

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and Availability of an Additional Document for Public Comment**

PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO  
THE CALIFORNIA CONSUMER PRODUCTS REGULATION

Public Hearing Date: November 18, 2010  
Public Availability Date: July 20, 2011  
Deadline for Public Comment: August 4, 2011

At its November 18, 2010 public hearing, the Air Resources Board (ARB or Board) approved the amendments to the Regulation for Reducing Emissions from Consumer Products (title 17, California Code of Regulations (CCR), sections 94507-94517). The proposed amendments would set new or lower Volatile Organic Compound (VOC) limits for a number of categories. For specific categories the proposed amendments would also prohibit use of certain toxic air contaminants, compounds with higher global warming potentials, and certain surfactants that are toxic to aquatic species.

At the hearing, the staff presented, and the Board approved modifications to the regulations originally proposed in the Staff Report released on September 29, 2010, in response to comments received since the Staff Report was published. The regulatory language for these approved modifications is enclosed with this notice as Attachment A. The modifications are summarized below:

1. Modifications to section 94508(a): The definition for "Special-purpose Lubricant" was deleted and definitions were added for "Anti-Seize Lubricant," "Cutting or Tapping Oil," "Gear, Chain, or Wire Lubricant," and "Rust Preventative or Rust Control Lubricant." A definition for "Firearm Lubricant" was added to clarify a type of product that is not currently regulated as a "Lubricant." The definition of "Lubricant" was also reorganized to add the definitions for lubricants that had been defined elsewhere in section 94508(a). To accommodate this reorganization the existing definitions for "Multi-purpose Dry Lubricant," "Multi-purpose Lubricant," "Penetrant," and "Silicone-based Multi-purpose Lubricant" were deleted. The "Lubricant" definition was further modified to clarify that products designed or labeled exclusively to release manufactured products from molds are not "Lubricant" products. An additional modification to the "Lubricant" definition clarifies that after December 31, 2012, lubricant products that claim they are suitable for use in food service environments are "Lubricant" products.

2. Modifications to section 94509(a): The “Lubricant” categories and VOC limits were reorganized into a single listing under “Lubricant.” The effective dates and VOC limits for “Special-purpose Lubricant” were deleted. VOC limits with effective dates of December 31, 2013, were added for “Anti-Seize Lubricant,” “Cutting or Tapping Oil,” “Gear, Chain, or Wire Lubricant,” and “Rust Preventative or Rust Control Lubricant.” An additional modification increased the VOC limit for aerosol “Anti-Seize Lubricant” to 40 percent by weight.
3. Modifications to section 94509(m): An exclusion for Penetrant products used on energized equipment was restored by adding subsection 94509(m)(7). Table 94509(m)(1) was modified to delete the “Special-purpose Lubricant” category and reorganize the regulated “Lubricant” subcategories.
4. Modifications to section 94509(n): Table (n)(1) was modified to replace the “Special-purpose Lubricant” category with “Anti-seize Lubricant,” “Cutting or Tapping Oil,” “Gear, Chain, or Wire Lubricant,” and “Rust Preventative or Rust Control Lubricant.”
5. Modifications to section 94512(a): A modification was made to clarify section 94512(a)(3). Section 94512(a)(4) was also added to restore a provision for certain products that make disinfectant or sanitizer claims.
6. Modifications to sections 94508, 94509, 94512, and 94515: Nonsubstantive grammatical and organizational changes were made to sections 94508, 94509, 94512, and 94515.

Board Resolution 10-40 approved amendments to sections 94508, 94509, 94510, 94512, and 94515, with the modifications set forth in Attachment B to the resolution and such other conforming modifications as may be appropriate. The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2010/cp2010/cp2010.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt in the CCR title 17, sections 94508, 94509, 94510, 94512, and 94515, after making them available to the public for comment for a period of at least fifteen days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

In the interest of completeness, staff has also added to the rulemaking record and invites comments on a memorandum to Richard Corey, Chief of the Stationary Source Division, from Victoria A. Whitney, Deputy Director, Division of Water Quality (DWQ)

dated June 20, 2011 (DWQ memorandum). This memorandum provides DWQ staff's response to comments submitted by the Alkylphenol Ethoxylates Research Council (APERC) on November 17, 2010. The APERC commented in opposition of ARB staff's proposal to prohibit use of alkylphenol ethoxylate surfactants in several consumer products categories. Attachment B to this notice is the DWQ memorandum.

Written comments will only be accepted on the modifications approved by the Board as set forth in Attachment A and the DWQ memorandum (Attachment B) and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations and the DWQ memorandum shall be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

#### Attachments

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at [www.arb.ca.gov](http://www.arb.ca.gov).*