

[Note: Amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Portions of the regulation that are nonsubstantively changed with renumbering are indicated by [Nonsubstantive changes to indicate renumbering]. The symbol “*****” means that intervening text not proposed for amendment is not shown.]

Proposed Amendments to the Regulation for Reducing Emissions from Consumer Products

Subchapter 8.5 Consumer Products

Amend title 17, California Code of Regulations, sections 94508, 94509, 94510, 94512, and 94515 to read as follows:

Article 2. Consumer Products

§ 94508. Definitions.

(a) For the purpose of this article, the following definitions apply:

(3) “Aerosol Adhesive” means any adhesive packaged as an aerosol product in which the spray mechanism is permanently housed in a ~~nonrefillable~~ can designed for hand-held application without the need for ancillary hoses or spray equipment. “Aerosol aAdhesives” includes “sSpecial pPurpose sSpray aAdhesives,” “mMist sSpray aAdhesives,” and wWeb sSpray aAdhesives.” “Aerosol Adhesive” does not include products that are refillable by the person using the product.

(15) “Artist’s Solvent/Thinner” means any ~~liquid~~ product, labeled to meet ASTM D4236 – 95 (March 1, 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, which is incorporated by reference herein, and is packaged in a container with a capacity equal to or less than 34 fluid ounces, and is labeled exclusively and explicitly to reduce the viscosity of, and or remove, art coating compositions or components.

(38) “Deodorant Body Spray” means:

~~(A) for products manufactured before January 1, 2006: a “Personal Fragrance Product” with 20 percent or less fragrance.~~

~~(B) for products manufactured on or after January 1, 2006: a “Personal Fragrance Product” with 20 percent or less fragrance, that is designed for application all over the human body to provide a scent. A “Deodorant Body~~

Spray” product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla, is a “Deodorant” as defined in section 94501(d).

(52) “Fabric Protectant” means:

~~(A) for products manufactured before December 31, 2008: a product designed or labeled to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric’s fibers. “Fabric Protectant” does not include “Waterproofers,” products designed for use solely on leather, or products designed for use solely on fabrics which are labeled “for dry clean only” and sold in containers of 10 fluid ounces or less.~~

~~(B) for products manufactured on or after December 31, 2008: a product designed or labeled to be applied to fabric substrates to protect the surface from soiling from dirt or other impurities or to reduce absorption of liquid into the fabric’s fibers. “Fabric Protectant” does not include “Waterproofers,” or products labeled for use solely on leather; “Fabric Protectant” does not include products designed and labeled exclusively to repel water from fabric or leather substrates; pigmented products that are designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates; or products that renew or restore fabric, and qualifying as either “Fabric Protectant” also does not include “Clear Coating” or “Vinyl/Fabric/Leather/Plastic/Polycarbonate Coating” under as defined in section 94521(a).~~

(64) “Footwear or Leather Care Product” means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and nonleather foot apparel. “Footwear or Leather Care Product” does not include “Fabric Protectant,” “General Purpose Adhesive,” “Contact Adhesive,” “Vinyl/Fabric/Leather/Plastic/Polycarbonate Coating,” as defined in section 94521(a), “Rubber/Vinyl Protectant,” “Fabric Refresher,” products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

(79) “Hair Shine” means any product designed for the primary purpose of creating a shine when applied to the hair. “Hair Shine” includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. “Hair Shine” does not include “Hair Finishing Spray,” “Hair Mousse,” “Hair Styling Product,”

~~“Hair Styling Gel,”~~ or products whose primary purpose is to condition or hold the hair.

~~(80) “Hair Styling Gel” means a consumer product manufactured before December 31, 2006, that is a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.~~

(8180) “Hair Finishing Spray” means:

~~(A) for products manufactured before December 31, 2006: a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time, and~~

~~(B) for products manufactured on or after December 31, 2006: a consumer product that is applied to styled hair, and is designed or labeled to provide sufficient rigidity, to hold, retain and/or (finish) the style of the hair for a period of time. “Hair Finishing Spray” includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hair_sprays that make finishing claims; and products that are both a styling and finishing product. “Hair Finishing Spray” does not include spray products that are intended to aid in styling but do not provide finishing of a hair_style.~~

For the purposes of this subchapter, “finish” or “finishing” means the maintaining and/or holding of previously styled hair for a period of time.

