

Proposed Modified Regulatory Language for 15-day Public Comment Period

Note: Shown below are the staff's modifications to the originally proposed regulatory text set forth in Appendix B to the Staff Report: Initial Statement of Reasons, released August 7, 2009. Only those portions containing the modifications are included. This document is printed in a style to indicate changes from the originally proposed regulatory language. All originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Staff's modifications to the original proposal are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions.

Consumer Products Regulation

Proposed Modifications to section 94508, Definitions.

Modify title 17, California Code of Regulations (CCR), section 94508(a) to read as follows:

...

(13) "Aromatic Compound" means a ~~VOC~~ carbon containing compound that contains one or more benzene or equivalent heterocyclic rings and has an initial boiling point less than or equal to 280°C. "Aromatic Compound" does not include compounds excluded from the definition of Volatile Organic Compound (VOC) in this Section 94508(a).

...

(87) "Industrial Maintenance Coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed below and labeled "For industrial use only;" ~~or~~ "For professional use only;" "Not for residential use;" or "Not intended for residential use."

(A) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation; or

(B) Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or

(C) Frequent exposure to temperatures above 121°C (250°F); or

(D) Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or

(E) Exterior exposure of metal structures and structural components.

...

(106)~~(102)~~ "Multi-purpose Solvent" means:

- (A) for products manufactured before January 1, 2008: any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. "Multi-purpose Solvent" includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. "Multi-purpose Solvent" does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
- (B) for products manufactured on or after January 1, 2008: any liquid product designed or labeled to be used for dispersing, ~~or~~ dissolving, or removing contaminants or other organic materials. "Multi-purpose Solvent" also includes: ~~(A)~~(1) products that do not display specific use instructions on the product container or packaging, ~~(B)~~(2) products that do not specify an end-use function or application on the product container or packaging, and ~~(C)~~(3) solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories; (4) "Paint Clean-up" products, and (5) products labeled to prepare surfaces for painting. For the purposes of this definition only, "Paint clean-up" means any liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals. "Multi-purpose Solvent" does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment. "Multi-purpose Solvent" also does not include any product making any representation that the product may be used as, or is suitable for use as a consumer product which qualifies under another definition in section 94508; such products are not Multi-purpose Solvents and are subject to the "Most Restrictive Limit" provision of section 94512.

...

~~(114) "Paint Clean-up" means any liquid product labeled for cleaning oil based or water based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals.~~

(114)~~(115)~~(110) "Paint Remover or Stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. "Paint Remover or Stripper" does not include "Multi-purpose Solvent," paint brush cleaners, products designed and

labeled exclusively as “Graffiti Remover,” and hand cleaner products that claim to remove paints and other related coatings from skin.

~~(115)(116)~~(111)“Paint Thinner” means any liquid product used for reducing the viscosity of coating compositions or components, that prominently displays the term “Paint Thinner,” “Lacquer Thinner,” “Thinner,” or “Reducer” on the front panel of its packaging. “Paint Thinner” does not include thinners labeled for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, and High Temperature Coatings. “Paint Thinner” also does not include products labeled and used exclusively as a component in a specific coating. “Paint Thinner” also does not include “Artist’s Solvent/Thinner.”

~~(116)(117)~~(112)“Penetrant” means a lubricant designed or labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. “Penetrant” does not include “Multi-purpose Lubricant” that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

~~(117)(118)~~(113)“Person” shall have the same meaning as defined in Health and Safety Code Section 39047.

~~(118)(119)~~(114) “Personal Fragrance Product” means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including, but not limited to, cologne, perfume, aftershave, toilet water, lotion, powder, body mist, and body spray. “Personal Fragrance Product” does not include: (A) Deodorant, as defined in section 94501(d); (B) medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; (C) mouthwashes, breath fresheners and deodorizers; (D) lotions, moisturizers, powders or other skin care products designed or labeled to be used primarily to alleviate skin conditions such as dryness and irritations; (E) products designed exclusively to be applied to human genitalia areas, undergarments, and any paper products, napkins or other products that are affixed to undergarments, such as sanitary pads; (F) soaps, shampoos, and products primarily used to clean the human body; and (G) fragrance products designed to be used exclusively on non-human animals.

