Appendix B

Proposed Amendments to the Regulation for Reducing Emissions from Consumer Products

April 1, 2009 Public Workshop Version

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[Note: Proposed amendments are shown in bolded underline to indicate additions and bolded ~~strikeout~~ to indicate deletions. In the interest of clarity and completeness, the regulation text below shows amendments that were approved by the Board June 26, 2008, but have not yet been submitted to the Office of Administrative Law and are not yet legally effective. The 2008 amendments are identified by underlined italics to indicate additions and by italicized strikeouts to indicate deletions. The 2008 amendments are not part of the present proposal.]

Proposed Amendments to the
REGULATION FOR REDUCING ~~*VOLATILE ORGANIC COMPOUND*~~ EMISSIONS FROM CONSUMER PRODUCTS

SUBCHAPTER 8.5 CONSUMER PRODUCTS

Amend title 17, California Code of Regulation, sections 94508, 94509, 94510, 94512, 94513, and 94515 to read as follows:

Article 2. Consumer Products

94507. Applicability.

Except as provided in Sections 94509(i) and 94510, this article shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products for use in the state of California.

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

§ 94508. Definitions.

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

(1) "Adhesive" means any product that is used to bond one surface to another by attachment. "Adhesive" does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For "Contact Adhesive," "Construction, Panel, and Floor Covering Adhesive," and "General Purpose Adhesive" only, "adhesive" also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives.

(2) "Adhesive Remover" means a product designed to remove adhesive from either a specific substrate or a variety of substrates. "Adhesive Remover~~s~~" do*es* not include

products that remove adhesives intended for use on humans or animals.

For the purpose of this definition and “Adhesive Remover” subcategories (A-D), the term “adhesive” shall mean a substance used to bond one or more materials.

Adhesive includes, but is not limited to: caulks; sealants; glues; or similar substances used for the purpose of forming a bond.

(A) “Floor or Wall Covering Adhesive Remover” means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

(B) “Gasket or Thread Locking Adhesive Remover” means a product designed or labeled to remove gaskets or thread locking adhesives. Products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover are considered “Gasket or Thread Locking Adhesive Remover.”

(C) “General Purpose Adhesive Remover” means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive adhesives or residue from a variety of substrates. “General Purpose Adhesive Remover” includes, but is not limited to, products that remove thermoplastic adhesives; pressure sensitive adhesives; dextrine or starch-based adhesives; casein glues; rubber or latex-based adhesives; as well as products that remove stickers; decals; stencils; or similar materials. “General Purpose Adhesive Remover” does not include “Floor or Wall Covering Adhesive Remover.”

(D) “Specialty Adhesive Remover” means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur. Examples of reactive adhesives include, but are not limited to: epoxies; urethanes; silicones. “Specialty Adhesive Remover” does not include “Gasket or Thread Locking Adhesive Remover.”

(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 adhesives include special purpose spray adhesives, mist spray adhesives, and web spray adhesives.

(4) “Aerosol Cooking Spray” means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

(5) “Aerosol Product” means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's

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container, or by means of a mechanically induced force. "Aerosol Product" does not include "Pump Spray."

(6) "Agricultural Use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of any animal or plant crop. "Agricultural Use" does not include the sale or use of pesticides in properly labeled packages or containers which are intended for: (A) Home use, (B) Use in structural pest control, or (C) Industrial or Institutional use. For the purposes of this definition only:

"Home use" means use in a household or its immediate environment.

"Structural pest control" means a use requiring a license under Chapter 14 (commencing with Section 8500), Division 3, of the Business and Professions Code.

"Industrial use" means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.

"Institutional use" means use within the confines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

(7) "Air Freshener" means any ~~*consumer*~~ product including, but not limited to, sprays, wicks*, wipes, diffusers*, powders, and crystals, designed *or labeled* for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. "Air Freshener" includes dual purpose air freshener/disinfectant products. "Air Freshener" does not include products that are used on the human body, products that function primarily as cleaning products as indicated on a product label, *"Odor Remover/Eliminator,"* or "Toilet/Urinal Care Product."

(8) "All Other Carbon-Containing Compounds" means all other compounds which contain at least one carbon atom and are not a "Table B" or a "LVP-VOC."

(9) "All Other Forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless specified otherwise by the applicable VOC standard, "all other forms" include, but are not limited to, solids, liquids (which includes the liquid containing or liquid impregnated portion of the cloth or paper wipes (towelettes), wicks, powders, and crystals.

