State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AMENDMENTS TO THE AIRBORNE TOXIC CONTROL MEASURE FOR EMISSIONS OF HEXAVALENT CHROMIUM AND CADMIUM FROM MOTOR VEHICLE AND MOBILE EQUIPMENT COATINGS

Public Hearing Date: September 20, 2001
Public Availability Date: November 21, 2001
Deadline for Public Comment: December 10, 2001

At its September 20, 2001, public hearing, the Air Resources Board (the "Board" or "ARB") approved the adoption of section 93112, title 17, California Code of Regulations (CCR), which prohibits the use of hexavalent chromium and cadmium in motor vehicle and mobile equipment coatings (automotive coatings).

At the hearing, the staff presented, and the Board approved modifications to the regulation originally proposed in the Staff Report released on August 3, 2001, in response to comments received since the Staff Report was published. These modifications include:

- Delete section (a) "Effective Date";
- Modify section (e)(2) to specify a final date for the possession and usage provision; and
- Modify section (f) to specify a final date of manufacture for products that would qualify for the sell-through provision, and specify a final date for the sell-through provision.

Attached is a copy of Board Resolution 01-30 approving section 93112, title 17, California Code of Regulations, as modified. Attachment B to the resolution contains the language of the proposed amendments clearly identifying the modifications described above.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 93112, title 17, California Code of Regulations, after making it available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written and e-mail comments on the modifications approved by the Board must be received no later than December 10 , 2001 in order to be considered by the Executive Officer prior to final action. Only comments relating to the above-described modifications to the regulation shall be considered by the Executive Officer. Written comments must be addressed to the Clerk of the Board, P.O. Box 2815, Sacramento, CA 95812. E-mail comments must be addressed to autoref@listserv.arb.ca.gov.

Sincerely,

Peter D. Venturini, Chief
Stationary Source Division

Attachments

PROPOSED RESOLUTION WITH 15-DAY MODIFICATIONS

State of California
AIR RESOURCES BOARD

Resolution 01-30

September 20, 2001

Agenda Item No.: 01-7-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board or ARB) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, on January 23, 1986, the Board identified hexavalent chromium as a toxic air contaminant pursuant to article 3 (commencing with section 39660), chapter 3.5, part 2, division 26 of the Health and Safety Code;

WHEREAS, on January 22, 1987, the Board identified cadmium as a toxic air contaminant pursuant to article 3 (commencing with section 39660), chapter 3.5, part 2, division 26 of the Health and Safety Code;

WHEREAS, The Board determined that there is not sufficient scientific evidence to support identification of a threshold level for hexavalent chromium below which no significant adverse health effects are anticipated (see title 17, California Code of Regulations (CCR), section 93000);

WHEREAS, The Board determined that there is not sufficient scientific evidence to support identification of a threshold level for cadmium below which no significant adverse health effects are anticipated (see title 17, California Code of Regulations (CCR), section 93000);

WHEREAS, sections 39658 and 39666 of the Health and Safety Code authorize the Board to establish airborne toxic control measures (ATCMs) for substances identified as toxic air contaminants in accordance with specified criteria;

WHEREAS, for toxic air contaminants for which the Board has not specified a threshold exposure level, section 39666 of the Health and Safety Code requires ATCMs to be designed to reduce emissions to the lowest level achievable through the application of best available control technology (BACT) or a more effective control method, considering factors specified in section 39665, unless the Board determines, based on an assessment of risk, that an alternative level of emissions reduction is adequate or necessary to prevent an endangerment of public health;

WHEREAS, modeling analyses show that even the use of small amounts of coatings containing hexavalent chromium can potentially cause significant public health risks;

WHEREAS, ARB staff has surveyed manufacturers of motor vehicle and mobile equipment coatings and has determined that coatings containing hexavalent chromium are sold and used in California;

WHEREAS, ARB staff has determined that manufacturers are currently selling motor vehicle and mobile equipment coatings that do not contain hexavalent chromium as alternatives to the hexavalent chromium-containing coatings;

WHEREAS, based upon evidence of potential risk to public health from the air modeling and emissions estimates resulting from the application of motor vehicle and mobile equipment coatings that contain hexavalent chromium, ARB staff has proposed an ATCM for motor vehicle and mobile equipment coatings;

WHEREAS, because cadmium has been used in the past in motor vehicle and mobile equipment coatings, ARB staff has determined that it is a prudent pollution prevention measure to prohibit the future use of cadmium in such coatings;

