

**REGULATION FOR THE CALIFORNIA LOW EMISSIONS AND REACTIVITY
(CLEAR) PROGRAM FOR
AEROSOL COATING PRODUCTS**

Adopt new Article 3.1, Aerosol Coating Products, sections 94530-94539, Title 17, California Code of Regulations, to read as follows:

SUBCHAPTER 8.5 CONSUMER PRODUCTS

Article 3.1. Aerosol Coating Products

94530. Purpose and Applicability

(a) Purpose

The purpose of this article is to provide a voluntary alternative method for manufacturers and marketers of aerosol coating products to comply with ~~the percent by weight volatile organic compound (VOC) limits that are specified in~~ Title 17, California Code of Regulations, sections 94520-94528; (Aerosol Coatings Regulation). ~~This alternative method is provided to allows responsible parties the option of voluntarily marketing aerosol coating products which meet the photochemical reactivity-based CLEAR limits in section 94531 and other requirements as specified in this Article 3.1 rather than the mass based VOC limits in Article 3, section 94522.~~

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

(b) Applicability

This article may be used as an alternative means to comply with the Aerosol Coatings Regulation for any person who sells, supplies, offers for sale, applies, or manufactures aerosol coating products for use in the State of California, ~~except as provided in section 94523~~. Unless modified by this Article 3.1, all other provisions of the Aerosol Coatings Regulation, sections 94520-~~94524~~ and ~~94526-94528~~, except for section 94525, shall apply.

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

94531. Definitions

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- (a) For the purposes of this article, the definitions ~~found~~ set forth in section 94521 of the Aerosol Coatings Regulation and the following additional definitions shall apply:
- (1) “Absolute Maximum Incremental Reactivity” (MIR_{abs}) means the grams of ozone formed per gram (g) of volatile organic compound (VOC) emitted. The units of an absolute MIR value are g O₃/g VOC.
- (2) “Adjusted Maximum Incremental Reactivity” (MIR_{ADJ}) means the Absolute MIR value multiplied by the Uncertainty Factor as set forth in the Table of Specific MIR Values in section 94533(d).
- ~~(23)~~ “Base Reactive Organic Gas” (ROG) means a mixture of reactive organic gases utilized in the parameters and definition of the absolute MIR scale. The base ROG is used to represent the range of chemical compositions resulting from a variety of conditions including anthropogenic emissions occurring in the ambient air of urban areas.
- (4) “CLEAR Limit” means the maximum product weighted reactivity allowed in an aerosol coating product in a specific category expressed as g O₃/g product.
- ~~(35)~~ “Kinetic Reactivity” (KR) means the fraction of VOC reacting in the atmosphere.
- ~~(46)~~ “ k_{OH} ” means the reaction rate constant of the reaction of a hydroxyl (OH) radical with a VOC at ~~20°C and 1 atmosphere~~ ambient temperature and pressure.
- ~~(57)~~ “Maximum Incremental Reactivity” (MIR) means the maximum weight of ozone formed by adding a compound to the “base ROG” mixture per weight of compound added, expressed to hundredths of a gram; (g O₃/g VOC). For the purposes of this article “MIR” means the absolute MIR value, unless otherwise noted.
- ~~(68)~~ “Mechanistic Reactivity” (MR) means the moles of ozone formed per mole of VOC reacting.
- ~~(79)~~ “Nonvolatile Ingredient” means any ingredient which does not volatilize, as defined by the Air Resources Board (ARB) Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products.
- ~~(810)~~ “Ozone” is ~~the main ingredient of photochemical smog.~~ It is a reactive toxic gaseous molecule consisting of three oxygen atoms, (O₃). It Ozone is a product of the photochemical processes involving the sun's energy sunlight and is the main ingredient in photochemical smog.
- ~~(9)~~ “Product-Weighted Absolute MIR” ($PWMIR_{abs}$) means product-weighted relative MIR

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~~(PWMIR_{rel}), shown in equation in this subpart (a), (10)(b), multiplied by the absolute MIR value of the Base Reactive Organic Gas. The PWMIR_{abs} is expressed to hundredths of a gram of ozone formed per gram of product (excluding container and packaging). The PWMIR_{abs} is the total product reactivity in units of g O₃/g product. Using the values specified in section 94533(d), PWMIR_{abs} is calculated according to the following equation:~~

~~(a) — Product-Weighted MIR_{abs} = Product-Weighted MIR_{rel} x MIR_{abs} for Base ROG~~

~~(1011) “Product-Weighted Relative MIR” (PWMIR_{rel}) means the sum of all weighted-MIR_{relADJ} for all ingredients in a product subject to this article. Using the values specified in section 94533(d), PWMIR_{rel} is calculated according to the following equations:—The PWMIR is the total product reactivity expressed to hundredths in grams of ozone formed per gram of product (excluding container and packaging) and calculated according to the following equations:~~

~~(a) Weighted MIR (Wtd-MIR)_{rel} for an ingredient = MIR_{ADJrel} x Weight fraction VOC,~~

~~and,~~

~~(b) Product Weighted MIR_{rel} = (Wtd-MIR_{rel})₁ + (Wtd-MIR_{rel})₂ + ... + (Wtd- MIR_{rel})_N~~

~~where,~~

~~MIR_{ADJ} = ingredient MIR multiplied by the uncertainty multiplier;~~

~~Wtd-MIR = MIR_{ADJ} of each ingredient in a product multiplied by the weight fraction of that ingredient, as shown in equation (10)(a);~~

~~1,2,3...N = each ingredient in the product up to the total N ingredients in the product.~~

~~(1112) “Reactive Organic Gas” (ROG) means, for the purposes of this article, the same as the “Volatile Organic Compound” (VOC) definition found set forth in section 94521(62)(a).~~

~~(1213) “Relative MIR” (MIR_{rel}) means the ratio of the absolute MIR to the base ROG. The MIR_{rel} value is unitless.~~

~~(14) “Uncertainty Factor” means a numerical ranking of the uncertainty of an MIR value as set forth in section 94533(d). The uncertainty factor is multiplied by the Absolute MIR to obtain MIR_{ADJ} for a VOC.~~

~~(1315) “Upper Limit MIR” (ULMIR) means the kinetic reactivity (KR) multiplied by the mechanistic reactivity (MR) and unit conversion factors. The units for ULMIR are g O₃/g VOC ingredient. ULMIR is can be calculated with the following equation:~~

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$$\text{ULMIR} = \text{Upper Limit KR} \times \text{Upper Limit MR}$$

The units for ULMIR are g O₃/g VOC ingredient.

