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Folder Title:
Aerosol Industry

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ASK AL GORE

Kids of all ages are concerned about what the government is doing to help the environment. Here, Vice President Al Gore—who wrote “Earth in the Balance” last year—answers questions sent to NEWSWEEK Just For Kids by students in California, Ohio and Massachusetts:

**Lauren Kasberg, 11
Spruce School
North Olmstead, Ohio**

I hope the rain forests are saved, because I would like to study them and learn more about them as I get older.

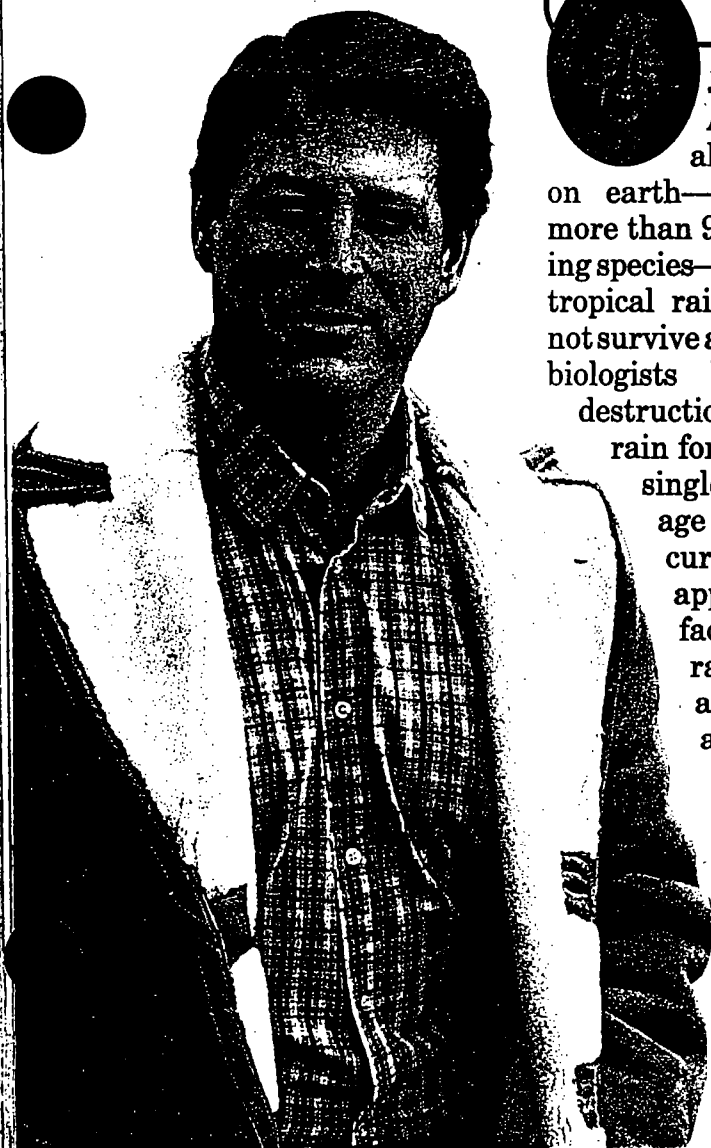
As many as half of all the living species on earth—some experts say more than 90 percent of all living species—find their homes in tropical rain forests and cannot survive anywhere else. Most biologists believe that the destruction of the tropical rain forests represents the single most serious damage to nature now occurring. They are disappearing from the face of the earth at a rate of one and a half acres a second, night and day, all year round. The president and I are committed to ways to reduce this destruction. We strongly support innovative measures like debt-for-nature swaps, in

which Third World countries are forgiven part of their foreign debt in exchange for protecting rain-forest land. We need to find more incentives. Private companies and governments must work hand in hand, with the understanding that if we don't save the rain forests now, it will be too late later.

**Sigita O. Janulaitis, 12
Lawrence School
Brookline, Mass.**

If the hole in the ozone gets bigger, will the earth then become a desert?

A part of the ozone layer has a hole in it over Antarctica, or the South Pole, and it's getting bigger because of the harmful chemicals we are putting in the air every day. But we can do something to stop it. We can stop using aerosol products with chlorofluorocarbons (CFCs). When we have our air conditioners and refrigerators fixed, we can make sure the CFCs are recaptured. And the United States can agree to observe international agreements to limit the amount of ozone-depleting chemicals released into the air.



To: Katie
From: Pam
Re: Meeting with the Aerosol Industry

Representatives of the Aerosol industry have requested a meeting with you.

The Issue:

In a Newsweek special edition (attached), there was an "Ask Al Gore" column. One question was "If the hole in the ozone gets bigger, will the earth then become a desert?" In response, we wrote "We can do something to stop it. We can stop using aerosol products with chloroflourocarbons (CFCs)". The aerosol industry is mad because they say they stopped using CFCs in 1978 when the U.S. ban on non essential uses went into effect. They want us to print a retraction in Newsweek and apologize for the "misinformation".

The Response:

o We will not print a retraction. Marla says its definitely a bad idea. Besides, we weren't wrong. Here are some talking points to counter their claims.

"Aerosols haven't used CFCs since 1978. Al Gore's statement is wrong."

o Actually, only some non-essential aerosol propellant uses were banned in 1978. This included the typical suspects of hair spray, mousse, etc, that we normally think of as aerosols. However, there were a number of exceptions built into this law. Most involved industrial applications -- such as solvents in electronics manufacturing -- and essential uses such as asthma inhalers. But some aerosol products that have continued to use CFC's (up until this spring) were products in which the CFC's were not propellents, but the sole ingredient of the product. Examples that kids might be involved with include air horns -- which make that funny noise because of a rush of CFC's coming out, and since this did not fall under the definition of "propellent", they were not banned in 1978. Other examples are air brushes which hobbists use for painting (a lot of kids' T-shirt designs are often air brushed), and photographic equipment such as dusters and freeze sprays. I hardly think any of these uses could be deemed essential.

Thus the Vice President's statement is technically correct in that he states we can stop using aerosols that use CFCs, not that we should stop using all aerosols. Note however, that the EPA just published final regulations this spring from the Clean Air Act that begins to eliminate some of these non-essential uses that were exempted from the 1978 ban. So some of these products may have switched from CFCs -- but not all of them did (until they were forced to.)

"The aerosol industry has worked hard to be environmentally sound, and this statement erroneously tarnishes our image"

o Aerosols in many non-essential uses continue to use HCFC's, which will eventually be eliminated under the Montreal Protocol as well. What is the industry doing now to move toward aerosols that don't use any substance as propellent at all?. (From what I understand from EPA, the answer is not much.)

NOTE: One of the lobbyists that will be present is Al DelBello, an attorney who represents the Consumer Aerosol Products Council. He was a Field Director in New York for Al Gore for President in 1988, so he thinks he's a great friend of the office. That is not, however, the impression I get from Roy. Sorry this is such a negative memo but I've talked to these guys on the phone and they were not so nice -- pretty much patronizing and to some degree, misleading. Good luck!

Pam/Katie -

FyI.

Meeting: Tue May 4
2pm

WORBY, P.C.

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PHOTOCOPY PRESERVATION

April 6, 1993

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Mr. Roy Neal
Chief of Staff
The Executive Office of the Vice President
Old Executive Office Building
Washington, DC 20501

Dear Roy:

The Precision Valve Corporation, my client, and the Consumer Aerosol Products Council, have expressed concern over a response attributed to Vice President Al Gore that appeared in Newsweek magazine on March 29, 1993, which makes reference to the fact that aerosol products contain chlorofluorocarbons. We know that the Vice President has a complete understanding of this issue and would certainly want to see this misstatement corrected.

I am attaching herewith a copy of the letter from Precision Valve and another copy of a letter from Consumer Aerosol Products Council, which fully explains their position in this regard. The Consumer Aerosol Products Council is looking for a way of correcting this misstatement and at the same time developing a closer working relationship with President Clinton's Administration and particularly Vice President Al Gore.

It is my opinion that a meeting with appropriate representatives of the Administration would be of significant value to both the President and the Aerosol Industry. Please let me know if you think this is appropriate and with whom you think we should meet.

Thank you for your consideration.

Sincerely yours,

Alfred B. DelBello

Contact:

Perry Ochacher
914 / 684 0014

Can
Don't please call
answ & I will meet
w/ them.
for Clinton
to set up
for me
Lucky
for
-Pan!
giving
back so I can
do better
The
Pdm

PRECISION VALVE CORPORATION / 700 NEPPERHAN AVENUE / P.O. BOX 309 / YONKERS, NEW YORK 10702
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Daniel P. Minogue
Vice President-Sales

March 28, 1993

The Honorable Albert Gore, Jr.
Vice President of The United States
Blair House
Washington, D.C. 20501

PHOTOCOPY PRESERVATION

Dear Vice President Gore:

In the March 29, 1993 issue of NEWSWEEK-JUST FOR KIDS, there were two instances of mistaken/misleading information concerning CFCs and aerosol products and destruction of the ozone layer.

After many years of my personal involvement in the aerosol industry relating to the CFC issue, I am quite confident that you understand that CFCs are not currently used in consumer aerosol products in the United States. I am equally certain that your environmental knowledge on this issue is such that you are aware that aerosols around the world are a diminimus contributor of CFCs. Certainly, it is not your intent to discontinue the use of asthma inhalers used by the people who suffer from this disease.

What I am asking you to do is to contact NEWSWEEK and ask them to correct the mistaken information in this publication not only in the "ASK AL GORE" section, but also in the crossword puzzle where clue #1 states "spray cans made this".

Even before the ban of CFCs in aerosol products, our industry moved away from their use prior to the 1978 effective date. Nevertheless, this change was completely misunderstood in the minds of consumers and hence, our unit sales were reduced by one-third overnight, resulting in a considerable loss of jobs in our industry.

We have recently organized a group with the express goal of once and for all correcting this misperception. I feel we are succeeding, thanks to the cooperative efforts of the media in printing the scientific facts on this issue. Your visibility coupled with this statement in NEWSWEEK will harm us greatly and will impede our efforts to make the scientific facts of the issue clearly understood.

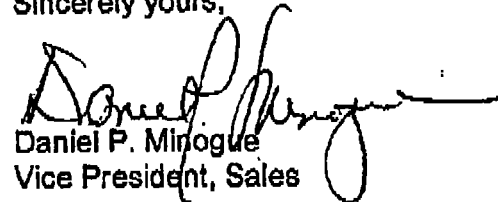


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PreTech Division: TRAVELERS REST, SC 29690 / Telephone: 803-834-8061 / FAX: 803-834-4938

As the leading environmental proponent of this country, I implore you to assist in correcting this unfortunate mistake now, before it spreads further to consumers across the country and even into our classrooms.

Thank you for understanding my concern.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Daniel P. Minogue". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel P. Minogue
Vice President, Sales

cc: Publisher, NEWSWEEK

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1201 Connecticut Ave., NW • Suite 300 • Washington, DC 20036 • 202.833.7471

CONSUMER
AEROSOL
PRODUCTS
COUNCIL

March 29, 1993

The Executive Office of the Vice President
Old Executive Office Building
Washington, DC 20501

Dear Mr. Vice President:

We share your goal of sound environmental education to encourage positive and effective environmental choices by our nation's young people. These educational efforts must strive for accuracy and consistency to prevent public confusion which undercuts effective environmental action.

The "Ask Al Gore" column in Newsweek Just for Kids (March 29, 1993) advises a young girl concerned about ozone depletion to "stop using aerosol products with chlorofluorocarbons." This special Newsweek section is designed for wide distribution in classrooms; many of these classes will also be using "Ozone: The Hole Story," a PBS documentary in which you correctly refer to the 1978 removal of CFCs from aerosol products. The result is a great potential for confusion among students and teachers which I'm sure you agree needs to be clarified quickly.

We would like to set up a meeting with the appropriate members of your staff to discuss how to work with Newsweek to correct this unfortunate miscommunication in a timely way and prevent further confusion.

Respectfully,

Carol D. Lippincott

Carol D. Lippincott
Consumer Aerosol Products Council

enc:

KETCHUM PUBLIC RELATIONS

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CONSUMER
AEROSOL
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STUDY SHOWS AMERICANS NEED
BETTER INFORMATION ON THE ENVIRONMENT

WASHINGTON, D.C.--A recent study shows 78 percent of Americans would support regulations requiring aerosol propellants to be "safe" for the stratospheric ozone layer--unaware that, by law, virtually all U.S.-made aerosols haven't used ozone-depleting propellants for more than a decade.

"The Environment: Public Attitudes and Individual Behavior" study, released in July by the Roper Organization, Inc., and commissioned by S.C. Johnson and Son, Inc., also found that "a majority of people who know about ozone think aerosols are the main contributor to the problem--and the number one reason for this is because aerosols are thought to contain CFCs" (chlorofluorocarbons, ozone-depleting propellants eliminated by law from American-made aerosols in 1978).

"This study reveals that consumers don't know the facts on the ozone issue," said Dan Minogue, chairman of the Consumer Aerosol Products Council. "That's why we've formed the Council, and we're hoping the media--the public's Number One source of information on environmental issues--will help us get out the facts on today's aerosol products."

-more-

*Tom - pls blank a
give Doc Blank a
heads up about this
issue
No comment
follow-up,
but they
may call.
Tell Ken
they
may
also
call
hi.
Pamchy.*

NO CFCS IN AEROSOL PRODUCTS

page 2

This study, the first to go beyond attitudes to examine consumer behavior, received widespread acceptance with government, business and environmental leaders.

The Consumer Aerosol Products Council was formed to provide information on aerosols and environmental issues for consumers, government decision-makers and educators at all levels; offer technical and scientific resources for media; work cooperatively with national and local environmental and consumer groups; and coordinate industry efforts to promote the aerosol package. Council members include container manufacturers, valve manufacturers, overcap manufacturers, propellant manufacturers, fillers of pressurized products, consumer products manufacturers and industry associations.

For more information on aerosol containers, call the Council at (202) 833-9471. For details on the Roper study, contact Cynthia Georgeson, S.C. Johnson and Son, Inc., at (414) 631-4728.

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**CONSUMER
AEROSOL
PRODUCTS
COUNCIL**

**FOR IMMEDIATE RELEASE
March, 1993**

**CONTACT: Brette Reiman
(202) 835-8865**

**CONCERN FOR OZONE DEPLETION CLEAR,
KNOWLEDGE OF CFCs MOSTLY CLOUDY**

WASHINGTON, DC -- When it comes to knowledge of ozone depletion and chlorofluorocarbons (CFCs), an Opinion Research Corporation survey reveals that Americans have a lot to learn. The results fall in the wake of the 15 year anniversary of the U.S. Environmental Protection Agency's regulations which banned CFCs from most aerosol products.

The survey, commissioned by the Consumer Aerosol Products Council (CAPCO), found that 67 percent of Americans surveyed consider themselves "extremely concerned about the environment." But among those who are "extremely concerned:"

- o Almost one-half do not know how CFCs affect the environment;
- o Almost one half cannot name the most common uses of CFCs, and more than 30 percent incorrectly cited aerosols as the most common source, despite the fact that CFCs have not been used in most American-made aerosols since 1978. Only one in five is aware that CFCs are used in refrigeration, and only one in thirty is aware that CFCs are used in air conditioning.
- o Almost one-half are unaware that, in 1978, the U.S. Environmental Protection Agency halted the use of CFC propellants in American-made aerosol products. Many aerosol manufacturers had voluntarily stopped using CFCs as early as 1976.

Under the Montreal Protocol, all CFCs will be phased out by the year 2000. "It is critical that we effectively inform the public about ozone depletion and the true sources of CFCs," notes Steve Seidel, Deputy Director of the U.S. EPA's Global Change Division.

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Teen America's "Green Point Average"

Foreword:

The Environment,

Education, and

Teen America

Much anecdotal evidence has suggested that young Americans—teenagers, even their younger brothers and sisters—are truly the vanguard of the environmental movement in the United States today. It's been said that teenagers are the ones pushing parents to recycle. That they're more worried about the pollution that everyday actions can cause. That they're teaching adults how to lead more "environmentally responsible" lifestyles.

Well, Teen America's concern about environmental problems is no doubt genuine. Their enthusiasm about making a difference is probably real. But when it comes to teenagers' knowledge of certain key environmental facts, there is still much progress to be made.

In November 1992, The Roper Organization administered an "environmental knowledge quiz" to teenagers that it had previously administered to American adults. Our expectations, frankly, were that teens would do better in this exercise, but these expectations proved to be optimistic.

Compared to adults, teen-aged Americans' environmental "Green Point Average" is lower—only marginally so, but lower nonetheless. Teens scored 31 points for correct answers out of a possible 100 points in the ten-question quiz. Adults fared somewhat better, averaging 33 points on the quiz.

This quiz was originally designed with several criteria in mind. First, we wanted to explore

Teen America's "Green Point Average"

Foreword:

The Environment,

Education, and

Teen America

knowledge of a variety of environmental issues—air and water pollution, solid waste, conservation. Second, we included questions to which there were known factual answers—in order to evaluate environmental *knowledge*, not just attitudes about problems. And third, we tried to make the quiz balanced and fair—not too difficult nor too easy to take.

In retrospect, this was probably a rather tough quiz—and neither teens nor adults had an opportunity to do their homework before taking it. In fact, coming up with questions for which science had discovered proven answers was itself a difficult process—and occasionally produced conflicting views among environmental experts themselves.

Even so, teen America's disappointing performance on the "Green Point Average" quiz highlights a need for more and better environmental education efforts directed at youth. Whether it be in the schools or through the media, whether it involves local community groups, environmental organizations, business or government, a vigorous campaign to promote environmental literacy could shape teenagers' perspectives in a positive way. And better understanding of the issues should, in turn, help teens make more informed choices about the environment.

The future of our environment is very much in the hands of today's youth. We hope that this environmental knowledge quiz will contribute to enhancing teens' understanding of some of the complex environmental issues surrounding us.

Teen America's "Green Point Average"

Foreword:

and that it will help raise teens' "Green Point Average." And this, in turn, could encourage the adoption of more environmentally responsible lifestyles of teens as they mature.

The Environment,

Education, and

Teen America

The following report on the environmental knowledge quiz and teen America's "Green Point Average" consists of three parts:

- Part One provides an overview of the key findings, including results for teens' correct answers to all ten questions and a comparison to the findings for adults.
- Part Two gives the "Green Point Average" for different groups of teens and highlights those at the "head of the class."
- Part Three discusses the "course of study"—the correct answers to the ten quiz questions—in detail and suggests why these facts may be important for teens to know.

The Roper Organization conceived, designed, and executed this environmental knowledge quiz, which it administered in November 1992 to a representative sample of 506 high school students in grades 10, 11, and 12. (The quiz was administered among adults in July 1991.) It is responsible for the selection of questions included in the quiz, the wording of those questions, the scoring of the quiz, and the analysis of the results. Roper wishes to thank S.C. Johnson & Son for commissioning this study and for generously contributing this report to the American people.

The Environmental Knowledge Quiz

What's your "Green Point Average"? To find out, answer these ten questions:

Here are some statements about the environment.