~~(119)(120)~~(115)“Pesticide” means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term “pesticide” will not include any substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.

~~(120)(121)~~(116)“Pressurized Gas Duster” means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents. “Pressurized

Gas Duster” does not include “Dusting Aid,” “General Purpose Cleaner,” “Electrical Cleaner,” “Electronic Cleaner,” “Energized Electrical Cleaner,” or “Anti-Static Product.” Pressurized Gas Duster does not include products labeled exclusively to remove dust from equipment where dust removal is accomplished when: electric current exists; residual electrical potential from a component such as a capacitor exists; or an open flame exists, as long as the “Principal Display Panel” clearly displays the statement: “Energized Equipment use only.”

~~(121)(122)~~(117) “Principal Display Panel or Panels” means that part, or those parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the “principal display panel” shall pertain to all such “principal display panels.”

~~(122)(123)~~(118) “Product Brand Name” means the name of the product exactly as it appears on the principal display panel of the product.

~~(123)(124)~~(119) “Product Category” means the applicable category which best describes the product as listed in this Section 94508.

~~(124)(125)~~(120) “Product Form,” for the purpose of complying with Section 94513 only, means the applicable form which most accurately describes the product's dispensing form as follows:

- A = Aerosol Product
- S = Solid
- P = Pump Spray
- L = Liquid
- SS = Semisolid
- O = Other

~~(125)(126)~~(121) “Propellant” means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

~~(126)(127)~~(122) “Pump Spray” means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

~~(127)(128)~~(123) “Responsible Party” means the company, firm or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was “manufactured for” or “distributed by,” as noted on the label.

~~(128)(129)(124)~~ "Restricted Materials" means pesticides established as restricted materials under Title 3, California Code of Regulations, section 6400.

~~(129)(130)(125)~~ "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.

~~(130)(131)(126)~~ "Retail Outlet" means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

~~(131)(132)(127)~~ "Rubber/Vinyl Protectant" means:

- (A) for products manufactured before December 31, 2008: any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. "Rubber/Vinyl Protectant" does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.
- (B) for products manufactured on or after December 31, 2008: any product labeled to protect, preserve or renew vinyl, or rubber on vehicles, tires, luggage, furniture, and/or household products such as vinyl covers, clothing, or accessories. "Rubber/Vinyl Protectant" does not include: products labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners; tire cleaners that do not leave an appearance-enhancing or protective substance on the tire; pigmented products designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of rubber or vinyl substrates; or products, other than those labeled to be used on vehicle tires, qualifying as either "Clear Coating" or "Vinyl/Fabric/Leather/Polycarbonate Coating" under section 94521(a).

~~(132)(133)(128)~~ "Rubbing Alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

~~(133)(134)(129)~~ "Sanitizer" means a product that is labeled as a "sanitizer," or is labeled to reduce, but not necessarily eliminate, microorganisms in the air, on surfaces, or on inanimate objects, and whose label is registered as a "sanitizer" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. section 136 et seq.). Products that are labeled as both a "sanitizer" and a "disinfectant" are considered disinfectants. "Sanitizer" does not include (A) "Disinfectant," (B) products labeled solely for use on humans or animals, (C) products labeled solely for agricultural use, (D) products labeled solely for use in swimming pools, therapeutic tubs, or hot tubs, (E) products which are labeled to be used on heat

sensitive critical or semi-critical medical devices or medical equipment surfaces, (F) products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent or veterinary establishments (G) products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food, or (H) products which are labeled as “Bathroom and Tile Cleaner,” “Glass Cleaner,” “General Purpose Cleaner,” “Toilet/Urinal Care Product,” “Metal Polish,” “Carpet Cleaner,” or “Fabric Refresher” that may also make sanitizing or anti-microbial claims on the label.

~~(134)(135)~~(130) “Sealant or Caulking Compound” means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. “Sealant or Caulking Compound” does not include roof cements and roof sealants; insulating foams; removable caulking compounds; clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; or sealers that are applied as continuous coatings. “Sealant or Caulking Compound” also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. For the purposes of this definition only:

“Removable caulking compounds” means a compound which temporarily seals windows or doors for three to six month time intervals.

