California Environmental Protection Agency
Air Resources Board

Enforcement Division

Advisory

To: MANUFACTURERS, DISTRIBUTORS AND RETAILERS OF CHARCOAL LIGHTER MATERIAL PRODUCTS.

Number 302 March 2002

CERTIFICATION OF CHARCOAL LIGHTER MATERIAL PRODUCTS

This advisory notice summarizes the regulatory requirements for charcoal lighter material products. These requirements can be found in Section 94509(h) of the California Air Resources Board (ARB) Consumer Products Regulation (Title 17, California Code of Regulations (CCR), Section 94509(h)). The complete text of the regulation can be obtained at **http://www.arb.ca.gov/consprod/regs/regs.htm**. In addition, requirements that affect charcoal lighter material products are summarized for the South Coast Air Quality Management District's (SCAQMD) Rule 1174 and the U.S. EPA national consumer products regulation. This advisory is an update to a previous advisory, sent out in May 1995.

1. What is a charcoal lighter material product?

A charcoal lighter material product is any combustible product intended to be applied on, incorporated in, added to, or used with charcoal to help ignite or improve the ignition of charcoal. Following is a list of products considered to be "charcoal lighter materials" that are subject to the Consumer Products Regulation:

Charcoal lighter fluids, "bag light" charcoal, "instant light" charcoal, paraffin cubes, waxes, gels, treated kindling or wood chips, fire rings, and other similar products.

Items that are not "charcoal lighter materials" are as follows:

Electrical starters or probes, portable metallic cylinders using paper tinder (chimney starter), natural gas, propane, or "fat wood" (pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling).

2. Who is affected by the requirements for charcoal lighter material products?

All persons, companies, retail/wholesale stores, manufacturers, and distributors who sell, supply, offer for sale or manufacture for sale any charcoal lighter material product for use in California are affected by the requirements of the ARB Consumer Products Regulation.

3. **What must I do to sell or supply a charcoal lighter material product in California?**

In order to sell or supply a charcoal lighter material product in California, outside of SCAQMD (Los Angeles and surrounding areas) your product must be:

(a) Tested in a certified laboratory (see item 4.B.1) and determined to emit no more than 0.020 pounds of VOCs (Volatile Organic Compounds) per start upon ignition with charcoal;

(b) Certified by the ARB and must meet all of the conditions specified in the ARB certification order;

(c) Properly labeled with usage instructions and the date of manufacture, or a code indicating the date. If a code is used to indicate the date, a key to decipher the code must be filed with the ARB's Enforcement Division. See section 8 of this advisory for details.

4. **How can I get my product certified with the ARB?**

(a) If you have already certified your product with the SCAQMD, simply provide ARB with the following information, along with your letter requesting certification:

1. Copy of the laboratory results used to determine the charcoal lighter material emissions conducted in accordance with the SCAQMD Rule 1174;
2. Copy of text or graphics that will appear on the product's principal display panel, label, and accompanying literature. (Note: Usage instructions on product must indicate the amount of product per pound of charcoal used, unless it is pre-measured. This concentration ratio of product to charcoal must be the same as that used in the certification testing.);
3. Copy of the physical property data and formulation data of the charcoal lighter material. Examples of physical property data include: for liquids – distillation points, appearance, color, flash point, odor, benzene content, sulfur content; for solids – distillation points, specific gravity, flash point; for gels – flash point, density, auto ignition temperature;
4. Submit the above information to: California Air Resources Board, Stationary Source Division, Attention: Steven Giorgi, 1001 I Street, Sacramento, CA 95812

(b) If you have not previously certified your product with the SCAQMD:

1. Your product must be tested by a laboratory that has been certified to conduct charcoal lighter material certification testing (at present, there is only one laboratory conducting the testing: Horizon Air Measurement Service, Inc. at (805) 498-8781, or an alternative testing procedure may be approved if it meets the requirements of section 94509(h)(2)(B);
2. Follow steps 1-4 in item 4 A.