- (1416) “Weight Fraction” means the ratio of the weight of an ingredient to the total net weight of the product, expressed to hundredths in grams of ingredient per gram of product (excluding container and packaging) and calculated according to the following equation:

$$\text{Weight Fraction} = \frac{\text{Weight of the ingredient}}{\text{Total product net weight (excluding container and packaging)}}$$

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

94532. CLEAR Limits for Aerosol Coating Products

- (a)(1) Except as specified ~~below~~ in section 94532(a)(2), (b), (c), (d) and (e), all of the requirements of section 94522, except sections 94522(g) and (h), shall apply.
- (2) As a voluntary alternative to the VOC limits specified in section 94522, a person may sell, supply, offer for sale, or manufacture for use in California any aerosol coating products which, at the time of sale or manufacture, has a PWMIR_{abs} value no greater than the CLEAR Limit, specified in the following Table of CLEAR Limits:

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Table of CLEAR Limits
(VOC Limits, expressed as percent by weight of product)
(CLEAR Limits ~~(to be determined)~~), expressed as grams ozone per gram of product)

	Effective Date	
	December 31, 1999 January 1, 2002	
	VOC Limit, wt%	CLEAR Limit
General Coatings		
Clear Coatings	40.0 <u>45.0</u>	
Flat Paint Products	30.0 <u>40.0</u>	
Fluorescent Coatings	45.0 <u>55.0</u>	
Metallic Coatings	50.0 <u>65.0</u>	
Nonflat Paint Products	30.0 <u>40.0</u>	
Primers	30.0 <u>40.0</u>	
Specialty Coatings		
Art Fixatives or Sealants	70.0 <u>60.0</u>	
Auto Body Primers	50.0 <u>45.0</u>	
Automotive Bumper and Trim Products	75.0	
Aviation or Marine Primers	70.0	
Aviation Propeller Coatings	75.0 <u>70.0</u>	
Specialty Coatings (continued)		

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	Effective Date	
	December 31, 1999 <u>January 1, 2002</u>	
Corrosion Resistant Brass, Bronze, or Copper Coatings	70.0	
Exact Match Finishes: Engine Enamel	60.0 <u>50.0</u>	
Automotive	60.0 <u>50.0</u>	
Industrial	60.0 <u>70.0</u>	
Floral Sprays	85.0 <u>70.0</u>	
Glass Coatings	80.0 <u>65.0</u>	
Ground Traffic/Marking Coatings	40.0 <u>45.0</u>	
High Temperature Coatings	55.0 <u>60.0</u>	
Hobby/Model/Craft Coatings:		
Enamel	70.0	
Lacquer	70.0	
Clear or Metallic	75.0	
Marine Spar Varnishes	70.0 <u>60.0</u>	
Photograph Coatings	70.0	
Pleasure Craft Finish Primers Surfacers or Undercoaters	55.0 <u>70.0</u>	
Pleasure Craft Topcoats	55.0	
Specialty Coatings (continued)		

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	Effective Date	
	December 31, 1999 January 1, 2002	
	VOC Limit, wt%	CLEAR Limit
Shellac Sealers: Clear Pigmented	70.0 60.0	
Slip-Resistant Coatings	70.0 <u>60.0</u>	
Spatter/Multicolor Coatings	60.0 <u>55.0</u>	
Vinyl/Fabric/Leather/ Polycarbonate	70.0	
Webbing/Veil Coatings	70.0 <u>80.0</u>	
Weld-Through Primers	60.0 <u>50.0</u>	
Wood Stains	75.0	
Wood Touch-Up, Repair, or Restoration Coatings	75.0	

(b) **Products Containing Methylene Chloride.**

- (1) After the effective date of this article, for any aerosol coating product for which ~~standards~~ limits are specified ~~under in subpart section 94532(a)(2)~~, no person shall sell, supply, offer for sale, apply, or manufacture for use in California any aerosol coating product which contains methylene chloride. ~~unless the product contained methylene chloride in 1997.~~ Any product containing methylene chloride in 1997 can be reformulated to meet the CLEAR limits as long as the methylene chloride content in the reformulated product does not increase. The requirements of this section 94532(b) shall not apply to (A) any existing product formulation that complies with the Table of CLEAR Limits and was sold in California during calendar year 1997, or (B) any product formulation that was sold in California during calendar year 1997 that is reformulated to meet the Table of CLEAR Limits as long as the content of methylene chloride in the reformulated product does not increase.

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(2) The requirements of section 94532(b)(1) shall not apply to any aerosol coating product containing methylene chloride that are present as impurities in a combined amount equal to or less than 0.01% by weight of the product.

(c) **Multicomponent Kits Requirements for Products Formulated to meet CLEAR Limits.** Any person utilizing this article, shall not sell, supply, offer for sale, apply, or manufacture for use in California any multi-component kit, as defined in section 94521, in which the Kit ~~product-weighted~~ MIR_{abs} ($PWMIR_{abs}$) is greater than the total of all the CLEAR limits that would be allowed in the multi-component kit if each component product in the kit had separately met the applicable CLEAR Limit. Kit $PWMIR_{abs}$ and Total CLEAR are calculated as in equations (1), (2) and (3) below:

$$(1) \text{ Kit } PWMIR_{abs} = (PWMIR_{abs(1)} \times W_1) + (PWMIR_{abs(2)} \times W_2) + \dots + (PWMIR_{abs(n)} \times W_n)$$

$$(2) \text{ Total CLEAR} = (CLEAR_1 \times W_1) + (CLEAR_2 \times W_2) + \dots + (CLEAR_n \times W_n)$$

$$(3) \text{ Kit } PWMIR_{abs} \leq \text{Total CLEAR}$$

Where:

W = the weight of the product contents (excluding container)

CLEAR = the CLEAR Limit specified in section 94532(a)(2)

Subscript 1 denotes the first component product in the kit

Subscript 2 denotes the second component product in the kit

Subscript n denotes any additional component product

(d) **Products Assembled by Adding Bulk Paint to Aerosol Containers of Propellant.** No person shall sell, supply, offer for sale, apply, or manufacture for use in the state of California any aerosol coating product assembled by adding bulk paint to aerosol containers of propellant, unless such products comply with either the limits in section 94522(a)(1) or the CLEAR limits specified in section 94532(a)(2).