For the purposes of this subchapter, “styling” means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

(8281) “Hair Styling Product” means a consumer product ~~manufactured on or after December 31, 2006,~~ that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. “Hair Styling Product” includes, but is not limited to hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hair_style, products that claim to protect hair from heat styling damage, and leave-in volumizers, detanglers and/or conditioners that make styling claims. “Hair Styling Product” does not include “No Rinse Shampoo,” “Hair Mousse,” “Hair Shine,” “Hair Finishing Spray,” or shampoos and/or conditioners that are rinsed from the hair prior to styling.

For the purposes of this subchapter, “finish” or “finishing” means the maintaining and/or holding of previously styled hair for a period of time.

For the purposes of this subchapter, “styling” means the forming, sculpting, or

manipulating the hair to temporarily alter the hair's shape.

§94508(a)(82) – §94508(a)(95) [Nonsubstantive changes to indicate renumbering].

(9796) “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 designed and labeled exclusively to release manufactured products from molds; 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 designed and labeled exclusively to release manufactured products from molds; 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) exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities, and (2) labeled exclusively for “use in the manufacturing process only.” “Lubricant” includes products labeled for use in food-servicing environments that include, but are not limited to, restaurants and food stores.
- (C) “Lubricant” includes the following subcategories (1-9):
 - (1) “Anti-seize Lubricant” means any lubricant designed or labeled exclusively for use in high temperature or high pressure conditions to prevent moving metal parts from seizing or galling, and/or to facilitate disassembly of metal parts. A lubricant that meets the definition for “~~Dry Lubricant~~” or “Firearm Lubricant” is not an “Anti-seize Lubricant.”
 - (2) “Cutting or Tapping Oil” means any lubricant designed or labeled exclusively for drilling, cutting, or tapping metals.
 - (3) “Dry Lubricant” means any lubricant which provides lubricity solely by depositing a thin film of solid material including, but not limited to, graphite, molybdenum disulfide (“moly”), polytetrafluoroethylene or closely related fluoropolymer (“teflon”), or boron nitride on surfaces.

Products that meet the definition for “Dry Lubricant” are not subject to the requirements for “Anti-seize Lubricant,” “Cutting or Tapping Oil,” “Gear, Chain, or Wire Lubricant,” “Multi-purpose Lubricant,” “Penetrant,” “Rust Preventative or Rust Control Lubricant,” or “Silicone-based Multi-purpose Lubricant.”

- (4) “Firearm Lubricant” means any lubricant designed or labeled exclusively for use on firearms or their parts to lubricate and/or to provide corrosion or rust prevention.
- (5) “Gear, Chain, or Wire Lubricant” means any lubricant designed or labeled exclusively for use on gears, chains, or wire ropes.
- (6) “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. Products that meet the definition for “Anti-seize Lubricant,” “Cutting or Tapping Oil,” “Dry Lubricant,” “Firearm Lubricant,” “Gear, Chain, or Wire Lubricant,” “Penetrant,” “Rust Preventative or Rust Control Lubricant,” or “Silicone-based Multi-purpose Lubricant” are not “Multi-purpose Lubricants.”
- (7) “Penetrant” means a lubricant designed or labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts are not “Penetrant” products.
- (8) “Rust Preventative or Rust Control Lubricant” means any lubricant designed or labeled primarily for the prevention or control of rust. A Lubricant that meets the definition for “Firearm Lubricant” is not a “Rust Preventative or Rust Control Lubricant.”
- (9) “Silicone-based Multi-purpose Lubricant” means any lubricant which is designed or labeled for general lubrication or for use in a wide variety of applications, in which lubricity is primarily provided through the use of silicone compounds including, but not limited to, polydimethylsiloxane.

§94508(a)(97-102) [Nonsubstantive change to indicate renumbering].

(104103) “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.~~

~~(BA) for products manufactured on or after January 1, 2008 before [date]: 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; 2. solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings; 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. ~~P~~products that are labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; or 5. any product making any representation that the product may be used as, or is suitable for use as a consumer product which meets another definition in section 94508(a); such products are not “Multi-purpose Solvents” and are subject to the “Most Restrictive Limit” provisions of section 94512(a).~~

(B) for products manufactured on or after [date]: any product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials.