“Clear/paintable/water resistant caulking compounds” means a compound which contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

“Sealant or Caulking Compound” is divided into two subcategories:

(A) “Chemically Curing Sealant or Caulking Compound” means any “Sealant or Caulking Compound” which achieves its final composition and physical form through a chemical curing process, where product ingredients participate in a chemical reaction in the presence of a catalyst that causes a change in chemical structure and leads to the release of chemical byproducts.

“Chemically Curing Sealant or Caulking Compound” includes, but is not limited to, products that utilize silicone, polyurethane, silyl-terminated polyether, or silyl-terminated polyurethane reactive chemistries. “Chemically Curing Sealant or Caulking Compound” does not include products which are not solely dependent on a chemically curing process to achieve the cured state.

(B) “Non-Chemically Curing Sealant or Caulking Compound” means any “Sealant or Caulking Compound” not defined under “Chemically Curing Sealant or Caulking Compound.”

~~(135)(136)~~(131) “Semisolid” means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and

greases.

~~(136)(137)~~(132) "Shaving Cream" means an aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair. "Shaving Cream" does not include "Shaving Gel."

~~(137)(138)~~(133) "Shaving Gel" means an aerosol product which dispenses a post-foaming semi-solid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. "Shaving Gel" does not include "Shaving Cream."

~~(138)(139)~~(134) "Silicone-based Multi-purpose Lubricant" means any lubricant which is:

(A) designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and

(B) designed and labeled for general purpose lubrication, or for use in a wide variety of applications. "Silicone-based Multi-purpose Lubricant" does not include products designed and labeled exclusively to release manufactured products from molds.

~~(139)(140)~~(135) "Single Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

~~(140)(141)~~(136) "Solid" means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90 (May 25, 1990) Standard Test Method for Determining Whether a Material Is a Liquid or a Solid, which is incorporated by reference herein.

~~(141)(142)~~(137) "Special Purpose Spray Adhesive" means an aerosol adhesive that meets any of the following definitions:

(A) "Mounting Adhesive" means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

(B) "Flexible Vinyl Adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 (Jan. 25, 1991)

Standard Practice for Packed Column Gas Chromatography, which is incorporated by reference herein, or from product formulation data.

- (C) "Polystyrene Foam Adhesive" means an aerosol adhesive designed to bond polystyrene foam (e.g. Styrofoam®, expanded polystyrene foam, etc.) to substrates.
- (D) "Automobile Headliner Adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.
- (E) "Polyolefin Adhesive" means an aerosol adhesive designed to bond polyolefins (e.g. polyethylene, polypropylene, etc.) to substrates.
- (F) "Laminate Repair/Edgebanding Adhesive" means an aerosol adhesive designed for:
- (1) the touch-up or repair of items laminated with high pressure laminates (e.g. lifted edges, delaminations, etc.), or for
 - (2) the touch-up, repair, or attachment of edgebanding materials, including, but not limited to, other laminates, synthetic marble, veneers, wood moulding, and decorative metals.

For the purposes of this definition "high pressure laminate" means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

- (G) "Automotive Engine Compartment Adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200-275° F.

~~(142)(143)~~(138) "Spot Remover" means any product labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, or clothing, that does not require subsequent laundering to achieve stain removal. "Spot Remover" does not include "Dry Cleaning Fluid," "Laundry Prewash," or aerosol products labeled solely for gum removal.

~~(143)(144)~~(139) "Spray Buff Product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

~~(144)(145)~~(140) "Table B Compound" means any carbon-containing compound listed as an exception to the definition of VOC in Section 94508.

~~(145)(146)~~(141) "Temporary Hair Color" means any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when

washed. "Temporary Hair Color" includes hair color mousses and products labeled to add texture or thickness to cover thinning/balding areas. "Temporary Hair Color" does not include "Hair Spray," "Hair Styling Product," or "Hair Mousse."

~~(146)~~~~(147)~~(142) "Terrestrial" means to live on or grow from land.