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

94533. Assignment of Maximum Incremental Reactivity (MIR) Values

For the purposes of this article, MIR values are assigned as follows:

- (a) All ingredients which do not contain carbon ~~shall each be~~ have been assigned an MIR value of 0.0.
- (b) All nonvolatile ingredients (including resins and other solids) in an aerosol coating finished product ~~shall each be~~ have been assigned an MIR value of 0.0. Non-volatility to be determined under ARB Consumer Products Method 310.
- (c) All of the compounds specified in section 94521(a)(62), except for those compounds specified in ~~94521(a)(62) subpart (B) and (B)~~ shall be excluded from the calculation of PWMIR and CLEAR Limit. (Proposal for discussion)

(d) **Table of Specific MIR Values (Partial)**

(Note that all uncertainty factors, adjusted MIRs, and all additional VOCs with their absolute MIR value have been added to this table. For clarity these additions have not been underlined.)

VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
1,2,3-Trimethyl Benzene	12.306	1	12.306	12/31/98 10/22/98
1,2,4-Trimethyl Benzene	5.327	1	5.327	12/31/98 10/22/98
1,2-Butandiol	1.649	1	1.649	12/31/98 10/22/98
1,3,5-Trimethyl Benzene	13.674	1	13.674	12/31/98 10/22/98
1-Butene	10.584	1	10.584	12/31/98 10/22/98
1-Hexene	5.688	1	5.688	12/31/98 10/22/98
1-Pentene	7.227	1	7.227	12/31/98 10/22/98
2-(2-Ethoxyethoxy) Ethanol	2.407	1	2.407	12/31/98 10/22/98
2,2,4-Trimethyl Pentane	1.333	1	1.333	12/31/98 10/22/98
2,3-Dimethyl Butane	1.198	1	1.198	12/31/98 10/22/98
2-Ethoxy-Ethanol	3.647	1	3.647	12/31/98 10/22/98
2-Methyl-2-Butene	11.133	1	11.133	12/31/98 10/22/98
2-Pentenes	11.510	1	11.510	12/31/98 10/22/98
3-Carene	2.441	1	2.441	12/31/98 10/22/98
3-Methyl-1-Butene	7.227	1	7.227	12/31/98 10/22/98
Acetaldehyde	6.261	1	6.261	12/31/98 10/22/98
Acetic Acid	0.000	1	0.000	12/31/98 10/22/98
Acetone	0.484	1	0.484	12/31/98 10/22/98
Acrolein	3.625	1	3.625	12/31/98 10/22/98

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VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
α-Pinene	3.880	1	3.880	12/31/9810/22/98
Benzaldehyde	0.000	1	0.000	12/31/9810/22/98
Biacetyl	17.507	1	17.507	12/31/9810/22/98
β-Pinene	1.926	1	1.926	12/31/9810/22/98
C3 Aldehydes	7.495	1	7.495	12/31/9810/22/98
C4 Internal Alkenes	13.154	1	13.154	12/31/9810/22/98
C5 Terminal Alkanes	7.227	1	7.227	12/31/9810/22/98
C6 Cycloalkanes	1.672	1	1.672	12/31/9810/22/98
C6 Terminal Alkanes	5.688	1	5.688	12/31/9810/22/98
C8 Disub. Benzenes	14.157	1	14.157	12/31/9810/22/98
C9 Trisub. Benzenes	13.674	1	13.674	12/31/9810/22/98
Carbon Monoxide	0.065	1	0.065	12/31/9810/22/98
Carbon Tetrachloride	0.000	1	0.000	12/31/9810/22/98
Chloroform	0.032	1	0.032	12/31/9810/22/98
Chloropicrin	1.044	1	1.044	12/31/9810/22/98
cis-2-Butene	12.643	1	12.643	12/31/9810/22/98
cis-2-Pentene	11.510	1	11.510	12/31/9810/22/98
Cyclohexane	1.672	1	1.672	12/31/9810/22/98
Cyclopentane	2.638	1	2.638	12/31/9810/22/98
Diethyl Ether	3.682	1	3.682	12/31/9810/22/98
Dimethyl Ether	0.901	1	0.901	12/31/9810/22/98
Dimethyl Glutarate	0.412	1	0.412	12/31/9810/22/98
Dimethyl Succinate	0.211	1	0.211	12/31/9810/22/98
d-Limonene	2.913	1	2.913	12/31/9810/22/98
Ethane	0.317	1	0.317	12/31/9810/22/98
Ethanol	1.706	1	1.706	12/31/9810/22/98
Ethene	8.327	1	8.327	12/31/9810/22/98
Ethyl Acetate	0.698	1	0.698	12/31/9810/22/98
Ethyl Benzene	2.245	1	2.245	12/31/9810/22/98
Ethyl Isopropyl Ether	3.598	1	3.598	12/31/9810/22/98
Ethylene Glycol	2.276	1	2.276	12/31/9810/22/98
Formaldehyde	6.577	1	6.577	12/31/9810/22/98
Formic Acid	0.000	1	0.000	12/31/9810/22/98
isobutane	1.313	1	1.313	12/31/9810/22/98
isobutene	5.757	1	5.757	12/31/9810/22/98
isobutyl Alcohol	2.235	1	2.235	12/31/9810/22/98
isoprene	9.346	1	9.346	12/31/9810/22/98
isopropyl Alcohol	0.724	1	0.724	12/31/9810/22/98
Methacrolein	5.319	1	5.319	12/31/9810/22/98
Methane	0.017	1	0.017	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date

