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**SUPPLEMENTARY INFORMATION:** On November 19, 2003, the Maryland Department of the Environment (MDE) submitted a formal revision to its State Implementation Plan (SIP). The SIP revision (Maryland SIP revision # 03-07) consists of the standards and requirements to control VOC emissions from consumer products.

## I. Background

In December 1999, EPA identified emission reduction shortfalls in several one-hour ozone nonattainment areas in the Ozone Transport Region (OTR) and required those areas to address the shortfalls. The Ozone Transport Commission (OTC) developed control measures into model rules for a number of source categories and estimated emission reduction benefits from implementing those model rules that will close the shortfalls. The OTC Commissioners formally supported these model rules, including a consumer products rule. The OTC Consumer Products model rule was based on the existing rules developed by the California Air Resources Board, which were analyzed and modified by the OTC workgroup to address VOC reduction needs in the OTR. The standards and requirements contained in Maryland's Consumer Products rule are consistent with the OTC model rule.

## II. Summary of SIP Revision

On July 25, 2003, the Secretary of the Environment adopted new regulation COMAR 26.11.32, Control of Emissions of VOC from Consumer Products that includes COMAR 26.11.32.01 through COMAR 26.11.32.23. This regulation establishes VOC content limits for approximately 80 categories and subcategories of consumer products. Consumer products are household and industrial products such as cleaning compounds, floor finishes, personal care products, automotive products, disinfectants, aerosol adhesives, and lawn and garden products.

The regulation applies to a person who sells, supplies, offers for sale, or manufactures consumer products on or after January 1, 2005 for use in the State of Maryland. Also included in the regulation are definitions, the VOC content limits, standards and exemptions, innovative products, administrative requirements, recordkeeping and reporting

requirements, variances, test methods, and an alternative control plan.

On October 21, 2003, the Secretary of the Environment adopted an amendment to COMAR 26.11.32.01 by the addition of COMAR 26.11.32.01F, which clarifies the enforcement policy relative to the sale of a non-complying consumer product by a retailer. The amendment includes good faith efforts to be used by a retailer in safeguarding against the sale of a non-compliant product, and in the course of business, ensure that the products meet applicable state requirements.

## III. Final Action

EPA is approving revisions to the Maryland SIP, COMAR 26.11.32, to establish VOC content limits for approximately 80 categories and subcategories of consumer products that was submitted on November 19, 2003 by MDE. The implementation of this rule will result in the reduction of VOC emissions in the Baltimore Metropolitan Area.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on January 23, 2004 without further notice unless EPA receives adverse comment by January 8, 2004. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number, MD152-3105, in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to [morris.makeba@epa.gov](mailto:morris.makeba@epa.gov), attention: MD152-3105. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

ii. *Regulations.gov.* Your use of Regulation.gov is an alternative method of submitting electronic comments to EPA. Go directly to <http://www.regulations.gov>, then select "Environmental Protection Agency" at the top of the page and use the "go" button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in the **ADDRESSES** section of this document. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Written comments should be addressed to the EPA Regional office listed in the **ADDRESSES** section of this document.