For each one, please check off whether you think it is true or false:

TRUE FALSE

1. The U.S. government allows most aerosol products to contain chlorofluorocarbons (CFC's), which are known ozone depleters.

☐ ☐

2. About 50% of the world's wild plant, animal, and insect species live in rain forests.

☐ ☐

3. Most of the biodegradable packaging we throw away in this country decomposes within ten years.

☐ ☐

4. The worldwide average temperature for 1990 was the warmest on record.

☐ ☐

5. The installation of modern sewer systems has eliminated the pollution of drinking water by human wastes.

☐ ☐

6. You may have heard that populations of American ducks and geese have been declining over the past decade. Is it primarily because of:

Parasites, diseases ☐ Loss of wilderness habitat ☐
Hunters ☐ Air pollution ☐

7. Which of the following materials do you think was the most widely recycled in the U.S. last year-- that is, having the highest percent of the amount used being recycled for other purposes?

Steel ☐ Plastics ☐
Paper ☐ Glass ☐

8. In terms of the volume or tonnage, the top source of solid waste disposed of in landfills in this country is:

Paper, paper board ☐ Metals ☐
Food scraps ☐ Plastics ☐

9. In 1989, the Exxon Valdez oil tanker spilled 10 to 11 million gallons of oil off Alaska's coast. Compared to the amount spilled by the Valdez, how much used motor oil would you say is dumped by car owners into drains and sewers each year? Is it:

Less than one-tenth ☐ Twice as much ☐
the amount

About half as much ☐ More than 10 ☐
times as much

10. Sulfur dioxide emitted by Midwestern coal-burning utilities is said to produce acid rain. From what you know, which one of the following things is affected most by acid rain:

Black bears in the Smoky Mountains ☐ Fish in New England streams ☐

School children in the Midwest ☐ Central American rain forests ☐

Teen America's "Green Point Average"

Part One:

Teens Score Lower

G.P.A. Than Adults

Public attitudes toward a wide variety of environmental issues indicate that the environment will continue to figure largely in the national agenda of the 1990s. And as Americans become more informed of the nature and seriousness of environmental problems, they will hopefully be encouraged to adopt more environmentally responsible behavior and lifestyles.

In recognition that today's youth will play an important role in environmental protection for years to come, this study is intended to explore *younger* Americans' understanding of a variety of environmental issues, as well as to compare the environmental knowledge of high school students with that of adults.

Like adults, American teens also express an interest in the environment. Nearly 1 in 6 high school students describe "damage to the environment" as a major issue facing the country today, placing this issue eighth on a list of eighteen concerns of teenagers. Among college students, 1 in 5 consider the environment to be a critical issue, making it the sixth most important concern on college campuses out of a list of eighteen diverse issues.

But concern about the environment is obviously not enough, alone, to improve the quality of our environment. Progress depends on action, from both individuals and institutions such as business and government. And such actions, in theory at least, should be founded on a firm base of

Teen America's "Green Point Average"

Part One:

Teens Score Lower

G.P.A. Than Adults

knowledge, to insure that they are indeed helping to address the real, underlying environmental problems.

With this thesis in mind, in November 1991 The Roper Organization and S.C. Johnson & Son, Inc. designed an "environmental knowledge quiz" to assess the level of public understanding of various environmental issues. Overall, the 1991 survey revealed a widespread lack of environmental knowledge among adult Americans. Indeed, it would be no exaggeration to say that adults completely failed the quiz, achieving a "Green Point Average" of only 33 points out of a possible 100 points.

This year, the Teen America GPA study reveals, unfortunately, that teens possess even more limited environmental knowledge than adults. When asked the same ten questions on environmental subjects ranging from global warming to recycling, the typical high school student answered just three of them correctly. Overall, teens earned only 31 points, out of a possible 100, for correct responses. The average adult, meanwhile, performed somewhat better, scoring 33 points on the quiz.

This survey finds the lack of environmental knowledge among teens to be broadly based, and not limited to specific areas. Like adults, teens perform fairly well on questions relating to wildlife and wilderness habitats—possibly because these issues have had a longer history in the public eye than recycling, global warming, and acid rain.

Teen America's "Green Point Average"

Part One:

Teens Score Lower

G.P.A. Than Adults

The environmental knowledge quiz consists of five true-false questions and five questions asked in a four-way, multiple-choice format. Roper developed and refined the questions in consultation with representatives of leading environmental groups, industry, and the Federal government. Among all ten questions, only one is answered correctly by a majority of high school students, three others by less than half, four by less than one third, and two of the questions are entirely missed by the high school sample.

For most of the questions, large numbers of teenagers simply do not know the answer—or do not want to guess. However, teens are neither more nor less likely than adults to provide a non response. On average, 27% of high school students give no answer to each of the ten questions in this quiz of environmental knowledge, compared to an average of 25% among adults.

A majority of teen-aged Americans (62%) correctly identify the following statement as true: "About half of the world's wild plant, animal, and insect species live in rain forests." Only 11% incorrectly believe or guess that the statement is false, while nearly 3 in 10 (28%) do not attempt a guess. This same statement was correctly identified as true by 53% of adults in last year's survey.

A plurality of teenagers (39%, compared to 42% of adults) know that most biodegradable packaging in landfills does *not* decompose

Teen America's "Green Point Average"

Part One:

Teens Score Lower

G.P.A. Than Adults

within ten years. About a third (32%) wrongly believe biodegradable packaging usually *does* decompose in landfills within ten years, while 28% give no answer at all.

Nearly 4 in 10 high school students (38%) also correctly identify the loss of wilderness habitat as the leading reason why American duck and geese populations have been declining. More

National Results For The Ten "GPA" Questions

■ Adults ■ Teens

Percent Giving Correct Answer

About 50% of the world's wild plant, animal, and insect species live in rain forests

Loss of wilderness habitat is primary cause of declining duck & geese populations in U.S.

The worldwide average temperature in 1990 was the warmest on record

Modern sewer systems have *not* eliminated pollution of drinking water by human wastes

Most biodegradable packaging we throw away does *not* decompose within 10 years

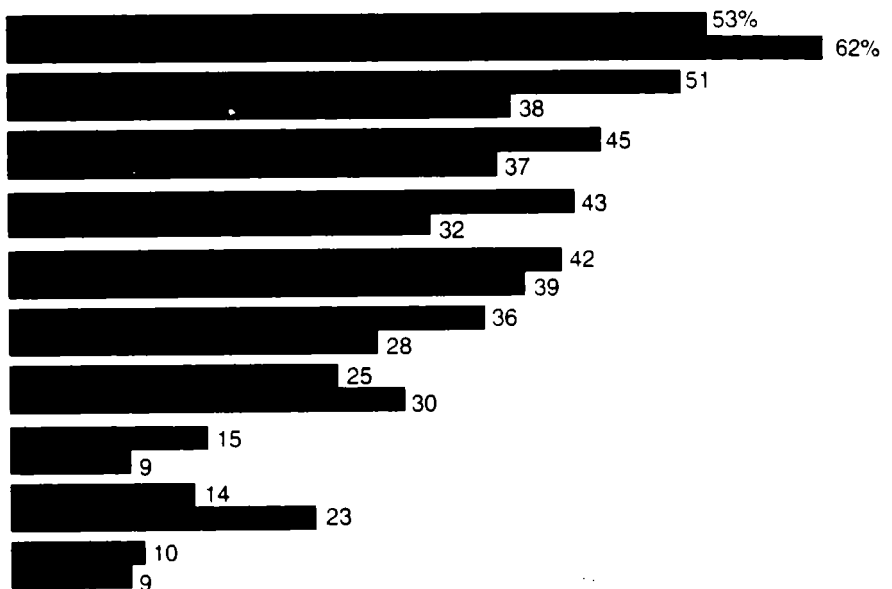
Paper is a greater source of solid waste than metals, food scraps, or plastics

Fish in New England streams are the most affected by acid rain (of four listed items)

As a percentage of waste that is thrown away, steel is the most widely recycled substance

The U.S. government does not allow most aerosol products to contain CFCs

The used motor oil improperly discarded each year is ten times as great as *Valdez* spill



than half of the adult sample provided the correct response last year. Relatively few students incorrectly think air pollution (19%), hunters (19%), or parasites and diseases (5%) are the primary causes of declining wildfowl populations, while 21% do not give an answer.



Embargoed Until:
April 20, 1993

THE ENVIRONMENT: TEENS AREN'T GETTING IT

WASHINGTON, D.C. — When it comes to environmental knowledge, America's teenagers could use some remedial education, according to results released today of a new nationwide quiz commissioned by S.C. Johnson & Son, Inc., commonly known as S.C. Johnson Wax.

The survey, "Teen America's Environmental Green Point Average (GPA)," conducted by the Roper Organization, found that despite increased concerns for the environment, teenagers, like adults who completed the identical quiz in 1991, lack a basic knowledge about environmental issues.

According to the survey, the typical high school student polled was able to answer only three out of 10 questions correctly — a failing Green Point Average of 31 out of 100 points. Adults scored 33 out of 100 points on the same poll taken in 1991. The teen survey was conducted face-to-face with 506 high school students in grades 10-12 from November 14-25, 1992.

"We realize that today's youth will play a critical role in future environmental protection efforts, but we must develop more effective environmental education programs in order to reach the average American teenager," said EPA Administrator Carol Browner. "Environmental education is an important new initiative at the EPA. However, widespread improvements in environmental literacy require a unified commitment from government, business, environmental organizations and educators alike to increase the quality of our environmental education initiatives."

Commenting on the survey, Peter Berle, President of the National Audubon Society said, "There are many environmental educational tools available in schools, in the media and elsewhere." The National Audubon Society has pioneered in this field, particularly with grade school students and middle school teachers. "However, it is obvious that much more needs to be done. We all need to develop a more effective delivery system. This study is a loud wake-up call for increased environmental literacy. Ecological knowledge is humanity's key to longterm global sustainability."

"The need to increase environmental literacy is a critical one for business," said William George, President and CEO of S.C. Johnson & Son, Inc. "Our ongoing goal is to improve the environmental quality of our products through greater eco-efficiency — that is, using less to do more while reducing waste overall. However, the marketplace acceptance of these improvements hinges upon public understanding of their significance. As this research indicates, we have a real challenge ahead of us."



Commissioned by S.C. Johnson & Son, Inc.

The EPA's Office of Environmental Education, the National Audubon Society and S.C. Johnson are currently discussing methods for enlisting other government officials and leading environmental educators in more focused efforts to address both short- and long-term approaches to the problems highlighted by the study.

The environmental knowledge quiz consisted of five true-false and five multiple choice questions. Only one of the 10 questions was answered correctly by a majority of high school students polled. Six questions were answered correctly by only one in three. Teenagers polled fared the worst on these three questions:

Q: The U.S. government allows most aerosol products to contain chlorofluorocarbons (CFCs) which are commonly known as ozone depleters.

A: False. Only 23 percent answered this question correctly.

Q: In 1989, the Exxon Valdez oil tanker spilled 10 to 11 million gallons of oil off Alaska's coast. Compared to the amount spilled by the Valdez, how much used motor oil would you say is dumped by car owners into drains and sewers each year? Is it:

___ Less than one-tenth the amount; ___ About half as much; ___ Twice as much;
___ More than ten times.

A. More than 10 times as much. Nine percent answered correctly.

Q: Which of the following materials do you think was the most widely recycled in the U.S. last year — that is, having the highest percent of the amount used being recycled for other purposes? ___ Steel; ___ Plastics; ___ Paper; ___ Glass

A. Steel Nine percent answered correctly.

The survey was designed as a follow up to Roper's 1991 study of the environmental knowledge of American adults. It was intended to explore younger Americans' understanding of a variety of environmental issues as well as to compare the environmental knowledge of adults with that of high school students, according to Tom Miller, Senior Vice President, The Roper Organization.

"We asked the same questions of high school students in recognition that today's teens will play an important role in environmental protection for decades to come," Miller said.

Since 1990, Roper studies have documented intense public concern for the environment in the United States. But this concern is not mirrored by widespread positive environmental behavior or broad-based knowledge of environmental facts, according to these studies.

The Roper Organization concluded: "Considering the poor GPA scores of adults and the even poorer scores among high school students, the most important news coming out of the Teen GPA report is the urgent need to improve our current environmental education curriculum. Without a solid background in both the nature and causes of various environmental problems, it is difficult for American citizens to make informed decisions."

The Roper Organization is one of the largest and best-known marketing and opinion research firms in the world. Founded in 1933, it is also among the oldest polling organizations. Many Americans are familiar with the Roper name through polls the company conducts for such periodicals as The Wall Street Journal and USA Today. The company's research data also is published 10 times a year in the "Roper Reports," which explore public attitudes on political, social and economic issues, and monthly in the "Public Pulse," which analyzes trends in American attitudes, values and behavior for more than 1,000 subscribers worldwide.

The National Audubon Society is an activist membership organization, with 516 chapters in North and Central America. The society has 600,000 adult members, and has 550,000 grade school students in 18,000 classrooms enrolled in its Audubon Adventures environmental education program. Audubon's mission is to conserve and restore natural ecosystems, focusing on birds and other wildlife for the benefit of humanity and the earth's biological diversity.

S.C. Johnson & Son, Inc. provides quality cleaning and maintenance products for the home and workplace in 46 countries around the world. Some of its familiar product brands include Pledge® Furniture Polish, Glade® Air Freshener, Edge® Shaving Gel, Windex® Glass Cleaner and Off!® Insect Repellent. This month, Sam Johnson, S.C. Johnson chairman, will be inducted into the National Business Hall of Fame in recognition of his visionary environmental leadership during the company's major worldwide expansion throughout the 1960s, '70s and '80s.



Embargoed Until:
April 20, 1993

TEEN AMERICA'S ENVIRONMENTAL GPA

Fact Sheet

The Need — Today's youth will be setting tomorrow's environmental agenda. Studies have shown that other than the news media, schools are among the most important sources of environmental information. A 1991 Roper poll entitled, "America's Environmental GPA", sponsored by S.C. Johnson & Son, Inc., concluded that American adults knew very little about the pressing environmental issues facing the nation. The "Teen America's Environmental Green Point Average (GPA)" poll was conducted as a follow up to that study to determine if basic environmental messages are reaching teens and if a need exists for increased environmental education. The same set of questions were used in both polls so that the environmental knowledge of teens versus adults could be compared.

Methodology — "Teen America's Environmental Green Point Average" was commissioned by S.C. Johnson & Son, Inc. and conducted by the Roper Organization. The quiz contained 10 basic questions on subjects ranging from global warming to recycling. The format consisted of five true-false and five multiple choice questions given to a nationwide cross section of 506 highschool students. All interviews were conducted on a face-to-face basis and were performed between November 14-25, 1992.

Overall GPA Findings — Even though domestic and worldwide environmental concerns have received ongoing media attention over the last decade, today's youth are surprisingly ignorant about specific environmental facts and have demonstrated their lack of understanding by scoring a failing 31 percent on the "GPA" quiz. On the average, teens answered only three questions out of 10 correctly. Similar questions asked of adults in the 1991 Roper survey showed that adults also failed the quiz with a score of 33 percent.

Specific Results

- Only 9% of teenagers knew that steel is the most widely recycled material in the country.
- Only 9% of teenagers correctly judged the volume of used motor oil dumped by car owners into drains and sewers in this country to be greater than 10 times the volume of oil spilled by the Exxon Valdez oil tanker in 1989.



Commissioned by S.C. Johnson & Son, Inc.

- Only 23% of teenagers knew that CFCs are no longer present in most aerosols.
- Less than four in 10 teen-aged students (39%) knew that most biodegradable packaging we throw away does not decompose within 10 years.
- Only 28% of students correctly named paper and paperboard as the number one category of solid waste in this country.
- 62% of teens could not correctly identify the leading reason why American duck and geese populations have been declining.
- 63% of teens did not know that the worldwide average temperature for 1990 was the warmest on record.
- Less than one-third (32%) of teens correctly answered "false" to the statement: "The installation of modern sewer systems has eliminated the pollution of drinking water by human waste."
- 62% of teens correctly identified the following statement as true: "About 50% of the world's wild plant, animal, and insect species live in the rain forest."
- Only 25% of teenagers knew that fish in New England streams are the most affected by acid rain.

Who Scored Highest?

- Teens in the highest socioeconomic bracket along with teens living in the West earned 35 points out of 100, the highest scores of any group.
- 34% of affluent teens knew that the U.S. government does not allow most aerosol products to contain CFCs compared to 23% of teens at large.
- 72% of affluent teens and employed teens knew that approximately 50% of the world's wild plant, animal, and insect species live in rain forests compared to 62% of teens at large.
- Employed teens and 12th graders scored above average on the quiz.
- Among high school students in the West, one in two correctly identify that the worldwide average temperature in 1990 is the warmest on record compared with 37% of other teens.

Adults vs. Teens

- Both teens and adults are better prepared to answer questions relating to issues having had a long history in the public eye such as animals and wildlife.
- Both teens and adults scored poorly on more technical questions such as those pertaining to recycling, global warming and acid rain.
- Both teens and adults severely failed their respective environmental quizzes with respective grades of 30% and 33%.

BEYOND EARTH
NASA Starts Its Search

Newsweek

October 12, 1992

ENVIRONMENT

Seeing Red Over Little Green Lies

Sorry, kids, you can't trust a superhero, at least when it comes to the environment. Comic books and cartoons are now trying to teach kids to save the planet. Too bad they get so much wrong.

The "Funky Winkerbean" and "Ziggy" comic strips, the "G.I. Joe" TV cartoon and a "Teenage Mutant Ninja Turtles" comic book have all told kids not to use spray cans because the CFC propellants eat up the ozone layer. (In 1978 the United States banned CFC propellants from all but a few spe-

cialized uses.) A teaching guide for elementary schools and a Girl Scout environment book also incorrectly linked spray cans to ozone depletion.

Kiddie books and TV are so riddled with little green lies that "much of what is taught to children is simple-minded and inaccurate," says Jonathan Adler of the Competitive Enterprise Institute in Washington, D.C. The Scout book advises children to "use biodegradable garbage bags." There is no such beast: paper and plastic remain intact for decades in landfills. A

CBS "Schoolbreak Special" said, "Recycling paper saves trees," but 87 percent of the paper used in this country is from tree farms. As more paper is recycled, fewer trees are planted on the farms.

A Roper poll last year found that only 14 percent of those surveyed knew that aerosols don't use CFCs. Public understanding of other green issues is about as good. If tomorrow's pollees have paid attention to what TV and comic books teach, look for the same result in 2005.

SHARON BRIGLEY

WORBY, P.C.

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STEVEN R. HARRIS*
ROBERT A. KORREN
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PERRY M. OCHACHER
PATRICK M. REILLY
MARK A. SIESEL†
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PETER J. WISE†
SALLY ANN ZULLO

MICHAEL R. EDELMAN

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* MEMBER NY & CT BARS
* MEMBER NY, FLA & MO BARS
△ MEMBER NY, NE & AZ BARS
■ MEMBER NY & MA BARS

May 7, 1993

Ms. Katie McGinty
Special Assistant to the
President for the Environment
Office of the Vice-President
Old Executive Office Building
Suite 360
Washington, D.C. 20501

Dear Katie:

Thank you very much for the time which you gave us and the concern which you expressed at our meeting on May 4, 1993 with the representatives of the Consumer Aerosol Products Council. The meeting was a great success and we were extremely pleased with your understanding of the problem and your willingness to develop an ongoing dialogue. I can assure you that the entire industry will be made aware of the concern that the President and Vice-President have in moving forward an environmental agenda in a responsible and meaningful way. When it is convenient for you, I will give you background information on some of the players who are involved which will demonstrate why this meeting was so important to the administration.