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Methanol	0.639	1	0.639	12/31/9810/22/98
Methyl Acetate	0.102	1	0.102	12/31/9810/22/98
Methyl Ethyl Ketone	1.423	1	1.423	12/31/9810/22/98
Methyl Glyoxal	13.581	1	13.581	12/31/9810/22/98
Methyl Isobutyl Ketone	3.454	1	3.454	12/31/9810/22/98
Methyl Nitrite	7.816	1	7.816	12/31/9810/22/98
Methyl t-Butyl Ether	0.717	1	0.717	12/31/9810/22/98
Methylcyclohexane	1.942	1	1.942	12/31/9810/22/98
Methylcyclopentane	3.244	1	3.244	12/31/9810/22/98
Methylvinyl ketone	6.801	1	6.801	12/31/9810/22/98
m-Xylene	14.157	1	14.157	12/31/9810/22/98
n-Butane	1.161	1	1.161	12/31/9810/22/98
n-Butyl Acetate	0.961	1	0.961	12/31/9810/22/98
n-C16	0.327	1	0.327	12/31/9810/22/98
n-C17	0.334	1	0.334	12/31/9810/22/98
n-C18	0.315	1	0.315	12/31/9810/22/98
n-C19	0.299	1	0.299	12/31/9810/22/98
n-C20	0.284	1	0.284	12/31/9810/22/98
n-C21	0.271	1	0.271	12/31/9810/22/98
n-C22	0.259	1	0.259	12/31/9810/22/98
n-Decane	0.517	1	0.517	12/31/9810/22/98
n-Dodecane	0.393	1	0.393	12/31/9810/22/98
n-Heptane	0.893	1	0.893	12/31/9810/22/98
n-Hexane	1.171	1	1.171	12/31/9810/22/98
N-Methyl-2-Pyrrolidone	2.298	1	2.298	12/31/9810/22/98
n-Nonane	0.580	1	0.580	12/31/9810/22/98
n-Octane	0.697	1	0.697	12/31/9810/22/98
n-Pentadecane	0.350	1	0.350	12/31/9810/22/98
n-Pentane	1.442	1	1.442	12/31/9810/22/98
n-Propyl Alcohol	2.734	1	2.734	12/31/9810/22/98
n-Tetradecane	0.363	1	0.363	12/31/9810/22/98
n-Tridecane	0.386	1	0.386	12/31/9810/22/98
n-Undecane	0.470	1	0.470	12/31/9810/22/98
o-Xylene	8.437	1	8.437	12/31/9810/22/98
Propane	0.569	1	0.569	12/31/9810/22/98
Propene	11.031	1	11.031	12/31/9810/22/98
Propylene Carbonate	0.450	1	0.450	12/31/9810/22/98
Propylene Glycol	2.463	1	2.463	12/31/9810/22/98
p-Xylene	2.886	1	2.886	12/31/9810/22/98
s-Butyl Alcohol	1.592	1	1.592	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
t-Butyl Acetate	0.149	1	0.149	12/31/9810/22/98

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1-Butyl Alcohol	0.399	1	0.399	12/31/9810/22/98
Toluene	5.112	1	5.112	12/31/9810/22/98
trans-2-Butene	13.154	1	13.154	12/31/9810/22/98
trans-2-Pentene	11.510	1	11.510	12/31/9810/22/98
Trichloroethylene	0.958	1	0.958	12/31/9810/22/98
1,1,1-Trichloroethane	0.003	2	0.006	12/31/9810/22/98
1,1,2-Trichloroethane	0.087	2	0.174	12/31/9810/22/98
1,1-Dichloroethane	0.092	2	0.184	12/31/9810/22/98
1,1-Dichloroethene	1.894	2	3.788	12/31/9810/22/98
1,2-Dichloropropane	0.292	2	0.584	12/31/9810/22/98
1,2-Dihydroxy Hexane	1.674	2	3.348	12/31/9810/22/98
1,3,5-Triethyl Cyclohex.	1.634	2	3.268	12/31/9810/22/98
1,3-Butadiene	12.509	2	25.018	12/31/9810/22/98
1,3-Diethyl-Cyclohexane	1.525	2	3.05	12/31/9810/22/98
1,3-Dimeth. Cyclopentane	2.974	2	5.948	12/31/9810/22/98
1,3-Dimethyl Cyclohexane	1.911	2	3.822	12/31/9810/22/98
135-Tripropyl Cyclohex.	1.281	2	2.562	12/31/9810/22/98
13-Dieth-5-Me. Cyclohex.	1.737	2	3.474	12/31/9810/22/98
13-Dieth-5-Pent Cyclohx.	1.494	2	2.988	12/31/9810/22/98
13-Diprop-5-Eth Cyclohx.	1.387	2	2.774	12/31/9810/22/98
1-Chlorobutane	0.976	2	1.952	12/31/9810/22/98
1-Eth.-4-Meth. Cyclohex.	1.887	2	3.774	12/31/9810/22/98
1-Ethoxy-2-Propanol	2.330	2	4.66	12/31/9810/22/98
1-Heptanol	1.824	2	3.648	12/31/9810/22/98
1-Heptene	4.555	2	9.11	12/31/9810/22/98
1-Methoxy-2-Propanol	2.389	2	4.778	12/31/9810/22/98
1-Nonene	3.001	2	6.002	12/31/9810/22/98
1-Octene	3.631	2	7.262	12/31/9810/22/98
1-Octyl Alcohol	1.715	2	3.43	12/31/9810/22/98
2-(2-Butoxyethoxy)-Ethanol	1.870	2	3.74	12/31/9810/22/98
2-(Cl-methyl)-3-Cl-Propene	2.291	2	4.582	12/31/9810/22/98
2,2,3,3-Tetramethyl Butane	0.458	2	0.916	12/31/9810/22/98
2,2,3-Trimethyl Butane	1.383	2	2.766	12/31/9810/22/98
2,2,5-Trimethyl Hexane	1.342	2	2.684	12/31/9810/22/98
2,2-Dimethyl Butane	1.248	2	2.496	12/31/9810/22/98
2,3,4-Trimethyl Pentane	1.417	2	2.834	12/31/9810/22/98
2,3-Dimethyl Hexane	1.417	2	2.834	12/31/9810/22/98
2,3-Dimethyl Naphth.	4.835	2	9.67	12/31/9810/22/98
2,3-Dimethyl Pentane	1.457	2	2.914	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
2,3-Dimethyl-2-Butene	10.791	2	21.582	12/31/9810/22/98
2,4-Dimethyl Heptane	1.801	2	3.602	12/31/9810/22/98