WHEREAS, the South Coast Air Quality Management District and the Antelope Valley Air Pollution Control District have promulgated motor vehicle and mobile equipment coating regulations that prohibit not only the use of hexavalent chromium in motor vehicle and mobile equipment coatings, but prohibit the use of cadmium in these coatings, inclusion of a ban on cadmium use will make the proposed ATCM consistent with existing district regulations;

WHEREAS, ARB staff has worked closely with the air pollution control districts and air quality management districts (districts), the affected industry, and the public, as required by Health and Safety Code section 39665, to prepare a report identifying the need for, and appropriate degree of control of these toxic air contaminants;

WHEREAS, ARB staff has prepared a staff report entitled *Initial Statement of Reasons for Proposed Airborne Toxic Control Measure for Emissions of Hexavalent Chromium and Cadmium from Motor Vehicle and Mobile Equipment Coatings* (Initial Statement of Reasons) which provides estimates of emissions and potential cancer risk due to airborne hexavalent chromium from the application of motor vehicle and mobile equipment coatings that contain hexavalent chromium, discusses feasible control options, and the potential cost impacts to the affected industry, local districts, state, and local government for implementation and compliance with the proposed ATCM;

WHEREAS, the Initial Statement of Reasons constitutes the report on the need and appropriate degree of regulation for motor vehicle and mobile equipment coatings containing hexavalent chromium and/or cadmium as required by Health and Safety Code section 39665;

WHEREAS, in accordance with Health and Safety Code section 39665(c), the report and any relevant comments received during public consultation with the districts, affected sources, and the public were made available for public review and comment 45 days prior to the public hearing to consider the proposed ATCM;

WHEREAS, the report discusses, to the extent data could reasonably be made available, the factors specified in Health and Safety Code section 39665(b);

WHEREAS, the proposed ATCM would eliminate hexavalent chromium emissions from the application of motor vehicle and mobile equipment coatings containing hexavalent chromium;

WHEREAS, in accordance with Health and Safety Code section 39666(c), the requirements of the ATCM have been designed, in consideration of the factors specified in Health and Safety Code section 39665(b), to reduce emissions of hexavalent chromium to the lowest levels achievable through application of best available control technology (BACT);

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the proposed ATCM was made available for review and comment, and concepts and drafts of the ATCM were discussed at a public consultation meeting on May 9, 2001;

WHEREAS, in consideration of the staff report, written comments, and public testimony it has received, the Board finds that:

> Existing Federal, State, and Local regulations do not sufficiently protect the public health from hexavalent chromium emissions from motor vehicle and mobile equipment coatings;
>
> Application of motor vehicle and mobile equipment coatings containing hexavalent chromium may result in potentially harmful concentrations of hexavalent chromium entrained in the air, and these hexavalent chromium particles may pose a significant health risk to exposed members of the public;
>
> The proposed ATCM would essentially eliminate hexavalent chromium emissions from the application of motor vehicle and mobile equipment coatings;
>
> The proposed ATCM complies with the requirements of State law for control of sources of toxic air contaminants identified by the Board;
>
> The provisions of the proposed ATCM constitute the best available control technology, as required by Health and Safety Code section 39666(c) and, also constitute a pollution prevention measure;

The economic impacts of the proposed ATCM have been analyzed as required by California law, and the conclusions and supporting documentation for this analysis are set forth in the Initial Statement of Reasons;

The benefits to human health, public safety, public welfare, or the environment justify the costs of the regulatory requirements;

No alternatives considered or that have otherwise been identified and brought to the attention of the ARB would be more effective at carrying out the purpose for which the ATCM is proposed, or be as effective and less burdensome to the affected private persons and businesses than the proposed ATCM; and

The proposed ATCM will eliminate exposures to potential hexavalent chromium emissions for all communities with motor vehicle and mobile equipment coating operations.

