

FINAL REGULATION ORDER

REGULATION FOR REDUCING THE OZONE FORMED FROM AEROSOL COATING PRODUCT EMISSIONS

SUBCHAPTER 8.5 CONSUMER PRODUCTS

Article 3. Aerosol Coating Products

[NOTE: Proposed amendments are shown in underline to indicate additions and ~~strike-out~~ to indicate deletions.]

Amend title 17, California Code of Regulations as follows:

[No changes are proposed to sections 94520-94525]

Amend section 94526 as follows:

94526. Test Methods.

Compliance with the requirements of this article shall be determined by using the following test methods, which are incorporated by reference herein. Alternative test methods which are shown to accurately determine the VOC content, ingredient name and weight percent of each ingredient, exempt compound content, metal content, specular gloss, or acid content may also be used after approval in writing by the Executive Officer:

(a) Testing for Products Subject to the VOC Limits Specified in Section 94522(a)(2).

(1) VOC Content. The VOC content of all aerosol coating products subject to the provisions of this article shall be determined by the procedures set forth in "Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products," adopted September 25, 1997 and as last amended on ~~July 18, 2004~~ May 5, 2005.

(2) In sections 3.5 and 3.7 of Air Resources Board (ARB) Method 310, a process is specified for the "Initial Determination of VOC Content" and the "Final Determination of VOC Content". This process is an integral part of testing procedure set forth in ARB Method 310, and is reproduced below:

Sections 3.5 and 3.7 of Air Resources Board Method 310

3.5 Initial Determination of VOC Content. The Executive Officer will determine the VOC content pursuant to section 3.2 and 3.3. Only those components with concentrations equal to or greater than

0.1 percent by weight will be reported.

3.5.1 Using the appropriate formula specified in section 4.0, the Executive Officer will make an initial determination of whether the product meets the applicable VOC standards specified in ARB regulations. If initial results show that the products does not meet the applicable VOC standards, the Executive Officer may perform additional testing to confirm the initial results.

3.5.2 If the results obtained under section 3.5.1 show that the products does not meet the applicable VOC standards, the Executive Officer will request the product manufacturer or responsible party to supply product formulation data. The manufacturer or responsible party shall supply the requested information. Information submitted to the ARB Executive Officer may be claimed as confidential; such information will be handled in accordance with the confidentiality procedures specified in Title 17, California Code of Regulations, sections 91000 to 91022.

3.5.3 If the information supplied by the manufacturer or responsible party shows that the product does not meet the applicable VOC standards, then the Executive Officer will take appropriate enforcement action.

3.5.4 If the manufacturer or responsible party fails to provide formulation data as specified in section 3.5.2, the initial determination of VOC content under this section 3.5 shall determine if the product is in compliance with the applicable VOC standards. This determination may be used to establish a violation of ARB regulations.

3.7 Final Determination of VOC Content. If a product's compliance status is not satisfactorily resolved under section 3.5 and 3.6, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.

3.7 .1 If the accuracy of the supplied formulation data is verified and the product sample is determined to meet the applicable VOC standards, then no enforcement action for violation of the VOC standards will be taken.

3.7.2 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer will request the product manufacturer or responsible party to supply information to explain the discrepancy.

3.7.3 If there exists a discrepancy that cannot be resolved between the results of Method 310 and the supplied formulation data, then the results of Method 310 shall take precedence over the supplied formulation data. The results of Method 310 shall then determine if the product is in compliance with the applicable VOC standards, and may be used to establish a violation of ARB regulations.

(b) Testing for Products Subject to the Reactivity Limits Specified in Section 94522(a)(3).

(1) The ingredients and the amount of each ingredient of all aerosol coating products subject to the provisions of this article shall be determined by the procedures set forth in "Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products," adopted September 25, 1997 and as last amended on ~~July 18, 2004~~ May 5, 2005.

(2) Upon written notification from the Executive Officer, the aerosol coating manufacturer shall have 10 working days to provide to the Executive Officer the following information for products selected for testing:

(A) the product category as defined in section 94521(a);

(B) the PWMIR;

(C) the weight fraction of all ingredients including: water, solids, each ROC, and any compounds assigned a MIR value of zero as specified in sections 94522(h), 94700, or 94701 [Each ROC must be reported as an ingredient if it is present in an amount greater than or equal to 0.1 percent by weight of the final aerosol coatings formulation. If an individual ROC is present in an amount less than 0.1 percent by weight, then it does not need to be reported as an ingredient. In addition, an impurity that meets the following definition does not need to be reported as an ingredient.

For the purpose of this section, an "impurity" means an individual chemical compound present in a raw material which is incorporated into the final aerosol coatings formulation, if the compound is present below the following amounts in the raw material:

(i) for individual compounds that are carcinogens, as defined in 29 CFR section 1910.1200(d)(4), each compound must be present in an amount less than 0.1 percent by weight in order to be considered an "impurity."

- (ii) for all other compounds present in a raw material, a compound must be present in an amount less than 1 percent by weight in order to be considered an “impurity”];
 - (D) any other information necessary to determine the PWMIR of the aerosol coating products to be tested.
- (3) Final determination of the PWMIR of the aerosol coatings shall be determined using the information obtained from section 94526(b)(1) and (2).
- (c) Exempt Compounds from Products Subject to the VOC Limits Specified in Section 94522(a)(2). Compounds exempt from the definition of VOC shall be analyzed according to the test methods listed below:
 - (1) the exempt compound content of aerosol coating products shall be determined by “Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products,” adopted September 25, 1997 and as last amended on ~~July 18, 2004~~ May 5, 2005, which is incorporated herein by reference.
 - (2) the following classes of compounds will be analyzed as exempt compounds only if manufacturers specify which individual compounds are used in the product formulations and identify the test methods, which prior to such analysis, have been approved by the Executive Officer of the ARB, and can be used to quantify the amounts of each exempt compound: cyclic, branched, or linear, completely fluorinated alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (d) Metal Content. The metal content of metallic aerosol coating products shall be determined by South Coast Air Quality Management District (SCAQMD) Test Method 318-95 “Determination of Weight Percent Elemental Metal in Coatings by X-ray Diffraction” July 1996, which is incorporated herein by reference.
- (e) Specular Gloss. Specular gloss of flat and nonflat coatings shall be determined by ASTM Method D-523-89, March 31, 1989, which is incorporated herein by reference.
- (f) Acid Content. The acid content of rust converters shall be determined by ASTM Method D-1613-~~94~~96, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish.

Lacquer, and Related Products, ~~May 15, 1991~~, May 10, 1996, which is incorporated herein by reference.

- (g) Lacquers. Lacquer aerosol coating products shall be identified according to the procedures specified in ASTM Method D-5043-90, "Standard Test Methods for Field Identification of Coatings," April 27, 1990, which is incorporated herein by reference.

NOTE: Authority cited: Sections 39600, 39601, 39607, 41511, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 39607, 40000, 41511, and 41712, Health and Safety Code.

No changes were made to section 94527 or 94528.