(10) "Antimicrobial Hand or Body Cleaner or Soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity, and is regulated as an over-the-counter drug by the U.S. Food and Drug Administration. "Antimicrobial Hand or Body Cleaner or Soap" includes, but is not limited to, (A) antimicrobial hand or body washes/cleaners, (B) foodhandler hand

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washes, (C) healthcare personnel hand washes, (D) pre-operative skin preparations and (E) surgical scrubs. "Antimicrobial Hand or Body Cleaner or Soap" does not include prescription drug products, antiperspirants, "Astringent/Toner," deodorant, "Facial Cleaner or Soap," "General-use Hand or Body Cleaner or Soap," "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap," "Medicated Astringent/Medicated Toner," and "Rubbing Alcohol."

(11) "Anti-Static Product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. "Anti-Static Product" does not include "Electronic Cleaner," "Floor Polish or Wax," "Floor Coating," and products that meet the definition of "Aerosol Coating Product" or "Architectural Coating."

(12) "Architectural Coating" means a coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.

(13) "ASTM" means ~~the American Society for Testing and Materials~~ <u>ASTM International</u>.

(14) "Astringent/Toner" means any product ~~*not regulated as a drug by the United States Food and Drug Administration (FDA) which is*~~ <u>*designed or labeled to be*</u> applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include any hand, face, or body cleaner or soap product, "Medicated Astringent/Medicated Toner," ~~*"Personal Fragrance Product,"*~~ cold cream, lotion, ~~*or*~~ antiperspirant<u>*, or any Astringent/Toner product regulated as a drug by the United States Food and Drug Administration (FDA)*</u>.

(15) "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.

(16) "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.

(17) "Automotive Rubbing or Polishing Compound" means a product designed primarily to remove oxidation, old paint, scratches or "swirl marks," and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

(18) "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~~s~~," automotive

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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.

(19) "Automotive Windshield Washer Fluid (Dilutable)" means any liquid which meets the following criteria:

(A) the product is sold either in a container with a capacity of ~~55~~ 10 gallons or more, or a container with a capacity of one quart or less; and

(B) the product is designed or labeled for use in a motor vehicle windshield washer fluid system either as an anti-freeze or for the purpose of cleaning, washing, bug removal, or wetting the windshield(s).

"Automotive Windshield Washer Fluid (Dilutable)" does not include any fluid which is placed in a new motor vehicle at the time the vehicle is manufactured.

(20) "Automotive Windshield Washer Fluid (Pre-Mixed)" means any liquid which meets the following criteria:

(A) the product is sold in a container with a capacity that is greater than one quart, but less than ~~55~~ 10 gallons; and

(B) the product is designed or labeled for use in a motor vehicle windshield washer fluid system as an anti-freeze or for the purpose of cleaning, washing, bug removal, or wetting the windshield(s).

"Automotive Windshield Washer Fluid (Pre-Mixed)" does not include any fluid which is placed in a new motor vehicle at the time the vehicle is manufactured.

(21) "Bathroom and Tile Cleaner" means a product designed or labeled to clean tile or surfaces in bathrooms. "Bathroom and Tile Cleaner" does not include "Toilet/Urinal Care Product."

(22) "Brake Cleaner" means a cleaning product designed or labeled to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

(23) "Bug and Tar Remover" means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish: (A) biological-type residues such as insect carcasses and tree sap and, (B) road grime, such as road tar, roadway paint markings, and asphalt.

(24) "California Sales" means the sales (net pounds of product, less packaging and container, per year) in California for either the calendar year immediately prior to the year that the information required by the Executive Officer pursuant to section

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94513 (required information) is due or, if that data is not available, any consecutive 12 month period commencing no earlier than 2 years prior to the due date of the required information. If direct sales data for California is not available, sales may be estimated by prorating national or regional sales data by population.

(25) "Carburetor or Fuel-Injection Air Intake Cleaner~~s~~" means a product designed or labeled to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. "Carburetor or Fuel-injection Air Intake Cleaner~~s~~" does not include products designed or labeled exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors, or products designed or labeled exclusively to be introduced during engine operation directly into air intake vacuum lines by using a pressurized sprayer wand.

(26) "Carpet ~~and~~ /Upholstery Cleaner" means a cleaning product designed *or labeled* for the purpose of eliminating dirt ~~and~~ *or* stains on rugs, carpeting, ~~and the interior of motor vehicles and/or on household furniture~~ or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. "Carpet ~~and~~/ Upholstery Cleaner" includes, but is not limited to, *products used on household furniture, the interior of motor vehicles, and* products that make ~~f~~"*F*abric ~~p~~*P*rotectant" claims. "Carpet ~~and~~/ Upholstery Cleaner" does not include ~~"General Purpose Cleaners,"~~ "Spot Remover~~s~~," vinyl or leather cleaners, ~~d~~"*D*ry ~~c~~*C*leaning ~~f~~*F*luid~~s~~," or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

(27) "Charcoal Lighter Material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. "Charcoal Lighter Material" does not include any of the following: (A) electrical starters and probes, (B) metallic cylinders using paper tinder, (C) natural gas, (D) propane, and (E) fat wood.

