

# FINAL REGULATION ORDER

## REGULATION FOR REDUCING EMISSIONS FROM CONSUMER PRODUCTS

### SUBCHAPTER 8.5 CONSUMER PRODUCTS

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Note: The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. Portions of the regulation that are nonsubstantively changed with renumbering are indicated by [Nonsubstantive changes to indicate renumbering]. The symbol "\*\*\*\*\*" means that intervening text not being amended not shown.

**Amend title 17, California Code of Regulation, sections 94508 and 94509 to read as follows:**

#### **Article 2. Consumer Products**

#### **§ 94508. Definitions.**

(a) For the purpose of this article, the following definitions apply:

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(20) "Automotive Windshield Washer Fluid (~~Dilutable~~)" means any liquid dilutable or premixed product that is designed or labeled for use in a motor vehicle windshield washer fluid system either as an anti-freeze or for the purpose of cleaning, washing, bug removal, or wetting the windshield(s). "Automotive Windshield Washer Fluid" does not include any fluid which is placed in a new motor vehicle at the time the vehicle is manufactured. ~~which meets the following criteria:~~

~~(A) the product is sold either in a container with a capacity of 10 gallons or more, or a container with a capacity of one quart or less; and~~

~~(B) the product is designed or labeled for use in a motor vehicle windshield washer fluid system either as an anti-freeze or for the purpose of cleaning, washing, bug removal, or wetting the windshield(s).~~

~~"Automotive Windshield Washer Fluid (~~Dilutable~~)" does not include any fluid which is placed in a new motor vehicle at the time the vehicle is manufactured.~~

For the purpose of complying with the requirements for "Automotive Windshield Washer Fluid," the following definitions (A-D) apply:

(A) "Dilutable" means any product sold either in a container with a capacity of 10 gallons or more, or a container with a capacity of one quart or less.

(B) “Nontype “A” area” means all other areas of California that are not a “Type A area.”

(C) “Premixed” means any product sold in a container with a capacity that is greater than one quart, but less than 10 gallons.

(D) “Type “A” area” means:

1. Before July 1, 2013, the following regions of California: Del Norte, Shasta, and Trinity Counties; the Great Basin Valley, Lake Tahoe, Mountain Counties and Northeast Plateau Air Basins, as defined in title 17, California Code of Regulations, sections 60105, 60108, 60111, and 60113.

2. On and after July 1, 2013, the counties listed in Table 94508(a)(20)(A), and areas defined by ZIP codes listed in Table 94508(a)(20)(B) below:

~~(21) “Automotive Windshield Washer Fluid (Pre-mixed)” means ay liquid which meets the following criteria:~~

~~—— (A) the product is sold in a container with a capacity that is greater than one quart, but less than 10 gallons; and~~

~~—— (B) the product is designed or labeled for use in a motor vehicle windshield washer fluid system as an anti-freeze of for the purpose of cleaning, washing, bug removal, or wetting the windshield(s).~~

~~“Automotive Windshield Washer Fluid (Pre-mixed)” does not include any fluid which is placed in a new motor vehicle at the time the vehicle is manufactured.~~

[Note: Table 94508(a)(20)(A) and (B) are new tables. For clarity, the tables are not shown in an underline font.]

| <b>Table 94508(a)(20)(A) Counties that are Type “A” Areas</b> |  |
|---|--|
| <b>Air Basin</b>  | <b>Counties</b>  |
| Great Basin Valleys   | Alpine, Inyo, Mono   |
| Lake Tahoe  | El Dorado  |
| Mountain Counties   | Amador, Calaveras, El Dorado, Mariposa, Nevada, Plumas, Sierra, Tuolumne |
| Northeast Plateau   | Lassen, Modoc, Siskiyou  |
| North Coast   | Del Norte, Trinity   |
| Sacramento Valley   | Shasta   |

| <b>Table 94508(a)(20)(B) Type “A” Areas Identified by ZIP Code</b> |                 |                |                 |                |            |
|--|-----------------|----------------|-----------------|----------------|------------|
| <b>County*</b>   | <b>ZIP Code</b> | <b>County*</b> | <b>ZIP Code</b> | <b>County*</b> | <b>ZIP</b> |

