

3745-112-05      **Administrative requirements.**

[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) Product dating.

- (1) Each manufacturer of a consumer product subject to rule 3745-112-03 of the Administrative Code shall clearly display on each consumer product container or package, the day, month, and year on which the product was manufactured, or a code indicating such date.
- (2) A manufacturer who uses the following code to indicate the date of manufacture shall not be subject to the requirements of paragraph (B) of this rule, if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD = year year day day day;

Where:

YY = two digits representing the year in which the product was manufactured;  
and

DDD = three digits representing the day of the year on which the product was manufactured, with 001 representing the first day of the year, 002 representing the second day of the year, and so forth (i.e. the Julian date).

- (3) This date or code shall be displayed on each consumer product container or package no later than January 1, 2009.
- (4) The date or date-code information shall be located on the container or inside the cover/cap so that it is readily observable or obtainable (by simply removing the cap/cover) without irreversibly disassembling any part of the container or packaging. For the purpose of this paragraph, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.
- (5) The requirements of this provision shall not apply to products containing no VOCs, or containing VOCs at 0.10 per cent, by weight, or less.

(B) Additional product dating requirements.

- (1) If a manufacturer uses a code indicating the date of manufacture, for any consumer product subject to the applicable standard specified in the table of rule 3745-112-03 of the Administrative Code an explanation of the date portion of the code must be filed with the Ohio environmental protection agency no later than January 1, 2009.
- (2) If a manufacturer changes any code indicating the date of manufacture for any consumer product subject to paragraph (B)(1) of this rule, an explanation of the modified code must be submitted to the Ohio environmental protection agency before any products displaying the modified code are sold, supplied, or offered for sale in Ohio.
- (3) No person shall erase, alter, deface, or otherwise remove or make illegible any date or code indicating the date of manufacture from any regulated product container without the express authorization of the manufacturer.
- (4) Date code explanations for codes indicating the date of manufacture are public information and may not be claimed as confidential.

(C) Most restrictive limit.

- (1) Products manufactured before January 1, 2009, and Federal Insecticide, Fungicide, and Rodenticide Act registered insecticides manufactured before January 1, 2010.

Notwithstanding the definition of product category, as defined in rule 3745-112-01 of the Administrative Code, if anywhere on the principal display panel of any consumer product manufactured before January 1, 2009, or any Federal Insecticide, Fungicide, and Rodenticide Act registered insecticide manufactured before January 1, 2010, 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 the table of rule 3745-112-03 of the Administrative Code, then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners, antiperspirant/deodorant products and insecticide foggers.

- (2) Products manufactured on or after January 1, 2009, and Federal Insecticide, Fungicide, and Rodenticide Act registered insecticides manufactured on or after January 1, 2010.

Notwithstanding the definition of product category, as defined in rule 3745-112-01 of the Administrative Code, if anywhere on the container or packaging of any consumer product manufactured before January 1, 2009, or any Federal Insecticide, Fungicide, and Rodenticide Act registered insecticide manufactured on or after January 1, 2010, 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 the table of rule 3745-112-03 of the Administrative Code, then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners, antiperspirant/deodorant products and insecticide foggers.

(D) Additional labeling requirements for aerosol adhesives, adhesive removers, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesives.

(1) In addition to the requirements specified in paragraphs (A) and (C) of this rule and rule 3745-112-06 of the Administrative Code, both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesive product subject to this chapter shall ensure that all products clearly display the following information on each product container that is manufactured on or after the effective date for the category specified in the table of rule 3745-112-03 of the Administrative Code:

(a) The product category as specified in paragraph (A) of rule 3745-112-03 of the Administrative Code or an abbreviation of the category shall be displayed;

(b) The applicable VOC standard for the product that is specified in the table of rule 3745-112-03 of the Administrative Code, except for energized electrical cleaner, expressed as a per cent, by weight, shall be displayed unless the product is included in an alternative control plan approved by the director, as provided in rule 3745-112-04 of the Administrative Code, and the product exceeds the applicable VOC content limit;

If the product is included in an alternative control plan approved by the director and the product exceeds the applicable VOC content limits specified in the table of rule 3745-112-03 of the Administrative Code, the product shall be labeled with the term ACP or ACP product;

(c) If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application or an abbreviation of the substrate/application that qualifies the product as special purpose shall be displayed; and

(d) If the manufacturer or responsible party uses an abbreviation as allowed by paragraph (D) of this rule, an explanation of the abbreviation must be filed with the director before the abbreviation is used.

(2) The information required in paragraph (A)(1) of this rule shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this rule, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

- (3) No person shall remove, alter, conceal, or deface the information required in paragraph (D)(1) of this rule prior to final sale of the product.

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