“Multi-purpose Solvent” includes:

1. products that do not display specific use instructions on the label;
2. products that do not specify an end-use function or application on the label;
3. solvents used in institutional facilities;
4. products labeled as “Paint Clean-Up,” or products designed or 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;

5. products labeled to prepare surfaces for painting; and

6. products that display on the label a specific chemical name. Examples of specific chemical names include mineral spirits, ketone, Japan Dryer, turpentine, toluene, xylene(s), acetone, naphtha, or alcohol.

“Multi-purpose Solvent” does not include:

1. solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines;

2. solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings;

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;

5. “Rubbing Alcohol”; and

6. laboratory reagents used in analytical, educational, research, scientific or other laboratories

A product that meets this definition for “Multi-purpose Solvent” that makes claims anywhere on the label, that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC limit is specified in section 94509(a), is a “Multi-purpose Solvent.”

(104) “No Rinse Shampoo” means a product which is applied to hair that is dry to clean, absorb oil, or remove odor, that does not require the use of water to remove the product from hair. “No Rinse Shampoo” includes, but is not limited to, products that are liquids, powders, sprays, or products incorporated into shampoo caps that are brushed or combed out of the hair or absorbed by a towel. “No Rinse Shampoo” does not include products that make hair styling or hair finishing claims.

(113) “Paint Thinner” means:

(A) for products manufactured before [date]: 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.

(B) for products manufactured after [date]: any product that is suitable for use to reduce the viscosity of coating compositions or components, or a product that prominently displays terms such as “Paint Thinner,” “Lacquer Thinner,” “Thinner,” or “Reducer” on the label. “Paint Thinner” includes aerosol products that provide a seamless transition between finishes, except for “Uniform Finish Coating” as defined in section 94521(a). A product that meets this definition for “Paint Thinner” that makes claims anywhere on the label, that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC limit is specified in section 94509(a), is a “Paint Thinner.”

(C) “Paint Thinner” does not include any of the following products:

(A) 1. “Artist’s Solvent/Thinner;” or “Rubbing Alcohol;”

(B) 2. 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; that meet both of the following criteria:

a. the Responsible Party also manufactures for sale in California an Industrial Maintenance Coating, Zinc-Rich Primer, or High Temperature Coating; and

b. the label states the specific product or brand of the Industrial Maintenance Coating, Zinc-Rich Primer, or High Temperature Coating that the product is used with, including the coating manufacturer and coating product identification code or number.

(C) 3. 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) 4. products that meet ~~both~~ all of the following criteria:

4 a. 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 Principal Display Panel, excluding the company name, brand name, and logo, language that the product is used exclusively for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature Coatings, ~~and;~~

2 b. 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.;

c. the Responsible Party also manufactures for sale in California an Industrial Maintenance Coating, Zinc-Rich Primer, or High Temperature Coating; and

d. the label states the specific product or brand of the Industrial Maintenance Coating, Zinc-Rich Primer, or High Temperature Coating that the product is used with, including the coating manufacturer and coating product identification code or number.

(128) “Rubber/Vinyl Protectant” means:

~~(A) for products manufactured before December 31, 2008: any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. “Rubber/Vinyl Protectant” does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.~~

~~(B) for products manufactured on or after December 31, 2008: any product labeled to protect, preserve or renew vinyl, or rubber on vehicles, tires, luggage, furniture, and/or household products such as vinyl covers, clothing, or accessories. “Rubber/Vinyl Protectant” does not include: products labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners; tire cleaners that do not leave an appearance-enhancing or protective substance on the tire; pigmented products designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of rubber or vinyl substrates; or products, other than those labeled to be used on vehicle tires, qualifying as either “Clear Coating” or “Vinyl/Fabric/Leather/Plastic/Polycarbonate Coating” under as defined in section 94521(a).~~

(141) “Temporary Hair Color” means any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed. “Temporary Hair Color” includes hair color mousses and products labeled to add texture or thickness to cover thinning/balding areas. “Temporary Hair Color” does not include “Hair Finishing Spray,” “Hair Styling Product,” or “Hair Mousse.”

(149) “Undercoating” means any aerosol product designed and labeled exclusively to impart a protective, nonpaint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. “Undercoating” includes, but is not limited to, rubberized, mastic, or asphaltic products. Aerosol products that may be used as an “Undercoating” but make claims they may be used to provide a flexible or protective coating to additional surfaces are “Flexible Coatings” as defined in section 94521(a).