(28) "Colorant" means any pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

(29) "Construction, Panel, and Floor Covering Adhesive" means any non-aerosol, one-component adhesive that is designed or labeled for the installation, remodeling, maintenance, or repair of: (A) structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or (B) floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. "Construction, Panel, and Floor Covering Adhesive" does not include "Floor Seam Sealer."

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(30) “Consumer” means any person who seeks, purchases, or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not “consumers” for that product.

(31) “Consumer Product” means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products*;* but does not include other paint products, furniture coatings, or architectural coatings. As used in this article, the term “consumer product” shall also refer to aerosol adhesives, including aerosol adhesives used for consumer, industrial, and commercial uses.

(32) “Contact Adhesive” means a non-aerosol adhesive that: (A) is designed for application to both surfaces to be bonded together, and (B) is allowed to dry before the two surfaces are placed in contact with each other, and (C) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and (D) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. “Contact Adhesive” does not include rubber cements that are primarily intended for use on paper substrates. “Contact Adhesive” also does not include vulcanizing fluids that are designed and labeled for tire repair only.

(33) “Contact Adhesive - General Purpose” means any contact adhesive that is not a “Contact Adhesive - Special Purpose.”

(34) “Contact Adhesive - Special Purpose” means a contact adhesive that: (A) is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces, or (B) is used in automotive applications that are (1.) automotive under-the-hood applications requiring heat, oil or gasoline resistance, or (2.) body-side molding, automotive weatherstrip or decorative trim.

(35) “Container/Packaging” means the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. “Container/Packaging” includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

(36) “Crawling Bug Insecticide” means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but

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not limited to, mites, silverfish or spiders. "Crawling Bug Insecticide" does not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

"House dust mite product" means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.

"House dust mite" means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.

(37) "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).

(38) "Device" means any instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

(39) "Disinfectant" means a product that is labeled as a "disinfectant", or is labeled to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered as a "disinfectant" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.). Products that are labeled as both a "sanitizer" and a "disinfectant" are considered disinfectants. "Disinfectant" does not include any of the following: (A) products labeled solely for use on human or animals, (B) products labeled solely for agricultural use, (C) products labeled solely for use in swimming pools, therapeutic tubs, or hot tubs, (D) products which are labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces (E) products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments, (F) products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food, or (G) products which are labeled as "Bathroom and Tile

Cleaner~~s~~," "Glass Cleaner~~s~~," "General Purpose Cleaner~~s~~," "Toilet/Urinal Care Product~~s~~," "Metal Polish~~es~~," "Carpet Cleaner~~s~~," or "Fabric Refresher~~s~~" that may also make disinfecting or anti-microbial claims on the label.

(40) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

(41) "Double Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

(42) "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 by commercial dry cleaners and 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/~~and~~ 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."

(43) "Dual Purpose Air Freshener/Disinfectant" means an aerosol product that is represented on the product container for use as both a disinfectant and an air freshener, or is so represented on any sticker, label, packaging, or literature attached to the product container.

(44) "Dusting Aid" means a product *designed or* labeled to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. "Dusting Aid" does not include "Pressurized Gas Duster."

(45) "Electrical Cleaner" means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. Electrical Cleaner does not include "General Purpose Cleaner," "General Purpose Degreaser," "Dusting Aid," "Electronic Cleaner," "Energized Electrical Cleaner," "Pressurized Gas Duster," "Engine Degreaser," "Anti-Static Product," or products designed to clean the casings or housings of electrical equipment.

(46) "Electronic Cleaner" means a product labeled for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment such as circuit boards, and the internal components of electronic devices, including but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. "Electronic Cleaner" does not include "General Purpose Cleaner," "General Purpose Degreaser," "Dusting Aid," "Pressurized Gas Duster," "Engine Degreaser," "Electrical Cleaner," "Energized Electrical Cleaner," "Anti-Static

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Product," or products labeled to clean the casings or housings of electronic equipment. "Electronic Cleaner" does not include any product that meets both of the following criteria:

1) the product is labeled to clean and/or degrease electronic equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component;

2) the product label clearly displays the statements: "Energized Electronic Equipment use only."

