

## Proposed Modified Regulatory Language for Second 15-day Public Comment Period

Note: Shown below are the staff's modifications to the proposed regulatory language set forth in Attachment 1 to the Notice of Public Availability of Modified Text that was released on January 14, 2010, for a 15-day public comment period. Only those portions containing the proposed modifications are included. For those portions for which no modifications are proposed, the text has been omitted and the omission indicated by " \* \* \* ." The originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to show deletions. The proposed modifications released on January 14, 2010, are shown in double underline to indicate additions and ~~double strikeout~~ to show deletions. The proposed modifications being made available for this Second 15-day public comment period are shown in **bold double underline** to indicate additions and **~~bold 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:*

\* \* \* \*

(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."~~ **"Paint Thinner" does not include any of the following products:**

**(A) "Artist's Solvent/Thinner:"**

**(B) products that are sold in containers with a capacity of 5 gallons or more and labeled exclusively for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature Coatings;**

**(C) products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient;**

**(D) products that meet both of the following criteria:**

**(1) the Principle Display Panel of the product displays, in a font size as large as, or larger than, the font size of all other words on the panel, language that the product is used exclusively for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or**

High Temperature Coatings, and

- (2) no representation is made anywhere on the product container or packaging, or any label or sticker attached thereto, that the product is suitable for use or may be used for any other purpose except the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature Coatings

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**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.
  - (C) 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)1. 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; Vea 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.”~~

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

(A) Products which include an attached “hang tag,” sticker, or contrasting square or rectangular area on the Principle Display Panel that displays, at a minimum, the following statements in a font size as large as, or larger than, the “signal word” (i.e., “DANGER,” “WARNING,” or “CAUTION”) as specified in title 16, Code of Federal Regulations, section 1500.121:

“Formulated to meet California VOC limits; see warnings on label; Vea las advertencias en la etiqueta, formulado complacientes con leyes de California” or

(B) Products where the Principle Display Panel displays, in both English and Spanish and in a font size as large as, or larger than, the font size of all 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).

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