

Labeling HCFC Products Starting 2015: A More In-depth Look at What You Need to Know & Specific Guidance on Foam Products

Products imported or manufactured after January 1, 2015 that contain or were manufactured with a hydrochlorofluorocarbon (HCFC) must bear a warning label before they can be introduced into interstate commerce. Imported products must be labeled before clearing U.S. Customs.

Product labeling is mandated by section 611 of the Clean Air Act. The full labeling requirements can be found in the Code of Federal Regulations at Title 40 Part 82 Subpart E (40 CFR 82.100–82.124).

Section 611 is part of Title VI of the Clean Air Act, “Protection of Stratospheric Ozone,” which requires the Environmental Protection Agency (EPA) to phase out production and use of HCFCs because these chemicals harm Earth’s protective ozone layer. The purpose of the label is to allow consumers to make informed choices before buying products containing or manufactured with HCFCs.

Products Potentially Affected by the Labeling Requirements Are Limited

While HCFCs are still used globally in many products—including as refrigerants, foam blowing agents, fire suppression agents, and solvents— Clean Air Act regulations have significantly limited their use in the United States. These regulations include:

- **Section 610 of the Clean Air Act**—the 1993 Nonessential Products Ban restricts the sale and distribution in interstate commerce of nonessential HCFC products, including open cell foam products that were manufactured with an HCFC and most non-insulating closed cell foams.
- **Section 605 of the Clean Air Act**—starting January 1, 2015, the sale and use of HCFCs is prohibited (with some exceptions), further limiting domestic manufacture of HCFC products, including most products exempted in the Nonessential Products Ban.

Because of these regulations, the labeling requirements will apply almost exclusively to imported products—particularly appliances and products containing HCFC-blown rigid foam.

		Imports Allowed After 2015?	Domestic Manufacture After 2015?	Label Needed Starting in 2015?
Containing HCFCs	Aerosols or pressurized dispensers that are exempt from Nonessential Products Ban	✓	✗	✓
	Portable fire-extinguishers containing Halotron I for non-residential use	✓	✓	✓
	Closed cell rigid foam insulation products	✓	✗	✓
Manufactured with	Open cell foam blown with an HCFC	✗	✗	✗
	Electronics, metals or other equipment precision cleaned with	✓	✓*	✓

	an HCFC solvent			
	Products sterilized with an HCFC	✓		✓
	Products with adhesives, coatings or inks where the solvent carrier was an HCFC	✓		✓

* By 2015, in the U.S., HCFCs are allowed in the manufacture of a product only if the HCFC is used or applied via a product (e.g., aerosol or spray device) rather than used directly from a container, jug, or storage vessel.

Labeling Placement

The warning statement must be clearly legible and conspicuous such that it is likely to be read by consumers prior to making a purchase. The label shall read:

WARNING: [Contains / Manufactured with] HCFC-XX, a substance which harms public health and environment by destroying ozone in the upper atmosphere

The label must be on the product before it is introduced into interstate commerce starting on January 1, 2015. For imported products, the label must be affixed before the product clears U.S. Customs; for domestically manufactured products, the label must be placed on the product before it enters inventory (e.g., a distribution warehouse). Products placed into inventory prior to January 1, 2015 will not require a label since they will have entered interstate commerce prior to the effective date of the labeling requirement. Distributors, wholesalers, and retailers may not remove a label.

Products containing an HCFC—such as closed cell rigid foam insulation products—must be labeled throughout their entire distribution chain. Even if those products are incorporated into another product, that final product must be labeled as a “product containing.”

Specific Foam Products that Will Require a Label if Blown with an HCFC

Imported Foams Blown with HCFCs:

- Rigid polyurethane foam
- Rigid phenolic foam ☐☐
- Rigid polyethylene foam
- Rigid polystyrene boardstock foam

These four types of HCFC-blown foam are exempt from the Nonessential Products Ban, which means their sale and distribution in interstate commerce is allowed.

Examples of Products Containing Foam Components that May Have Been Blown with an HCFC

- Residential refrigerators and freezers
- Commercial refrigerators and freezers (used in stores, restaurants, etc.)
- Beverage vending machines
- Wine storage containers
- Insulated containers for transporting hot food

- Picnic and beer can boxes and coolers
- Refrigerated truck and van bodies
- Reefers
- Water heater tanks
- Rigid polystyrene boardstock for building insulation
- Continuous and discontinuously made sandwich panels used in buildings, cold stores, and cold rooms (as in supermarkets) and doors
- Pipe insulation sections or “pipe wrap”
- Pipe-in-pipe sections for district central heating
- Block foams for cutting to make pipe sections, etc.
- Buoyancy for boats
- Polyurethane taxidermy manikins
- Polyurethane spray foam aerosols(i.e. one component foam) or spray foam kits
- Insulated holds for ships and fishing boats

Which Foam Products Are Prohibited, and Thus Will Not Require a Label?

Domestic manufacture or import of many other HCFC-blown foam products is prohibited. These products include:

- Closed cell extruded polystyrene sheet foam (commonly used in food product packaging)
- Closed cell polyethylene foam (used in backer rods)
- Closed cell polypropylene (commonly used in packaging)
- Flexible closed cell polyurethane foam
- Any open cell plastic foam

As 2015 approaches, EPA recognizes that many manufacturing practices have switched to ozone-friendly alternatives, and that the universe of products potentially subject to the labeling requirements is small. EPA is working with potentially affected industries to help companies understand the requirements. At the same time, EPA welcomes feedback from industry regarding certain manufacturing processes that could legally still use HCFCs, but have already have switched to non-ozone depleting alternatives.

FOR MORE INFORMATION: Visit <http://www.epa.gov/ozone/title6/labeling/index.html> or contact Elizabeth Whiteley at 202-343-9310 or whiteley.elizabeth@epa.gov.