(47) "Energized Electrical Cleaner" means a product that meets both of the following criteria:

1) the product is labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component such as a capacitor;

2) the product label clearly displays the statements: "Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts."

"Energized Electrical Cleaner" does not include "Electronic Cleaner."

(48) "Engine Degreaser" means a cleaning product designed or labeled to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

(49) "Executive Officer" means the Executive Officer of the Air Resources Board, or his or her delegate.

(50) "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) ~~*the effective date of the "2006 Amendments" (i.e., 30 days after the "2006 Amendments" rulemaking action is approved by the Office of Administrative Law)*~~ *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) [effective date], 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.

(51) "Extremely Flammable" means any substance which has a flashpoint at or below 20°F(-6.7°C) as determined by the test method described in 16 CFR 1500.43a (which is incorporated by reference herein), except that any mixture having one component or more with a "Flashpoint" higher than 20 °F(-6.7°C) which compromises at least 99 percent of the total volume of the mixture is not considered to be an "Extremely Flammable" substance.

(52)~~(51)~~ "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 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 "Clear Coating" or

"Vinyl/Fabric/Leather/Polycarbonate Coating" under section 94521(a).

(53)~~(52)~~ "Fabric Refresher" means a product labeled to neutralize or eliminate odors on non-laundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing and/or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. "Fabric Refresher" does not include "Anti-static Product," "Carpet~~/*and*~~ Upholstery Cleaner," "Footwear or Leather Care Product," "Spot Remover," or "Disinfectant," or products labeled for application to both fabric and human skin.

(54)~~*(53)*~~*"Fabric Softener-Single Use Dryer Product" means a laundry care product designed or labeled for single use in the clothes dryer to impart softness to, or control static cling of, a load of washable fabrics; and may impart a fragrance or scent. For the purpose of this definition only, "single use" means a product that is intended for one time use during a single drying cycle and is removed after completion of the drying cycle. A "load" is the amount of washable fabrics in a single drying cycle. "Fabric Softener-Single Use Dryer Product" includes treated nonwoven sheets which are typically packaged in boxes with a multiple number of sheets. "Fabric Softener-Single Use Dryer Product" does not include products applied to washable fabrics prior to placing the washable fabrics in the clothes dryer.*

(55)~~*(54)*~~~~(53)~~"Facial Cleaner or Soap" means a cleaner or soap designed primarily to clean the face. "Facial Cleaner or Soap" includes, but is not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. "Facial Cleaner or Soap" does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap," "Astringent/Toner," "General-use Hand or Body Cleaner or Soap," "Medicated Astringent/Medicated Toner," or "Rubbing Alcohol."

(56)~~*(55)*~~~~(54)~~"Fat Wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. "Fat wood" does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

(57) "Flashpoint" means the lowest temperature of the sample, corrected to a barometric pressure of 101.3 kPa (760 mm Hg), at which application of a test flame causes the vapor of the sample to ignite under specified conditions of test. The sample is deemed to have flashed when a large flame appears and instantaneously propagates itself over the surface of the sample. Occasionally, particularly near actual flashpoint, the application of the test flame will cause a halo or an enlarged flame; this is not a flash and should be ignored.

(58)~~*(56)*~~~~(55)~~"Flea and Tick Insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. "Flea and Tick Insecticide" does

not include products that are designed to be used exclusively on humans or animals and their bedding.

(59)*(57)*~~(56)~~"Floor Coating" means an opaque coating that is labeled and designed for application to flooring, including but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.

(60)~~*(58)*~~*"Floor Maintenance Product" means any product designed or labeled to restore, maintain, or enhance a previously applied floor finish. "Floor Maintenance Product" includes, but is not limited to, products that are labeled as Spray Buff products or Floor Maintainers or Restorers. "Floor Maintenance Product" does not include floor polish products, products designed solely for the purpose of cleaning, products designed or labeled exclusively for use on marble floors, or coatings subject to architectural coatings regulations.*

(61)~~*(59)(57)*~~ "Floor Polish or Wax" means a product designed or labeled to polish, wax, condition, protect, temporarily seal, or otherwise enhance floor surfaces by leaving a protective finish that is designed or labeled to be periodically replenished. "Floor Polish or Wax" does not include "~~*spray buff products*~~*Floor Maintenance Products*," "Floor Wax Stripper~~s~~", ~~*products designed or labeled for unfinished wood floors*~~, or coatings subject to architectural coatings regulations.