On a personal note, as I mentioned at the end of the meeting, I would like to assist you and the Vice-President in any way that I can. I have experience in some of the matters that you are dealing with. Therefore, I am taking the liberty of enclosing a copy of my resume. As you will see, both in my public and private life, I have dealt extensively with the environment, land use and conservation matters. My current law practice deals extensively with these issues in addition to government-related activities. I

Ms. Katie McGinty
May 7, 1993
Page Two

would be very happy to volunteer in an advisory capacity or any other way that you think I could be of assistance.

Once again, let my thank you for your courtesies.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a cursive 'B' and a trailing flourish.

Alfred B. DelBello

ABD:dmg
Enclosure

ALFRED B. DELBELLO

**2 Lyon Place
White Plains, New York 10601
(914) 684-0014**

**4 Makepeace Hill
Waccabuc, New York 10597
(914) 763-3945**

Partner in the Law Firm of WORBY, P.C.,

Present

GOVERNMENT EXPERIENCE

Lieutenant Governor of the State of New York

1983-1985

Served as President of the Senate and as Vice Chairman of the New York State Job Training Partnership Council. Created and administered ten regional economic development councils throughout the state. Coordinated a nuclear emergency planning strategy for the Indian Point nuclear facility and spearheaded the Task Force on Aging-Out and the New York State Council for Youth Suicide Prevention.

Westchester County Executive

1974-1983

Initiated numerous countywide projects and services including the first regional solid waste disposal system of its type in the United States. Provided leadership in the development of numerous innovative "privatization" ventures including the operations of the county airport and bus transportation systems. Established a countywide Electric Public Utility Agency. Successfully reduced the county's real property tax rate for three consecutive years (1978-1981) and led the county financial management to the highest investment credit rating of any government in the state.

Pioneered the introduction of special services for the disabled, aged, youth, women and veterans, many of which became statewide models. Actively guided the development of The Westchester County Medical Center. Created a countywide Arts Program.

Served as President, National Council of Elected County Executives; Chairman of the Urban Affairs Committee, National Association of Counties; President, New York State County Executives Association; President, Hudson Valley Regional Council; Board of Directors member, National Association of Counties; Federal appointee, Council of Development Choices for the 1980's; State appointee, Governor's Task Force on Equity and Excellence in Education; member, Committee on Energy Strategies for the 1980's and Governor's Task Force on Fire Safety.

Mayor of the City of Yonkers 1970-1974

Achievements included restoring the city's fiscal stability, reducing its operational debt and procuring an unprecedented amount of state and federal aid.

Councilman for the City of Yonkers 1966-1970

**Chairman of the New York State Senate Advisory Committee
on Solid Waste** 1990

**Special Legislative Counsel, New York State Association of
Counties** 1989-Present

Special Consultant on Economic Growth, County of Westchester 1992

COMMUNITY SERVICE

PRESENT

- Greyston Family Inn: **Co-Chairman, Board of Directors**
- Westchester Land Trust: **Chairman, Board of Directors**
- County Chamber of Commerce: **Board of Directors**
- Westchester Business Partnership: **Board of Directors**

FORMER

- Committee for Youth Suicide Prevention: **Founder and Former Chairman**
- Participated in many national organizations including: The Governor's World Trade Council; the National Municipal League; the Association for a Better New York; the Center for Excellence in Government and the American Academy of Political and Social Services
- International Foundation for Children's Hearing and Educational Research: **Advisory Board Member**
- Iona College: **Trustee**
- Westchester County Historical Society: **Advisory Board Member**
- Westchester Council on Alcoholism: **Board of Trustees**
- Muscular Dystrophy Association: **National Vice President**
- Renaissance Project: **Member**

BUSINESS EXPERIENCE

Worby, P.C., White Plains, New York
Partner

DelBello Associates Ltd., Waccabuc, New York
President

Wheelabrator Technologies, Inc. (A division of the Henley Group)
Senior Vice President

Signal Environmental Systems (A Wheelabrator Company)
President and Chief Executive Officer

Westfair Communications, Inc.
Chairman of the Board of Directors

Insituform of North America, Inc., Memphis, Tennessee
Board of Directors

Four M Manufacturing Group Inc., Valhalla, New York
Board of Directors

County Chamber of Commerce, White Plains, New York
Board of Directors

HONORS AND AWARDS

- Honorary Doctor of Laws degrees from Pace University and Mercy College
- Honorary Degree from Drake Business School
- Order of Merit of the Italian Republic
- Westchester Community Services Award
- Outstanding Service Award from the National Conference of Christians and Jews
- The Amerigo Vespucci Award for Excellence in Community Service
- The Environmental Planning Lobby Award for establishing a countywide solid waste plan
- Outstanding Young Men in America
- Named as one of Time Magazine's 200 rising young leaders in America
- Who's Who in American Politics
- Family of the Year Award from The National Council of Young Israel

EDUCATION

Fordham University Law School; New York
Juris Doctorate

Manhattan College; New York
B.A. Political Science and Economics

Halsted School; Yonkers, New York

BAR ADMISSIONS

All New York Courts
Federal District Courts, Southern and Eastern Districts
United States Supreme Court

PUBLISHED ENVIRONMENTAL ARTICLES

- "A Wasted World?," Waste Age, March 1991.
- "MSW Composting: Glut or Guarantee?," Waste Age, January 1990.
- "Stabilizing Markets for Recycled Materials: The Real Key to Solid Waste Management," Westchester Commerce, October 1989.
- "Understanding Answers to Medical Waste Disposal," American City & County, January 1989.
- "The Politics of Garbage: The Influence of the Political Process on the Construction of a Refuse-to-Energy Plant," Columbia Journal of Environmental Law, 1989.
- "Understanding Medical Waste," Pollution Engineering, November 1988.
- "Changing Roles Add Pressures," American City & County, January 1987.
- "Privatization as Partnership: Refine, Explore, Extend," Financier, January, 1987
- "Mass-Burn Refuse-to-Energy Technology: A United States Case Study," The Environmentalist, Volume 6, Number 4,

(1986).

Alfred B. DelBello

Page 5.

PUBLISHED INTERVIEWS

- "DelBello: Resource Recovery May Be The Best Alternative," World Wastes, February 1986.
- The Renewable Resource and Conservation Report, Feature Interview, November 1985, Volume 2, No. 5.
- "Political Garbage," Forbes, July 1, 1985.

PUBLISHED CASE STUDIES

- "The Charles Point Resource Recovery Plant"
Copyright 1986, Kennedy School of Government,
Harvard University
- "The Fifth Horseman of the Apocalypse--Fighting
the Self-Poisoning of our Ecosystems", A Discussion
of Ecosystem Management in Metropolitan Areas,
delivered October, 1984, METROPOLIS 84, Paris, France

CONSUMER
AEROSOL
PRODUCTS
COUNCIL

March 29, 1993

The Executive Office of the Vice President
Old Executive Office Building
Washington, DC 20501

Dear Mr. Vice President:

We share your goal of sound environmental education to encourage positive and effective environmental choices by our nation's young people. These educational efforts must strive for accuracy and consistency to prevent public confusion which undercuts effective environmental action.

The "Ask Al Gore" column in Newsweek Just for Kids (March 29, 1993) advises a young girl concerned about ozone depletion to "stop using aerosol products with chlorofluorocarbons." This special Newsweek section is designed for wide distribution in classrooms; many of these classes will also be using "Ozone: The Hole Story," a PBS documentary in which you correctly refer to the 1978 removal of CFCs from aerosol products. The result is a great potential for confusion among students and teachers which I'm sure you agree needs to be clarified quickly.

We would like to set up a meeting with the appropriate members of your staff to discuss how to work with Newsweek to correct this unfortunate miscommunication in a timely way and prevent further confusion.

Respectfully,

Carol D. Lippincott

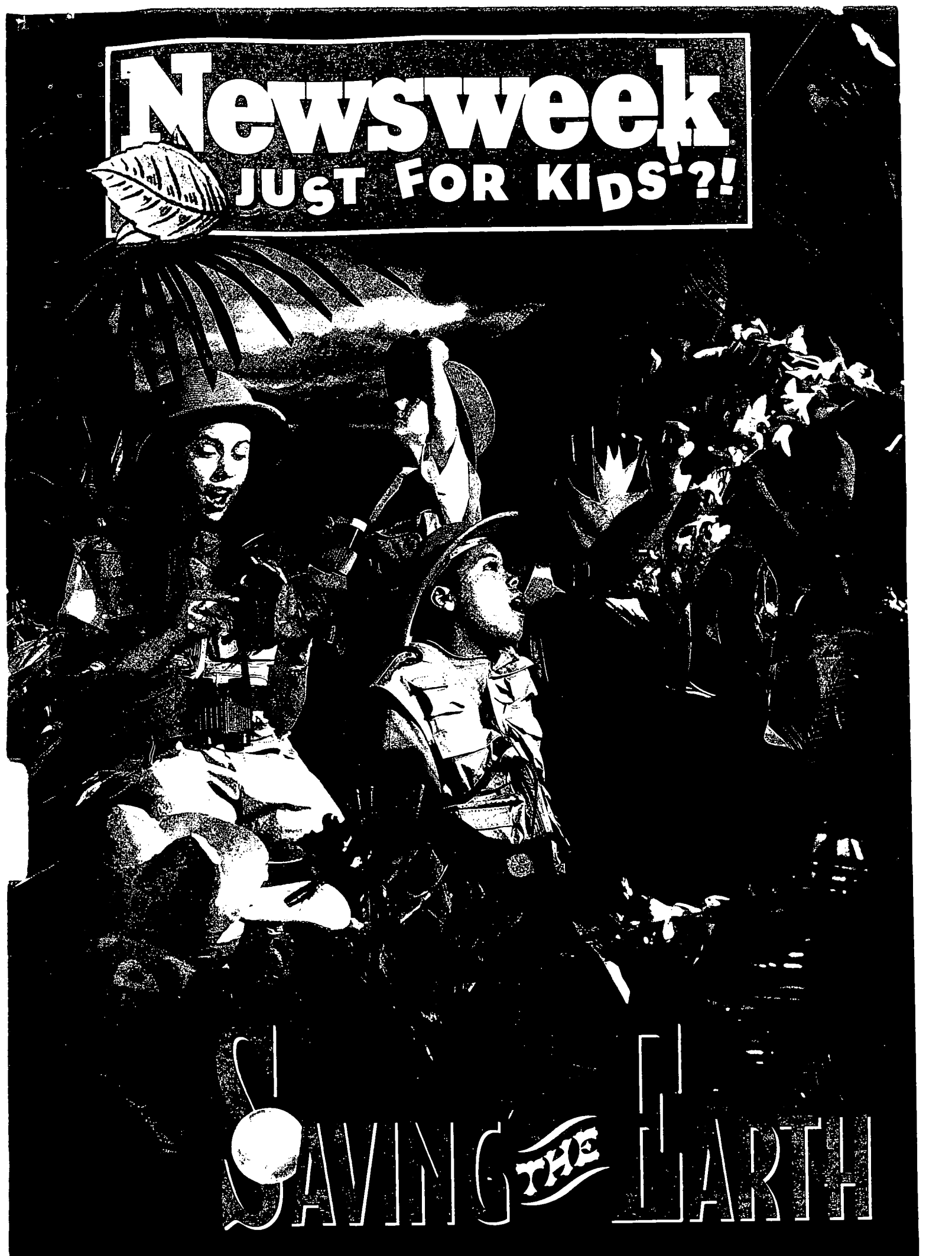
Carol D. Lippincott
Consumer Aerosol Products Council

enc:

*Marta & I checked
with Pam, and we
stopped using
CFC's in aerosol
products in the
1970's. What
to do?
H.*

*let it go —
no more to do now
if she lets — all talk to
her — for*

Newsweek

JUST FOR KIDS'?!


SAVING *THE* EARTH

ASK AL GORE

Kids of all ages are concerned about what the government is doing to help the environment. Here, Vice President Al Gore—who wrote “Earth in the Balance” last year—answers questions sent to NEWSWEEK Just For Kids by students in California, Ohio and Massachusetts:

**Lauren Kasberg, 11
Spruce School
North Olmstead, Ohio**

I hope the rain forests are saved, because I would like to study them and learn more about them as I get older.



As many as half of all the living species on earth—some experts say more than 90 percent of all living species—find their homes in tropical rain forests and cannot survive anywhere else. Most biologists believe that the destruction of the tropical rain forests represents the single most serious damage to nature now occurring. They are disappearing from the face of the earth at a rate of one and a half acres a second, night and day, all year round. The president and I are committed to ways to reduce this destruction. We strongly support innovative measures like debt-for-nature swaps, in

which Third World countries are forgiven part of their foreign debt in exchange for protecting rain-forest land. We need to find more incentives. Private companies and governments must work hand in hand, with the understanding that if we don't save the rain forests now, it will be too late later.

**Sigita O. Janulaitis, 12
Lawrence School
Brookline, Mass.**

If the hole in the ozone gets bigger, will the earth then become a desert?



A part of the ozone layer has a hole in it over Antarctica, or the South Pole, and it's getting bigger because of the harmful chemicals we are putting in the air every day. But we can do something to stop it. We can stop using aerosol products with chlorofluorocarbons (CFCs). When we have our air conditioners and refrigerators fixed, we can make sure the CFCs are recaptured. And the United States can agree to observe international agreements to limit the amount of ozone-depleting chemicals released into the air.



9

RESOURCE DEPLETION

The world will need twice the raw materials in 2010 that it does today. To use oil in the next decade at the rate we do now, we need to discover as much in 10 years as has been found in all of history.

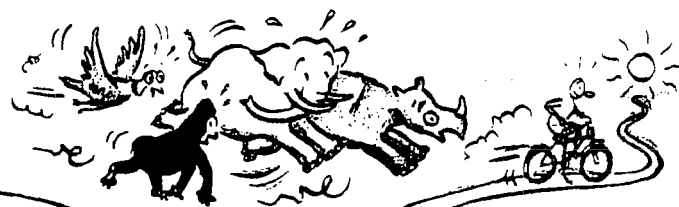


10

AIR QUALITY

From the newer cities of the U.S. to the antiquated coal towns of Eastern Europe, as many as 1.25 billion people—that's almost one fifth of mankind—breathe air considered 'unhealthy.'

The U.S. is trying to protect more and more animals—758 species are on the national endangered list today.



We didn't just start fixing the environment—the U.S. banned the use of CFCs in aerosol cans all the way back in 1978!



Fuel efficiency has doubled since 1976, saving an extra 2.5 million barrels of oil daily.



FRIDAY, MARCH 17, 1978
PART II



ENVIRONMENTAL PROTECTION AGENCY

CONSUMER PRODUCT SAFETY COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CERTAIN FLUOROCARBONS
(CHLOROFLUOROCARBONS) IN
FOOD, FOOD ADDITIVE, DRUG,
ANIMAL FOOD, ANIMAL DRUG,
COSMETIC, AND MEDICAL
DEVICE PRODUCTS AS
PROPELLANTS IN SELF-
PRESSURIZED CONTAINERS

Prohibition on Use

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

SUBCHAPTER E—TOXIC SUBSTANCES
CONTROL ACT

(FRL 1013-4; OTS 061002)

PART 762—FULLY HALOGENATED

Chlorofluoroalkanes—Clarification of
Final Rule

AGENCY: Environmental Protection
Agency

ACTION: Clarification of final rule.

SUMMARY: On March 17, 1978, the Environmental Protection Agency (EPA) promulgated a final rule prohibiting almost all of the manufacture, processing, and distribution of fully halogenated chlorofluoroalkanes (hereinafter referred to as chlorofluorocarbons) for those aerosol propellant uses which are subject to the Toxic Substances Control Act, 15 U.S.C. 2601 et seq. (43 FR 11318).

Congressional Record

USE OF CHLOROFLUOROCARBON PROPELLANTS

Mr. D'AMATO. Mr. President, many people will be reminded of green things on this March 17. But let me move beyond shamrocks and leprechauns and

point out a special "green" theme we should all recognize on this date.

On March 17, 1978, the Environmental Protection Agency took an important step toward protecting our environment when it promulgated regulations prohibiting the further use of chlorofluorocarbon [CFC] propellants from almost all aerosol products manufactured and sold in the United States. At that time, the theory that CFC's may play a role in ozone depletion was relatively new. Responding to consumer concern, however, many U.S. manufacturers of aerosols had already, voluntarily, begun to introduce alternatives to CFC propellants.

In recent years, with growing public debate—indeed worldwide debate—about the impact of chlorofluorocarbons on the Earth's atmosphere, the importance of this step is clear. Under the international agreement we call the Montreal protocols, CFC's are due to be phased out of existence worldwide by the year 2005.

Changing the basic formula of a product is never easy. In the case of aerosol products, changing from one propellant system to another was indeed a complex undertaking. Hundreds of products had to be reformulated and retested in order to assure that new kinds of propellants would work as well as CFC propellants had. For some products this was an extremely difficult procedure and costly to undertake. But the U.S. aerosol industry complied fully with the 1978 regulation and, in fact, led the way for the rest of the world. CFC's have now also been banned from aerosol products in Canada, Britain, Mexico, and most European countries.

The sad thing is, though, that public perception has not caught up with reality. Public opinion polls, taken as recently as last year, indicate that 86 percent of the American people are not aware that aerosol products do not contain CFC's. And it's no wonder this is the case. Newspaper and television stories about CFC's often strengthen the myth by illustrating articles about CFC's with a picture of an aerosol can, totally misrepresenting the real situation.

Recently, children's television programs, books, and comic books have concentrated on environmental issues as part of a welcome trend to educate kids about our Earth. An investigation of these influential communications tools, however, will show that they too frequently contain information that is simply wrong. Many, for instance, point to aerosol products and tell their young readers that these products are bad because they contain CFC's, that using aerosol products helps to burn holes in the ozone layer. Some of these materials are provided to teachers to use with young students. We are building a generation of environmentally conscious children who have been taught a false set of facts.

On this 15th anniversary of the prohibition of CFC's in U.S. produced aerosols, I want to commend the industry which

produces these important products for their efforts at environmental education. The industry is working directly with the media and with school systems to remind the American public that aerosols are not harmful to the ozone layer, that they are free of CFC's, and that children—and their parents—don't have to avoid aerosol products.

In addition to being CFC free, U.S. aerosols are also recyclable in many communities around the United States from Washington, DC, to Pittsburgh and Phoenix. Most aerosols are packaged in steel cans and the rest in aluminum, all of which can be recycled like other empty steel and aluminum cans. The steel used to make aerosol cans contains about 25 percent recycled steel.

