

**§ 82.65**

**40 CFR Ch. I (7-1-00 Edition)**

or should have known that the purchaser was purchasing the product for a prohibited application.

**§ 82.65 Temporary exemptions.**

(a) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any products specified as nonessential in § 82.70 which are manufactured and placed into initial inventory by December 31, 1993.

(b) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any products specified as nonessential in § 82.70 which are manufactured and placed into initial inventory within the date 90 days after the effective date of any federal approvals required for product reformulation, where application for the required approval was timely and properly submitted to the approving federal agency prior to January 1, 1994.

(c)(1) Any person may sell or distribute or offer to sell or distribute, in interstate commerce, at any time, any products specified as nonessential in § 82.70 which are manufactured and placed into initial inventory within 45 days after the receipt of denial by any federal agency of an application for reformulation where initial application for the required approval was timely and properly submitted to the approving federal agency prior to January 1, 1994.

(2) If, within 45 days of receipt of a denial of an application for reformulation, a person submits a new viable application for federal approval of a reformulation, that person may continue to sell and distribute, or offer to sell and distribute until 45 days of denial of that application.

(d) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any integral skin foam utilized to provide for motor vehicle safety in accordance with Federal Motor Vehicle Safety Standards, which are manufactured and placed into initial inventory prior to January 1, 1996.

(e) Any person selling or distributing, or offering to sell or distribute, any product specified in this section after January 1, 1994, or January 1, 1996 for paragraph (d) of this section, or after

January 17, 1994 for any product specified in paragraph (g) of this section, must retain proof that such product was manufactured and placed into initial inventory before the relevant date specified in this section. Such proof may take the form of shipping forms, lot numbers, manufacturer date stamps, invoices or equivalent business records.

(f) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, any aircraft pesticide containing class I until an alternative aircraft pesticide containing class II is available in interstate commerce.

(g) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any replacement part that was manufactured with, or contains a class I substance or was packaged in material that was manufactured with or contains a class I substance only if:

- (1) The replacement part was manufactured for use in a single model of a product; and
- (2) The replacement part and product model are no longer manufactured; and
- (3) The replacement part was placed into initial inventory prior to April 16, 1992.

**§ 82.66 Nonessential Class I products and exceptions.**

The following products which release a Class I substance (as defined in 40 CFR part 82, appendix A to subpart A) are identified as being nonessential, and subject to the prohibitions specified under § 82.64—

(a) Any plastic party streamer or noise horn which is propelled by a chlorofluorocarbon, including but not limited to—

- (1) String confetti;
- (2) Marine safety horns;
- (3) Sporting event horns;
- (4) Personal safety horns;
- (5) Wall-mounted alarms used in factories or other work areas; and
- (6) Intruder alarms used in homes or cars.

(b) Any cleaning fluid for electronic and photographic equipment which contains a chlorofluorocarbon:

- (1) Including but not limited to liquid packaging, solvent wipes, solvent sprays, and gas sprays; and