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2,4-Dimethyl Hexane	2.070	2	4.14	12/31/9810/22/98
2,4-Dimethyl Pentane	1.702	2	3.404	12/31/9810/22/98
2,5-Dimethyl Hexane	2.039	2	4.078	12/31/9810/22/98
2,6-Diethyl Octane	1.378	2	2.756	12/31/9810/22/98
2,3,3-Trimethyl-1-butene	3.837	2	7.674	12/31/9810/22/98
2-Butoxy-Ethanol	2.320	2	4.64	12/31/9810/22/98
2-Butyltetrahydrofuran	3.659	2	7.318	12/31/9810/22/98
2-Ethoxyethyl Acetate	1.697	2	3.394	12/31/9810/22/98
2-Ethyl-1-Hexanol	1.712	2	3.424	12/31/9810/22/98
2-Heptenes	7.673	2	15.346	12/31/9810/22/98
2-Hexenes	9.216	2	18.432	12/31/9810/22/98
2-Methoxy-Ethanol	3.050	2	6.1	12/31/9810/22/98
2-Methyl Heptane	1.235	2	2.47	12/31/9810/22/98
2-Methyl Hexane	1.385	2	2.77	12/31/9810/22/98
2-Methyl Pentane	1.867	2	3.734	12/31/9810/22/98
2-Methyl-1-Butene	5.343	2	10.686	12/31/9810/22/98
2-Methyl-1-Pentene	4.454	2	8.908	12/31/9810/22/98
2-Methyl-2-Pentene	9.285	2	18.57	12/31/9810/22/98
2-Octyl Alcohol	0.909	2	1.818	12/31/9810/22/98
3-(Chloromethyl)-Heptane	0.970	2	1.94	12/31/9810/22/98
3,3-Dimethyl Pentane	0.912	2	1.824	12/31/9810/22/98
3,4-Propyl Heptane	1.202	2	2.404	12/31/9810/22/98
3,5-Diethyl Heptane	1.826	2	3.652	12/31/9810/22/98
3,7-Diethyl Nonane	1.369	2	2.738	12/31/9810/22/98
3,8-Diethyl Decane	0.814	2	1.628	12/31/9810/22/98
3,9-Diethyl Undecane	0.695	2	1.39	12/31/9810/22/98
3-Methyl Heptane	1.323	2	2.646	12/31/9810/22/98
3-Methyl Hexane	1.739	2	3.478	12/31/9810/22/98
3-Methylpentane	1.974	2	3.948	12/31/9810/22/98
3-Nonenes	6.338	2	12.676	12/31/9810/22/98
3-Octenes	7.332	2	14.664	12/31/9810/22/98
3-Octyl Alcohol	0.909	2	1.818	12/31/9810/22/98
4-Ethyl Heptane	1.379	2	2.758	12/31/9810/22/98
4-Methyl Heptane	1.417	2	2.834	12/31/9810/22/98
Acetylene	0.354	2	0.708	12/31/9810/22/98
Acrylonitrile	2.092	2	4.184	12/31/9810/22/98
Alkyl Phenols	2.523	2	5.046	12/31/9810/22/98
Alpha Methyl Tetrahydrofuran	5.160	2	10.32	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
a-Methyl Styrene	2.009	2	4.018	12/31/9810/22/98
Benzene	0.797	2	1.594	12/31/9810/22/98
Branched C10 Alkanes	1.202	2	2.404	12/31/9810/22/98

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Branched C11 alkanes	1.826	2	3.652	12/31/9810/22/98
Branched C12 Alkanes	1.378	2	2.756	12/31/9810/22/98
Branched C13 Alkanes	1.369	2	2.738	12/31/9810/22/98
Branched C14 Alkanes	0.814	2	1.628	12/31/9810/22/98
Branched C15 Alkanes	0.695	2	1.39	12/31/9810/22/98
Branched C16 Alkanes	0.652	2	1.304	12/31/9810/22/98
Branched C17 Alkanes	0.615	2	1.23	12/31/9810/22/98
Branched C18 Alkanes	0.581	2	1.162	12/31/9810/22/98
Branched C5 Alkanes	1.685	2	3.37	12/31/9810/22/98
Branched C6 Alkanes	1.867	2	3.734	12/31/9810/22/98
Branched C7 Alkanes	1.739	2	3.478	12/31/9810/22/98
Branched C8 Alkanes	1.417	2	2.834	12/31/9810/22/98
Branched C9 Alkanes	1.379	2	2.758	12/31/9810/22/98
C10 3-Alkenes	5.583	2	11.166	12/31/9810/22/98
C10 Bicycloalkanes	1.547	2	3.094	12/31/9810/22/98
C10 Cyclic Ketones	0.663	2	1.326	12/31/9810/22/98
C10 Cyclic or di-olefins	5.664	2	11.328	12/31/9810/22/98
C10 Cycloalkanes	1.525	2	3.05	12/31/9810/22/98
C10 Disub. Benzenes	11.206	2	22.412	12/31/9810/22/98
C10 Internal Alkenes	5.583	2	11.166	12/31/9810/22/98
C10 Ketones	0.655	2	1.31	12/31/9810/22/98
C10 Monosub. Benzenes	1.776	2	3.552	12/31/9810/22/98
C10 Styrenes	1.796	2	3.592	12/31/9810/22/98
C10 Terminal Alkanes	2.460	2	4.92	12/31/9810/22/98
C10 Tetrasub. Benzenes	12.245	2	24.49	12/31/9810/22/98
C10 Trisub. Benzenes	12.245	2	24.49	12/31/9810/22/98
C11 3-Alkenes	5.034	2	10.068	12/31/9810/22/98
C11 Bicycloalkanes	1.760	2	3.52	12/31/9810/22/98
C11 Cyclic or di-olefins	5.103	2	10.206	12/31/9810/22/98
C11 Cycloalkanes	1.737	2	3.474	12/31/9810/22/98
C11 Disub. Benzenes	10.162	2	20.324	12/31/9810/22/98
C11 Internal Alkenes	5.034	2	10.068	12/31/9810/22/98
C11 Monosub. Benzenes	1.608	2	3.216	12/31/9810/22/98
C11 Pentasub. Benzenes	10.126	2	20.252	12/31/9810/22/98
C11 Pentasub. Benzenes	11.088	2	22.176	12/31/9810/22/98
C11 Terminal Alkanes	2.151	2	4.302	12/31/9810/22/98
C11 Tetralin or Indane	0.950	2	1.9	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
C11 Tetrasub. Benzenes	11.088	2	22.176	12/31/9810/22/98
C11 Trisub. Benzenes	11.088	2	22.176	12/31/9810/22/98
C12 2-Alkenes	4.592	2	9.184	12/31/9810/22/98
C12 3-Alkenes	4.592	2	9.184	12/31/9810/22/98