The companies in the aerosol industry have worked hard to produce products which are efficacious and environmentally sound; in other words, they work and they don't hurt the ozone layer. The more than 100,000 Americans directly employed in the aerosol industry are proud of their companies and of their products and rightly so.

March 17 may be a day when we think green means Irish. But green on this date should also remind us that U.S.-produced aerosols have been CFC free since 1978.

CONSUMER
AEROSOL
PRODUCTS
COUNCIL

May 14, 1993

Mr. Ken Conley
Office of Recycling
The White House Office on Environmental Policy
Old Executive Office Building, Room 360
Washington, DC 20501

Dear Mr. Conley:

The Consumer Aerosol Products Council (CAPCO), a group made up of the companies which manufacture and market aerosol products, met last week with Katie McGinty to express our concerns about misinformation and misconceptions among American consumers about aerosols -- specifically, that aerosols still use CFC propellants and represent a threat to the earth's ozone layer.

As I'm sure you're aware, since 1978 CFC propellants have been banned from American-made aerosol products, except for a small group of products specifically exempted by the appropriate government agencies. Under the Montreal Protocol, even these uses are being discontinued -- and yet as much as 86 percent of the American public is not aware of this fact.

Over the last two years, CAPCO has conducted communications programs aimed at informing media and educating students and teachers about the real situation regarding aerosols and CFCs. Through other channels, the aerosol industry has also been working to promote aerosol recyclability and to address other environmental concerns about spray products.

Ms. McGinty suggested that we establish contact with you as an appropriate member of her staff whose issue responsibilities may overlap with our areas of interest. I have therefore enclosed CAPCO's basic information package, and hope that you will call on us if you need further information on aerosol products, their technology, or their environmental impact.

Sincerely,


Carol D. Lippincott

**PHOTOCOPY
PRESERVATION**

**CONSUMER
AEROSOL
PRODUCTS
COUNCIL**

**PHOTOCOPY
PRESERVATION**



About Aerosols and the Environment

With heightened concern about our environment, everyone has questions about the products and packages they buy—including aerosols. What can WE do to help protect the environment for ourselves and our children? The first thing to do is know the facts, so we can be informed, responsible consumers.

STRATOSPHERE

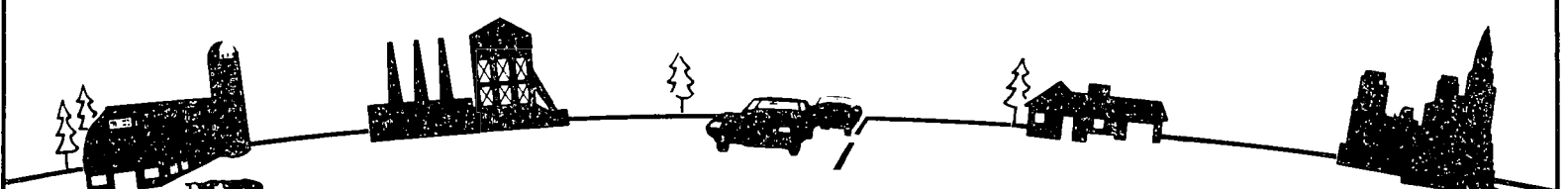
Aerosols no longer use chlorofluorocarbon (CFC) propellants.

In the mid-1970s, some scientists became concerned that CFCs from refrigerators, air conditioners, industrial processes and aerosols might harm the ozone layer which surrounds the earth and protects us from harmful ultraviolet radiation. The aerosol industry began changing to other propellants. By 1978, when the U.S. Environmental Protection Agency banned CFC propellants, virtually all American aerosols were already CFC-free. Since then, only a few spray products are allowed to use CFC propellants—mostly bronchial inhalers for asthmatics—and these uses too will be phased out by the year 2000 under the Montreal Protocol.

TROPOSPHERE

Aerosols are not a significant source of smog.

Critics charge that aerosols cause air pollution by giving off *volatile organic compounds (VOCs)*, which react with sunlight and nitrogen oxides to form smog. While most aerosol propellants can be included in the huge category of VOCs (basically, anything that evaporates), so can hundreds of other ingredients in common consumer products—sprays, liquids or solids. The U.S. EPA estimates that *all* consumer products account for only 2–4 percent of the VOCs from man-made sources; far more are given off by vehicle exhaust, industrial emissions, and combustion. One thing is clear: not using aerosols will have *no* impact on the quality of our air. Keeping your car well tuned, taking mass transit or walking, and conserving fossil-fuels *will*.



Aerosol cans are fully recyclable.

About 90 percent of aerosol cans are tin-plated steel, and are recyclable along with other steel containers; the rest are aluminum, and are also recyclable. Many recyclers, processors and communities around the country are now accepting aerosols for recycling. The only requirement, as with other containers, is that the can should be empty before you recycle it.

Aerosols are. . . Hermetically sealed, so the product will not leak, go stale or evaporate • Pre-mixed for maximum effectiveness • Sanitary • Cost-effective • Environmentally sound

Produced as a public service by the Consumer Aerosol Products Council, supported by companies that manufacture and market aerosol products.

CONSUMER AEROSOL PRODUCTS COUNCIL

Aerosols and Ozone

Aerosols and the Ozone Layer

In recent decades, scientists have become increasingly concerned about the layer of ozone, a particularly active form of oxygen that surrounds the earth high up in

the stratosphere. This *stratospheric ozone*, which filters out much of the sun's harmful ultraviolet radiation, has shown signs of thinning which alarm some scientists, who fear higher worldwide temperatures and rising incidence of skin cancer.

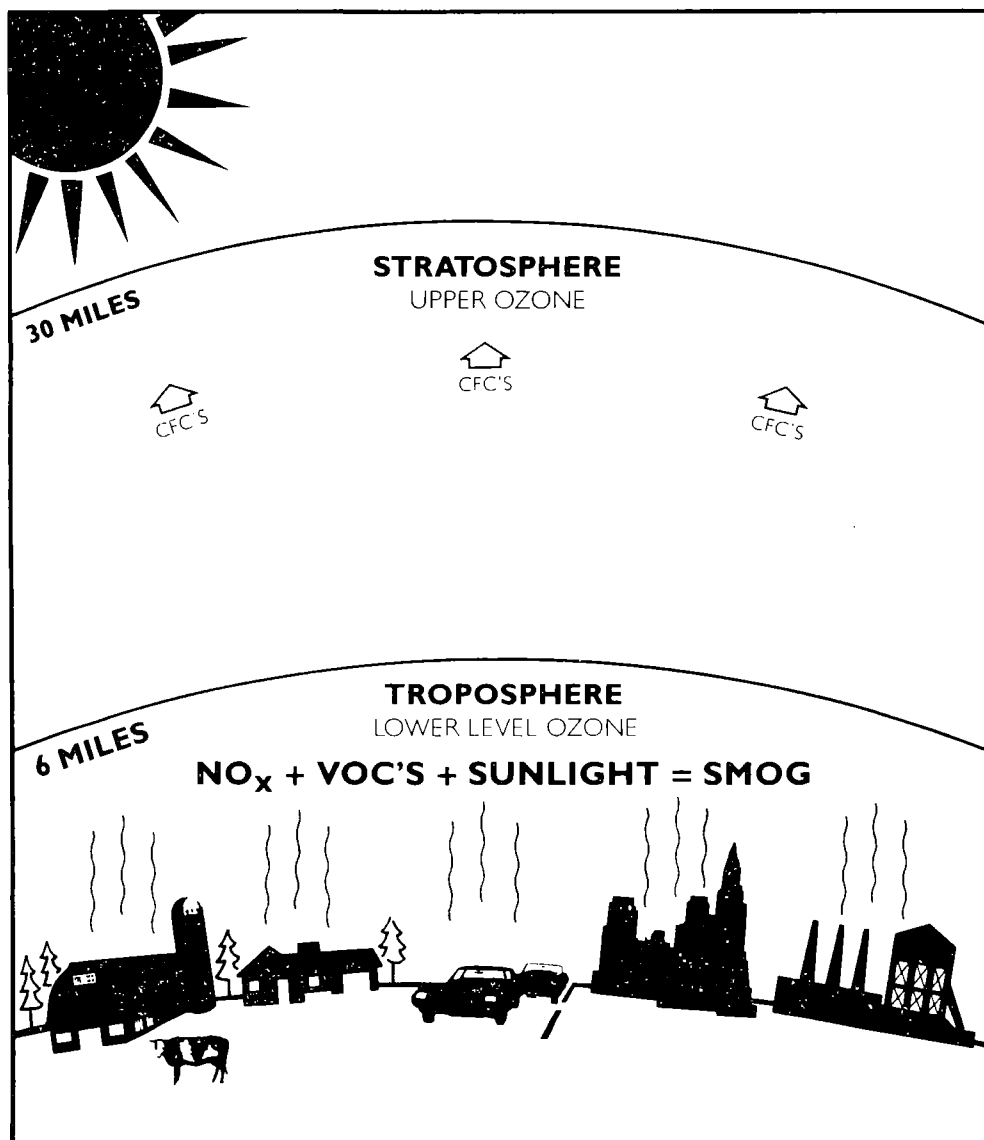
One of the suspects in ozone damage is a class of compounds called chlorofluorocarbons (CFCs), which rise to the upper atmosphere and react with the ozone. CFCs are widely used around the world in refrigeration, air conditioning for buildings and vehicles, industrial processes—and, outside the U.S., Canada and some European countries, as propellants in aerosol containers.

In the late 1970s, because of concerns about ozone depletion, American aerosol product manufacturers moved to switch from CFCs to other suitable propellants. Since 1978, when U.S. regulations banned CFC use in aerosol cans, *virtually all aerosol products—98 percent of those made and sold in the U.S.—have not contained CFCs.* Less than 2 percent of total U.S. aerosol production are CFC-containing products allowed by the U.S. government as essential uses, mostly medical and pharmaceutical products such as asthma inhalers.

Several other countries still allow CFC use in aerosol containers. But under the recent Montreal Protocol, CFC propellants will be phased out by the year 2000 in developed nations, 2010 in developing countries.

Aerosols and Smog

Ozone in the stratosphere protects the earth and its inhabitants. But at ground level, ozone can be



unhealthful—in fact, it's a component of what has become known as "smog." Smog formation requires three ingredients—nitrogen oxides, which come almost entirely from man-made sources such as automobile exhaust and power plants; sunlight; and *volatile organic compounds or VOCs*, both naturally occurring and man-made.

"Volatile" means "evaporating," and virtually anything that gives off an odor or evaporates into the air is a source of VOCs. Man-made sources include industrial facilities, power plants, car exhaust, paints, solvents, textiles, household products, cosmetics and personal care products. Natural sources—flowers, trees, decaying organic matter, animals and even humans—account for at least as much VOC emissions as man-made sources, and probably more.

The crucial question—one that science has not yet answered—is how important each VOC source is in contributing to air pollution, since the amount of VOCs emitted and the relative reactivity of different kinds of VOCs varies. Certainly the major man-made sources of VOCs are industrial facilities (44 percent), vehicle emissions (35 percent) and fossil fuels (5 percent); but *all* sources of VOCs are being examined in an effort to clean up our air.

Aerosol products emit some VOCs, in part from the propellants used, but also from solvents and other components in the product itself. Preliminary estimates indicate that of all the man-made VOCs emitted each year, consumer products account for approximately 2-4 percent; the portion that are packaged in aerosol containers account for only a fraction of that, and are largely composed of the least reactive VOCs. Eliminating aerosols as a way to reduce VOC emissions would wipe out valuable consumer products and a well-developed industry in exchange for essentially *no* improvement in air quality. In addition, many products in non-aerosol forms such as liquids and pump sprays often require more solvents to be effective, and thus result in *higher* VOC emissions than aerosols.

CONSUMER
AEROSOL
PRODUCTS
COUNCIL

Aerosols and Recycling

Consumers want the products they buy and use to be effective, economical, *and* environmentally sound. Products that conserve resources and reduce waste are fast becoming the popular choice.

Aerosols have been around for almost 50 years, in America's bathrooms, kitchens, workshops, gardens and institutions. But how do they fit in with the new emphasis on waste reduction and recycling?

Recycled and Recyclable

- Almost 90 percent of aerosol cans are made of **steel**, and can be recycled along with other empty steel cans. Any paper labels or plastic parts are burned up when the can is melted down during recycling. Post-consumer steel cans—food, beverage, paint and aerosol containers—are in demand because steel furnaces require either 25 percent or 100 percent scrap metal in order to make new steel. Today's steel aerosol cans contain an average of 25 percent recycled content.
- About 10 percent of aerosols are made of **aluminum**, which is also recycled and recyclable. Aluminum products can be

differentiated from steel by holding them near a magnet: steel is magnetic, aluminum is not. All-aluminum aerosols, once the product inside has been used up, can be recycled along with other empty aluminum containers.

Consumers should check with their local recycler or community recycling coordinator on how to handle aerosol cans. Many recyclers and community recycling officials are not aware that aerosol containers can be recycled, but a growing number of communities have successfully included empty aerosol containers in their recycling programs. Consumers can help recycle more waste by encouraging their community recycling coordinator or waste manager to accept empty aerosol cans along with other metal containers in the community's recycling programs.

Both the Steel Can Recycling Institute (412-922-2772) and the Aluminum Association (202-862-5100) have information about the technology of recycling, as well as about regional resources for aerosol recycling.

Proper Disposal

Aerosols, like all household and personal care products, should be disposed of properly:

- Use up all of the product you have purchased. Remember that, because aerosols are airtight, the contents will not spoil or evaporate, so you can use and store the product over long periods of time.
- The best way to dispose of an empty aerosol container is to recycle it. A trace amount of propellant or product left in the can does not present a hazard in today's industrial recycling facilities. ***The label warning against puncturing or incinerating an aerosol does not mean an empty aerosol container cannot be recycled.***
- If your community's curbside, drop-off or buy-back recycling programs do not currently accept empty aerosol containers, urge them to include aerosols along with other recyclables. Until then, empty aerosols should be disposed of through normal solid waste collection systems and according to label directions.

CONSUMER AEROSOL PRODUCTS COUNCIL

Who We Are.... What We Make

The idea of using compressed gas to atomize droplets of liquid in the air was developed in 1924, but the first consumer aerosol package came into use during World War II. Canisters filled with insecticide and propellants were used to protect U.S. servicemen from insects carrying diseases such as malaria. After the war, the idea was successfully adapted to a wide range of consumer and commercial products.

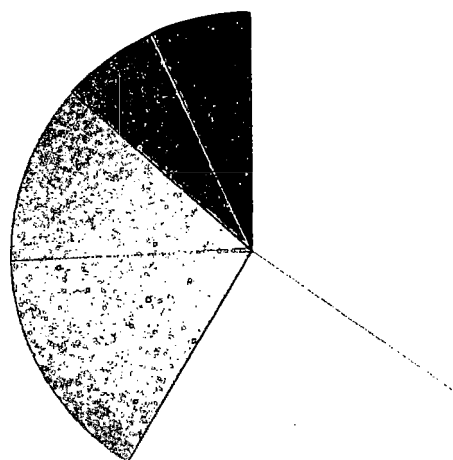
- The American aerosol industry—about 250 companies ranging from container, cap, valve, and propellant manufacturers to product fillers and product marketers—now employs more than 50,000 people.

- In 1990, U.S. aerosol retail sales totalled more than \$10 billion—almost 3 billion aerosol units filled.
- About 1,500 kinds of products, from asthma inhalers to shaving cream and low-cholesterol cooking sprays, are packaged as aerosols.
- Almost 90 percent of aerosol cans are tinplated steel containing about 25 percent recycled metal, and are recyclable as steel cans. About 8 percent are aluminum, also recyclable; a small percentage are glass and even plastic.

The largest product segments sold in aerosol containers, based on 1990 sales data, are:

- Hair sprays
- Paint products (paint, primer and varnishes)
- Shaving creams and gels
- Room deodorants and disinfectants
- Personal deodorants, antiperspirants and powders
- Cleaning products (glass, oven, rug and fabric cleaners)

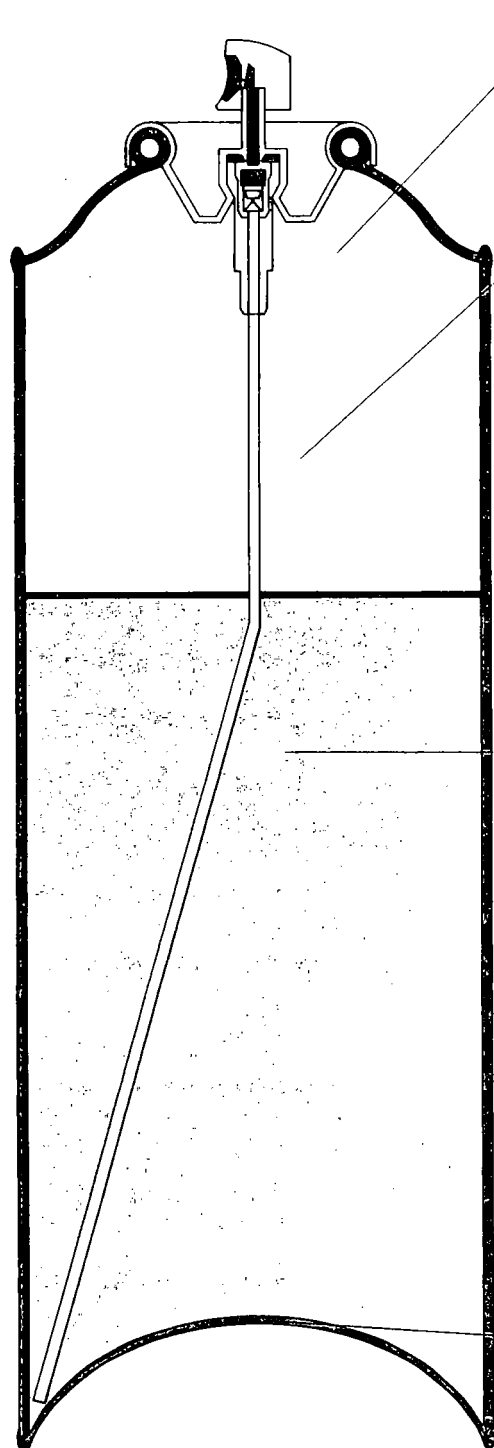
Aerosol Production (1990)
2883 MM Units Filled



Personal Products	1050 MM
Household Products	680 MM
Lubricants	415 MM
Paints and Finishes	350 MM
Insect Sprays	190 MM
Food Products	175 MM
Miscellaneous	15 MM
Animal Products	8 MM

Source: Chemical Specialties Manufacturers Association

It's Not Magic, It's Technology



Head space

Enough space must be left in the can when it is filled and sealed to allow some of the propellant to exist in its gaseous form, maintaining a constant pressure.

Propellant

An inert gaseous compound under pressure. The propellant serves several purposes:

- It pushes the product out of the can
- It vaporizes after leaving the container, producing a spray or foam
- In most cases, it also acts as a solvent for the product.