~~(154) “Waterproofer” means a product designed and labeled exclusively to repel water from fabric or leather substrates. “Waterproofer” does not include “Fabric Protectant.”~~

§94508(a)(155) – §94508(a)(159) [Nonsubstantive changes to indicate renumbering].

NOTE: Authority cited: Sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39600, 39601 and 41712, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39002, 39600, 40000 and 41712, Health and Safety Code.

§ 94509. Standards for Consumer Products.

[Note: Only those parts of the Table of Standards proposed for amendment are shown.]

(a) Except as provided in Ssections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), and 94540 through 94555 (Alternative Control Plan), ~~and 94567(a)(1) (Hairspray Credit Program)~~, Title 17, California Code of Regulations, 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
 Percent Volatile Organic Compound by Weight***

<i>Product Category</i>	<i>Effective Date</i> ¹	<i>VOC Standard</i> ²
Adhesive*: =====	=====	=====
[*See section 94510(i) for an exemption that applies to adhesives.]		
----- Aerosol**	1/1/95	75
----- Mist Spray Adhesive**	1/1/2002 <u>1/1/2017</u>	65 <u>30</u>
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Web Spray Adhesive**	1/1/2002 <u>1/1/2017</u>	55 <u>40</u>
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Special Purpose Spray Adhesive** Mounting, Automotive Engine Compartment, and Flexible Vinyl Adhesive	1/1/2002	70
Polystyrene Foam and Automobile Headliner Adhesive	1/1/2002	65
Polyolefin and Laminate Repair/Edgebanding Adhesive	1/1/2002	60
=====	=====	=====
[**See subsections 94509(i), and 94509(m)(1), <u>94509(n)</u> , and sections 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesive.]		
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Hair <u>Finishing Spray</u>	1/1/93 6/1/99	80 55
Hair <u>Styling Gel</u>	1/1/94	6

Multi-purpose Solvent*		
<u>aerosol</u>	<u>1/1/2016</u>	<u>10</u>
-----	-----	-----
<u>nonaerosol</u>	12/31/2010 12/31/2013	30 3
=====	=====	=====
[*See subsections 94509(m)(1), (n), and (p); <u>94510(d)</u> ; <u>94512(a)(5)</u> and (e); and 94513(g) for additional requirements that apply to Multi-purpose Solvent.]		

Paint Thinner*		
<u>aerosol</u>	<u>1/1/2016</u>	<u>10</u>
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<u>nonaerosol</u>	12/31/2010 12/31/2013	30 3
=====	=====	=====
[*See subsections 94509(m)(1),(n), and (p); <u>94510(d)</u> ; <u>94512(a)(5)</u> and (e); and 94513(g) for additional requirements that apply to Paint Thinner.		

See subsection 94510(m) for an exemption that applies to Paint Thinner.]		
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(n) *Requirements limiting the use of any chemical compound that has a Global Warming Potential (GWP) Value of 150 or greater.*

(1) *Requirements for products listed in Table (n)(1)*

Except as provided below in sections 94509(n)(2) and (n)(3), after the applicable effective date specified in Table 94509(n)(1), no person shall sell, supply, offer for sale, or manufacture for use in California any consumer product listed in Table 94509(n)(1) that contains any chemical compound that has a GWP Value of 150 or greater.

**Table 94509(n)(1)
Product Categories in which Use of Any Chemical Compound that has a Global Warming Potential (GWP) Value of 150 or Greater is Prohibited**

Product Category	Effective Date	Sell-through Date
<u>Aerosol Adhesive:</u>		
• <u>Mist Spray Adhesive</u>	<u>1/1/2017</u>	<u>1/1/2020</u>
• <u>Web Spray Adhesive</u>	<u>1/1/2017</u>	<u>1/1/2020</u>
Double Phase Aerosol Air Freshener	12/31/2012	12/31/2015
Flying Bug Insecticide	12/31/2013	12/31/2016
Furniture Maintenance Product	12/31/2013	12/31/2016
Lubricant:		
• Anti-Seize Lubricant	12/31/2013	12/31/2016
• Cutting or Tapping Oil	12/31/2013	12/31/2016
• Gear, Chain, or Wire Lubricant	12/31/2013	12/31/2016
• Rust Preventative or Rust Control Lubricant	12/31/2013	12/31/2016
Metal Polish or Cleanser	12/31/2012	12/31/2015
Multi-purpose Solvent	12/31/2010	12/31/2013
Paint Thinner	12/31/2010	12/31/2013
Pressurized Gas Duster	12/31/2010	12/31/2011
Spot Remover	12/31/2012	12/31/2015
Wasp or Hornet Insecticide	12/31/2013	12/31/2016