|  |                      |                   |       |                | <b>Code</b> |
|--|----------------------|-------------------|-------|----------------|-------------|
| Butte  | 95954                | Placer            | 95703 | San Bernardino | 92315       |
| Butte/Tehama                                       | 95942                | Placer            | 95713 | San Bernardino | 92317       |
| Fresno   | 00017                | Placer            | 95714 | San Bernardino | 92321       |
| Fresno   | 93621                | Placer            | 95715 | San Bernardino | 92325       |
| Fresno   | 93628                | Placer            | 95717 | San Bernardino | 92339       |
| Fresno   | 93664                | Placer            | 95722 | San Bernardino | 92352       |
| Fresno/Tulare                                      | 93633                | Placer            | 95724 | San Bernardino | 92358       |
| Glenn  | 00047                | Placer            | 96140 | San Bernardino | 92382       |
| Humboldt   | 00050                | Placer            | 96141 | San Bernardino | 92385       |
| Kern   | 00016                | Placer            | 96142 | San Bernardino | 92397       |
| Kern   | 93255                | Placer            | 96143 | San Diego      | 91962       |
| Kern   | 93285                | Placer            | 96145 | Santa Barbara  | 00032       |
| Kern/Ventura                                       | 93225                | Placer            | 96146 | Tehama         | 00037       |
| Kern   | 93226                | Placer            | 96148 | Tehama         | 00038       |
| Kern/Ventura/<br>Santa Barbara/<br>San Luis Obispo | 93252                | Placer            | 96161 | Tehama         | 96063       |
| Madera   | 00020                | Placer            | 96162 | Tulare         | 00026       |
| Madera   | 93643                | Riverside         | 92549 | Tulare         | 93260       |
| Madera   | 93644                | Riverside         | 92561 | Tulare         | 93262       |
| Placer   | 95602<br>(portion)** | San<br>Bernardino | 91759 | Tulare         | 93265       |
| Placer   | 95603<br>(portion)** | San<br>Bernardino | 92256 | Tulare         | 93271       |
| Placer   | 95631<br>(portion)** | San<br>Bernardino | 92305 |                |             |
| Placer   | 95701                | San<br>Bernardino | 92314 |                |             |

\* County name is provided as a point of reference only. Except as specified for ZIP codes 95602, 95603, and 95631, all portions of the identified ZIP codes are Type "A" areas.

\*\* Only the portion of ZIP codes 95602, 95603, and 95631 that lie to the east of Range 9 east, Mount Diablo Baseline and Meridian.

**§94508(a)(21) – (a)(159) [Nonsubstantive changes to indicate renumbering].**

~~(96)(97)~~ "Lubricant" means:

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(C) "Lubricant" includes the following subcategories (1-9):

1~~(1)~~ "Anti-seize Lubricant" means any lubricant designed or labeled exclusively for use in high temperature or high pressure conditions to prevent moving metal parts from seizing or galling, and/or to facilitate disassembly of metal parts. A

lubricant that meets the definition for “Dry Lubricant” or “Firearm Lubricant” is not an “Anti-seize Lubricant.”

~~2.(2)~~ “Cutting or Tapping Oil” means any lubricant designed or labeled exclusively for drilling, cutting, or tapping metals.

~~3.(3)~~ “Dry Lubricant” means any lubricant which provides lubricity solely by depositing a thin film of solid material including, but not limited to, graphite, molybdenum disulfide ( “moly”), polytetrafluoroethylene or closely related fluoropolymer ( “teflon”), or boron nitride on surfaces.

~~4.(4)~~ “Firearm Lubricant” means any lubricant designed or labeled exclusively for use on firearms or their parts to lubricate and/or to provide corrosion or rust prevention.

~~5.(5)~~ “Gear, Chain, or Wire Lubricant” means any lubricant designed or labeled exclusively for use on gears, chains, or wire ropes.

~~6.(6)~~ “Multi-purpose Lubricant” means any lubricant designed or labeled for general purpose lubrication, or a lubricant labeled for use in a wide variety of applications. Products that meet the definition for “Anti-seize Lubricant,” “Cutting or Tapping Oil,” “Dry Lubricant,” “Firearm Lubricant,” “Gear, Chain, or Wire Lubricant,” “Penetrant,” “Rust Preventative or Rust Control Lubricant,” or “Silicone-based Multi-purpose Lubricant” are not “Multi-purpose Lubricants.”