In the U.S., the most common aerosol propellants are *liquefied gases*, usually naturally occurring hydrocarbons such as propane or butanes. About 5-10 percent of today's aerosols use *compressed gases*, such as carbon dioxide or nitrogen, as propellants. While less expensive than liquefied gases, compressed gases are effective propellants only with certain types of products. *Chlorofluorocarbons (CFCs)* are not used in American-made aerosols, except for a few uses allowed by the U.S. Environmental Protection Agency, mostly for health and pharmaceutical products representing less than 2 percent of the U.S. aerosol market.

Product

A liquid blend of *active ingredients*, such as soaps or disinfectants, and *inert ingredients* needed to dissolve, dispense or stabilize the product. Because the aerosol container is hermetically sealed, the product is protected from contamination, evaporation or user contact. The aerosol delivery system often allows the product to be more concentrated and applied with more control than other packaging forms.

Can

Almost 90 percent of aerosol containers are made of steel with a thin coating of tin. The steel used to make aerosol cans contains about 25 percent recycled metal. *Empty aerosol containers are as recyclable as other steel cans.* The tin is recovered during processing, plastic components are burned during reheating, and in today's industrial-scale recycling facilities any propellant or product left in the can presents no hazard. Of the remaining 10 percent, most are made of aluminum, also recyclable; a small percentage are glass.

Can base

The curved shape of the can's base counters the pressure of the propellant inside, and creates a "valley" so that virtually all product can be reached by the dip tube and used.

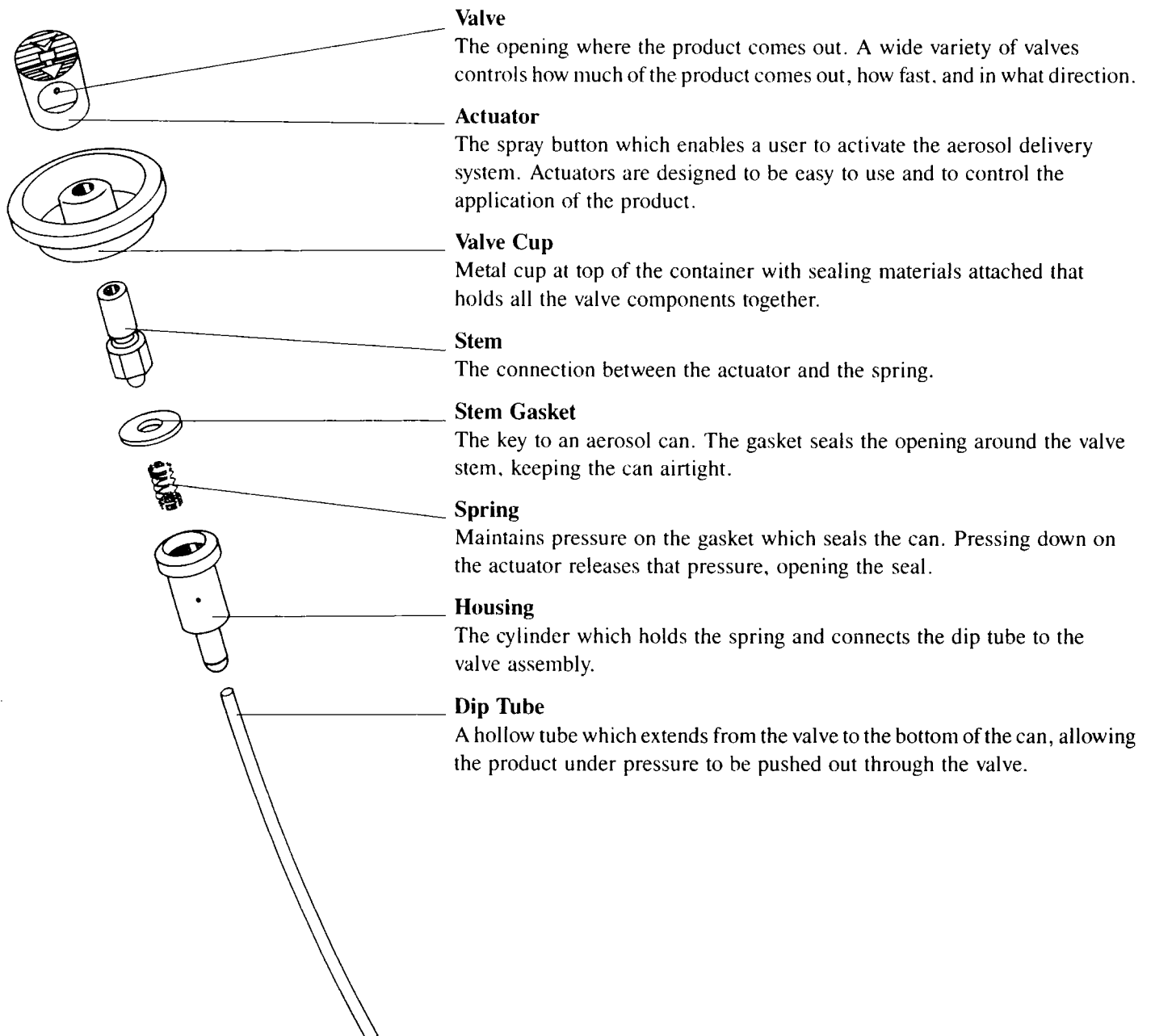
How An Aerosol Can Works

Aerosols rely on a basic principle of physics: a gas under enough pressure will turn into a liquid, and when that pressure is relieved will expand and turn back into a gas. That process is called *vaporization*.

An aerosol can is kept closed by the stem gasket, which seals the

opening under the button. This gasket is kept in place by a spring inside the housing. When the button is pressed, it pushes the valve stem down against the spring, relieving the pressure that keeps the gasket sealed. When the seal opens, the higher pressure inside the can pushes the product up through the dip tube and out the valve. A controlled amount of propellant in

the product vaporizes as it leaves the can, creating a spray or foam. A small amount of liquefied gas propellant still in the container also vaporizes, keeping the pressure constant. The combination of product and propellant is finely tuned to produce just the right concentration, spray pattern and particle size to make the product most effective.



CONSUMER AEROSOL PRODUCTS COUNCIL

The Only Game in Town

.....

Aerosol containers give consumers the use of products unavailable in any other form. Only an aerosol container can provide the variation of propellant pressure and the wide range of spray patterns and particle sizes that make possible products specially designed for specific consumer needs.

- Long-distance spray insecticides protect humans from harmful insects without exposure to bites or stings.
- Asthmatic inhalers produce a mist fine enough to penetrate deeply into the bronchial area.
- Specially formulated insecticides penetrate behind cabinets and walls to remove vermin in homes, schools and work areas.
- First aid products can be applied without direct contact and can protect the damaged area from painful air contact.
- Lubricating products can be applied to hard-to-reach machine parts and to machinery in operation.
- Contact lens solutions in a spray form eliminate the need to touch the lens itself.
- Stable foam products, such as shaving cream and furniture polish, cannot be created in any other way.

CONSUMER
AEROSOL
PRODUCTS
COUNCIL

The Aerosol Delivery System

.....

Aerosols deliver...

- **Safety**

Aerosol cans are hermetically sealed, so their contents cannot leak or spill. And aerosol containers are tamper-resistant and tamper-evident.

- **Efficiency**

Aerosol containers are designed to deliver the right amount of product exactly where it's needed. Using an aerosol package reduces waste and spillage.

- **Cost-effectiveness**

Aerosol containers control the particle size, the spray pattern, the volume dispensed per second, and the concentration of the spray for maximum effectiveness. The hermetically sealed package protects the product and extends its useful life: aerosol paints and finishes, for example, can be stored without risk of evaporation.

- **Proper dosage**

Aerosol products require no mixing or measuring. The product is dispensed at a consistent and carefully controlled concentration.

- **Clean and sanitary use**

Aerosol products can be applied without contact, protecting users from mess, germs and, in case of burns or lacerations, with a minimum of pain. Aerosol personal care products can be hygienically shared by family members. In addition, the sealed can prevents any product contamination.

- **Special products**

Aerosol containers give consumers the use of products—from shaving cream and long-distance spray insecticides to asthma inhalers and other medical products—which would be unavailable otherwise.

- **Convenience**

Aerosol containers are spill-proof, which is helpful for medical and personal care products used by travellers, children, nurses and the elderly. They eliminate the need for mixing containers and applicators. They can be stored and used in the same container, often for long periods of time.

**CONSUMER
AEROSOL
PRODUCTS
COUNCIL**

**FOR IMMEDIATE RELEASE
March, 1993**

**CONTACT: Brette Reiman
(202) 835-8865**

**CONCERN FOR OZONE DEPLETION CLEAR,
KNOWLEDGE OF CFCs MOSTLY CLOUDY**

WASHINGTON, DC -- When it comes to knowledge of ozone depletion and chlorofluorocarbons (CFCs), an Opinion Research Corporation survey reveals that Americans have a lot to learn. The results fall in the wake of the 15 year anniversary of the U.S. Environmental Protection Agency's regulations which banned CFCs from most aerosol products.

The survey, commissioned by the Consumer Aerosol Products Council (CAPCO), found that 67 percent of Americans surveyed consider themselves "extremely concerned about the environment." But among those who are "extremely concerned:"

- o Almost one-half do not know how CFCs affect the environment;
- o Almost one half cannot name the most common uses of CFCs, and more than 30 percent incorrectly cited aerosols as the most common source, despite the fact that CFCs have not been used in most American-made aerosols since 1978. Only one in five is aware that CFCs are used in refrigeration, and only one in thirty is aware that CFCs are used in air conditioning.
- o Almost one-half are unaware that, in 1978, the U.S. Environmental Protection Agency halted the use of CFC propellants in American-made aerosol products. Many aerosol manufacturers had voluntarily stopped using CFCs as early as 1976.

Under the Montreal Protocol, all CFCs will be phased out by the year 2000. "It is critical that we effectively inform the public about ozone depletion and the true sources of CFCs," notes Steve Seidel, Deputy Director of the U.S EPA's Global Change Division.

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-more-

NO CFCS IN AEROSOL PRODUCTS

page 2

This study, the first to go beyond attitudes to examine consumer behavior, received widespread acceptance with government, business and environmental leaders.

The Consumer Aerosol Products Council was formed to provide information on aerosols and environmental issues for consumers, government decision-makers and educators at all levels; offer technical and scientific resources for media; work cooperatively with national and local environmental and consumer groups; and coordinate industry efforts to promote the aerosol package. Council members include container manufacturers, valve manufacturers, overcap manufacturers, propellant manufacturers, fillers of pressurized products, consumer products manufacturers and industry associations.

For more information on aerosol containers, call the Council at (202) 833-9471. For details on the Roper study, contact Cynthia Georgeson, S.C. Johnson and Son, Inc., at (414) 631-4728.

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**CONSUMER
AEROSOL
PRODUCTS
COUNCIL**

**"THE AEROSOL ADVENTURE" WINS AWARD FOR
ENVIRONMENTAL COMMUNICATIONS**

WASHINGTON, D.C., MAY 1, 1992--The Consumer Aerosol Products Council's "Aerosol Adventure," an educational program created to teach students the science behind aerosol products and their environmental impact, has been awarded the 1992 CIPRA ("Creativity in Public Relations Award") in the environmental communications category by Inside PR magazine.

The education package, geared to 5th-9th grade students, includes a 13-minute video, sample aerosols, teacher and student guides and a classroom poster. The package, available to teachers since November 1991, has already been scheduled for over 3,100 showings. "The response from the education community has been overwhelming," said Dan Minogue, the Council's chairman. "In addition, the aerosol industry has used the educational tool for employees, customers, civic groups and corporations."

"The Aerosol Adventure" is the story of Bobby and Jessica, who, during their Saturday morning chores, find an aerosol genie who turns their normal routine into a learning adventure about aerosols and science. "The Aerosol Adventure" is available on a free-loan basis from Modern Talking Picture Service by calling 1-800-243-6877 and asking for digest #24737.

-more-

"AEROSOL ADVENTURE" WINS AWARD

page 2

The "Creativity in Public Relations Awards," introduced in 1991 to recognize the best work in U.S. public relations, are among the industry's top honors.

The Consumer Aerosol Products Council, supported by companies that manufacture and market aerosol products, was formed in 1990 to provide information on aerosols and environmental issues and coordinate industry efforts to promote the aerosol package.

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Newsweek

ENVIRONMENT

Seeing Red Over Little Green Lies

Sorry, kids, you can't trust a superhero, at least when it comes to the environment. Comic books and cartoons are now trying to teach kids to save the planet. Too bad they get so much wrong.

The "Funky Winkerbean" and "Ziggy" comic strips, the "G.I. Joe" TV cartoon and a "Teenage Mutant Ninja Turtles" comic book have all told kids not to use spray cans because the CFC propellants eat up the ozone layer. (In 1978 the United States banned CFC propellants from all but a few spe-

cialized uses.) A teaching guide for elementary schools and a Girl Scout environment book also incorrectly linked spray cans to ozone depletion.

Kiddie books and TV are so riddled with little green lies that "much of what is taught to children is simple-minded and inaccurate," says Jonathan Adler of the Competitive Enterprise Institute in Washington, D.C. The Scout book advises children to "use biodegradable garbage bags." There is no such beast: paper and plastic remain intact for decades in landfills. A

CBS "Schoolbreak Special" said, "Recycling paper saves trees," but 87 percent of the paper used in this country is from tree farms. As more paper is recycled, fewer trees are planted on the farms.

A Roper poll last year found that only 14 percent of those surveyed knew that aerosols don't use CFCs. Public understanding of other green issues is about as good. If tomorrow's pollees have paid attention to what TV and comic books teach, look for the same result in 2005.

SHARON BEGLEY

THE WALL STREET JOURNAL.

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EASTERN EDITION

TUESDAY, OCTOBER 13, 1992

WHITE OAK, MARYLAND

THE WALL STREET JOURNAL.

MARKETPLACE

Isn't It a Little Late for G.I. Joe To Try to Be Politically Correct?

By FRANK EDWARD ALLEN

Staff Reporter of THE WALL STREET JOURNAL

Saturday morning cartoons offer some fantastic ideas of environmental threats.

In an episode of the popular "G.I. Joe" series titled "Nozone Conspiracy," evil Cobra forces plan to destroy the Earth's stratospheric ozone by siphoning chlorofluorocarbons from giant aerosol tanks of shaving cream. "Shaving cream contains aerosols, and aerosols contain chemicals called CFCs that destroy the ozone layer, letting through dangerous ultraviolet rays," G.I. Joe tells his compatriots. Once the ozone layer is "busted," Cobra expects to sell protective Nozone skin cream to every man, woman and child on Earth for \$500 a tube, generating annual revenue of \$117 trillion.

The scheme's economics might impress even Ivan Boesky, but the aerosol industry fears such programs give audiences the wrong idea. Except for a few specialty medical products, such as asthma inhalers, U.S. aerosols haven't contained CFCs since they were outlawed in 1978. Other countries where consumer aerosols are made have generally followed suit.

So the Consumer Aerosol Products Council is picking a fight with "G.I. Joe." "I call it dirty pool," says the council's

chairman, Dan Minogue. The group has begun its own campaign, including a 13-minute video designed to convince schoolchildren that aerosols are their friends.

Meanwhile, Mr. Minogue says, the council has complained to DIC Enterprises Inc., Burbank, Calif., the producer of the "G.I. Joe" series. The council also criticizes Hasbro Inc., the maker of G.I. Joe action figures, for making similar charges about shaving cream and CFCs in its latest toy packaging.

A Hasbro spokesman apologizes for the error and says it won't be repeated, but he also defends such packaging as "part of the fantasy" of the G.I. Joe product line.

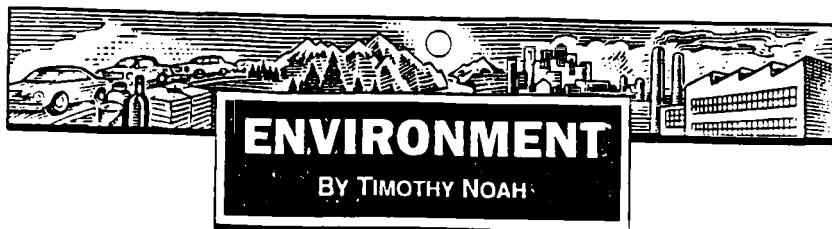
Robby London, the series' executive producer, says DIC hasn't been contacted by the council, but expresses regret. "If we have erred, we apologize," he says. "It's possible that our show was based on research that was out of date. But even so, I think raising kids' awareness about ozone depletion serves a greater good."

Mr. London also says most Americans assume aerosols still contain CFCs. "The industry hasn't done an effective job of informing the public," he says.

The council admits the public is confused. A spokeswoman says: "That's why the council was formed two years ago."

MARKETPLACE

WEDNESDAY, FEBRUARY 17, 1993



Misconceptions on CFCs Prove Hard to Root Out

Americans remain uninformed about CFCs — and the aerosol industry isn't happy.

According to a survey conducted late last year by Opinion Research for the Consumer Aerosol Products Council, close to half of all the people surveyed didn't know how chlorofluorocarbons affect the environment. (Answer: They deplete the Earth's ozone layer.)

The industry trade group's survey of more than 1,000 people over the age of 18 also found that almost half of all respondents couldn't name the most common uses of CFCs. (Hint: The Environmental Protection Agency has lately stepped up regulations for the disposal of air conditioners and refrigerators.)

Ignorance about CFCs is a matter of urgent concern to the aerosol council, because of the continuing misconception that aerosol cans remain a major source of CFCs. In the survey, the industry was upset to find that more than 30% of respondents mistakenly said aerosol cans were the most common source of CFCs. Actually, the EPA banned all use of CFC propellants in 1978 except for certain medical applications.

Daniel Minogue, vice president for sales at Precision Valve, says such ignorance has cost his industry dearly. The market shrank by one-third in the wake of the 1978 ban. "Even those products that didn't contain CFCs suffered," he says; only now is the number of aerosol cans back to its former level.

To combat misconceptions, the council has printed up 10,000 information kits to distribute to schools. About 7,500 teachers have already ordered them, says Mr. Minogue.

Mr. Minogue concedes that aerosols are still a minor environmental worry, because they include volatile organic compounds that contribute to smog — though as a source of VOCs, aerosol cans are dwarfed by other sources, mainly auto and other industrial plants.

So why shouldn't consumers just switch to pump-driven hair spray and roll-on deodorant? "They don't do it as well," argues Mr. Minogue. "The aerosol is the best delivery system in terms of sanitary conditions," he adds, noting that many people who share an aerosol deodorant wouldn't dream of sharing a roll-on.

CONSUMER
AEROSOL
PRODUCTS
COUNCIL

March 29, 1993

The Executive Office of the Vice President
Old Executive Office Building
Washington, DC 20501

Dear Mr. Vice President:

We share your goal of sound environmental education to encourage positive and effective environmental choices by our nation's young people. These educational efforts must strive for accuracy and consistency to prevent public confusion which undercuts effective environmental action.