WHEREAS, the Board further finds, in accordance with the Health and Safety Code, section 39650(e), that:

While absolute and undisputed scientific evidence may not be available to determine the exact extent of the risk from emissions of hexavalent chromium from the application of motor vehicle and mobile equipment coatings, it is necessary to take action to protect public health; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, the Board further finds that:

No significant adverse environmental impacts should occur from the proposed ATCM;

The proposed ATCM is necessary in order to protect public health by eliminating hexavalent chromium emissions from the application of motor vehicle and mobile equipment coatings.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves section 93112, title 17, California Code of Regulations, as set forth in Attachment B hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt section 93112, title 17, California Code of Regulations, after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modification as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

Resolution 01-30

September 20, 2001

Identification of Attachments to the Board Resolution

Attachment A: Proposed Airborne Toxic Control Measure for Emissions of Hexavalent Chromium and Cadmium from Motor Vehicle and Mobile Equipment Coatings (section 93112, title 17, California Code of Regulations), as set forth in Appendix A to the Initial Statement of Reasons, released August 3, 2001.

Attachment B: Staff's Suggested Modifications to the Original Proposal (distributed at the Board hearing on September 20, 2001).

Attachment A

Proposed Regulation Order: Airborne Toxic Control Measure for Emissions of Hexavalent Chromium and Cadmium from Motor Vehicle and Mobile Equipment Coatings

ATTACHMENT A

PROPOSED REGULATION ORDER
AIRBORNE TOXIC CONTROL MEASURE
FOR EMISSIONS OF HEXAVALENT CHROMIUM AND CADMIUM
FROM MOTOR VEHICLE AND MOBILE EQUIPMENT COATINGS

Adopt new section 93112 title 17, California Code of Regulations (CCR), to read as follows:

Title 17 CCR, section 93112. Hexavalent Chromium and Cadmium Airborne Toxic Control Measure -- Motor Vehicle and Mobile Equipment Coatings.

(a) **Effective Date.** No later than 120 days after the approval of this section by the Office of Administrative Law, each air pollution control and air quality management district must:

(1) Implement and enforce the requirements of this section, or

(2) Propose their own airborne toxic control measure for emissions of hexavalent chromium and cadmium from motor vehicle and mobile equipment coatings as provided in Health and Safety Code section 39666(d).

(b) **Applicability**

(1) Except as provided in subdivision (c), this section applies to any person who sells, supplies, offers for sale, distributes, or manufactures coatings for use in motor vehicle and/or mobile equipment coating activities in California.

(2) This section also applies to the owner or operator of any motor vehicle and/or mobile equipment coating facility that uses motor vehicle and/or mobile equipment coatings in California.

(3) This section does not affect the sale, supply, or distribution of any new or used motor vehicles and/or mobile equipment or their component parts in or outside of California, regardless of the coatings that have been applied.

(c) **Exemptions**

(1) This section shall not apply to any motor vehicle and/or mobile equipment coatings manufactured in California for shipment and use outside of California.

(2) This section shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in California a motor vehicle and/or mobile equipment coating that does not comply with the standards specified in subdivision (e), as long as the manufacturer or distributor can demonstrate both that the motor vehicle and/or mobile equipment coating is for shipment

and use outside of California, and that the manufacturer or distributor has taken adequate precautions to assure that the motor vehicle and/or mobile equipment coating is not distributed to California. This subsection (2) does not apply to motor vehicle and/or mobile equipment coatings that are sold, supplied, or offered for sale by any person to retail outlets in California.

(d) **Definitions.** For the purposes of this section, the following definitions apply:

(1) "Air Pollution Control Officer" means the Air Pollution Control Officer, or his or her delegate.

(2) "ASTM" means the American Society for Testing and Materials.

(3) "Cadmium" (Cd) means elemental cadmium and any compounds that contain cadmium.

(4) "Coating" means a material which is applied to a surface and which forms a film in order to beautify, preserve, repair, or protect such a surface.

(5) "Consumer" means any person who seeks, purchases, or acquires any motor vehicle and mobile equipment coating for use in motor vehicle and mobile equipment maintenance and repair activities. Persons acquiring a motor vehicle and mobile equipment coating for resale are not "consumers" of that coating.

(6) "Distributor" means any person to whom a motor vehicle and mobile equipment coating is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

(7) "Hexavalent Chromium" (Cr^{+6}) means elemental chromium in the +6 oxidation state and any compounds which contain chromium in the +6 oxidation state.

(8) "Highway" has the same meaning as defined in section 360 of the Vehicle Code.

(9) "Manufacturer" means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a motor vehicle or mobile equipment coating.