"Floor Polish or Wax" is divided into three subcategories: products for resilient flooring materials, products for nonresilient flooring materials and wood floor wax. For the purposes of this article:

(A) "Resilient Flooring Material" means flexible flooring material including but is not limited to, asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, and vinyl composite flooring.

(B) "Nonresilient Flooring Material" means flooring of a mineral content which is not flexible. "Nonresilient Flooring material" includes but is not limited to terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete.

(C) "Wood Floor Wax" means *any* wax-based product~~s~~ *designed or labeled* for use solely on wood floors. *"Wood Floor Wax" does not include products that make the claim to "clean and wax" or "clean and polish."*

(62)*(60)*~~*(58)*~~"Floor Seam Sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

(63)*(61)*~~*(59)*~~"Floor Wax Stripper" means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. "Floor Wax Stripper" does not include aerosol floor wax strippers or products designed to remove floor wax solely through

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abrasion.

(64)~~(62)(60)~~"Flying Bug Insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. "Flying Bug Insecticide" does not include "wasp and hornet insecticide," products that are designed to be used exclusively on humans or animals, or any moth-proofing product. For the purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

(65)~~(63)(61)~~"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 non-leather foot apparel. "Footwear or Leather Care Product" does not include "Fabric Protectant," "General Purpose Adhesive," "Contact Adhesive," "Vinyl/Fabric/Leather/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.

(66)~~(64)(62)~~"Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

(67)~~(65)(63)~~"Furniture Maintenance Product" means a wax, polish, conditioner, or any other product labeled for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors and other furniture surfaces including but not limited to acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass. "Furniture Maintenance Product" does not include "Dusting Aid~~s~~," "Wood Cleaner~~s~~," and products designed solely for the purpose of cleaning, or products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

(68)~~(66)(64)~~"Furniture Coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.

(69)~~(67)(65)~~"Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

(70)~~(68)(66)~~"General Purpose Adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. "General Purpose Adhesive" does not include (A) contact adhesives, (B) construction, panel, and floor covering adhesives,

(C) adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or (D) adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).

(71)~~*(69)(67)*~~"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.

(72)~~*(70)(68)*~~"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," 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.

(73)~~*(71)(69)*~~"General-use Hand or Body Cleaner or Soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. "General-use Hand or Body Cleaner or Soap" includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. "General-use Hand or Body Cleaner or Soap" does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap," "Astringent/Toner," "Facial Cleaner or Soap," "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap," "Medicated Astringent/Medicated Toner," or "Rubbing Alcohol."

(74)~~*(72)(70)*~~"Glass Cleaner" means a cleaning product designed *or labeled* primarily for cleaning surfaces made of glass. *"*Glass ~~c~~*C*leaner*"* does not include products designed *or labeled* solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

(75)~~*(73)*~~ *"Global Warming Potential (GWP)" means the radiative forcing impact of one mass-based unit of a given greenhouse gas relative to an equivalent unit of carbon dioxide over a given period of time.*

(76)~~*(74)*~~*"Global Warming Potential Value" or "GWP Value" means the global warming potential value of a chemical or compound as specified in the IPCC: 1995 Second Assessment Report (SAR), Table 2.14, in Climate Change 2007: The Physical Sciences Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, which is incorporated by reference herein.*

If Table 2.14 does not contain a SAR 100-year GWP Value for a specific chemical or compound, then the 100-year GWP Value in Table 2.14 for that chemical or compound shall be used. If there is no 100-year GWP Value for a chemical or compound listed in Table 2.14 or GWP Value listed in Table 2.15, then the GWP Value is assumed to be equal to the GWP limit of the applicable product category.

(77)~~*(75)(71)*~~"Graffiti Remover" means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish, from a variety of non-cloth or non-fabric substrates. "Graffiti Remover" does not include "Paint Remover or Stripper," "Nail Polish Remover," or "Spot Remover." Products labeled for dual use as both a paint stripper and graffiti remover are considered "Graffiti Removers."

(78)~~*(76)(72)*~~"Hair Mousse" means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

(79)~~*(77)(73)*~~"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 Spray," "Hair Mousse," "Hair Styling Product," "Hair Styling Gel," or products whose primary purpose is to condition or hold the hair.

(80)~~*(78)(74)*~~"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.

(81)~~*(79)(75)*~~"Hair 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 Spray" includes aerosol hair sprays, pump hair sprays,

spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling and finishing product. “Hair Spray” does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.

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.

(82)~~*(80)(76)*~~”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 hairstyle, and leave-in volumizers, detanglers and/or conditioners that make styling claims. “Hair Styling Product” does not include “Hair Mousse,” “Hair Shine,” “Hair 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.

