

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

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

Public Hearing Date: November 17, 2006
Public Availability Date: July 3, 2007
Deadline for Public Comment: July 24, 2007

At its November 17, 2006, public hearing, the Air Resources Board (the Board or ARB) approved amendments to the California Consumer Products Regulation and the Aerosol Coatings Regulation, sections 94507-94517, and 94520-94528, title 17, California Code of Regulations (CCR). The amendments to the Consumer Products Regulation set new volatile organic compound (VOC) limits for 15 categories of products, prohibit the use of chlorinated toxic compounds in certain categories, adjust the VOC limit for "Nail Polish Removers," and revise or clarify other requirements. Amendments made to both regulations also clarify that certain products are regulated under either the Consumer Products Regulation or the Aerosol Coatings Regulation, but not both.

At the hearing, the Board approved modifications to the regulations originally proposed in the Staff Report released on September 29, 2006, in response to comments received since the Staff Report was published. In some instances, the Board directed staff to prepare modifications addressing particular issues. The approved modifications, including those prepared by staff at the Board's direction, are summarized below:

- The effective date of new VOC limits for four product categories: "Brake Cleaners," "Carburetor or Fuel-injection Air Intake Cleaners," "Engine Degreasers," and aerosol "General Purpose Degreasers," was changed from December 31, 2008, to December 31, 2010. Pursuant to a recommendation from staff, proposed interim VOC limits, effective December 31, 2008, were added for "Brake Cleaners," "Carburetor or Fuel-injection Air Intake Cleaners," and aerosol "General Purpose Degreasers."
- Staff originally proposed a modification to the definition of "Rubber/Vinyl Protectant" to clarify that all products used on tires are subject to the Consumer Products Regulation. At the November 17, 2006, Board hearing, staff was directed to work with interested parties to further modify the definitions to ensure that products used on substrates other than tires and currently subject to the Aerosol Coatings Regulation continue to be regulated as aerosol coatings. To carry out this direction, staff has added modifications to the definition of "Rubber/Vinyl Protectant" and section 94523(a) of the Aerosol Coatings

Regulation. These modifications classify products used on vehicle tires as consumer products subject to the Consumer Products Regulation, and all other aerosol rubber/vinyl protectants as aerosol products subject to the Aerosol Coatings Regulation.

- A modification was included to clarify the definition of “Fabric Protectant.”
- Further modifications were made to the definitions for the “Disinfectant” and “Sanitizer” categories to exclude pre-moistened wipe or towelette products sold exclusively to medical, convalescent, or veterinary establishments.
- Staff was directed at the November 17, 2006, Board hearing to continue to work with manufacturers to clarify requirements for products that could be subject to multiple VOC limits, such as cleaner/disinfectant products. Clarifying wording was included in the definitions of “Disinfectant,” “Fabric Protectant,” “Fabric Refresher,” “Multi-purpose Solvent,” “Rubber/Vinyl Protectant,” and “Sanitizer” to address overlapping label claims and applicable product categories. Clarifying wording was also added to section 94512(a)(3) (the “Most Restrictive Limit” provision) to address this issue.
- The effective date of the “Electronic Cleaner” standard was changed from December 31, 2006, to December 31, 2007, to allow manufacturers more time to evaluate reformulation options. In addition, the definition of “Electronic Cleaner” was modified to exclude products used to clean/degrease energized electronic equipment, and are labeled “Energized Electronic Equipment use only.” “Electronic Cleaner” may not contain methylene chloride, perchloroethylene, or trichloroethylene exceeding 0.01 percent by weight.
- A modification was made to the “Multi-purpose Solvent” definition to clarify that the revised definition will apply only to products manufactured on or after January 1, 2008.
- Several minor modifications, such as renumbering subsections and correcting dates, were also made to the regulatory language.

Enclosed is a copy of Board Resolution 06-42 (Enclosure 1) approving the amendments to sections 94507-94517, and 94523, title 17, CCR, as modified. The regulatory documents for this rulemaking are available online at the following ARB internet site: <http://www.arb.ca.gov/regact/cpwg2006/cpwg2006.htm>

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to make modified amendments to sections 94507-94517, and 94523, title 17, CCR, available to the public for comment for a period of at least 15 days. The modified text of the regulations is attached as “Enclosure 2.” The Board directed the Executive Officer to then adopt the modified amendments, provided that the Executive Officer shall consider such written comments as may be submitted during this period,

make such modifications as may be appropriate in light of the comments received, and present the regulations to the Board for further consideration if warranted.

Written comments on the modifications approved by the Board may be submitted by postal mail, electronic mail, or facsimile 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>

Facsimile submittal: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the 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 shall be considered by the Executive Officer.

Enclosures