

Environmental Protection Agency

§ 82.64

§ 82.60 Purpose.

The purpose of this subpart is to implement the requirements of sections 608 and 610 of the Clean Air Act as amended in 1990 on emission reductions and nonessential products.

§ 82.62 Definitions.

For purposes of this subpart:

(a) *Chlorofluorocarbon* means any substance listed as Class I group I or Class I group III in 40 CFR part 82, appendix A to subpart A.

(b) *Commercial*, when used to describe the purchaser of a product, means a person that uses the product in the purchaser's business or sells it to another person and has one of the following identification numbers:

- (1) A federal employer identification number;
- (2) A state sales tax exemption number;
- (3) A local business license number; or
- (4) A government contract number.

(c) *Consumer*, when used to describe a person taking action with regard to a product, means the ultimate purchaser, recipient or user of a product.

(d) *Distributor*, when used to describe a person taking action with regard to a product means:

- (1) The seller of a product to a consumer or another distributor; or
- (2) A person who sells or distributes that product in interstate commerce for export from the United States.

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

(f) *Release* means to emit into the environment during the manufacture, use, storage or disposal of a product.

(g) *Class II Substance* means any substance designated as class II in 40 CFR part 82, appendix B to subpart A.

(h) *Foam Insulation Product*, when used to describe a product containing or consisting of plastic foam, means a product containing or consisting of the following types of foam:

- (1) Closed cell rigid polyurethane foam;
- (2) Closed cell rigid polystyrene boardstock foam;
- (3) Closed cell rigid phenolic foam; and

(4) Closed cell rigid polyethylene foam when such foam is suitable in shape, thickness and design to be used as a product that provides thermal insulation around pipes used in heating, plumbing, refrigeration, or industrial process systems.

(i) *Hydrochlorofluorocarbon* means any substance listed as class II in 40 CFR part 82, appendix B to subpart A.

[58 FR 69675, Dec. 30, 1993, as amended at 61 FR 64427, Dec. 4, 1996]

§ 82.64 Prohibitions.

(a) Effective February 16, 1993, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any of the products identified as being nonessential in § 82.66(a).

(b) Effective February 16, 1993, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any of the products specified in § 82.66(b) to a person who does not provide proof of being a commercial purchaser, as defined under § 82.62.

(c) Effective January 17, 1994, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any of the products identified as being nonessential in § 82.66(c) or § 82.66(d) except as permitted under § 82.65(g).

(d) Except as permitted under § 82.65, effective January 1, 1994, no person may sell or distribute, or offer for sale or distribution, in interstate commerce any product identified as being nonessential in § 82.70(a) or § 82.70(c).

(e) Except as permitted under § 82.65, effective January 1, 1994, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any of the products specified in § 82.70(b) to a person who does not provide proof of being a commercial purchaser, as defined under § 82.62.

(f) Except as permitted under § 82.65(d), effective January 1, 1996, no person may sell or distribute, or offer for sale or distribution, in interstate commerce any product identified as being nonessential in § 82.70(c)(ii).

(g) It is a violation of this subpart to sell or distribute, or offer for sale or distribution, products effected by the provisions of § 82.68 if the seller knew