(83)~~*(81)(77)*~~“Heavy-Duty Hand Cleaner or Soap” means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer’s ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. “Heavy-duty Hand Cleaner or Soap” does not include prescription drug products, “Antimicrobial Hand or Body Cleaner or Soap,” “Astringent/Toner,” “Facial Cleaner or Soap,” “General-use Hand or Body Cleaner or Soap,” “Medicated Astringent/Medicated Toner” or “Rubbing Alcohol.”

(84)~~*(82)(78)*~~“Herbicide” means a pesticide product designed to kill or retard a plant’s growth, but excludes products that are: (A) for agricultural use, or (B) restricted materials that require a permit for use and possession.

(85) “High-Temperature Coating” means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

(86)~~*(83)(79)*~~“Household Product” means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

(87) **“Industrial Maintenance Coating” means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed below and labeled “For industrial use only” or “For professional use only.” (A) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation; or (B) Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or (C) Frequent exposure to temperatures above 121°C (250°F); or (D) Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or (E) Exterior exposure of metal structures and structural components.high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).**

(88)~~(84)(80)~~“Insect Repellent” means a pesticide product that is designed to be applied on human skin, hair or attire worn on humans in order to prevent contact with or repel biting insects or arthropods.

(89)~~(85)(81)~~“Insecticide” means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are: (A) for agricultural use, or (B) for a use which requires a structural pest control license under Chapter 14 (commencing with Section 8500) of the Business and Professions Code, or (C) restricted materials that require a permit for use and possession.

(90)~~(86)(82)~~“Insecticide Fogger” means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

(91)~~(87)(83)~~“Institutional Product” or “Industrial and Institutional (I&I) Product” means a consumer product that is designed for use in the maintenance or operation of an establishment that: (A) manufactures, transports, or sells goods or commodities, or provides services for profit; or (B) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. “Establishments” include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. “Institutional Product” does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

(92)~~(88)(84)~~“Label” means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the

package.

(93)~~*(89)(85)*~~"Laundry Prewash" means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

(94)~~*(90)(86)*~~"Laundry Starch/Sizing/Fabric Finish Product" means a product that is labeled for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. "Laundry Starch/Sizing/Fabric Finish Product" includes, but is not limited to, starch, sizing, and fabric finish.

(95)~~*(91)(87)*~~"Lawn and Garden Insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 94512(a) aerosol "Lawn and Garden Insecticide~~s~~" may claim to kill insects or other arthropods.

(96)~~*(92)(88)*~~"Liquid" means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90. "Liquid" does not include powders or other materials that are composed entirely of solid particles.

(97)~~*(93)(89)*~~"Lubricant" means a product ~~*designed to*~~ *that* reduce*s* friction, heat, noise, or wear between moving parts, or ~~*to*~~ loosen*s* 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."

(98)~~*(94)(90)*~~"LVP-VOC" means a chemical "compound" or "mixture" that contains at least one carbon atom and meets one of the following:

(A) has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by ARB Method 310; or

(B) is a chemical "compound" with more than 12 carbon atoms, or a chemical "mixture" comprised solely of "compounds" with more than 12 carbon atoms*,* as verified by formulation data, and the vapor pressure and boiling point are unknown; or

(C) is a chemical "compound" with a boiling point greater than 216°C, as determined by ARB Method 310; or

(D) is the weight percent of a chemical "mixture" that boils above 216°C, as determined by ARB Method 310.

For the purposes of the definition of LVP-VOC, chemical "compound" means a molecule of definite chemical formula and isomeric structure, and chemical "mixture" means a substance comprised of two or more chemical "compounds."

(99)*~~(95)(91)~~*"Manufacturer" means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.

(100)*~~(96)(92)~~*"Medicated Astringent/Medicated Toner" means any product regulated as a drug by the Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores. "Medicated Astringent/Medicated Toner" includes, but is not limited to, clarifiers and substrate-impregnated products. "Medicated Astringent/Medicated Toner" does not include hand, face, or body cleaner or soap products, "Personal Fragrance Product~~s~~," "Astringent/Toner," cold cream, lotion, antiperspirants, or products that must be purchased with a doctor's prescription.

(101)*~~(97)(93)~~*"Metal Polish/Cleanser" means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. To "improve the appearance" means to 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," *Tire or W~~w~~heel ~~c~~Cleaner,"* "Paint Remover or Stripper," products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.