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C12 Bicycloalkanes	1.654	2	3.308	12/31/9810/22/98
C12 Cyclic or di-olefins	4.645	2	9.29	12/31/9810/22/98
C12 Cycloalkanes	1.634	2	3.268	12/31/9810/22/98
C12 Disub. Benzenes	9.273	2	18.546	12/31/9810/22/98
C12 Disub. Naphthalenes	4.835	2	9.67	12/31/9810/22/98
C12 Hexaasub. Benzenes	10.126	2	20.252	12/31/9810/22/98
C12 Internal Alkenes	4.592	2	9.184	12/31/9810/22/98
C12 Monosub. Benzenes	1.468	2	2.936	12/31/9810/22/98
C12 Monosub. Naphth.	2.898	2	5.796	12/31/9810/22/98
C12 Terminal Alkanes	1.950	2	3.9	12/31/9810/22/98
C12 Tetrasub. Benzenes	10.126	2	20.252	12/31/9810/22/98
C12 Trisub. Benzenes	10.126	2	20.252	12/31/9810/22/98
C13 3-Alkenes	4.214	2	8.428	12/31/9810/22/98
C13 Bicycloalkanes	1.510	2	3.02	12/31/9810/22/98
C13 Cyclic or di-olefins	4.259	2	8.518	12/31/9810/22/98
C13 Cycloalkanes	1.494	2	2.988	12/31/9810/22/98
C13 Disub. Benzenes	8.538	2	17.076	12/31/9810/22/98
C13 Disub. Naphthalenes	4.442	2	8.884	12/31/9810/22/98
C13 Internal Alkenes	4.214	2	8.428	12/31/9810/22/98
C13 Monosub. Benzenes	1.350	2	2.7	12/31/9810/22/98
C13 Monosub. Naphth.	2.660	2	5.32	12/31/9810/22/98
C13 Terminal Alkanes	1.749	2	3.498	12/31/9810/22/98
C13 Trisub. Benzenes	9.318	2	18.636	12/31/9810/22/98
C13 Trisub. Naphthalenes	4.442	2	8.884	12/31/9810/22/98
C14 Bicycloalkanes	1.402	2	2.804	12/31/9810/22/98
C14 Cycloalkanes	1.387	2	2.774	12/31/9810/22/98
C15 Bicycloalkanes	1.294	2	2.588	12/31/9810/22/98
C15 Cycloalkanes	1.281	2	2.562	12/31/9810/22/98
C4 Aldehydes	6.025	2	12.05	12/31/9810/22/98
C5 Aldehydes	5.051	2	10.102	12/31/9810/22/98
C5 Cyclic Ketones	1.220	2	2.44	12/31/9810/22/98
C5 Internal Alkenes	11.510	2	23.02	12/31/9810/22/98
C5 Ketones	1.191	2	2.382	12/31/9810/22/98
C6 Aldehydes	4.348	2	8.696	12/31/9810/22/98
C6 Cyclic Ketones	1.046	2	2.092	12/31/9810/22/98
C6 Cyclic or di-olefins	9.440	2	18.88	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
C6 Internal Alkenes	9.216	2	18.432	12/31/9810/22/98
C6 Ketones	1.025	2	2.05	12/31/9810/22/98
C7 Aldehydes	3.800	2	7.6	12/31/9810/22/98
C7 Cyclic Ketones	0.915	2	1.83	12/31/9810/22/98
C7 Cyclic or di-olefins	7.836	2	15.672	12/31/9810/22/98

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C7 Cycloalkanes	1.942	2	3.884	12/31/9810/22/98
C7 Internal Alkenes	7.673	2	15.346	12/31/9810/22/98
C7 Ketones	0.898	2	1.796	12/31/9810/22/98
C7 Terminal Alkanes	4.555	2	9.11	12/31/9810/22/98
C8 Aldehydes	3.388	2	6.776	12/31/9810/22/98
C8 Cyclic Ketones	0.813	2	1.626	12/31/9810/22/98
C8 Cyclic or di-olefins	7.466	2	14.932	12/31/9810/22/98
C8 Cycloalkanes	1.703	2	3.406	12/31/9810/22/98
C8 Internal Alkenes	7.332	2	14.664	12/31/9810/22/98
C8 Ketones	0.801	2	1.602	12/31/9810/22/98
C8 Terminal Alkanes	3.631	2	7.262	12/31/9810/22/98
C9 Bicycloalkanes	1.918	2	3.836	12/31/9810/22/98
C9 Cyclic Ketones	0.731	2	1.462	12/31/9810/22/98
C9 Cyclic or di-olefins	6.439	2	12.878	12/31/9810/22/98
C9 Cycloalkanes	1.887	2	3.774	12/31/9810/22/98
C9 Disub. Benzenes	12.521	2	25.042	12/31/9810/22/98
C9 Internal Alkenes	6.338	2	12.676	12/31/9810/22/98
C9 Ketones	0.721	2	1.442	12/31/9810/22/98
C9 Monosub. Benzenes	1.982	2	3.964	12/31/9810/22/98
C9 Styrenes	2.009	2	4.018	12/31/9810/22/98
C9 Terminal Alkanes	3.001	2	6.002	12/31/9810/22/98
Chloroform	0.031	2	0.062	12/31/9810/22/98
Crotonaldehyde	6.200	2	12.4	12/31/9810/22/98
Cyclobutane	1.120	2	2.24	12/31/9810/22/98
Cyclohexene	5.684	2	11.368	12/31/9810/22/98
Cyclopentadiene	12.212	2	24.424	12/31/9810/22/98
Cyclopentene	8.960	2	17.92	12/31/9810/22/98
Cyclopropane	0.099	2	0.198	12/31/9810/22/98
Diacetone Alcohol	0.623	2	1.246	12/31/9810/22/98
Dibutyl Ether	2.884	2	5.768	12/31/9810/22/98
Dichloromethane	0.060	2	0.12	12/31/9810/22/98
Dimethyl Adipate	1.333	2	2.666	12/31/9810/22/98
Dimethyl Naphthalenes	4.835	2	9.67	12/31/9810/22/98
Ethyl Acetylene	10.982	2	21.964	12/31/9810/22/98
Ethyl Acrylate	5.928	2	11.856	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
Ethyl Amine	6.886	2	13.772	12/31/9810/22/98
Ethyl Chloride	0.214	2	0.428	12/31/9810/22/98
Ethyl Cyclopentane	2.950	2	5.9	12/31/9810/22/98
Ethyl t-Butyl Ether	2.147	2	4.294	12/31/9810/22/98
Ethylcyclohexane	1.703	2	3.406	12/31/9810/22/98
Ethylene Dibromide	0.378	2	0.756	12/31/9810/22/98

