" (definition 38) 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.

HCPA appreciates your consideration of these amendments. By developing consistent regulations, states can achieve a reduction in HFC emissions without imposing impediments to interstate commerce.

I welcome any opportunity to discuss LD 226 and its impact on our industry and consumers. Thank you for your leadership on this important matter.

Sincerely,



Christopher Finarelli  
Director, State Government Relations & Public Policy - Western Region