5. **What must I do to sell or supply a product within the SCAQMD?**

In order to sell or supply a charcoal lighter material product within the SCAQMD, your product must be:

(a) Certified by both the SCAQMD and the ARB as meeting the emissions limits of both the SCAQMD Rule 1174 and the ARB Consumer Products Regulation.

(b) Properly labeled with usage instructions and the date of manufacture, or a code indicating the date, as described in section 8 of this advisory. SCAQMD also requires that the certification number be included on the label.

(c) For questions regarding SCAQMD certification, contact Mr. Ed Ramirez at (909) 396-2242.

6. **Do I need to certify my product if I intend to sell it in bulk to third parties?**

Yes. If you are certifying a bulk product that you intend to supply to another company for packaging, repackaging and relabeling, and this other company will sell, supply, or offer the product for sale you should:

(a) Obtain certification for the bulk product, in your company's name, from ARB and SCAQMD (see sections 4 and 5). A label does not need to be submitted, however you must provide the usage instructions that all third parties must include on their labels;

(b) Provide ARB with a letter stating that you intend to grant authority to another company to package, repackage and relabel your product, and that you will notify each company of their need to separately obtain certification from the ARB.

7. **Do I need to certify my product if I am repackaging or relabeling another company's certified product?**

Yes, If you are repackaging and relabeling another company's certified product, you must provide ARB with the following:

(a) A letter requesting certification of the other company's product based on the documentation from the company granting you a license or authority to sell their product under your label;

(b) A copy of text or graphics that will appear on the product's principal display panel, label, and accompanying literature. You do not need to provide copies of the laboratory results or the physical property data.

8. **What must I do to comply with the date/date code requirement?**

The ARB Consumer Products Regulation requires each manufacturer of a consumer product, including charcoal lighter material products, to "clearly display on each product container or package the day, month, and year on which the product was manufactured, or a code indicating such date" (see Title 17, CCR, section 94512(6)). The date/date code requirement

applies only to manufacturers; however, a "manufacturer" includes any person who packages, repackages, or relabels charcoal lighter material products.

To comply with the date/date code requirement, the manufacturer must:

(a) Make sure that every container of the product is clearly and visibly marked with a date or a code that indicates the date of manufacture. The manufacture date or code should be readable without disassembly of the container.

(b) If you use a code, you must file your code key with the ARB's Enforcement Division at 1001 I Street, Sacramento, CA 95812. For questions regarding submittal of a date code key, contact Ms. Julie Gonzales, Consumer Product Enforcement Section, at (916) 327-5617.

9. Are there any U.S. EPA requirements for charcoal lighter material products?

Yes. The U.S. EPA has promulgated a national consumer products rule (national rule) which includes emission standards for charcoal lighter material products (see 40 Code of Federal Regulations (CFR) sections 59.203(d) and 59.208). The national emission standards are basically the same as the California emission standards contained in the ARB Consumer Products Regulation. If a charcoal lighter material product has been certified by the ARB or the SCAQMD, and the product is date-coded and meets all of the labeling and other conditions specified in the certification order, the product should also comply with the national rule.

However, there are additional recordkeeping and reporting requirements and different designations of a regulated entity in the national rule. The manufacturer, importer, or distributor must send a copy of the certification testing records to the U.S. EPA if requested to do so (see 49 CFR sections 59.203(d)(3) and 59.209(c)). The national consumer products rule also requires that manufacturers, importers, and distributors of charcoal lighter material products maintain certain records (see 49 CFR section 59.209(a) and (c)), and that a one-time "Initial Notification Report" for each product be sent to the U.S. EPA (see 49 CFR section 59.209(d)). For any questions regarding the national rule, please contact Ms. Kathy Diehl at (415) 972-3996.

If you have questions or comments regarding this advisory, please contact Ms. Sally Barron, Consumer Product Enforcement, at (916) 323-1078. You may also access the Consumer Products Regulation via the internet at http://www.arb.ca.gov/consprod/regs/regs/htm