(102)*~~(98)(94)~~*"Mist Spray Adhesive" means any aerosol adhesive which is not a "Special Purpose Spray Adhesive" and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

(103)*~~(99)~~ "Motor Vehicle Wash" means a product designed or labeled to wash, wash and wax, wash and shine, or wash and/or clean the exterior surface of motor vehicles. "Motor Vehicle Wash" includes, but is not limited to, products for use in commercial, fleet, hand, and "drive through" car washes; commercial truck washing or large vehicle washing stations; vehicle dealers and repair shops as well as products intended for household consumer use. "Motor Vehicle Wash" does not include "Bug and Tar Remover," "Glass Cleaner," "Tire or Wheel Cleaner," and products labeled for use exclusively on locomotives or aircraft.*

(104)*~~(100)(95)~~*"Multi-purpose Dry Lubricant" means any lubricant which is: (A) designed ~~and~~*or* labeled to provide lubricity *solely* by depositing a thin film of graphite, molybdenum disulfide ("moly"), or polytetrafluoroethylene or closely related fluoropolymer ("teflon") on surfaces, and (B) designed *or labeled* for general

purpose lubrication, or for use in a wide variety of applications.

(105)*(101)(96)*"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*s*," "Penetrant*s*," or "Silicone-based Multi-Purpose Lubricant*s*."

(106)*(102)(97)***"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 or dissolving or removing contaminants or other organic materials. "Multi-purpose Solvent" includes (A)(1) products that do not display specific use instructions on the product container or packaging, (B)(2) products that do not specify an end-use function or application on the product container or packaging, and (C)(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. "Multi-purpose Solvent" does not include solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines, solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings, 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. "Multi-purpose Solvent" also does not include 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.

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(107)~~*(103)(98)*~~"Nail Polish" means any clear or colored coating designed for application to the fingernails or toenails and including but not limited to, lacquers, enamels, acrylics, base coats and top coats.

(108)~~*(104)(99)*~~"Nail Polish Remover" means a product designed to remove nail polish and coatings from fingernails or toenails.

(109)~~*(105)(100)*~~"Non-Carbon Containing Compound" means any compound which does not contain any carbon atoms.

(110)~~*(106)(101)*~~"Non-Selective Terrestrial Herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.

(111)~~*(107)*~~ *"Odor Remover/Eliminator" means a product that is designed or labeled to be applied exclusively to hard surfaces to inhibit the ability of soils to create malodors, or functions to entrap, encapsulate, neutralize, convert or eliminate malodor molecules. "Odor Remover/Eliminator" does not include products designed or labeled for use in cleaning soils from hard surfaces, laundering, softening, de-wrinkling or cleaning fabrics, or dishwashing, or products that are defined as "Air Freshener," "Bathroom and Tile Cleaner," "Carpet/Upholstery Cleaner," "Fabric Refresher," "General Purpose Cleaner," "Toilet/Urinal Care Product," "Disinfectant," or "Sanitizer."*

(112)~~*(108)(102)*~~"Oven Cleaner" means any cleaning product designed or labeled to clean and to remove dried or baked on food deposits from oven walls.

(113)~~*(109)(103)*~~"Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

(114) "Paint Clean-up" means any liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from painting equipment or tools, plastics, or metals.

(115)~~*(110)(104)*~~"Paint Remover or Stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. "Paint Remover or Stripper" does not include "Multi-purpose Solvent~~s~~," paint brush cleaners, products designed and labeled exclusively as "Graffiti Remover~~s~~," and hand cleaner products that claim to remove paints and other related coatings from skin.

(116)~~***(111)(105)***~~**"Paint Thinner" means any liquid product used for reducing the viscosity of coating compositions or components, that prominently displays**

the term "Paint Thinner," "Lacquer Thinner," "Thinner," or "Reducer" on the front panel of its packaging. "Paint Thinner" does not include thinners labeled for the thinning of Industrial Maintenance (IM) Coatings, Zinc-Rich IM Primers, and High Temperature IM Coatings. "Paint Thinner" also does not include products labeled and used exclusively as a component in a specific coating.

(117)*(112)(106)*"Penetrant" means a lubricant designed *and* *or* labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. "Penetrant" does not include "Multi-purpose Lubricant*s*" that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

(118)*(113)(107)*"Person" shall have the same meaning as defined in Health and Safety Code Section 39047.