~~7.(7)~~ “Penetrant” means a lubricant designed or labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts are not “Penetrant” products.

~~8.(8)~~ “Rust Preventative or Rust Control Lubricant” means any lubricant designed or labeled primarily for the prevention or control of rust. A Lubricant that meets the definition for “Firearm Lubricant” is not a “Rust Preventative or Rust Control Lubricant.”

~~9.(9)~~ “Silicone-based Multi-purpose Lubricant” means any lubricant which is designed or labeled for general lubrication or for use in a wide variety of applications, in which lubricity is primarily provided through the use of silicone compounds including, but not limited to, polydimethylsiloxane.

NOTE: Authority cited: Sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39600, 39601 and 41712, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39002, 39600, 40000 and 41712, Health and Safety Code.

**§ 94509. Standards for Consumer Products.**

[Note: Only those parts of the Table of Standards proposed for amendment are shown.]

(a) Except as provided in Sections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), 94540 through 94555 (Alternative Control Plan), and 94567(a)(1) (Hairspray Credit Program), Title 17, California Code of Regulations, no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which, at the time of sale or manufacture, contains volatile organic compounds in excess of the limits specified in the following Table of Standards after the specified effective dates.

**Table of Standards  
Percent Volatile Organic Compound by Weight**

| <b>Product Category</b>  | <b>Effective Date <sup>1</sup></b> | <b>VOC Standard <sup>2</sup></b> |
|--|------------------------------------|----------------------------------|
| Automotive Windshield Washer Fluid <del>_*</del> :<br>Type "A" areas*  | 1/1/93<br>12/31/2008               | 35<br>25                         |
| =====  |                                    |                                  |
| <del>*Type "A" areas include only the following: Del Norte, Shasta and Trinity Counties; the Great Basin Valley, Lake Tahoe, Mountain Counties, and Northeast Plateau Air Basins, as defined in Title 17, California Code of Regulations, Sections 60105, 60108, 60111, and 60113.</del> |                                    |                                  |
| -----  |                                    |                                  |
| <del>All other areas**</del> <u>Nontype "A" areas</u>  | 1/1/93<br>12/31/2002               | 10<br>1                          |
| =====  |                                    |                                  |
| <del>**See section 94508(a)(20), section 94508(a)(21), section 94509(b)(3), and section 94509(l) for provisions that apply to Automotive Windshield Washer Fluid.</del>  |                                    |                                  |

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(b) *Products that are diluted prior to use*

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(3) For "Automotive Windshield Washer Fluids (Dilutable)" for which the front panel of the product label specifically states that the product should be diluted (e.g. identified as a "concentrate") prior to use;

(A) the VOC limits specified in section 94509(a) shall apply to the product only after the minimum recommended dilution has taken place;

(B) for the purpose of complying with the VOC limits specified in section 94509(a), different dilution instructions for “Type “A” areas” and Nontype “A” areas ~~other areas~~ of California may be specified on the product label if the dilution instructions meet the following criteria:

1. The instructions are readily visible, and
2. The instructions can be easily understood by the consumer, and
3. The instructions clearly specify the recommended dilutions to that applies in “Type “A” areas” and Nontype “A” areas ~~in other areas~~ of California, and

If the dilution instructions specified on the product label meet these criteria, the VOC limits specified in section 94509(a) shall apply to the product only after the minimum recommended dilution has taken place for the area in which the product is sold, supplied, or offered for sale.

(C) The dilution instructions on the product label may indicate that the consumer follow the dilution instructions for Type “A” areas if traveling during times when freezing temperatures are expected.

(4) For products sold in pump spray containers, the VOC limits specified in section 94509(a) shall apply to the product prior to any minimum recommended dilution.

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NOTE: Authority cited: Sections 38500, 38501, 38510, 38560, 38560.5, 38562, 38580, 39600, 39601, 39650, 39658, 39659, 39666 and 41712, Health and Safety Code. Reference: Sections 38505, 39002, 39600, 39650, 39655, 39656, 39658, 39659, 39666, 40000 and 41712, Health and Safety Code.