(p) *Additional requirements for “Multi-purpose Solvent” and “Paint Thinner.”*

(1) Effective [date], the VOC standards for “Multi-purpose Solvent” and “Paint Thinner” products specified in section 94509(a) shall apply to any VOC, as defined in section 94508(a), that volatilizes after being oven cured at 110° C for 1 hour, as determined by ARB Method 310 as specified in section 94515. Products manufactured before [date] may be sold, supplied, or offered for sale until [date], so long as the product complies with the product dating requirements in section 94512(b).

~~(4)~~ (2) *Aromatic Compound Content Requirement.*

(A) *Nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products.*

Except as provided below in sections 94509(p)(23)(A) and (p)(4)(A), effective December 31, 2010, no person shall sell, supply, offer for sale, or manufacture for use in California ~~any a~~ nonaerosol “Multi-purpose Solvent” or “Paint Thinner” product that contains greater than 1% Aromatic Compound content by weight.

(B) *Aerosol “Multi-purpose Solvent” and “Paint Thinner” products.* The definitions for the “Multi-purpose Solvent” and “Paint Thinner” product categories were modified as part of a rulemaking action to amend the California Consumer Products Regulation that was considered by the Board on [date]. As a result of these modifications, aerosol “Multi-purpose Solvent” and aerosol “Paint Thinner” products were included in these definitions that had not previously been included. For those aerosol “Multi-purpose Solvent” and aerosol “Paint Thinner” products that were included in these definitions for the first time as a result of this rulemaking action, the 1% by weight “Aromatic Compound” content requirement shall not apply until January 1, 2017.

~~(2)~~ (3) *Sell-through of Products.*

(A) *Nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products.*

Nonaerosol “Multi-purpose Solvent”s and “Paint Thinner”s products that contain greater than 1% Aromatic Compound content by weight; and were manufactured before December 31, 2010, may be sold, supplied, or offered for sale until December 31, 2013, so long as these products comply with the product dating requirements in section 94512(b).

(B) *Aerosol “Multi-purpose Solvent” and “Paint Thinner” products.* Aerosol “Multi-purpose Solvent” and “Paint Thinner” products that contain greater than 1% Aromatic Compound content by weight; and were manufactured before January 1, 2017, may be sold, supplied, or offered for sale until January 1, 2020, so long as these products comply with the product dating requirements in section 94512(b).

~~(3)~~ (4) *Notification for products sold during the sell-through period.*

(A) Nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products. Any person who sells or supplies a consumer product identified above in section 94509(p)(~~23~~)(A) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2013, provided, however, this notification must be given only if both of the following conditions are met:

~~(A)~~1. the product is sold or supplied to a distributor or retailer; and

~~(B)~~2. the product is sold or supplied on or after June 30, 2013.

(B) Aerosol “Multi-purpose Solvent” and “Paint Thinner” products. Any person who sells or supplies a consumer product identified in section 94509(p)(3)(B) must notify the purchaser of the product in writing that the sell-through period for that product will end on January 1, 2020, provided, however, this notification must be given only if both of the following conditions are met:

1. the product is sold or supplied to a distributor or retailer; and

2. the product is sold or supplied on or after June 30, 2019.

§ 94510. Exemptions.

(d) LVP-VOCs.

(1) Until [date], the VOC limits specified in Section 94509(a) shall not apply to any LVP-VOC, as defined in section 94508(a).

(2) On or after [date], except for “Multi-purpose Solvent” and “Paint Thinner,” the VOC limits specified in section 94509(a) shall not apply to any LVP-VOC, as defined in section 94508(a).

(3) On or after [date], for “Multi-purpose Solvent” and “Paint Thinner,” the VOC limits specified in section 94509(a) shall not apply to any VOC, as defined in section 94508(a), that does not volatilize after being oven cured at 110° C for 1 hour, as determined by ARB Method 310, as specified in section 94515.