~~(147)~~~~(148)~~(143) "Tire or Wheel Cleaner" means a product designed or labeled exclusively to clean either tires, wheels, or both. "Tire or Wheel Cleaner" includes, but is not limited to, products for use in commercial, fleet, hand, and "drive-through" car washes; commercial truck washing or large vehicle washing stations; vehicle dealers and repair shops, as well as household consumer products. "Tire or Wheel Cleaner" does not include products labeled for use exclusively on locomotives or aircraft.

~~(148)~~~~(149)~~(144) "Tire Sealant and Inflator" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

~~(149)~~~~(150)~~(145) "Toilet/Urinal Care Product" means any product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals includes, but is not limited to, toilets or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. "Toilet/Urinal Care Product" does not include "Bathroom and Tile Cleaner" or "General Purpose Cleaner."

~~(150)~~~~(151)~~(146) "Type A Propellant" means a compressed gas such as CO₂, N₂, N₂O, or compressed air which is used as a propellant, and is either incorporated with the product or contained in a separate chamber within the product's packaging.

~~(151)~~~~(152)~~(147) "Type B Propellant" means any halocarbon which is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

~~(152)~~~~(153)~~(148) "Type C Propellant" means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

~~(153)~~~~(154)~~(149) "Undercoating" means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. "Undercoating" includes, but is not limited to, rubberized, mastic, or asphaltic products.

~~(154)~~~~(155)~~(150) "Usage Directions" means the text or graphics on the product's principal display panel, label, or accompanying literature which describes to the end user how and in what quantity the product is to be used.

~~(155)~~~~(156)~~(151) "Volatile Organic Compound (VOC)" means any compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

- (A) methane,
methylene chloride (dichloromethane),
1,1,1-trichloroethane (methyl chloroform),
trichlorofluoromethane (CFC-11),
dichlorodifluoromethane (CFC-12),
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113),
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114),
chloropentafluoroethane (CFC-115),
chlorodifluoromethane (HCFC-22),
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123),
1,1-dichloro-1-fluoroethane (HCFC-141b),
1-chloro-1,1-difluoroethane (HCFC-142b),
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124),
trifluoromethane (HFC-23),
1,1,2,2-tetrafluoroethane (HFC-134),
1,1,1,2-tetrafluoroethane (HFC-134a),
pentafluoroethane (HFC-125),
1,1,1-trifluoroethane (HFC-143a),
1,1-difluoroethane (HFC-152a),
ethoxy-nonafluorobutane (HFE 7200),
cyclic, branched, or linear completely methylated siloxanes,
the following classes of perfluorocarbons:
1. cyclic, branched, or linear, completely fluorinated alkanes;
 2. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 3. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 4. sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, and
- (B) the following low-reactive organic compounds which have been exempted by the U.S. EPA:
- acetone,
ethane,
methyl acetate,

parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene),
perchloroethylene (tetrachloroethylene).

~~(156)(157)(152)~~ "VOC Content" means the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined pursuant to sections 94515(a) and (b).

~~(157)(158)(153)~~ "Wasp and Hornet Insecticide" means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.

~~(158)(159)(154)~~ "Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. "Waterproofer" does not include "Fabric Protectant."

~~(159)(160)(155)~~ "Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). "Wax" includes, but is not limited to, substances derived from the secretions of plants and animals such as carnuba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

~~(160)(161)(156)~~ "Web Spray Adhesive" means any aerosol adhesive which is not a "Mist Spray Adhesive" or "Special Purpose Spray Adhesive."

~~(161)(162)(157)~~ "Windshield Water Repellent" means a product designed or labeled exclusively to repel water from motor vehicle exterior automotive glass surfaces. "Windshield Water Repellent" does not include "Automotive Windshield Washer Fluid."

~~(162)(163)(158)~~ "Wood Cleaner" means a product labeled to clean wooden materials including but not limited to decking, fences, flooring, logs, cabinetry, and furniture. "Wood Cleaner" does not include "Dusting Aid," "General Purpose Cleaner," "Furniture Maintenance Product," "Floor Wax Stripper," "Floor Polish or Wax," or products designed and labeled exclusively to preserve or color wood.