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Ethylene Dichloride	0.717	2	1.434	12/31/9810/22/98
Ethylene Oxide	0.050	2	0.1	12/31/9810/22/98
Furan	22.078	2	44.156	12/31/9810/22/98
Glyoxal	2.086	2	4.172	12/31/9810/22/98
Hexyl Cyclohexane	0.826	2	1.652	12/31/9810/22/98
Indan	1.178	2	2.356	12/31/9810/22/98
Isobutyl Isobutyrate	1.214	2	2.428	12/31/9810/22/98
Isobutyl Acetate	1.355	2	2.71	12/31/9810/22/98
Isobutyl Isobutyrate	0.914	2	1.828	12/31/9810/22/98
Isopentane	1.685	2	3.37	12/31/9810/22/98
Isopropyl Acetate	1.171	2	2.342	12/31/9810/22/98
Isopropyl Benzene	1.885	2	3.77	12/31/9810/22/98
m-Cresol	2.523	2	5.046	12/31/9810/22/98
Methyl Acetylene	5.002	2	10.004	12/31/9810/22/98
Methyl Acrylate	6.898	2	13.796	12/31/9810/22/98
Methyl Bromide	0.015	2	0.03	12/31/9810/22/98
Methyl Chloride	0.031	2	0.062	12/31/9810/22/98
Methyl Isobutyrate	0.748	2	1.496	12/31/9810/22/98
Methyl Naphthalenes	3.186	2	6.372	12/31/9810/22/98
Methylene Bromide	0.029	2	0.058	12/31/9810/22/98
Monochlorobenzene	0.343	2	0.686	12/31/9810/22/98
Naphthalene	1.263	2	2.526	12/31/9810/22/98
n-Butyl Alcohol	3.216	2	6.432	12/31/9810/22/98
n-Butyl Benzene	1.776	2	3.552	12/31/9810/22/98
n-Butyl Bromide	1.431	2	2.862	12/31/9810/22/98
Neopentane	0.656	2	1.312	12/31/9810/22/98
Nitrobenzene	0.088	2	0.176	12/31/9810/22/98
n-Propyl Benzene	1.785	2	3.57	12/31/9810/22/98
n-Propyl Bromide	0.974	2	1.948	12/31/9810/22/98
o-Cresol	2.523	2	5.046	12/31/9810/22/98
Octyl Cyclohexane	0.627	2	1.254	12/31/9810/22/98
o-Cresol	2.523	2	5.046	12/31/9810/22/98
o-Dichlorobenzene	0.133	2	0.266	12/31/9810/22/98
Pentyl Alcohol	2.434	2	4.868	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
Perchloroethylene	0.036	2	0.072	12/31/9810/22/98
Phenol	1.376	2	2.752	12/31/9810/22/98
Propyl Acetate	1.136	2	2.272	12/31/9810/22/98
Propyl Cyclopentane	2.442	2	4.884	12/31/9810/22/98
Propylene Glycol Methyl Ether Acetate	1.213	2	2.426	12/31/9810/22/98
Propylene Oxide	0.400	2	0.8	12/31/9810/22/98
p-Trifluoromethyl-Cl-Benzene	0.104	2	0.208	12/31/9810/22/98

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Sabinene	2.134	2	4.268	12/31/9810/22/98
s-Butyl Benzene	1.597	2	3.194	12/31/9810/22/98
Styrene	2.277	2	4.554	12/31/9810/22/98
Subst. C7 Ester (C12)	0.912	2	1.824	12/31/9810/22/98
Subst. C9 Ester (C12)	0.883	2	1.766	12/31/9810/22/98
Tetralin	1.054	2	2.108	12/31/9810/22/98
Tolualdehyde	0.000	2	0	12/31/9810/22/98
Trans-1,2-Dichloroethene	0.590	2	1.18	12/31/9810/22/98
Trimethyl Amine	7.779	2	15.558	12/31/9810/22/98
Vinyl Acetate	6.898	2	13.796	12/31/9810/22/98
Vinyl Chloride	2.568	2	5.136	12/31/9810/22/98
1-Butoxy-2-propanol*	6.79	1	6.79	12/31/9810/22/98
1-Methoxy-2-propyl acetate*	7.93	1	7.93	12/31/9810/22/98
1-Propoxy-2-propanol*	7.55	1	7.55	12/31/9810/22/98
1,2,3-propane triol*	6.24	1	6.24	12/31/9810/22/98
2-(2-methoxyethoxy)-ethanol*	7.54	1	7.54	12/31/9810/22/98
2-amino-2-methyl-1-propanol*	8.61	1	8.61	12/31/9810/22/98
2-Butoxy-ethyl acetate*	7.34	1	7.34	12/31/9810/22/98
2-Ethoxy ethanol*	8.10	1	8.10	12/31/9810/22/98
2-Ethylhexanoate*	5.80	1	5.80	12/31/9810/22/98
2-Methoxy-1-propyl acetate*	8.85	1	8.85	12/31/9810/22/98
2-Methoxymethylethoxy propanol*	7.02	1	7.02	12/31/9810/22/98
2-Methyl-2-propenoic acid methyl ester*	9.45	1	9.45	12/31/9810/22/98
2-Pentanone*	4.78	1	4.78	12/31/9810/22/98
3-ethoxy propanoic acid ethyl ester*	7.61	1	7.61	12/31/9810/22/98
4-Methyl-1,3-dioxol-2-one*	5.29	1	5.29	12/31/9810/22/98
Amyl acetate*	5.71	1	5.71	12/31/9810/22/98
Benzyl butyl phthalate*	5.21	1	5.21	12/31/9810/22/98
Butyl 2-methyl-2-propenoate*	10.76	1	10.76	12/31/9810/22/98
Cyclohexanol*	8.22	1	8.22	12/31/9810/22/98
Di(propylene glycol) methyl ether*	6.16	1	6.16	12/31/9810/22/98
Dibutyl Phthalate*	5.72	1	5.72	12/31/9810/22/98
VOC Ingredient	Absolute MIR	Uncertainty Factor	Adjusted MIR	Effective Date
Dipropylene glycol n-butyl ether*	4.90	1	4.90	12/31/9810/22/98
Dipropylene glycol*	6.79	1	6.79	12/31/9810/22/98
Ethylene glycol monopropyl ether*	8.39	1	8.39	12/31/9810/22/98
Isoforone*	9.83	1	9.83	12/31/9810/22/98
Morpholine*	8.82	1	8.82	12/31/9810/22/98
Oxime 2-butanone*	8.81	1	8.81	12/31/9810/22/98
Pentyl Ethanoate*	5.72	1	5.72	12/31/9810/22/98
Sodium Benzoate*	2.29	1	2.29	12/31/9810/22/98

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Triethanolamine*	7.72	1	7.72	12/31/98 10/22/98
Triethylamine*	11.38	1	11.38	12/31/98 10/22/98
Trimethylpentanediol Isobutyrate*	4.18	1	4.18	12/31/98 10/22/98

* Denotes calculated ULMIR

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

94534. Exemptions

All of the exemptions specified in section 94523 shall apply.

