

Draft Proposed Amendments to Section 94508(a) Definitions

Notes: This document contains only the definitions in section 94508(a) of the regulation that are being proposed for amendment or addition. Note that the definitions will be renumbered to reflect additions and deletions.

- (17) ~~“Automotive Hard Paste Wax” means an automotive wax or polish which is: (A) designed to protect and improve the appearance of automotive paint surfaces; and (B) a solid at room temperature; and (C) contains 0% water by formulation.~~
- (18) ~~“Automotive Instant Detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.~~
- (20) “Automotive Wax, Polish, Sealant or Glaze” means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle’s painted surfaces. “Automotive Wax, Polish, Sealant or Glaze” includes, but is not limited to, products designed for use in autobody repair shops and “drive-through” car washes, as well as products designed for the general public. “Automotive Wax, Polish, Sealant or Glaze” does not include “Automotive Rubbing or Polishing Compound,” automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic. The “Automotive Wax, Polish, Sealant or Glaze” category has been subcategorized into “Hard Paste Wax,” “Instant Detailer,” and “All Other Forms.”
- (1) “Hard Paste Wax” means a product which (A) is designed to protect and improve the appearance of automotive painted surfaces; (B) is a solid at room temperature; and (C) contains zero percent water by formulation.
- (2) “Instant Detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.
- (3) “All Other Forms” subcategory consists of all automotive wax, polish, sealant or glaze products that are not covered by the definition of either “Hard Paste Wax” or “Instant Detailer.”
- (44) “Dry Cleaning Fluid” means any non-aqueous liquid product designed and labeled exclusively for use on: (1) fabrics which are labeled “for dry clean only,” such as clothing or drapery; or (2) “S-coded” fabrics. “Dry Cleaning

Fluid” includes, but is not limited to, those products used in dry-cleaning machines by at commercial dry cleaners and used by commercial businesses that clean fabrics such as draperies at the customer’s residence or work place. “Dry Cleaning Fluid” does not include “Spot Remover” or “Carpet/Upholstery Cleaner.” For the purposes of this definition, S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.”

- (52) “Existing Product” means any formulation of the same product category and form sold, supplied, manufactured, or offered for sale in California prior to the following dates, or any subsequently introduced identical formulation:
- (A) October 21, 1991, for all products listed in section 94509(a) that have initial effective dates of January 1, 1993, or January 1, 1994;
 - (B) January 6, 1993, for all products listed in section 94509(a) that have initial effective dates of January 1, 1995, or January 1, 1997, and charcoal lighter materials subject to section 94509(h);
 - (C) August 16, 1998, for all products listed in section 94509(a) that have initial effective dates of January 1, 2001, January 1, 2002, January 1, 2003, or January 1, 2005;
 - (D) November 19, 2000, for all products in the following product categories listed in section 94509(a): “Non-aerosol General Purpose Degreaser,” “Sealant and Caulking Compound,” and “Tire Sealant and Inflator.”
 - (E) July 20, 2005, for all products listed in section 94509(a) that have an effective date of December 31, 2006, December 31, 2008, or December 31, 2009; and
 - (F) December 8, 2007, for all products listed in section 94509(a) that have an initial effective date of December 31, 2008, or December 31, 2010 for Brake Cleaner, Carburetor or Fuel-Injection Air Intake Cleaner, Aerosol Engine Degreaser, Resilient Flooring Material, Nonresilient Flooring Material, Aerosol General Purpose Degreaser, and Aerosol Temporary Hair Color.
 - (G) July 18, 2009, for all products listed in section 94509(a) that have an initial effective date of December 31, 2010, or December 31, 2012, December 31, 2013, or December 31, 2014.

(H) [Effective Date], for "Multi-purpose Solvent" and "Paint Thinner."

(I) [Effective Date] for "Special-purpose Lubricant."