~~(163)(164)~~ "Zinc-Rich Primer" means a coating that meets all the following specifications: (A) coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and (B) coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and (C) coating is intended for professional use only and labeled "For Professional Use Only;" "For Industrial Use Only;" "Not for residential use;" or "Not intended for residential use."

Proposed Modifications to section 94509, Standards for Consumer Products.

Modify title 17, CCR, section 94509(u) to read as follows:

(u) Requirements for Multi-purpose Solvent and Paint Thinner.

- (1) Except as provided below in sections 94509(u)(2) and (u)(4), effective December 31, 2010, no person shall sell, supply, offer for sale, or manufacture for use in California any Multi-purpose Solvent or Paint Thinner that contains any of the following:
 - (A) chemical compounds that have a Global Warming Potential (GWP) Value of 150 or greater;
 - (B) methylene chloride, perchloroethylene, or trichloroethylene;
 - (C) greater than 1% "Aromatic Compounds" content by weight.
- (2) Sell-through of Products. Multi-purpose Solvents and Paint Thinners that contain any chemical compound that has a GWP Value of 150 or greater; methylene chloride, perchloroethylene, or trichloroethylene; or greater than 1% "Aromatic Compounds" content by weight; and were manufactured before December 31, 2010, may be sold, supplied, offered for sale until December 31, 2013, so long as the product complies with the product dating requirements in section 94512(b).

Proposed Modifications to section 94512, Administrative Requirements.

Modify title 17, CCR, section 94512(e) to read as follows:

(e) Additional Requirements for Multi-purpose Solvent and Paint Thinner.

- ~~(1) In addition to the requirements specified in section 94512(a), (b), and (c), both the manufacturer and responsible party for each Multi-purpose Solvent and Paint Thinner sold or offered for sale in areas of California outside the South Coast Air Quality Management District shall ensure that all products manufactured on or after the effective date for the category specified in section 94509(a), meet the following requirements:~~
 - ~~(A) Each product container must clearly display the VOC content in percent by weight as determined from actual formulation data.~~
 - ~~(B) The information required by this subsection 94512(e)(1), shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container~~

~~or packaging.~~

~~(G) No person shall remove, alter, conceal, or deface the information required by this subsection 94512(e)(1) prior to final sale of the product.~~

~~(2) The following requirements apply in addition to the requirements specified in section 94512(a), (b), and (c), and (e)(1):~~

~~(1)(A) Except as provided below in section 94512(e)(2)(B), effective December 31, 2010, until December 31, 2015, no person shall sell, supply, offer for sale, or manufacture for use in California any “Flammable” or “Extremely Flammable” Multi-purpose Solvent or Paint Thinner named, on the Principle Display Panel as “Paint Thinner,” “Multi-purpose Solvent,” “Clean-up Solvent,” or “Paint Clean-up.”~~

~~(2)(B) Section 94512(e)(2)(1)(A) does not apply to products that meet either any of the following criteria:~~

~~(A)4. Products which include an attached “hang tag,” or sticker, or contrasting square or rectangular area on the Principle Display Panel that displays, at a minimum, the following statements: “Formulated to meet California VOC limits; see warnings on label; Veá las advertencias en la etiqueta, formulado complacientes con leyes de California.” in a font size as large as or larger than the “signal word” as specified in title 16, Code of Federal Regulations, section 1500.121, “DANGER,” “WARNING,” or “CAUTION,” or~~

~~(B)2. Products where the Principle Display Panel displays, in English and Spanish and a font size as large as or larger than the font size of any other words on the panel, the common name of the chemical compound (e.g., “Acetone,” “Methyl acetate,” etc.) that results in the product meeting the criteria for “Flammable” or “Extremely Flammable.”~~

~~(3)(C) For the purposes of this subsection (e)(2), a product is “Flammable” or “Extremely Flammable” if it is labeled as “Flammable” or “Extremely Flammable” on the product container, or if the product meets the criteria for these terms specified in title 16, Code of Federal Regulations, section 1500.3(c)(6).~~

Proposed Modifications to section 94515, Test Methods.