(m) Until December 31, 2013, the VOC limits specified in Section 94509(a), and the prohibition of Aromatic Compounds listed in section 94509(p)(~~4~~2), shall not apply to Paint Thinners that are packaged in containers with a capacity less than or equal to 8 fluid ounces.

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

§ 94512. Administrative Requirements.

(a) *Most Restrictive Limit.*

~~(1) Products Manufactured Before January 1, 2007, and FIFRA-registered Insecticides Manufactured Before January 1, 2008. Notwithstanding the definition of “Product Category” in Section 94508, if anywhere on the principal display panel of any consumer product manufactured before January 1, 2007, or any FIFRA-registered insecticide manufactured before January 1, 2008, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in Section 94509(a), then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners and insecticide foggers.~~

~~(21) Products Manufactured on or After January 1, 2007, and FIFRA-registered Insecticides Manufactured on or After January 1, 2008. Notwithstanding the definition of “product category” in Section 94508, if anywhere on the container or packaging of any consumer product manufactured on or after January 1, 2007, or any FIFRA-registered insecticide manufactured on or after January 1, 2008, or on any sticker or label affixed thereto, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in Section 94509(a), then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners and insecticide foggers.~~

~~(32) Rule that applies when Product Category definitions exclude each other. When determining the applicable VOC standard for a product that meets the definitions for both “Regulated Category A” and “Regulated Category B”, in circumstances where the definition of “Regulated Category A” states that it excludes “Regulated Category B”, and the definition of “Regulated Category B” states that it excludes “Regulated Category A,” the product is subject to the VOC standard for whichever regulated category, “A” or “B,” has the lower VOC standard.~~

For the purposes of this section, a “Regulated Category” means a category of consumer products that is both: (A) defined in section 94508(a), and (B) has a VOC standard specified in section 94509(a) for that product category.

~~(43) Notwithstanding the provisions of section 94512(a)(21) and (32), a product that makes ancillary disinfecting, sanitizing, or antimicrobial claims on the label is not subject to the VOC standards for “Disinfectant” or “Sanitizer” if the product is designed and labeled on the Principal Display Panel as a “Bathroom and Tile Cleaner,” “Carpet/Upholstery Cleaner,” “Fabric Refresher,” “General Purpose~~

Cleaner,” “Glass Cleaner,” “Metal Polish or Cleanser,” or “Toilet/Urinal Care Product.”

(4) After [date], notwithstanding the definitions for “Multi-purpose Solvent” or “Paint Thinner” contained in section 94508(a), if anywhere on the label of any “Multi-purpose Solvent” or “Paint Thinner” product, any representation is made that the “Multi-purpose Solvent” or “Paint Thinner” product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in section 94509(a), then the lowest VOC limit and provisions for “Multi-purpose Solvent” and “Paint Thinner,” specified in section 94509(p), shall apply.

(e) Additional Requirements for Multi-purpose Solvent and Paint Thinner

The following requirements apply in addition to the requirements specified in section 94512(a), (b), and (c):

- (1) Except as provided below in section 94512(e)(2), 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) 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; Veá 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 a font size as large as, or larger than, the font size of all other words on the Principle Display Panel, excluding the company name, brand name, and logo, 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.”

§ 94515. Test Methods.

- (a)(1) *VOC and GWP compound content determination using ARB Method 310.*
Testing to determine compliance with the requirements of this article, shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products, adopted September 25, 1997 and as last amended on ~~September 29, 2011~~ [effective date], which is incorporated herein by reference. Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon approval of the Executive Officer.

[Note: Sections 3.5, 3.6, and 3.7 of Air Resources Board Method 310 shall be modified to address proposed amendments pertaining to Multi-purpose Solvent and Paint Thinner categories.]

Amend title 17, California Code of Regulation, sections 94560-94575 to read as follows:

Article 5. Hairspray Credit Program

Repeal sections 94560-94575, title 17, California Code of Regulations, in their entirety.

(Note: Because ability to utilize the Hairspray Credit Program ended on January 1, 2010, provisions of sections 94560-94575 in Subchapter 8.5, Article 5, Hairspray Credit Program are repealed in their entirety).

[Placeholder for strikeout version of the reg.]

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