Industry alert: Legislation bearing down
Product Regulations slated to have impact on commercial, household cleaners.
By Keith Watson

Life for the cleaning and maintenance industry is constantly changing as a result of new or amended regulations.

On January 1, 2005, another change will take effect – several states will implement new regulations regarding the amount of volatile organic compounds (VOCs) in a variety of cleaning and maintenance products.

These regulatory changes may not be widely understood now, but they will undoubtedly have an impact on the marketplace. As the date for their implementation draws near, the picture gets clearer.

Good news, bad news

First, the good news: From a health and safety standpoint, people who use products with lower VOC content will generally have less potential for exposure to chemical vapors; industry experts believe this is not only desirable for the worker, but building service providers may see benefits in the way of reduced medical claims and lost work time from employees.

Reducing chemical vapors also improves ambient air quality, which is beneficial to building occupants.

The news, however, is not all positive. As formulators struggle to comply with the regulations, users may see some products discontinued because they fail to meet the new regulations.

Performance of other products could also be affected, because key ingredients must be reduced, eliminated or replaced.

Finally, the cost cleaning and maintenance products may become an issue – increased prices could be the norm, because low-cost commodity chemicals are replaced with more expensive alternatives, which meet the exemption criteria for VOCs.

Cleaner air drives changes

Why the changes in the regulations? There are two significant drivers:

• One is a simple, four-letter word – smog. VOCs are carbon-based organic chemicals which evaporate into the atmosphere to form ground-level ozone, the main ingredient in smog – a major source of VOCs are solvents, which are found in a variety of paints, household and institutional cleaners, personal care products, lawn and garden products and automotive aftercare products.

• The second reason for the changes is growing concern about indoor air quality in both homes and commercial buildings; more and more people are complaining that air quality in indoor environments is making them ill, which has led to escalating medical costs and expensive litigation. The result is a move to reduce indoor pollutants, including VOCs.

Clean legislation

The regulatory trail can be traced to 1990, when Congress amended the Clean Air Act in an attempt to improve air quality and the environment. This legislation was aimed at reducing hazardous air pollutants, as well as smog-causing pollutants (VOCs).
Not surprisingly, given its environmental leadership, California became the first state to implement regulations when, in 1991, it limited the VOC content in 24 consumer product categories.

Not content to stand pat, California has since added additional products groups to its list, which now stands at 46 categories. In addition, VOC limits have been or will be reduced for several product categories initially regulated in the 1990s.

In 1998, the EPA followed California's lead, limiting VOC content in the same 24 categories – this regulation continues today and applies throughout the country.

Individual states, however, can implement stricter standards if they wish. Some already have and others are likely to follow.

More recently, several states have begun adopting their own regulations to limit VOC content in consumer products. For example, effective January 1, 2005, Delaware and Pennsylvania will implement regulations for consumer products similar to those in California. Maryland and other northeastern states are currently considering comparable legislation.

What options do formulators of cleaning and maintenance products have? Truthfully, the only relevant option is reformulation, because they do not have the ability to implement engineering controls to capture emissions. Reformulating to increase water content or substitute water for a VOC is one alternative. A second is using compounds having sufficiently low vapor pressure to meet VOC exemption criteria. Such products can be used as an outright replacement for a VOC or as a supplement, allowing formulators to reduce VOC content to acceptable limits.

Complex maze

The situation for the cleaning and maintenance marketplace is complicated because the VOC regulations are inconsistent. For example, California and the EPA have a common limit for VOCs in bathroom and tile cleaners, yet will have a different limit for aerosol furniture maintenance products at the end of 2004. In other cases such as carpet and upholstery cleaners and heavy-duty hand cleaners, the EPA imposes no limits while California regulates these categories.

Valid information is critical for both users and formulators as they wend their way through the complex maze of VOC regulations.

**Regulations have national impact**

While only certain states have elected to implement independent VOC regulations, users throughout the country feel the impact.

Formulators generally choose to produce a single product for distribution throughout the United States; as a result, they formulate products that meet the most stringent regulations, typically California’s, but sell the products nationally.

Even if a formulator chooses to not sell in California today, adoption of similar laws by other states may ultimately force the issue.

The stakes are high for formulators who choose not to comply with the new regulations – they can face hefty fines; in California, for example, fines can reach $50,000 per day for each non-compliant product.

— K.W.

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