

3745-112-02

Applicability.

Except as provided in rule 3745-112-04 of the Administrative Code, this chapter shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products on or after January 1, 2009, for use in the state of Ohio.

Effective:

Five Year Review (FYR) Dates: 3/22/2018

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
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3745-112-08

Test methods.

[Comment: For dates on non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of rule 3745-112-01 of the Administrative Code titled "Referenced Materials."]

(A) Upon the written request of the director, any manufacturer of a chemically formulated consumer product subject to the requirements of this rule shall test any of its products that are sold, offered for sale, held for sale, distributed, supplied, or manufactured for sale in the state of Ohio to determine the VOC content of the product (or in the case of charcoal lighter material, its emissions per start). Such testing shall be performed utilizing the test methods specified in paragraphs (B) to (G) of this rule, as applicable.

(B) Testing to determine compliance with the VOC content limitations specified in the table of rule 3745-112-03 of the Administrative Code, shall be performed using:

(1) CARB method 310; or

(2) An alternative method which is shown to accurately determine the concentration of VOCs in a product. Such methods must first be approved in writing by the director.

(C) Compliance with the VOC content limitations specified in the table of rule 3745-112-03 of the Administrative Code, may also be demonstrated through calculation of the VOC content of a consumer product from records of the amounts of constituents used to make the product (excluding packaging), pursuant to the following criteria:

(1) Compliance determinations based on these records may not be used unless the manufacturer of a chemically formulated consumer product keeps, for each day of production, accurate records of the amount and chemical composition of the individual product constituents. These records must be kept for at least five years;

(2) For the purposes of this section, the VOC content of a product shall be calculated according to the following equation:

$$\text{VOC content} = (B - C)/A \times 100$$

where;

A = Total net weight of a unit of product (excluding any packaging);

B = Total weight of all VOCs in the constituents used to make the product, per unit;

C = Total weight of VOCs exempted under rule 3745-112-04 of the Administrative Code, per unit; and

- (3) If the calculations for VOC content based on product records appear to demonstrate compliance with the VOC limits, but these calculations are contradicted by the results of product testing performed using CARB method 310, the results of CARB method 310 shall take precedence over the calculations based on product records and may be used to establish a violation of the requirements of the VOC content limits set forth in this rule.
- (D) Testing to determine whether a product is a liquid or a solid shall be performed using ASTM D4359-90(2000)e1.
 - (E) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-05.
 - (F) Testing to determine whether a material is a plasticizer may be determined using ASTM E260-96(2006).
 - (G) The director may require any manufacturer that is required to perform testing pursuant to paragraph (A) of this rule to provide to the director product samples that are duplicates of the samples tested.

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