Modify title 17, CCR, section 94515 to read as follows:

(c) Aromatic Compound content determination for Multi-purpose Solvent or Paint Thinner using ARB Method 310. Testing to determine compliance with the

requirements of section 94509(u)(1)(C), shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997 and as last amended on [Date of Amendment], which is incorporated by reference herein. Alternative test methods that are demonstrated to be equally or more accurate than ARB Method 310 in determining the Aromatic Compound content in a product or its emissions may be used upon the written approval of the Executive Officer.

(d) Aromatic Compound content determinations for Multi-purpose Solvent or Paint Thinner using product formulation and records. Testing to determine compliance with the requirements of section 94509(u)(1)(C) may also be demonstrated through calculation of Aromatic Compound content from records of the amounts of constituents used to make the product pursuant to the following criteria:

- (1) Compliance determinations based on these records may not be used unless the manufacturer of a Multi-purpose Solvent or Paint Thinner keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three years.
- (2) For the purposes of this section 94515(d), the Aromatic Compound content shall be calculated according to the following equation:

$$\text{Aromatic Compound Content} = \frac{E}{D} \times 100$$

where,

D = total net weight of unit (excluding container and packaging)

E = total weight of all Aromatic Compounds, as defined in Section 94508(a), per unit

(3) If product records appear to demonstrate compliance with the Aromatic Compound limit, but these records are contradicted by product testing performed using ARB Method 310, the results of ARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this article.

(e)(e) Determination of liquid or solid. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (May 25, 1990), which is incorporated by reference herein.

(f)(e) Compliance determinations for charcoal lighter material products. Testing to determine compliance with the certification requirements for charcoal lighter material shall be performed using the procedures specified in the South Coast Air Quality

Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 28, 1991), which is incorporated by reference herein.

~~(g)(e)~~ Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-01 Aug. 10, 2001, which is incorporated by reference herein.

~~(h)(f)~~ Fragrance content determinations for personal fragrance products. Testing to determine the percent by weight of fragrance in personal fragrance products shall be performed according to the Association of Official Analytical Chemists (AOAC) Official Method of Analysis No. 932.11, 1990, "Essential Oil in Flavor Extracts and Toilet Preparations, Babcock Method" (AOAC Official Methods of Analysis, 15th Edition, 1990), which is incorporated by reference herein.

~~(i)(g)~~ No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other test, processes, or records used in connection with product manufacture.

~~(h)~~ ~~VOC and Aromatic compound content determination for Multi-purpose Solvent and Paint Thinner products using ARB Method 310.~~

~~(1) VOC content:~~

~~Testing to determine compliance with the requirements of this article, shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997 and as last amended on [Date of Amendment], which is incorporated herein by reference. Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon approval of the Executive Officer.~~

~~(2) Aromatic compound content:~~

~~Testing to determine aromatic compound content shall be conducted using ARB Method 310 in conjunction with product formulation data.~~

~~(1)(A) Upon written notification from the Executive Officer, the Multi-purpose Solvent or Paint Thinner responsible party or manufacturer shall have 10-30 working days to provide to the Executive Officer, in writing, formulation data as specified in part (A) (i) for products selected for compliance testing:~~

~~(A)(1) The weight fraction to the nearest 0.1 percent of each ingredient including: water, VOC, LVP VOC, total inorganic compounds, and any compound specified in section 94508(a)(152). For hydrocarbon solvents the BIN number as listed in section 94701 (a) or (b), and the initial boiling point and dry point of the solvent shall be specified. Individual compounds~~

~~present in an amount less than 0.1 percent by weight, are not required to be reported.~~

~~(B)(2) By March 1, 2010, and each year thereafter the responsible party shall provide to the Executive Officer contact information for the person who is to receive the letter.~~

~~(C)(3) For the purpose of this subsection a Material Safety Data Sheet does not meet the requirement for formulation data.~~

~~(2)(B) A violation is established if:~~

~~(A)(1) the formulation data supplied by the responsible party or manufacturer shows that the product does not meet the applicable VOC or aromatic content standard; and/or~~

~~(B)(2) the responsible party or manufacturer fails to respond to the notice and provide formulation data within the 10 30 working day specified time frame specified in this subsection.~~