(10) "Mobile Equipment" means any equipment that is designed to be physically capable of being driven or drawn upon rails or a roadway, except for motor vehicles, and components for and from such equipment. Examples of Mobile Equipment include mobile cranes; bulldozers; concrete mixers; tractors; plows; pesticide sprayers; street cleaners; golf carts; hauling equipment used inside and around an airport, dock, depot, and industrial and commercial plants; trains; railcars; truck trailers; implements of husbandry; aircraft ground

support equipment; all terrain vehicles; self-propelled wheelchairs, invalid tricycles, and invalid quadricycles.

(11) "Motor Vehicle " means passenger cars, truck cabs and chassis, vans, motorcycles, and buses.

(12) "Motor Vehicle and/or Mobile Equipment Coating Activity" means any manufacturing, service, maintenance, repair, restoration, or modification involving the application of coatings to motor vehicles and/or mobile equipment, except plating activities.

(13) "Motor Vehicle and/or Mobile Equipment Coating" means any coating used or advertised for use in motor vehicle and/or mobile equipment coating activities.

(14) "Motor Vehicle and/or Mobile Equipment Coating Facility (Facility)" means any establishment at which coatings are applied to motor vehicles and/or mobile equipment, including, but not limited to, OEM facilities, autobody repair/paint shops, production autobody paint shops, new car dealer repair/paint shops, fleet operator repair/paint shops, custom-made car fabrication facilities, truck body-builders, and residences.

(15) "OEM" means Original Equipment Manufacturer.

(16) "Owner or Operator" means a person who is the owner or the operator of a motor vehicle and/or mobile equipment coating facility.

(17) "Person" means "person" as defined in Health and Safety Code section 39047.

(18) "Retailer" means any person who sells, supplies, or offers for sale motor vehicle and/or mobile equipment coatings directly to consumers.

(19) "Retail Outlet" means any establishment at which motor vehicle and/or mobile equipment coatings are sold, supplied, or offered for sale directly to consumers.

(e) **Standards for Motor Vehicle and/or Mobile Equipment Coatings**

(1) Except as provided in subdivision (f), no person shall sell, supply, offer for sale, or manufacture for sale in California any motor vehicle and/or mobile equipment coating that contains hexavalent chromium or cadmium.

(2) No owner or operator of a motor vehicle and/or mobile equipment coating facility shall use or possess a motor vehicle and/or mobile equipment coating prohibited under subdivision (e)(1) after 12 months from the effective date of this regulation.

(3) For the purposes of subdivision (e)(1), a coating "contains hexavalent chromium or cadmium" if hexavalent chromium or cadmium was introduced

as a pigment or as an agent that imparts any property or characteristic to the coating during manufacturing, distribution, or use of the applicable coating.

(f) **Sell-through of Coatings.** Notwithstanding the provisions of subdivisions (e)(1) and (e)(2), a motor vehicle and/or mobile equipment coating manufactured prior to the effective date of this regulation may be sold, supplied, or offered for sale for up to six months after the effective date of this regulation. This subdivision does not apply to any motor vehicle and/or mobile equipment coating which does not display on the coating container or package the date on which the coating was manufactured, or a code indicating such date.

(g) **Administrative Requirements - Code-Dating**

(1) Each manufacturer of a motor vehicle and/or mobile equipment coating subject to section 93112 shall clearly display on each coating container or package, the day, month, and year on which the coating was manufactured, or a code indicating such date. No person shall erase, alter, deface or otherwise remove or make illegible any date or code-date from any regulated coating container or package without the express authorization of the manufacturer.

(2) If a manufacturer uses a code indicating the date of manufacture for any motor vehicle and/or mobile equipment coating subject to section 93112, an explanation of the code must be filed with the Air Pollution Control Officer no later than 30 days after the effective date of section 93112.

(h) **Test Methods.** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this rule.

(1) American Society for Testing and Materials (ASTM) Method D3335-85a (1999), Standard Test Method for Low Concentrations of Lead, Cadmium, and Cobalt in paint by Atomic Absorption Spectroscopy.

(2) United States Environmental Protection Agency test method 7196A, Chromium, Hexavalent (Calorimetric) and Test Method 3060A, Alkaline Digestion for Hexavalent Chromium.

(3) Alternative methods which are shown to accurately determine the concentration of hexavalent chromium or cadmium compounds in a subject coating or its emissions may be used upon written approval of the Air Pollution Control Officer.

Authority cited: Sections 39600, 39601, 39650, 39655, 39656, 39658, 39659, 39665, and 39666, Health and Safety Code.