- (71) "General Purpose Cleaner" means a general purpose cleaning product labeled for use on a variety of hard surfaces, including small appliances. "General Purpose Cleaner" includes, but is not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves. "General Purpose Cleaner" does not include "Oven or Grill Cleaner."
- (72) "General Purpose Degreaser" means any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. "General Purpose Degreaser" does not include "Engine Degreaser," "General Purpose Cleaner," "Adhesive Remover," "Electronic Cleaner," "Electrical Cleaner," "Energized Electrical Cleaner," "Metal Polish/Cleanser," "Oven or Grill Cleaner," products used exclusively in "solvent cleaning tanks or related equipment," or products that are (A) sold exclusively to establishments which manufacture or construct goods or commodities; and (B) labeled "not for retail sale." "Solvent cleaning tanks or related equipment" includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.
- (95) "Lawn and or Garden Insecticide" means an insecticide product labeled primarily to be used in household lawn and or garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 94512(a) aerosol "Lawn and or Garden Insecticide" may claim to kill insects or other arthropods.
- (93) "Laundry Prewash" means a product that is designed for application to a fabric prior to laundering in a wet-cleaning process, and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.
- (97) "Lubricant" means:
- (A) for products manufactured before December 31, 2012: a product that reduces friction, heat, noise, or wear between moving parts, or loosens rusted or immovable parts or mechanisms. "Lubricant" does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed

to be added to fuels; products for use on the human body or animals; or products that are (1) sold exclusively to establishments which manufacture or construct goods or commodities, and (2) labeled “not for retail sale.”

(B) for products manufactured on or after December 31, 2012: a product that reduces friction, heat, noise, or wear between moving parts, or loosens rusted or immovable parts or mechanisms. “Lubricant” does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; and products for use on the human body or animals.

- (101) “Metal Polish/Cleanser” means any product designed primarily or labeled to improve the appearance and/or protect of finished metal, metallic, or metallized surfaces by physical or chemical action. To “improve the appearance” means to clean, remove, or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. “Metal Polish/Cleanser” includes, but is not limited to metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. “Metal Polish/Cleanser” does not include “Automotive Wax, Polish, Sealant or Glaze,” “General Purpose Cleaner,” “Tire or Wheel Cleaner,” “Paint Remover or Stripper,” products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.
- (105) “Multi-purpose Lubricant” means any lubricant designed or labeled for general purpose lubrication, or a lubricant labeled for use in a wide variety of applications. “Multi-purpose Lubricant” does not include “Multi-purpose Dry Lubricant,” “Penetrant,” or “Silicone-based ~~Multi-Purpose Lubricant.~~”
- (106) “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, dissolving, or removing contaminants or other organic materials. "Multi-purpose Solvent" also includes: (1) products that do not display specific use instructions on the product container or packaging, (2) products that do not specify an end-use function or application on the product container or packaging, (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: (1) solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines; or (2) solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings; or (3) solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment; (4) products that are labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; ~~"Multi-purpose Solvent" also does not include or~~ (5) 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.

(112) "Oven or Grill Cleaner" means any cleaning product designed or labeled exclusively to clean and to remove dried or baked on greases and/or food deposits from oven walls food preparation and/or food cooking surfaces. A product that is labeled as an "Oven or Grill Cleaner" that makes claims that it is suitable for degreasing other hard surfaces is a "General Purpose Degreaser." A product that is labeled as an "Oven or Grill Cleaner" that makes claims that it is suitable for cleaning other hard surfaces is a "General Purpose Cleaner."

(134) "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 pipe thread sealants and pipe joint compounds; 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."

(138) "Silicone-based Multi-purpose Lubricant" means:

(A) for products manufactured before December 31, 2012: any lubricant which (1) is designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and (2) 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.

(B) for products manufactured on or after December 31, 2012: any lubricant which is designed and labeled to provide lubricity exclusively through the use of silicone compounds including, but not limited to, polydimethylsiloxane. "Silicone-based Lubricant" does not include

products designed and labeled exclusively to release manufactured products from molds.

- () “Special-purpose Lubricant” means any lubricant that is not a “Multi-purpose Lubricant.” “Special-purpose Lubricant” includes anti-seize products and products which claim to prevent or inhibit rust. “Special-purpose Lubricant” does not include products designed and labeled exclusively to release manufactured products from molds. “Special-purpose Lubricant” does not include “Silicone-based Lubricants.”
- (142) “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~~ may or may not require subsequent laundering to achieve stain removal. “Spot Remover” includes spotting agents used by commercial dry cleaners. “Spot Remover” does not include ~~“Dry Cleaning Fluid,”~~ “Laundry Prewash,” or aerosol products labeled solely for gum removal.
- (157) ~~“Wasp and or~~ “Wasp and or 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.