§ 7671i. Nonessential products containing chlorofluorocarbons

(a) Regulations

The Administrator shall promulgate regulations to carry out the requirements of this section within 1 year after November 15, 1990.

(b) Nonessential products

The regulations under this section shall identify nonessential products that release class I substances into the environment (including any release occurring during manufacture, use, storage, or disposal) and prohibit any person from selling or distributing any such product, or offering any such product for sale or distribution, in interstate commerce. At a minimum, such prohibition shall apply to—

(1) chlorofluorocarbon-propelled plastic party streamers and noise horns,
(2) chlorofluorocarbon-containing cleaning fluids for noncommercial electronic and photographic equipment, and
(3) other consumer products that are determined by the Administrator—
   (A) to release class I substances into the environment (including any release occurring during manufacture, use, storage, or disposal), and
   (B) to be nonessential.

In determining whether a product is nonessential, the Administrator shall consider the purpose or intended use of the product, the technological availability of substitutes for such product and for such class I substance, safety, health, and other relevant factors.

(c) Effective date

Effective 24 months after November 15, 1990, it shall be unlawful for any person to sell or distribute, or offer for sale or distribution, in interstate commerce any nonessential product to which regulations under subsection (a) of this section implementing subsection (b) of this section are applicable.

(d) Other products

(1) Effective January 1, 1994, it shall be unlawful for any person to sell or distribute, or offer for sale or distribution, in interstate commerce—
   (A) any aerosol product or other pressurized dispenser which contains a class II substance; or
   (B) any plastic foam product which contains, or is manufactured with, a class II substance.
(2) The Administrator is authorized to grant exceptions from the prohibition under subparagraph (A) of paragraph (1) where—
   (A) the use of the aerosol product or pressurized dispenser is determined by the Administrator to be essential as a result of flammability or worker safety concerns, and
   (B) the only available alternative to use of a class II substance is use of a class I substance which legally could be substituted for such class II substance.
(3) Subparagraph (B) of paragraph (1) shall not apply to—
   (A) a foam insulation product, or
   (B) an integral skin, rigid, or semi-rigid foam utilized to provide for motor vehicle safety in accordance with Federal Motor Vehicle Safety Standards where no adequate substitute substance (other than a class I or class II substance) is practicable for effectively meeting such Standards.

(e) Medical devices

Nothing in this section shall apply to any medical device as defined in section 7671 (8) of this title.
(July 14, 1955, ch. 360, title VI, § 610, as added Pub. L. 101–549, title VI, § 602(a), Nov. 15, 1990, 104 Stat. 2664.)