Reference: Sections 39002, 39600, 39650, 39655, 39656, 39658, 39659, 39665, 39666, and 40000, Health and Safety Code.

Attachment B

Staff's Suggested Modifications to the Original Proposal

ATTACHMENT B

STAFF'S SUGGESTED MODIFICATIONS TO THE ORIGINAL
PROPOSED REGULATION ORDER
AIRBORNE TOXIC CONTROL MEASURE
FOR EMISSIONS OF HEXAVALENT CHROMIUM AND CADMIUM
FROM MOTOR VEHICLE AND MOBILE EQUIPMENT COATINGS

[Note: The original proposed adoption of section 93112, title 17, California Code of Regulations (CCR), is shown in regular text. The modifications to the original proposal are shown in ~~strike-out~~ to indicate deletions and underline to indicate additions.]

Modifications to the original proposal

Adopt new section 93112 title 17, California Code of Regulations (CCR), to read as follows:

Title 17 CCR, section 93112. Hexavalent Chromium and Cadmium Airborne Toxic Control Measure -- Motor Vehicle and Mobile Equipment Coatings.

~~(a) **Effective Date.** No later than 120 days after the approval of this section by the Office of Administrative Law, each air pollution control and air quality management district must:~~

~~(1) Implement and enforce the requirements of this section, or~~

~~(2) Propose their own airborne toxic control measure for emissions of hexavalent chromium and cadmium from motor vehicle and mobile equipment coatings as provided in Health and Safety Code section 39666(d).~~

(~~b~~a) **Applicability.**

(1) Except as provided in subdivision (c~~b~~), this section applies to any person who sells, supplies, offers for sale, distributes, or manufactures coatings for use in motor vehicle and/or mobile equipment coating activities in California.

(2) This section also applies to the owner or operator of any motor vehicle and/or mobile equipment coating facility that uses motor vehicle and/or mobile equipment coatings in California.

(3) This section does not affect the sale, supply, or distribution of any new or used motor vehicles and/or mobile equipment or their component parts in or outside of California, regardless of the coatings that have been applied.

(~~c~~b) **Exemptions.**

(1) This section shall not apply to any motor vehicle and/or mobile equipment coatings manufactured in California for shipment and use outside of California.

(2) This section shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in California a motor vehicle and/or mobile equipment coating that does not comply with the standards specified in subdivision (~~e~~d), as long as the manufacturer or distributor can demonstrate both that the motor vehicle and/or mobile equipment coating is for shipment and use outside of California, and that the manufacturer or distributor has taken adequate precautions to assure that the motor vehicle and/or mobile equipment coating is not distributed to California. This subsection (2) does not apply to motor vehicle and/or mobile equipment coatings that are sold, supplied, or offered for sale by any person to retail outlets in California.

(~~d~~c) **Definitions.** For the purposes of this section, the following definitions apply:

(1) "Air Pollution Control Officer" means the Air Pollution Control Officer, or his or her delegate.

(2) "ASTM" means the American Society for Testing and Materials.

(3) "Cadmium" (Cd) means elemental cadmium and any compounds that contain cadmium.

(4) "Coating" means a material which is applied to a surface and which forms a film in order to beautify, preserve, repair, or protect such a surface.

(5) "Consumer" means any person who seeks, purchases, or acquires any motor vehicle and mobile equipment coating for use in motor vehicle and mobile equipment maintenance and repair activities. Persons acquiring a motor vehicle and mobile equipment coating for resale are not "consumers" of that coating.

(6) "Distributor" means any person to whom a motor vehicle and mobile equipment coating is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

(7) "Hexavalent Chromium" (Cr^{+6}) means elemental chromium in the +6 oxidation state and any compounds which contain chromium in the +6 oxidation state.

(8) "Highway" has the same meaning as defined in section 360 of the Vehicle Code.

(9) "Manufacturer" means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a motor vehicle or mobile equipment coating.

(10) "Mobile Equipment" means any equipment that is designed to be physically capable of being driven or drawn upon rails or a roadway, except for motor vehicles, and components for and from such equipment. Examples of Mobile Equipment include mobile cranes; bulldozers; concrete mixers; tractors; plows; pesticide sprayers; street cleaners; golf carts; hauling equipment used inside and around an airport, dock, depot, and industrial and commercial plants; trains; railcars; truck trailers; implements of husbandry; aircraft ground support equipment; all terrain vehicles; self-propelled wheelchairs, invalid tricycles, and invalid quadricycles.