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

94535. Administrative Requirements

(a) For the purposes of this article, all of the provisions in section 94524(a), ~~and (c)(1, 3-5)(c)(4), (d) and (e)~~ shall apply. The provisions in section 94524(b) and (c)(2) shall not apply.

(b) Labeling Requirements

- (1) Both the manufacturer and responsible party for each aerosol coating product subject to this article shall ensure that all products ~~using this Article 3.1~~, clearly display the following information on each product container which is manufactured after the effective date of this article:
 - (A) the applicable CLEAR limit for the product that is specified in section 94532(a)(2);
 - (B) the aerosol coating category as defined in section 94521, or an abbreviation of the coating category; and
 - (C) the day, month, and year on which the product was manufactured, or a code indicating such date.
- (2) The information required in section 94535(b)(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. For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

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- (3) No person shall remove, alter, conceal, or deface the information required in section 94535(b)(1) prior to final sale of the product.
- (4) For any aerosol coating product subject to section 94532(a)(2), if the manufacturer or responsible party uses a code indicating the date of manufacture or an abbreviation of the coating category as defined in section 94521, an explanation of the code or abbreviation must be filed with the Executive Officer prior to the use of the code or abbreviation.

(c) Reporting Requirements

- (1) Any responsible party ~~choosing to selling~~ selling products meeting the CLEAR limits in section 94532(a)(2), shall, within ~~30~~ 60 days of offering for sale, submit to the Executive Officer of the Air Resources Board a report containing all of the following information:
 - (A) A statement indicating which products will comply with the requirements of this Article 3.1 instead of Article 3.
 - (~~B~~) the product name and product category and CLEAR limit of each product complying with this Article;
 - (~~C~~) the complete speciation of pre- and post-reformulation products complying with this Article by weight percent of the nearest 0.1 percent;
 - (~~D~~) the total PWMIR_{abs} of the product pre- and post-reformulation;
 - (~~E~~) the California Sales Data for the most recent twelve (12) month period that data are available;
 - (~~F~~) the company name, mailing address, contact person, and the telephone number of the contact person.
- (2) Upon 90 days written notice, each manufacturer or responsible party subject to this article shall submit to the Executive Officer a written report with all of the following information for each product they manufacture under their name or another company's name:
 - (A) the brand name of the product;
 - (B) upon request, a copy of the product label;
 - (C) the owner of the trademark or brand names;
 - (D) the product category as defined in section 94521;
 - (E) the annual California sales in pounds per year and the method used to calculate California annual sales;
 - (F) the PWMIR and the percent by weight of all ingredients including; water, solids, each VOC ingredient, and any compounds assigned a MIR value of zero as specified in section 94533(a-c);
 - (G) an identification of each product brand name as a “household,” “industrial,” or “both” product; and
 - (H) any other information necessary to determine the emissions from aerosol coating

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products.

The information requested in this section (c)(2) may be supplied as an average for a group of aerosol coating products within the same coating category when the products do not vary in VOC content by more than two percent (by weight), and the coatings are based on the same resin type, or the products are color variations of the same product (even if the coatings vary by more than 2 percent in VOC content).

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

94536. Variances

~~No variances will be allowed from the provision of this Article 3.1.~~

(a) Any person who cannot comply with the requirements set forth in section 94532, because of extraordinary reasons beyond the person's reasonable control may apply in writing to the Executive Officer for a variance. The variance application shall set forth:

(1) the specific grounds upon which the variance is sought;

(2) the proposed date(s) by which compliance with the provisions of section 94532 will be achieved, and

(3) a compliance report reasonably detailing the method(s) by which compliance will be achieved.

(b) Upon receipt of a variance application containing the information required in subsection (a), the Executive Officer shall hold a public hearing to determine whether, under what conditions, and to what extent, a variance from the requirements in section 94532 is necessary and will be permitted. A hearing shall be initiated no later than 75 working days after receipt of a variance application. Notice of the time and place of the hearing shall be sent to the applicant by certified mail not less than 30 days prior to the hearing. Notice of the hearing shall also be submitted for publication in the California Regulatory Notice Register and sent to every person who requests such notice, not less than 30 days prior to the hearing. The notice shall state that the parties may, but need not be, represented by counsel at the hearing. At least 30 days prior to the hearing, the variance application shall be made available to the public for inspection. Information submitted to the Executive Officer by a variance applicant may be claimed as confidential, and such information shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, sections 91000-91022. The Executive Officer may consider such confidential information in reaching a decision on a variance application. Interested members of the public shall be allowed a reasonable opportunity to testify at the hearing and their testimony shall be considered.

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(c) No variance shall be granted unless all of the following findings are made:

- (1) that, because of reasons beyond the reasonable control of the applicant, requiring compliance with Section 94532 would result in extraordinary economic hardship.
- (2) that the public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding any increased emissions of air contaminants which would result from issuing the variance.
- (3) that the compliance report proposed by the applicant can reasonably be implemented, and will achieve compliance as expeditiously as possible.

(d) Any variance order shall specify a final compliance date by which the requirements of Section 94532 will be achieved. Any variance order shall contain a condition that specifies increments of progress necessary to assure timely compliance, and such other conditions that the Executive Officer, in consideration of the testimony received at the hearing, finds necessary to carry out the purposes of Division 26 of the Health and Safety Code.

(e) A variance shall cease to be effective upon failure of the party to whom the variance was granted to comply with any term or condition of the variance.

(f) Upon the application of any person, the Executive Officer may review, and for good cause, modify or revoke a variance from the requirements of section 94532 after holding a public hearing in accordance with the provisions of subsection 94536(b).

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

94537. Test Methods

Compliance with the requirements of this article shall be determined by using the test methods found in section 94526**(b-f)**, which are incorporated by reference herein. ~~Additionally, VOC speciation shall be determined using a variation of ARB Method 310, to be determined~~(speciation technique under development).

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

94538. Severability

~~For the purposes of this article all the provisions in section 94527 shall apply.~~

Each part of this article shall be deemed severable, and in the event that any part of this article is

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held to be invalid, the remainder of this article shall continue in full force and effect.

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

94539. Federal Enforceability

For purposes of federal enforceability of this article, the United States Environmental Protection Agency is not subject to approval determinations made by the Executive Officer under section 94536 and 94537. Within 180 days of a request from a person who has been granted a variance under section 94536, a variance meeting the requirements of the Clean Air Act shall be submitted by the Executive Officer to the Environmental Protection Agency for inclusion in the applicable implementation plan approved or promulgated by the Environmental Protection Agency pursuant to section 110 of the Clean Air Act, 42 U.S.C., section 7410.

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