The "Ask Al Gore" column in Newsweek Just for Kids (March 29, 1993) advises a young girl concerned about ozone depletion to "stop using aerosol products with chlorofluorocarbons." This special Newsweek section is designed for wide distribution in classrooms; many of these classes will also be using "Ozone: The Hole Story," a PBS documentary in which you correctly refer to the 1978 removal of CFCs from aerosol products. The result is a great potential for confusion among students and teachers which I'm sure you agree needs to be clarified quickly.

We would like to set up a meeting with the appropriate members of your staff to discuss how to work with Newsweek to correct this unfortunate miscommunication in a timely way and prevent further confusion.

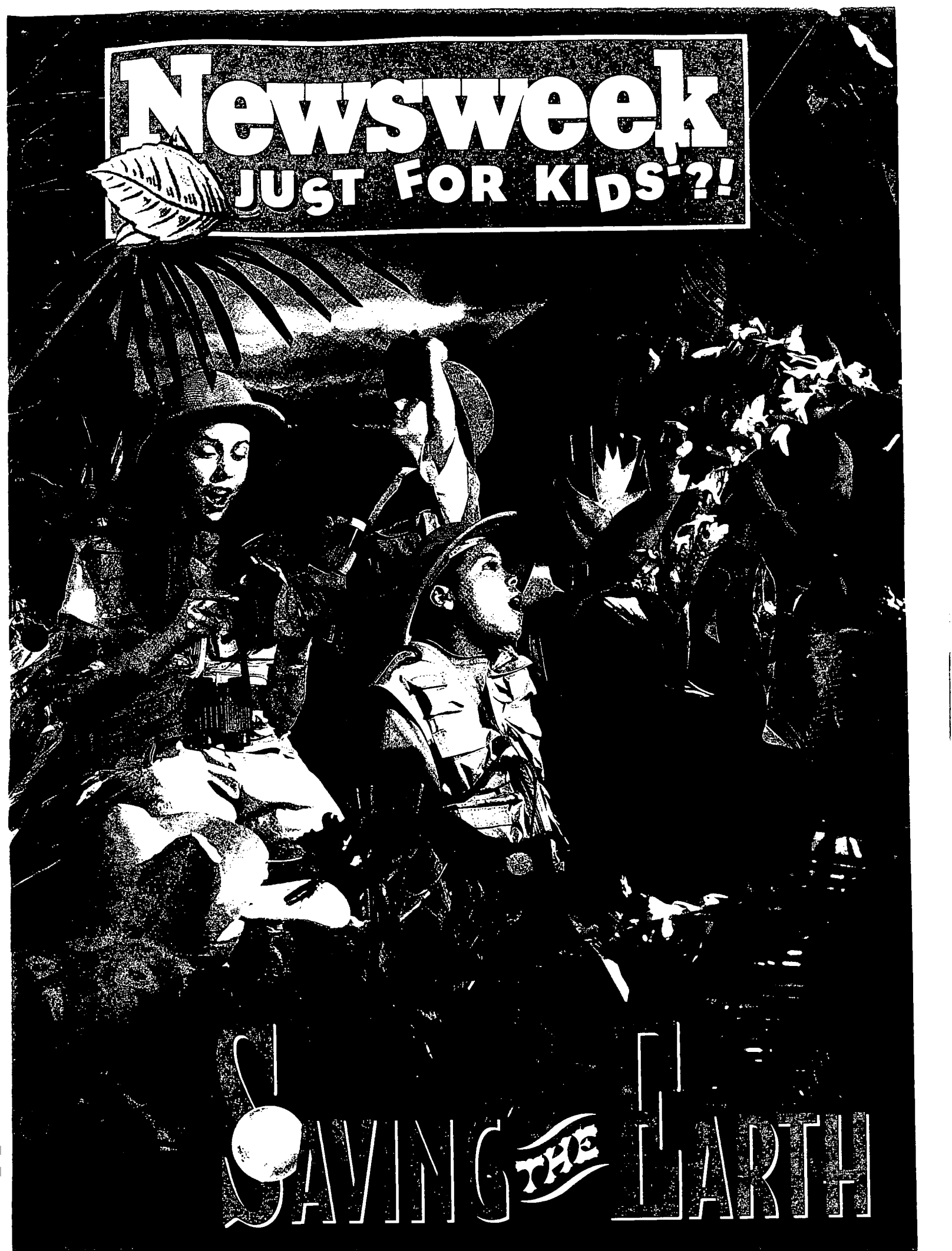
Respectfully,



Carol D. Lippincott
Consumer Aerosol Products Council

enc:

Newsweek

JUST FOR KIDS'?!


SAVING *THE* EARTH

PHOTOCOPY
PRESERVATION

KM -

I've got a call &
a letter on this.

Pls. advise

Liz look for

Pam. Check

~~check~~
when present
of non-present
uses is in CAP. also
-- are there any
other

across
uses
(except
catheters?)
inhalers

Jan 5/1993

also ✓
phase out of
essential
uses.

I think it's 1998

ASK AL GORE

Kids of all ages are concerned about what the government is doing to help the environment. Here, Vice President Al Gore—who wrote “Earth in the Balance” last year—answers questions sent to NEWSWEEK Just For Kids by students in California, Ohio and Massachusetts:

**Lauren Kasberg, 11
Spruce School
North Olmstead, Ohio**

I hope the rain forests are saved, because I would like to study them and learn more about them as I get older.



As many as half of all the living species on earth—some experts say more than 90 percent of all living species—find their homes in tropical rain forests and cannot survive anywhere else. Most biologists believe that the destruction of the tropical rain forests represents the single most serious damage to nature now occurring. They are disappearing from the face of the earth at a rate of one and a half acres a second, night and day, all year round. The president and I are committed to ways to reduce this destruction. We strongly support innovative measures like debt-for-nature swaps, in

which Third World countries are forgiven part of their foreign debt in exchange for protecting rain-forest land. We need to find more incentives. Private companies and governments must work hand in hand, with the understanding that if we don't save the rain forests now, it will be too late later.

**Sigita O. Janulaitis, 12
Lawrence School
Brookline, Mass.**

If the hole in the ozone gets bigger, will the earth then become a desert?



A part of the ozone layer has a hole in it over Antarctica, or the South Pole, and it's getting bigger because of the harmful chemicals we are putting in the air every day. But we can do something to stop it. We can stop using aerosol products with chlorofluorocarbons (CFCs). When we have our air conditioners and refrigerators fixed, we can make sure the CFCs are recaptured. And the United States can agree to observe international agreements to limit the amount of ozone-depleting chemicals released into the air.



9

RESOURCE DEPLETION

The world will need twice the raw materials in 2010 that it does today. To use oil in the next decade at the rate we do now, we need to discover as much in 10 years as has been found in all of history.

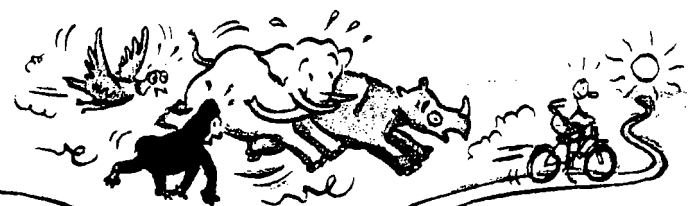


10

AIR QUALITY

From the newer cities of the U.S. to the antiquated coal towns of Eastern Europe, as many as 1.25 billion people—that's almost one fifth of mankind—breathe air considered 'unhealthy.'

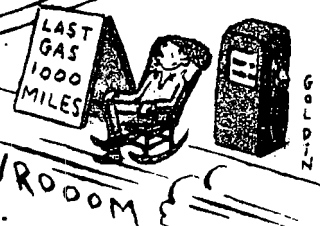
The U.S. is trying to protect more and more animals—758 species are on the national endangered list today.



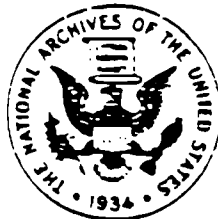
We didn't just start fixing the environment—the U.S. banned the use of CFCs in aerosol cans all the way back in 1978!



Fuel efficiency has doubled since 1976, saving an extra 2.5 million barrels of oil daily.



FRIDAY, MARCH 17, 1978
PART II



**ENVIRONMENTAL
PROTECTION AGENCY**

**CONSUMER PRODUCT
SAFETY COMMISSION**

**DEPARTMENT OF
HEALTH, EDUCATION,
AND WELFARE**

**Food and Drug
Administration**

■
**CERTAIN FLUOROCARBONS
(CHLOROFLUOROCARBONS) IN
FOOD, FOOD ADDITIVE, DRUG,
ANIMAL FOOD, ANIMAL DRUG,
COSMETIC, AND MEDICAL
DEVICE PRODUCTS AS
PROPELLANTS IN SELF-
PRESSURIZED CONTAINERS**

Prohibition on Use

[6560-01-M]

Title 40—Protection of Environment

**CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY**

**SUBCHAPTER E—TOXIC SUBSTANCES
CONTROL ACT**

(FRL 1013-4; OTS 061002)

PART 762—FULLY HALOGENATED

**Chlorofluoroalkanes—Clarification of
Final Rule**

AGENCY: Environmental Protection
Agency.

ACTION: Clarification of final rule.

SUMMARY: On March 17, 1978, the
Environmental Protection Agency
(EPA) promulgated a final rule pro-
hibiting almost all of the manufac-
ture, processing, and distribution of
fully halogenated chlorofluoroalkanes
(hereinafter referred to as chlorofluor-
ocarbons) for those aerosol propellant
uses which are subject to the Toxic
Substances Control Act, 15 U.S.C. 2601
et seq. (43 FR 11318).

Congressional Record

USE OF CHLOROFLUOROCARBON PROPELLANTS

Mr. D'AMATO. Mr. President, many people will be reminded of green things on this March 17. But let me move beyond shamrocks and leprechauns and

point out a special "green" theme we should all recognize on this date.

On March 17, 1978, the Environmental Protection Agency took an important step toward protecting our environment when it promulgated regulations prohibiting the further use of chlorofluorocarbon (CFC) propellants from almost all aerosol products manufactured and sold in the United States. At that time, the theory that CFC's may play a role in ozone depletion was relatively new. Responding to consumer concern, however, many U.S. manufacturers of aerosols had already, voluntarily, begun to introduce alternatives to CFC propellants.

In recent years, with growing public debate—indeed worldwide debate—about the impact of chlorofluorocarbons on the Earth's atmosphere, the importance of this step is clear. Under the international agreement we call the Montreal protocols, CFC's are due to be phased out of existence worldwide by the year 2005.

Changing the basic formula of a product is never easy. In the case of aerosol products, changing from one propellant system to another was indeed a complex undertaking. Hundreds of products had to be reformulated and retested in order to assure that new kinds of propellants would work as well as CFC propellants had. For some products this was an extremely difficult procedure and costly to undertake. But the U.S. aerosol industry complied fully with the 1978 regulation and, in fact, led the way for the rest of the world. CFC's have now also been banned from aerosol products in Canada, Britain, Mexico, and most European countries.

The sad thing is, though, that public perception has not caught up with reality. Public opinion polls, taken as recently as last year, indicate that 86 percent of the American people are not aware that aerosol products do not contain CFC's. And it's no wonder this is the case. Newspaper and television stories about CFC's often strengthen the myth by illustrating articles about CFC's with a picture of an aerosol can, totally misrepresenting the real situation.

Recently, children's television programs, books, and comic books have concentrated on environmental issues as part of a welcome trend to educate kids about our Earth. An investigation of these influential communications tools, however, will show that they too frequently contain information that is simply wrong. Many, for instance, point to aerosol products and tell their young readers that these products are bad because they contain CFC's, that using aerosol products helps to burn holes in the ozone layer. Some of these materials are provided to teachers to use with young students. We are building a generation of environmentally conscious children who have been taught a false set of facts.

On this 15th anniversary of the prohibition of CFC's in U.S. produced aerosols, I want to commend the industry which

produces these important products for their efforts at environmental education. The industry is working directly with the media and with school systems to remind the American public that aerosols are not harmful to the ozone layer, that they are free of CFC's, and that children—and their parents—don't have to avoid aerosol products.

In addition to being CFC free, U.S. aerosols are also recyclable in many communities around the United States from Washington, DC, to Pittsburgh and Phoenix. Most aerosols are packaged in steel cans and the rest in aluminum, all of which can be recycled like other empty steel and aluminum cans. The steel used to make aerosol cans contains about 25 percent recycled steel.

The companies in the aerosol industry have worked hard to produce products which are efficacious and environmentally sound; in other words, they work and they don't hurt the ozone layer. The more than 100,000 Americans directly employed in the aerosol industry are proud of their companies and of their products and rightly so.

March 17 may be a day when we think green means Irish. But green on this date should also remind us that U.S.-produced aerosols have been CFC free since 1978.

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Number of Pages Including Cover Sheet: 12

Remarks:

*I am sending two parts:
1) A Fact Sheet explaining the labeling rule, and
2) reg. text of the rule*



Stratospheric Ozone Protection

Final Rule Summary



MEETING LABELING REGULATION REQUIREMENTS

This guidance offers manufacturers, distributors, wholesalers, and retailers instruction on how to comply with the final labeling regulation. Examples illustrate many of the key regulatory features and clarifies the issues that have been raised since the rule's publication on February 11, 1993 (58 FR 8136).

KEY FEATURES OF THE FINAL REQUIREMENTS

On November 15, 1990, Congress amended the Clean Air Act (CAA). Section 611 of the Act, as amended, requires labeling of products made with or containing class I and class II ozone-depleting substances. It also requires that containers containing class I or class II substances be labeled. The final regulation includes the following key requirements:

1) Treatment of Products and Imports Manufactured Prior to May 15, 1993

All products made before May 15, 1993 are exempt from the labeling requirements if the manufacturer is able to show *within 24 hours*, upon request, that its products were made before that date.

If an importer imports products made prior to May 15, 1993, he/she must be able to show, upon request by EPA, that such products were made before the deadline. The date of manufacture may appear on supplemental printed material such as shipping papers, bills of lading, and invoices, or may be made available through index code references, or any other means by which a company tracks its products.

2) Products Manufactured With Class I Substances

Label Pass-Through Requirement:

Manufacturers of products that use a class I substance must label their products. Such products manufactured with class I substances may be electronic parts washed in class I solvents, such as electrical components and metal products, plumbing fixtures, and products using class I adhesives, such as some packaging, books, and sporting goods. If a

manufacturer purchases a product from a supplier that labels its product "manufactured with," the manufacturer does not need to incorporate that information into a label on its final product. In other words, manufacturers need only label their products according to their *own direct* manufacturing process. Labels on products *containing* class I substances and containers of class I or class II substances, however, must be passed through the stream of commerce to the ultimate consumer, since the ozone-depleting substance is contained at the time of purchase. In the case of adhesive or solvent products, the purchaser is likely to release the substance upon application of the product.

For example, a product containing, such as an adhesive, must be labeled as "containing." When that product is applied by a subsequent manufacturer in affixing a cushion to a seat, the seat must be labeled as a "product manufactured with" because the CFCs have been released. The subsequent sale of the seat to an automobile manufacturer would not result in the labeling of a car based on that product.

Subsidiaries and the Label Pass-Through Requirement

The rule states that wholly-owned subsidiaries are part of a parent company and are required to pass the warning statement between subsidiaries. If a subsidiary is *not* 100 percent wholly-owned, the label is not required to be passed through from one subsidiary to another.

If a parent company owns 100 percent of another company and sells a small portion following the effective date of this regulation, EPA may look unfavorably upon the parent company if it appears that the company made the change with the intention of avoiding the label pass-through requirement by selling a small share of its subsidiary company.

A Reduction in Use of CFC-113 and/or Methyl Chloroform Over 1990 Use

If a company (including its divisions, branches, or facilities) has achieved a total use reduction of methyl chloroform (MCF) and/or CFC-113 used as solvents in its manufacturing processes by 95 percent or greater over its 1990 use, its products manufactured with MCF and/or CFC-113 are

exempt from the labeling requirements. It must have achieved the above reduction either over the most recent calendar year, or for a 12-month period ending within 60 days of its certification to EPA.

Companies may submit certifications to EPA under this provision until May 15, 1994. Send certifications to: Labeling Manager, EPA, 6205-J, 401 M Street, SW, Washington, DC 20460. See final rule for further details on the certification and records required.

Incidental Uses of Class I Substances

Labeling is not required for *non-contact* incidental uses of class I substances, including:

- A process in which a class I substance, such as a solvent, is used to clean or maintain manufacturing equipment, where the surface area being cleaned has no direct contact with the product.
- A process in which a class I substance is used in refrigerated equipment to keep food products cold; the refrigerant does not come into direct contact with the food products.

Labeling is not required for some *contact* incidental uses that are:

- A process in which a class I substance is used *intermittently, not routinely*, as part of the direct manufacturing process, such as spot-cleaning textiles, cleaning ink plates, or testing for leaks in a cooling system and condenser.
- A process in which there is an initial contact between the substance and the product, that occurs infrequently (typically as part of a maintenance process), and perhaps unintentionally. An example is the use of methyl chloroform as a spot remover in the textile industry; it is used infrequently and is not a routine part of the manufacturing process.

Labeling is required for uses that are *not* considered to be incidental. These include:

- Most mold release agents that are applied systematically throughout a manufacturing process.
- Defluxing of printed circuit boards during a continuous production process.
- Food processing, such as the manufacturing of some spices.

3) Products Containing Class I Substances and Containers of Class I or Class II Substances

The Distinction Between Containers and Products Containing Containers of class I or class II substances or mixtures containing one of these substances must be labeled as of the effective date of the regulation. Products containing class I substances must also be labeled on May 15, 1993.

Products containing class II substances will be required to be labeled before January 2015 should the Administrator make the determination that substitutes are available for those products.

A *container* contains a class I substance if the substance must be transferred into another container or into another product in order to realize its intended use.

- Examples are a 5-gallon can of CFC-12, or an isotank of MCF, which would eventually be transferred to other vessels, such as refrigeration equipment or degreasing units, for their intended use.

A *product* contains a class I substance if the substance is used in the container or equipment without having to be transferred. Examples include some aerosols, solvents, adhesives, inks, coatings, and closed-cell foams.

Upon subsequent use of these products, however, a company would label its products "manufactured with" (see example above in #2)

"Products containing" also include some air conditioning and refrigeration equipment. When they are installed in other products, such as automobiles, their labels would remain the same, because the refrigerant is intact at the point of purchase.

How to Label Containers of Recaptured Substances and Waste

If a company uses class I substances and captures those substances for incineration, it must label all containers of class I substance waste bound for incineration or waste containing trace amounts of class I substances.

Ozone-depleting substances bound for incineration and made into new products must be labeled to inform the service technician of the specific substances to be handled and processed. The new product containing ozone-depleting substances would require labeling.

Trace Quantities of Impurities Resulting From Inadvertent Production, Unreacted Feedstocks, and Process Agents

Inadvertent Production: EPA realizes there are circumstances in which an ozone-depleting substance is formed from a chemical reaction that takes place in a manufacture process, such as the formation of carbon tetrachloride in the chlorination of drinking water. Such production is unintentional, resulting in trace quantities of a class I substance remaining in the final product, and therefore does not trigger the labeling requirements.