(11) "Motor Vehicle " means passenger cars, truck cabs and chassis, vans, motorcycles, and buses.

(12) "Motor Vehicle and/or Mobile Equipment Coating Activity" means any manufacturing, service, maintenance, repair, restoration, or modification involving the application of coatings to motor vehicles and/or mobile equipment, except plating activities.

(13) "Motor Vehicle and/or Mobile Equipment Coating" means any coating used or advertised for use in motor vehicle and/or mobile equipment coating activities.

(14) "Motor Vehicle and/or Mobile Equipment Coating Facility (Facility)" means any establishment at which coatings are applied to motor vehicles and/or mobile equipment, including, but not limited to, OEM facilities, autobody repair/paint shops, production autobody paint shops, new car dealer repair/paint shops, fleet operator repair/paint shops, custom-made car fabrication facilities, truck body-builders, and residences.

(15) "OEM" means Original Equipment Manufacturer.

(16) "Owner or Operator" means a person who is the owner or the operator of a motor vehicle and/or mobile equipment coating facility.

(17) "Person" means "person" as defined in Health and Safety Code section 39047.

(18) "Retailer" means any person who sells, supplies, or offers for sale motor vehicle and/or mobile equipment coatings directly to consumers.

(19) "Retail Outlet" means any establishment at which motor vehicle and/or mobile equipment coatings are sold, supplied, or offered for sale directly to consumers.

(~~e~~d) **Standards for Motor Vehicle and/or Mobile Equipment Coatings.**

(1) Except as provided in subdivision (~~f~~e), no person shall sell, supply, offer for sale, or manufacture for sale in California any motor vehicle and/or mobile equipment coating that contains hexavalent chromium or cadmium.

(2) No owner or operator of a motor vehicle and/or mobile equipment coating facility shall use or possess a motor vehicle and/or mobile equipment coating prohibited under subdivision (~~e~~d)(1) after December 31, 2003. ~~12 months from the effective date of this regulation.~~

(3) For the purposes of subdivision (~~e~~d)(1), a coating "contains hexavalent chromium or cadmium" if hexavalent chromium or cadmium was introduced as a pigment or as an agent that imparts any property or characteristic to the coating during manufacturing, distribution, or use of the applicable coating.

(~~f~~e) **Sell-through of Coatings.** Notwithstanding the provisions of subdivisions (~~e~~d)(1) and (~~e~~d)(2), a motor vehicle and/or mobile equipment coating manufactured prior to ~~the effective date of this regulation~~ January 1, 2003, may be sold, supplied, or offered for sale through June 30, 2003. ~~for up to six months after the effective date of this regulation.~~ This subdivision does not apply to any motor vehicle and/or mobile equipment coating which does not display on the coating container or package the date on which the coating was manufactured, or a code indicating such date.

(~~g~~f) **Administrative Requirements - Code-Dating.**

(1) Each manufacturer of a motor vehicle and/or mobile equipment coating subject to section 93112 shall clearly display on each coating container or package, the day, month, and year on which the coating was manufactured, or a code indicating such date. No person shall erase, alter, deface or otherwise remove or make illegible any date or code-date from any regulated coating container or package without the express authorization of the manufacturer.

(2) If a manufacturer uses a code indicating the date of manufacture for any motor vehicle and/or mobile equipment coating subject to section 93112, an explanation of the code must be filed with the Air Pollution Control Officer no later than 30 days after the effective date of section 93112.

(~~h~~g) **Test Methods.** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this rule.

(1) American Society for Testing and Materials (ASTM) Method D3335-85a (1999), Standard Test Method for Low Concentrations of Lead, Cadmium, and Cobalt in paint by Atomic Absorption Spectroscopy.

(2) United States Environmental Protection Agency test method 7196A, Chromium, Hexavalent (Calorimetric) and Test Method 3060A, Alkaline Digestion for Hexavalent Chromium.

(3) Alternative methods which are shown to accurately determine the concentration of hexavalent chromium or cadmium compounds in a subject coating or its emissions may be used upon written approval of the Air Pollution Control Officer.

Authority cited: Sections 39600, 39601, 39650, 39655, 39656, 39658, 39659, 39665, and 39666, Health and Safety Code.

Reference: Sections 39002, 39600, 39650, 39655, 39656, 39658, 39659, 39665, 39666, and 40000, Health and Safety Code.