

FINAL REGULATION ORDER

REGULATION FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS FROM CONSUMER PRODUCTS

Amend Article 2, Consumer Products, Sections 94509, 94513, and 94514, Title 17, California Code of Regulations, to read as follows:

[Note: The new text is shown in **bold/underline**. Text to be removed is shown in ~~strikeout~~.]

SUBCHAPTER 8.5 CONSUMER PRODUCTS

Article 2. Consumer Products

94509. Standards for Consumer Products

- (a) Except as provided in Sections 94510, 94511, and 94514, 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

Product Category	Percent Volatile Organic Compounds by Weight		Future Effective (Date)
	1/1/93	1/1/94	
Air Fresheners			
Single Phase Aerosols	70		30 (1/1/96)
Double Phase Aerosols	30		
Liquids/Pump Sprays	18		
Solids/Gels	3		
Dual Purpose Air Freshener/ Disinfectant Aerosols		60	

**Table of Standards
(continued)**

Product Category	1/1/93	1/1/94	Future Effective (Date)
Percent Volatile Organic Compounds by Weight			
Automotive Windshield Washer Fluids:			
Type A Areas*	35		
All Other Areas	10		
Bathroom and Tile Cleaners			
Aerosols		7	
All Other Forms		5	
Engine Degreasers	75		50 (1/1/96)
Floor Polishes/Waxes			
Products for Flexible Flooring Materials		7	
Products for Nonresilient Flooring		10	
Wood Floor Wax		90	
Furniture Maintenance Products			
Aerosols		25	
All Other Forms Except Solid or Paste Forms		7	
General Purpose Cleaners		10	
Glass Cleaners			
Aerosols	12		
All Other Forms	8		6 (1/1/96)

* 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.

**Table of Standards
(continued)**

Percent Volatile Organic Compounds by Weight

Product Category	1/1/93	1/1/94	Future Effective (Date)
Hairsprays	80		55 (1/1/98) (6/1/99)
Hair Mousses		16	
Hair Styling Gels		6	
Insect Repellents Aerosols		65	
Laundry Prewash Aerosols/Solids		22	
All Other Forms		5	
Nail Polish Removers		85	75 (1/1/96)
Oven Cleaners Aerosols/Pump Sprays	8		
Liquids	5		
Shaving Creams		5	

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**Table of Standards
(Phase II)**

Percent Volatile Organic Compounds by Weight

Product Category	1/1/95	Future Effective (Date)
Adhesives		
Aerosol [See 94509(i)]	75	25 (1/1/2002)*
Contact	80	
Construction and Panel	40	
General Purpose	10	
Aerosol Cooking Sprays	18	
Automotive Brake Cleaners		50 (1/1/97)
Charcoal Lighter Material	See 94509(h)	
Carburetor-Choke Cleaners	75	
Dusting Aids		
Aerosol	35	25 (1/1/97)
All Other Forms	7	
Fabric Protectants	75	60 (1/1/97)
Insecticides		
Crawling Bug	40	20 (1/1/98)
Flea and Tick	25	
Flying Bug	35	
Foggers	45	
Lawn and Garden	20	

* The Board will hold a public hearing by June 1, 2000, to review and consider any appropriate modifications to the 25 percent VOC standard for aerosol adhesives.

**Table of Standards
(Phase II - continued)**

Percent Volatile Organic Compounds by Weight

Product Category	1/1/95	Future Effective (Date)
Laundry Starch Products	5	
Personal Fragrance Products		
Products with 20% or less fragrance	80	75 (1/1/99)
Products with more than 20% fragrance	70	65 (1/1/99)

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[No modifications were made to subsections (b), (c), (d), (e), (f), (g), (h), or (i)]

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

94513. Reporting Requirements

[No modifications were made to subsections (a), (b), (c), (d), or (e)]

(f) Special Reporting Requirements for Hairsprays

This subsection (f) applies to each responsible party for any hairspray product that has greater than a 55 percent VOC content, if the responsible party intends to sell, supply, offer for sale, or manufacture the product for sale in California after January 1, 1998. Each such responsible party shall submit to the Executive Officer the following information:

- (1) On or before January 1, 1998, a compliance plan shall be submitted that details the responsible party's schedule for achieving compliance with the June 1, 1999 55 percent VOC standard for hairsprays.**

- (2) **Program updates for each compliance plan shall be submitted by the following dates: April 1, 1998, July 1, 1998, October 1, 1998, January 1, 1999, March 1, 1999 and May 1, 1999; except that the obligation to submit updates shall cease when the responsible party achieves compliance with the 55 percent VOC standard.**
- (3) **Each compliance plan and update shall include the projected sequence and dates of all key events pertaining to the development of 55 percent VOC hairspray formulas including, at a minimum, the following information: information on the types of formulations to be tested; formulation data; prototype testing; toxicity, corrosion, and stability tests; packaging and valve testing; safety and efficacy testing; consumer market testing and consumer acceptance testing; schedule for plant modifications and large scale production; the expected date of production of hairsprays that meet the June 1, 1999 standard; and a back-up plan that describes the manufacturer's intended actions should the chosen compliance method or technology not succeed.**

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

94514. Variances

- (a) Applications for variances. Any person who cannot comply with the requirements set forth in Section 94509, because of extraordinary reasons beyond the person's reasonable control may apply in writing to the Executive Officer for a variance. The variance application shall set forth:
- (1) the specific grounds upon which the variance is sought;
 - (2) the proposed date(s) by which compliance with the provisions of Section 94509 will be achieved, ~~and~~
 - (3) a compliance report reasonably detailing the method(s) by which compliance will be achieved; **and**
 - (4) **for applicants requesting a variance from the June 1, 1999 55 percent VOC standard for hairspray products, the variance application shall also include a plan describing how the applicant will mitigate the excess VOC emissions that would be emitted during the period of the variance.**

[No modifications were made to subsections (b), (c), (d), (e), (f), and (g)]

(h) Special conditions in variance orders for hairspray products. In imposing conditions in variance orders granted from the June 1, 1999 55 percent VOC standard for hairspray products, the Executive Officer, in addition to any other conditions that may be imposed, shall require the applicant to mitigate the excess VOC emissions that would be emitted during the period of the variance. If this mitigation requirement would result in an extraordinary economic hardship to the applicant, or if other good cause exists, the Executive Officer may waive all or part of this requirement.

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