Process Agents: In addition, when manufacturers use an ozone-depleting substance as a feedstock or a process agent in their manufacturing processes and insignificant or trace quantities of the substance remain in the final product,



the product is exempt from the labeling requirements for a "product containing."

For example, carbon tetrachloride is used as a catalyst in producing chlorinated rubber; the remaining trace amounts in the final product would not trigger the labeling requirements for a "product containing." This introduction of the substance is essential to the process and is neither consumed nor inadvertently produced, thus the final product would be labeled as a "product manufactured with."

In the case where a process agent is introduced, then removed from a product—such as in the case of many explosion suppressants—the product would still require a label indicating it was "manufactured with a class I substance," unless the removed substance is subsequently transformed.

Treatment of the Use of Class I Substances for Repairs and Used Products

If a company sells solvent-cleaning products that do not contain ozone-depleting substances, and those products are used by manufacturers who may use ozone-depleting substances in their processes and then return the used solvent product for recycling, any contamination of those used non-class I solvents resulting in trace amounts of class I substances in the recycled product would not trigger labeling.

If a company recycles solvents or other chemical products that contain class I substances necessary as part of their composition, it must label the new (recycled) product as a "product containing" a class I substance, since the substance is necessary to the manufacture of the product.

If a company sells used products, it is not required to relabel them, because they have already been introduced into interstate commerce.

If a company performs repairs or upgrades on products using class I substances, it is not required to label them; however, if it purchases components made with class I substances, those components should be labeled, but the label is not required to be passed through with the product. Products being upgraded, for example, would not require a new label on the final product, because they are not being introduced into interstate commerce.

4) Label Appearance and Placement

How the Labels Must Look

Format the labels so that they are in a *square or rectangular area* with or without a border. The word "WARNING" must be in *capital letters*. See rule for type size requirements.

The warning statement must be in *strong contrast against its background*. For example, black on white or red on white present strong contrasts; however, yellow on white or

dark blue on green do not. The key is that the warning statement be "*clearly legible and conspicuous*."

The warning statement may be printed directly on a product or its outer packaging, or on alternative labeling; actual adhesive labels, although an option, are not required.

Where the Labels Should Appear

Principal Display Panel (PDP) or a Display Panel Area. Placing the warning statement on any of these display panels clearly meets the mandate that the statement be clearly legible and conspicuous.

Alternative Labels. These may be used, as long as the statement is clearly legible and conspicuous. Examples are hang tags, tape, cards, stickers, and other similar types of overlabeling.

Outer Packaging. The warning statement may be placed on the product's outer packaging if the product is sold in its packaging, or if the consumer is able to read and understand the warning statement on such packaging at the time of purchase.

Supplemental Printed Materials. Placing the warning statement conspicuously in supplemental printed information that accompanies the product or container, such as invoices, bills of lading, package inserts, and Material Safety Data Sheets (MSDS) at the time of purchase meets the requirements as long as the purchaser can read the warning statement upon purchase.

Promotional Materials. For products purchased through telephone or mail orders, print the warning statement in a conspicuous place in sales promotional literature, journals, newspapers, or displays so the warning statement is available before the time of purchase. A company could include an insert in such printed material bearing the warning statement. Another option would be the use of supplemental printed materials that accompany the product at the time of delivery. With this option, the consumer must be able to return the product if, at the time of delivery or payment, they choose not to make the purchase based on the warning statement.

Products that are labeled in any one of the above methods do not require additional labeling.

5) Treatment of Products Manufactured for Export

Products manufactured for export are not required to be labeled, but there must be sound evidence that such products are intended for export. This could include:

- Clear identification of an export area in a warehouse.
- Destination papers, shipping papers, or other documentation indicating that the products are intended for

export. This information must be readily available on site upon request by EPA.

6) Treatment of Products Manufactured for Import

The importer will be held liable for all products subject to the labeling requirements imported into the United States. These products are introduced into interstate commerce at the site of U.S. Customs clearance.

Importers must have a reasonable belief that products introduced into interstate commerce are accurately labeled. In order to have a reasonable belief, importers may investigate at least one step back into the manufacturing process or develop a contractual agreement with its supplier indicating whether the products have been made with ozone-depleting substances. An MSDS would be another option for establishing a reasonable belief.

An importer planning to incorporate its imported product made with class I substances into a new product must label the import; however, it is not required to label its final product if no class I substance is used in the manufacture of the final product. If the product contains a class I substance, such as an air conditioner to be installed into an automobile, the importer must label the final product (the vehicle) as a product containing upon its introduction into interstate commerce.

7) Labeling of Packaging Materials

Manufacturers of Packaging Materials Made With Class I Substances Must Label

If a company makes packaging materials using class I substances, it must label its products as "manufactured with a class I substance." The company's customer, however, is not required to pass the label on the packaging materials through with its product. Examples of these products include some corrugated packaging or open-cell foam-blown materials.

Manufacturers of Packaging Materials Used to Package Other Products Made by That Company

If a company makes its own packaging materials using a class I substance and it also makes a product using no ozone-depleting substances to be sold in those packaging materials, its final package must be labeled based on its use of class I substances in the packaging materials.

For example, a candy company may use a class I adhesive to affix a wrapper. The final product would be labeled "manufactured with."

8) Products and Processes Under Research & Development

The use of class I or class II substances in the research and development of a product or process does not require labeling, since neither one has been introduced into interstate commerce. Upon a new product's introduction into interstate commerce, labeling would be required.

9) EPA Petition Processes

A manufacturer may petition EPA to add a class II substance or process using such a substance to the labeling regulation if EPA determines that substitute products or processes: do not rely on class II substances; reduce the overall risk to human health and the environment; and, are currently or potentially available.

For products made with class I substances, a manufacturer may petition EPA to temporarily exempt a product or process using a class I substance from the labeling requirements if EPA determines that no substitute products or processes exist that: do not rely on class I substances; reduce the overall risk to human health and the environment; and are currently or potentially available.

10) Introduction Into Interstate Commerce

There are three entry points into interstate commerce for purposes of labeling requirements:

- Site of U.S. Customs (Customs) clearance. Labeling may occur: (1) at the foreign production facility per agreement between manufacturer and importer, while in transit, or at another location before U.S. Customs inspects goods; (2) in supplemental printed material prior to the products' entering the location in which Customs inspection occurs.
- Introduction into manufacturer's, distributor's, wholesaler's or retailer's warehouse. Labeling may occur at manufacturer's production facility, or upon entry into manufacturer's warehouse.

Distributors, wholesalers, and retailers must pass labeling information through to the customer. Labeling information received from a manufacturer must remain with products in the warehouse until the distributor, wholesaler, or retailer distributes or sells them. If the labeled products are repackaged or require new labels, such labeling must be secured prior to the release of the products from the warehouse.



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Number of Pages Including Cover Sheet: 2

Remarks:

Pam - the attached lists aerosols that
use CFC's as solvents that were exempted
from the 1/15/93 Class I nonessential ban.

Sue

dispensers containing HCFCs do, in fact, exist.⁶ Consequently, in this rulemaking EPA proposes granting exceptions under section 610(d)(2) to, and only to, the eleven products (or solvent uses of CFCs in these products) exempted under the Class I Nonessential Products Ban (58 FR 4767). These products are listed below:

- i. Medical devices listed in 21 CFR §2.125(e)
- ii. Lubricants for pharmaceutical and tablet manufacture
- iii. Gauze bandage adhesives and adhesive removers
- iv. Topical anesthetic and vapocoolant products
- v. Solvent uses in lubricants, coatings or cleaning fluids for electrical or electronic equipment
- vi. Solvent uses in lubricants, coatings or cleaning fluids used for aircraft maintenance
- vii. Solvent uses in mold release agents
- viii. Solvent uses in spinnerette lubricant/cleaning sprays
- ix. plasma etching
- x. Solvent uses in document preservation sprays
- xi. Solvent uses in red pepper bear repellent sprays

⁶EPA has not at this time identified satisfactory substitutes for the products which, in its January 15, 1993 rulemaking, the Agency exempted from the ban on aerosols and other pressurized dispensers containing CFCs; however, EPA believes that due to recent technological advances, adequate substitutes for some of the applications exempted in the Class I Ban may soon be available as well.

For example, a distributor purchases a bulk shipment of nuts and bolts that are labeled on supplemental printed material as products manufactured with CFCs. The supplemental printed material must remain with the products in inventory until the distributor is ready to sell them. Prior to the sale, the distributor may repackage the products into smaller boxes and label the individual boxes. The labeling must be secured prior to the release of the products.

- Release from manufacturer's production facility where manufacturer has no warehouse. Labeling may occur during production on production line, at end of production line, or any time prior to release of products from production facility.

Labeling Charged Containers

A container charged with a class I substance must be labeled either when it leaves the place of charging activity, when it enters storage for further sale, or when it enters a site of U.S. customs clearance. Containers kept within a facility for a company's own manufacturing purposes need not be labeled because they are not being introduced into interstate commerce.

Recharging "Products Containing"

A halon manufacturer or distributor refills a fire extinguisher for use in a customer's facility. The container discharging the halon would be labeled as a "container containing;" however, the fire extinguisher, already purchased, would not require additional labeling. Fire extinguishers would be labeled as "products containing" when they are sold. Subsequent labeling upon refilling activity would not be required.

Servicing of "products containing" such as degreasers, fire extinguishers, and air conditioners would not require re-labeling by distributors or manufacturers.

EPA cannot hold servicers liable for removal of labels by customers. Furthermore, EPA exempts the use of ozone-depleting substances from the labeling requirements for repairs.

EFFECTIVE DATES

- Regulation *effective* May 15, 1993, pursuant to section 611.
- Because this rule was issued only three months prior to the date compliance is required, there may be a need in some cases for additional time to meet the requirements. At this time, therefore, it is the Agency's policy not to take enforcement actions for matters occurring during 9 months following the date of publication (February 11, 1993).
- EPA expects the regulated community to meet the statutory deadline of May 15, 1993.
- The grandfather provision, discussed above, only applies to those products made prior to May 15, 1993, despite any enforcement discretion afforded.

FOR ADDITIONAL INFORMATION

Contact the Stratospheric Ozone Information Hotline at 800 296-1996, Monday-Friday, between the hours of 10:00 a.m.-4:00 p.m. (Eastern). International callers must dial 202 783-1100.

To receive copies of the final rule and any follow-up activity regarding the labeling rule, such as notices on petitions and policy on a destruction exemption from the labeling requirements, see the *Federal Register* in a local university or in government libraries, or call the hotline.

Ozone Layer: UNEP/OzL.Pro 3/L.4/Add.4 (Nairobi, 10-21 June, 1991).

United States Department of Commerce, National Bureau of Standards. The Development of Effective Symbol Signs (1982).

United States Department of Health and Human Service, Food and Drug Administration. Compliance Costs of Food Labeling Regulations (1991).

United States Environmental Protection Agency. Manual of Practices to Reduce and Eliminate CFC Use in the Electronics Industry (March, 1990).

List of Subjects in 40 CFR Part 82 Administrative practice and procedure

Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Imports, Interstate commerce, Pass-through requirement, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: January 19, 1993.

William K. Reilly,
Administrator.

Title 40, Code of Federal Regulations, part 82, is amended to read as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671-7671(g).

2. A new subpart E is added to read as follows:

Subpart E—The Labeling of Products Using Ozone-Depleting Substances

Sec.	Purpose.
82.100	Applicability.
82.102	Definitions.
82.104	Warning statement requirements.
82.106	Placement of warning statement.
82.108	Form of label bearing warning statement.
82.110	Removal of label bearing warning statement.
82.112	Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.
82.114	Compliance by manufacturers or importers incorporating products manufactured with controlled substances.
82.116	Compliance by wholesalers, distributors and retailers.
82.118	Petitions.
82.120	Certification, recordkeeping, and notice requirements.
82.122	Prohibitions.

Subpart E—The Labeling of Products Using Ozone-Depleting Substances

§ 82.100 Purpose.

The purpose of this subpart is to require warning statements on

containers of, and products containing or manufactured with, certain ozone depleting substances, pursuant to section 611 of the Clean Air Act, as amended.

§ 82.102 Applicability.

(a) In the case of substances designated as class I or class II substances as of February 11, 1993, the requirements in this paragraph are applicable beginning on May 15, 1993. In the case of any substance designated as a class I or class II substance after February 11, 1993, the requirements in this paragraph of this section are applicable beginning either one year after the effective date of such designation or the date provided in the rulemaking designating such substance as a class I or class II substance, whichever comes first. On the applicability date indicated above, the requirements of this subpart shall apply to the following containers and products except as exempted under paragraph (c) of this section:

(1) All containers in which a class I or class II substance is stored or transported.

(2) All products containing a class I substance.

(3) All products directly manufactured with a process that uses a class I substance, unless otherwise exempted by this subpart or, unless the Administrator determines for a particular product that there are no substitute products or manufacturing processes for such product that do not rely on the use of a class I substance, that reduce overall risk to human health and the environment, and that are currently or potentially available. If the Administrator makes such a determination for a particular product, then the requirements of this subpart are applicable for such product no later than January 1, 2015.

(b) Beginning on January 1, 2015 in any case, or one year after any determination between May 15, 1993 and January 1, 2015, by the Administrator for a particular product that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, the requirements of this subpart shall apply to the following:

(1) All products containing a class II substance.

(2) All products manufactured with a process that uses a class II substance.

(c) The requirements of this subpart shall not apply to products

manufactured prior to May 15, 1993, provided that the manufacturer submits documentation to EPA upon request showing that the product was manufactured prior to that date.

§ 82.104 Definitions.

(a) *Class I substance* means any substance designated as class I in 40 CFR part 82, appendix A to subpart A, including chlorofluorocarbons, halons, carbon tetrachloride and methyl chloroform and any other substance so designated by the Agency at a later date.

(b) *Class II substance* means any substance designated as class II in 40 CFR part 82, appendix A to subpart A, including hydrochlorofluorocarbons and any other substance so designated by the Agency at a later date.

(c) *Consumer* means a commercial or non-commercial purchaser of a product or consumer that has been introduced into interstate commerce.

(d) *Container* means the immediate vessel in which a controlled substance is stored or transported.

(e) *Container containing* means a container that physically holds a controlled substance within its structure that is intended to be transferred to another container, vessel or piece of equipment in order to realize its intended use.

(f) *Controlled substance* means a class I or class II ozone-depleting substance.

(g) *Distributor* means a person to whom a product is delivered or sold for purposes of subsequent resale, delivery or export.

(h) *Export* means the transport of virgin, used, or recycled class I or class II substances or products manufactured or containing class I or class II substances from inside the United States or its territories to persons outside the United States or its territories, excluding United States military bases and ships for on-board use.

(i) *Exporter* means the person who contracts to sell class I or class II substances or products manufactured with or containing class I or class II substances for export or transfers such substances or products to his affiliate in another country.

(j) *Import* means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States, with the following exceptions:

(1) Temporary off-loading of products manufactured with or containing class I or class II substances

from a ship are used for servicing of that ship, and

(2) Bringing containers of class I or class II substances or products containing or manufactured with class I or class II substances into the U.S. from Mexico where the class I or class II substance or container or product had been admitted into Mexico in bond and is of U.S. origin.

(k) *Importer* means any person who imports a controlled substance, a product containing a controlled substance, or any other chemical substance (including a chemical substance shipped as part of a mixture or article), into the United States. "Importer" includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf. The term also includes, as appropriate:

(1) The consignee.

(2) The importer of record listed on U.S. Customs Service forms for the import.

(3) The actual owner if an actual owner's declaration and superseding bond has been filed; or

(4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred.

(l) *Interstate commerce* means the distribution or transportation of any product between one state, territory, possession or the District of Columbia, and another state, territory, possession or the District of Columbia, or the sale, use or manufacture of any product in more than one state, territory, possession or District of Columbia. The entry points for which a product is introduced into interstate commerce are the release of a product from the facility in which the product was manufactured, the entry into a warehouse from which the domestic manufacturer releases the product for sale or distribution, and at the site of United States Customs clearance.

(m) *Manufactured with a controlled substance* means that the manufacturer of the product itself used a controlled substance directly in the product's manufacturing, but the product itself does not contain the controlled substance at the point of introduction into interstate commerce. The following situations are excluded from the meaning of the phrase "manufactured with" a controlled substance:

(1) Where a product has not had physical contact with the controlled substance; or

(2) Where the manufacturing equipment has had physical contact with a controlled substance in an intermittent manner, not as a routine

part of the direct manufacturing process, or

(3) Where the controlled substance has been transformed, except for trace quantities.

(n) *Potentially available* means that adequate information exists to make a determination that the substitute is technologically feasible, environmentally acceptable and economically viable.

(o) *Principal display panel (PDP)* means the entire portion of the surface of a product, container or its outer packaging that is most likely to be displayed, shown, presented, or examined under customary conditions of retail sale. The area of the PDP is not limited to the portion of the surface covered with existing labeling; rather it includes the entire surface, excluding flanges, shoulders, handles, or necks.

(p) *Product* means an item or category of items manufactured from raw or recycled materials, or other products, which is used to perform a function or task.

(q) *Product containing* means a product including, but not limited to, containers, vessels, or pieces of equipment, that physically holds a controlled substance at the point of sale to the ultimate consumer which remains within the product.

(r) *Promotional printed material* means any informational or advertising material (including, but not limited to, written advertisements, brochures, circulars, desk references and fact sheets) that is prepared by the manufacturer for display or promotion concerning a product or container, and that does not accompany the product to the consumer.

(s) *Retailer* means a person to whom a product is delivered or sold, if such delivery or sale is for purposes of sale or distribution in commerce to consumers who buy such product for purposes other than resale.

(t) *Supplemental printed material* means any informational material (including, but not limited to, package inserts, fact sheets, invoices, material safety data sheets, procurement and specification sheets, or other material) which accompanies a product or container to the consumer at the time of purchase.

(u) *Transform* means to use and entirely consume a class I or class II substance, except for trace quantities, by changing it into one or more substances not subject to this subpart in the manufacturing process of a product or chemical.

(v) *Type size* means the actual height of the printed image of each capital letter as it appears on a label.

(w) *Ultimate consumer* means the first commercial or non-commercial purchaser of a container or product that is not intended for re-introduction into interstate commerce as a final product or as part of another product.

(x) *Warning label* means the warning statement required by section 611 of the Act. The term warning statement shall be synonymous with warning label for purposes of this subpart.

(y) *Wholesaler* means a person to whom a product is delivered or sold, if such delivery or sale is for purposes of sale or distribution to retailers who buy such product for purposes of resale.

§ 82.106 Warning statement requirements.

(a) *Required warning statements.* Unless otherwise exempted by this subpart, each container or product identified in § 82.102(a) or (b) shall bear the following warning statement, meeting the requirements of this subpart for placement and form:

WARNING: Contains [or Manufactured with, if applicable] (insert name of substance), a substance which harms public health and environment by destroying ozone in the upper atmosphere.

(b) *Exemptions from warning label requirement.*

The following products need not bear a warning label:

(1) Products in which trace quantities of a controlled substance remain as a residue or impurity due to a chemical reaction, and where the controlled substance serves no useful purpose in or for the product itself.

(2) Products manufactured using methyl chloroform or CFC-113 by persons who can demonstrate and certify a 95% reduction in overall usage from their 1990 calendar year usage of methyl chloroform or CFC-113 as solvents during a twelve (12) month period ending within sixty (60) days of such certification or during the most recently completed calendar year. In calculating such reduction, persons may subtract from quantities used those quantities for which they possess accessible data that establishes the amount of methyl chloroform or CFC-113 transformed. Such subtraction must be performed for both the applicable twelve month period and the 1990 calendar year. If at any time future usage exceeds the 95% reduction, all products manufactured with methyl chloroform or CFC-113 as solvents by that person must be labeled immediately. No person may qualify for this exemption after May 15, 1994.

(3) Products intended only for export outside of the United States shall not be considered "products introduced into interstate commerce" provided such

product, are clearly designated as intended for export only.

(4) Products that are otherwise not subject to the requirements of this subpart that are being repaired, using a process that uses a controlled substance.

(5) Products, processes, or substitute chemicals undergoing research and development, by which a controlled substance is used. Such products must be labeled when they are introduced into interstate commerce.

(c) *Interference with other required labeling information.* The warning statement shall not interfere with, detract from, or mask any labeling information required on the labeling by federal or state law.

§ 82.108 Placement of warning statement.

The warning statement shall be placed so as to satisfy the requirement of the Act that the warning statement be "clearly legible and conspicuous." The warning statement is clearly legible and conspicuous if it appears with such prominence and conspicuousness as to render it likely to be read and understood by consumers under normal conditions of purchase. Such placement includes, but is not limited to, the following:

(a) *Display panel placement.* For any affected product or container that has a display panel that is normally viewed by the purchaser at the time of the purchase, the warning statement described in § 82.106 may appear on any such display panel of the affected product or container such that it is "clearly legible and conspicuous" at the time of the purchase. If the warning statement appears on the principal display panel or outer packaging of any such affected product or container, the warning statement shall qualify as "clearly legible and conspicuous," as long as the label also fulfills all other requirements of this subpart and is not obscured by any outer packaging, as required by paragraph (b) of this section. The warning statement need not appear on such display panel if either:

(1) The warning statement appears on the outer packaging of the product or container, consistent with paragraph (b) of this section, and is clearly legible and conspicuous; or

(2) The warning statement is placed in a manner consistent with paragraph (c) of this section.

(b) *Outer packaging.* If the product or container is normally packaged, wrapped, or otherwise covered when viewed by the purchaser at the time of the purchase the warning statement described in § 82.106 shall appear on any outer packaging, wrapping or other covering used in the retail display of the

product or container, such that the warning statement is clearly legible and conspicuous at the time of the purchase. If the outer packaging has a display panel that is normally viewed by the purchaser at the time of the purchase, the warning statement shall appear on such display panel. If the warning statement so appears on such product's or container's outer packaging, it need not appear on the surface of the product or container, as long as the statement also fulfills all other requirements of this subpart. The warning statement need not appear on such outer packaging if either:

(1) The warning statement appears on the surface of the product or container, consistent with paragraph (a) of this section, and is clearly legible and conspicuous through any outer packaging, wrapping or other covering used in display; or

(2) The warning statement is placed in a manner consistent with paragraph (c) of this section.

(c) *Alternative placement.* The warning statement may be placed on a hang tag, tape, card, sticker, invoice, bill of lading, supplemental printed material, or similar overlabeling that is securely attached to the container, product, outer packaging or display case, or accompanies the product containing or manufactured with a controlled substance or a container containing class I or class II substances larger than a 55 gallon drum through its sale to the consumer or ultimate consumer. For prescription medical products that have been found to be essential for patient health by the Food and Drug Administration, the warning statement may be placed in supplemental printed material intended to be read by the prescribing physician, as long as the following statement is placed on the product, its packaging, or supplemental printed material intended to be read by the patient: "This product contains [insert name of substance], a substance which harms the environment by depleting ozone in the upper atmosphere." In any case, the warning statement must be clearly legible and conspicuous at the time of the purchase.

(d) *Products not viewed by the purchaser at the time of purchase.* Where the purchaser of a product cannot view a product, its packaging or alternative labeling such that the warning statement is clearly legible and conspicuous at the time of purchase, as specified under paragraphs (a), (b), or (c) of this section, the warning statement may be placed in the following manner:

(1) Where promotional printed material is prepared for display or distribution, the warning statement may

be placed on such promotional printed material such that it is clearly legible and conspicuous at the time of purchase; or

(2) The warning statement may be placed on the product, on its outer packaging, or on alternative labeling, consistent with paragraphs (a), (b), or (c) of this section, such that the warning statement is clearly legible and conspicuous at the time of product delivery, if the product may be returned by the purchaser at or after the time of delivery or if the purchase is not complete until the time of delivery (e.g., products delivered C.O.D.).

§ 82.110 Form of label bearing warning statement.

(a) *Conspicuousness and contrast.* (1) The warning statement shall appear in conspicuous and legible type by typography, layout, and color with other printed matter on the label. (2) The warning statement shall appear in sharp contrast to any background upon which it appears. Examples of combinations of colors which may not satisfy the proposed requirement for sharp contrast are: black letters on a dark blue or dark green background, dark red letters on a light red background, light red letters on a reflective silver background, and white letters on a light gray or tan background.

(b) *Name of substance.* The name of the class I or class II substance to be inserted into the warning statement shall be the standard chemical name of the substance as listed in 40 CFR part 82, appendix A to subpart A, except that:

(1) The acronym "CFC" may be substituted for "chlorofluorocarbon."

(2) The acronym "HCFC" may be substituted for "hydrochlorofluorocarbon."

(3) The term "1,1,1-trichloroethane" may be substituted for "methyl chloroform."

(c) *Combined statement for multiple class I substances.* If a container containing or a product contains or is manufactured with, more than one class I or class II substance, the warning statement may include the names of all of the substances in a single warning statement, provided that the combined statement clearly distinguishes which substances the container or product contains and which were used in the manufacturing process.

(d) *Format.* (1) The warning statement shall be blocked within a square or rectangular area, with or without a border.

(2) The warning statement shall appear in lines that are parallel to the surrounding text on the product's PDP.

display panel, supplemental printed material or promotional printed material.

(e) *Type style.* (1) The ratio of the height of a capital letter to its width shall be such that the height of the letter is no more than 3 times its width.

(2) The signal word "WARNING" shall appear in all capital letters.

(f) *Type size.* The warning statement shall appear at least as large as the type sizes prescribed by this paragraph. The type size refers to the height of the capital letters. A larger type size materially enhances the legibility of the statement and is desirable.

(1) Display panel or outer packaging. Minimum type size requirements for the warning statement are given in Table 1

and are based upon the area of the display panel of the product or container. Where the statement is on outer packaging, as well as the display panel area, the statement shall appear in the same minimum type size as on the display panel.

TABLE 1

Area of display panel (sq.in.)	0-2	>2-5	>5-10	>10-15	>15-30	>30
Type size (in.):						
Signal word	3/64	1/16	1/32	7/64	1/8	3/32
Statement	3/64	3/64	1/16	3/32	3/32	7/64

> means greater than
1 minimum height of printed image of letters

(2) *Alternative placement.* The minimum type size for the warning statement on any alternative placement which meets the requirements of § 82.108(c) is 3/32 inches for the signal word and 1/16 of an inch for the statement.

(3) *Promotional printed material.* The minimum type size for the warning statement on promotional printed material is 3/32 inches for the signal word and 1/16 of an inch for the statement, or the type size of any surrounding text, whichever is larger.

§ 82.112 Removal of label bearing warning statement.

(a) *Prohibition on removal.* Except as described in paragraph (b) or (c) of this section, any warning statement that accompanies a product or container introduced into interstate commerce, as required by this subpart, must remain with the product or container and any product incorporating such product or container, up to and including the point of sale to the ultimate consumer.

(b) *Incorporation of warning statement by subsequent manufacturers.* A manufacturer of a product that incorporates a product that is accompanied by a label bearing the warning statement may remove such label from the incorporated product if the information on such label is incorporated into a warning statement accompanying the manufacturer's product, or if, pursuant to paragraph (c) of this section, the manufacturer of the product is not required to pass through the information contained on or incorporated in the product's label.

(c) *Manufacturers that incorporate products manufactured with controlled substances.* A manufacturer that incorporates into its own product a component product that:

(1) Was purchased from another manufacturer;

(2) Was manufactured with a process that uses a controlled substance(s); but

(3) Does not contain such substance(s), may remove such label from the incorporated product and need not apply a warning statement to its own product, if the manufacturer does not use a controlled substance in its own manufacturing process.

A manufacturer that uses controlled substances in its own manufacturing process, and is otherwise subject to the regulations of this subpart, must label pursuant to § 82.108, but need not include information regarding the incorporated product on the required label.

§ 82.114 Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.

(a) *Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.* Each manufacturer of a product incorporating another product or container containing a controlled substance, to which § 82.102 (a)(1), or (a)(2) or (b)(1) applies, that is purchased or obtained from another manufacturer or supplier, is required to pass through and incorporate the labeling information that accompanies such incorporated product in a warning statement accompanying the manufacturer's finished product. Each importer of a product, or container containing a controlled substance, to which § 82.102 (a)(1), (a)(2), or (b)(1) applies, including a component product or container incorporated into the product, that is purchased from a foreign manufacturer or supplier, is required to apply a label,

or to ensure that a label has been properly applied, at the site of U.S. Customs clearance.

(b) *Reliance on reasonable belief.* The manufacturer or importer of a product that incorporates another product containing from another manufacturer or supplier may rely on the labeling information (or lack thereof) that it receives with the product, and is not required to independently investigate whether the requirements of this subpart are applicable to such purchased product or container, as long as the manufacturer reasonably believes that the supplier or foreign manufacturer is reliably and accurately complying with the requirements of this subpart.

(c) *Contractual obligations.* A manufacturer's or importer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products containing a controlled substance or containers of a controlled substance that are supplied to the manufacturer or importer, is evidence of reasonable belief.

§ 82.116 Compliance by manufacturers or importers incorporating products manufactured with controlled substances.

(a) *Compliance by manufacturers or importers incorporating products manufactured with controlled substances, or importing products manufactured with controlled substances.* Each manufacturer or importer of a product incorporating another product to which § 82.102 (a)(3), or (b)(2) applies, that is purchased from another manufacturer or supplier, is not required to pass through and incorporate the labeling information that accompanies such incorporated product in a warning statement

accompanying the manufacturer's or importer's finished product. Importers of products to which § 82.102 (a)(3) or (b)(2) applies are required to apply a label, or to ensure that a label has been properly applied at the site of U.S. Customs clearance.

(b) *Reliance on reasonable belief.* The importer of a product purchased or obtained from a foreign manufacturer or supplier, which product may have been manufactured with a controlled substance, may rely on the information that it receives with the purchased product, and is not required to independently investigate whether the requirements of this subpart are applicable to the purchased or obtained product, as long as the importer reasonably believes that there was no use of controlled substances by the final manufacturer of the product being imported.

(c) *Contractual obligations.* An importer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products manufactured with a controlled substance that are supplied to the importer, or to certify to the importer whether a product was or was not manufactured with a controlled substance is evidence of reasonable belief.

§ 82.118 Compliance by wholesalers, distributors and retailers.

(a) *Requirement of compliance by wholesalers, distributors and retailers.* All wholesalers, distributors and retailers of products or containers to which this subpart applies are required to pass through the labeling information that accompanies the product.

(b) *Reliance on reasonable belief.* The wholesaler, distributor or retailer of a product may rely on the labeling information that it receives with the product or container, and is not required to independently investigate whether the requirements of this subpart are applicable to the product or container, as long as the wholesaler, distributor or retailer reasonably believes that the supplier of the product or container is reliably and accurately complying with the requirements of this subpart.

(c) *Contractual obligations.* A wholesaler, distributor or retailer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products manufactured with a controlled substance that are supplied to the wholesaler, distributor or retailer is evidence of reasonable belief.

§ 82.120 Petitions.

(a) *Requirements for procedure and timing.* Persons seeking to apply the requirements of this regulation to a product containing a class II substance or a product manufactured with a class I or a class II substance which is not otherwise subject to the requirements, or to temporarily exempt a product manufactured with a class I substance, based on a showing of a lack of currently or potentially available alternatives, from the requirements of this regulation may submit petitions to: Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. Environmental Protection Agency, 6202-J, 401 M Street, SW., Washington, DC 20460. Such persons must label their products while such petitions are under review by the Agency.

(b) *Requirement for adequate data.* Any petition submitted under paragraph (a) of this section shall be accompanied by adequate data, as defined in § 82.120(c). If adequate data are not included by the petitioner, the Agency may return the petition and request specific additional information.

(c) *Adequate data.* A petition shall be considered by the Agency to be supported by adequate data if it includes all of the following:

(1) A part clearly labeled "Section I.A." which contains the petitioner's full name, company or organization name, address and telephone number, the product that is the subject of the petition, and, in the case of a petition to temporarily exempt a product manufactured with a class I substance from the labeling requirement, the manufacturer or manufacturers of that product.

(2) For petitions to temporarily exempt a product manufactured with a class I substance only, a part clearly labeled "Section I.A.T." which states the length of time for which an exemption is requested.

(3) A part clearly labeled "Section I.B." which includes the following statement, signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

(4) A part clearly labeled "Section I.C." which fully explains the basis for the petitioner's request that EPA add the labeling requirements to or remove them

from the product which is the subject of the petition, based specifically upon the technical facility or laboratory tests, literature, or economic analysis described in paragraphs (c)(3), (6) and (7) of this section.

(5) A part clearly labeled "Section II.A." which fully describes any technical facility or laboratory tests used to support the petitioner's claim.

(6) A part clearly labeled "Section II.B." which fully explains any values taken from literature or estimated on the basis of known information that are used to support the petitioner's claim.

(7) A part clearly labeled "Section II.C." which fully explains any economic analysis used to support the petitioner's claim.

(d) *Criteria for evaluating petitions.* Adequate data in support of any petition to the Agency to add a product to the labeling requirement or temporarily remove a product from the labeling requirement will be evaluated based upon a showing of sufficient quality and scope by the petitioner of whether there are or are not substitute products or manufacturing processes for such product:

- (1) That do not rely on the use of such class I or class II substance;
- (2) That reduce the overall risk to human health and the environment; and
- (3) That are currently or potentially available.

(e) *Procedure for acceptance or denial of petition.* (1) If a petition submitted under this section contains adequate data, as defined under paragraph (c) of this section, the Agency shall within 180 days after receiving the complete petition either accept the petition or deny the petition.

(2) If the Agency makes a decision to accept a petition to apply the requirements of this regulation to a product containing or manufactured with a class II substance, the Agency will notify the petitioner and publish a proposed rule in the Federal Register to apply the labeling requirements to the product.

(3) If the Agency makes a decision to deny a petition to apply the requirements of this regulation to a product containing or manufactured with a class II substance, the Agency will notify the petitioner and publish an explanation of the petition denial in the Federal Register.

(4) If the Agency makes a decision to accept a petition to temporarily exempt a product manufactured with a class I substance from the requirements of this regulation, the Agency will notify the petitioner and publish a proposed rule in the Federal Register to temporarily exempt the product from the labeling

requirements. Upon notification by the Agency, such manufacturer may immediately cease its labeling process for such exempted products.

(5) If the Agency makes a decision to deny a petition to temporarily exempt a product manufactured with a class I substance from the requirements of this regulation, the Agency will notify the petitioner and may, in appropriate circumstances, publish an explanation of the petition denial in the Federal Register.

§ 82.122 Certification, recordkeeping, and notice requirements.

(a) *Certification.* (1) Persons claiming the exemption provided in § 82.106(b)(2) must submit a written certification to the following address:

Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, 8202-J, 401 M Street, SW., Washington, DC 20460

(3) The certification must contain the following information:

(i) The exact location of documents verifying calendar year 1990 usage and the 95% reduced usage during a twelve month period;

(ii) A description of the records maintained at that location;

(iii) A description of the type of system used to track usage;

(iv) An indication of which 12 month period reflects the 95% reduced usage; and

(v) Name, address, and telephone number of a contact person.

(3) Persons who submit certifications postmarked on or before May 15, 1993, need not place warning labels on their products manufactured using CFC-113 or methyl chloroform as a solvent.

Persons who submit certifications postmarked after May 15, 1993, must label their products manufactured using CFC-113 or methyl chloroform as a solvent for 14 days following such submittal of the certification.

(4) Persons certifying must also include a statement that indicates that their future annual use will not at no time exceed 95% of their 1990 usage.

(5) Certifications must be signed by the owner or a responsible corporate officer.

(6) If the Administrator determines that a person's certification is incomplete or that information supporting the exemption is inadequate, their products manufactured using CFC-113 or methyl chloroform as a solvent by such person must be labeled pursuant to § 82.106(a).

(b) *Recordkeeping.* Persons claiming the exemption under § 82.106(b)(2) must

retain supporting documentation at one of their facilities.

(c) *Notice Requirements.* Persons who claim an exemption under § 82.106(b)(2) must submit a notice to the address in paragraph (a)(1) of this section within 30 days of the end of any 12 month period in which their usage of CFC-113 or methyl chloroform used as a solvent exceeds the 95% reduction from calendar year 1990.

§ 82.124 Prohibitions.

(a) *Warning statement.* (1) *Absence or presence of warning statement.* (i) On or after May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.106(a) of this subpart, unless such labeling is not required under § 82.102(c), § 82.106(b), § 82.112(c), § 82.116(a), or temporarily exempted pursuant to § 82.120.

(ii) On or after January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured with or containing a class II substance that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.106 of this subpart, unless such labeling is not required under § 82.106(b), § 82.112(c) or § 82.116(a).

(2) *Placement of warning statement.*

(i) On or after May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.108 of this subpart, unless such labeling is not required under § 82.102(c), § 82.106(b), § 82.112(c), § 82.116(a), or temporarily exempted pursuant to § 82.120.

(ii) On or after January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured with or containing a class II substance that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health

and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.108 of this subpart, unless such labeling is not required under § 82.106(b), § 82.112(c), or § 82.116(a).

(3) *Form of label bearing warning statement.* (i) On or after May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.110 of this subpart, unless such labeling is not required pursuant to § 82.102(c), § 82.106(b), § 82.112(c), § 82.116(a), or temporarily exempted pursuant to § 82.120.

(ii) On or after January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Agency determines for a particular product manufactured with or containing a class II substance, that there are substitute products or manufacturing processes that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.110 of this subpart, unless such labeling is not required pursuant to § 82.106(b), § 82.112(c), or § 82.116(a).

(4) On or after May 15, 1993, no person may modify, remove or interfere with any warning statement required by this subpart, except as described in § 82.112 of this subpart.

(5) In the case of any substance designated as a class I or class II substance after (insert date of publication), the prohibitions in paragraphs (a)(1)(i), (a)(2)(i), and (a)(3)(i) of this section shall be applicable beginning one year after the effective date of designation of such substance as a class I or class II substance or shall be applicable beginning on the date provided in the rulemaking designating such substance as a class I or class II substance, whichever comes first.

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