(119)*(114)(108)* "Personal Fragrance Product" means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including, *but not limited to,* cologne, perfume, aftershave, *and* toilet water, *lotion, powder, body mist, and body spray.* "Personal Fragrance Product" does not include: (A) Deodorant, as defined in section 94501(d); (B) medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; (C) mouthwashes, breath fresheners and deodorizers; (D) lotions, moisturizers, powders or other skin care products *designed or labeled to be* used primarily to alleviate skin conditions such as dryness and irritations; (E) products designed exclusively *for use on* *to be applied to* human *genitalia areas, undergarments, and any paper products, napkins or other products that are affixed to undergarments, such as sanitary pads*; (F) soaps, shampoos, and products primarily used to clean the human body; and (G) fragrance products designed to be used exclusively on non-human animals.

(120)*(115)(109)*"Pesticide" means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term "pesticide" will not include any substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.

(121)*(116)(110)*"Pressurized Gas Duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents. "Pressurized Gas Duster" does not include "Dusting Aid*".,*" *"General Purpose Cleaner," "Electrical Cleaner," "Electronic Cleaner," "Energized Electrical Cleaner," or "Anti-Static Product." Pressurized Gas Duster does not include products labeled exclusively to remove dust from equipment where dust removal is accomplished when: electric current exists; residual electrical potential from a component such as a capacitor exists; or*

an open flame exists, as long as the "Principal Display Panel" clearly displays the statement: "Energized Equipment use only."

(122)~~*(117)(111)*~~"Principal Display Panel or Panels" means that part, or those parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

(123)~~*(118)(112)*~~"Product Brand Name" means the name of the product exactly as it appears on the principal display panel of the product.

(124)~~*(119)(113)*~~"Product Category" means the applicable category which best describes the product as listed in this Section 94508.

(125)~~*(120)(114)*~~"Product Form," for the purpose of complying with Section 94513 only, means the applicable form which most accurately describes the product's dispensing form as follows:

A = Aerosol Product
S = Solid
P = Pump Spray
L = Liquid
SS = Semisolid
O = Other

(126)~~*(121)(115)*~~ "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

(127)~~*(122)(116)*~~ "Pump Spray" means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

(128)~~*(123)(117)*~~ "Responsible Party" means the company, firm or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by," as noted on the label.

(129)~~*(124)(118)*~~"Restricted Materials" means pesticides established as restricted materials under Title 3, California Code of Regulations, section 6400.

(130)~~*(125)(119)*~~"Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.

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(131)~~*(126)(120)*~~"Retail Outlet" means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

(132)~~*(127)(121)*~~"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/Polycarbonate Coating" under section 94521(a).

(133)~~*(128)(122)*~~"Rubbing Alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

(134)~~*(129)(123)*~~"Sanitizer" means a product that is labeled as a "sanitizer," or is labeled to reduce, but not necessarily eliminate, microorganisms in the air, on surfaces, or on inanimate objects, and whose label is registered as a "sanitizer" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. section 136 et seq.). Products that are labeled as both a "sanitizer" and a "disinfectant" are considered disinfectants. "Sanitizer" does not include (A) "Disinfectant," (B) products labeled solely for use on humans or animals, (C) products labeled solely for agricultural use, (D) products labeled solely for use in swimming pools, therapeutic tubs, or hot tubs, (E) products which are labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces, (F) products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent or veterinary establishments (G) products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food, or (H) products which are labeled as "Bathroom and Tile Cleaner~~s~~," "Glass Cleaner~~s~~,"

"General Purpose Cleaner~~s~~," "Toilet/Urinal Care Product~~s~~," "Metal Polishe~~s~~," "Carpet Cleaner~~s~~," or "Fabric Refresher~~s~~" that may also make sanitizing or anti-microbial claims on the label.

(135)~~*(130)(124)*~~"Sealant ~~*and*~~ *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 ~~*and*~~ *or* Caulking Compound" does not include 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 ~~*and*~~ *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~~,~~*:*

"~~*r*~~*R*emovable caulking compounds" means a compound which temporarily seals windows or doors for three to six month time intervals*.*~~*, and*~~

"~~*c*~~*C*lear/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."

(136)~~*(131)(125)*~~"Semisolid" means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.

(137)~~*(132)(126)*~~"Shaving Cream" means an aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair. "Shaving Cream" does not include "Shaving Gel."

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(138)~~*(133)(127)*~~ "Shaving Gel" means an aerosol product which dispenses a post-foaming semi-solid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. "Shaving Gel" does not include "Shaving Cream."

(139)~~*(134)(128)*~~"Silicone-based Multi-purpose Lubricant" means any lubricant which is:
(A) designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and

(B) 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.

(140)~~*(135)(129)*~~"Single Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

(141)~~*(136)(130)*~~"Solid" means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90.

(142)~~*(137)(131)*~~"Special Purpose Spray Adhesive" means an aerosol adhesive that meets any of the following definitions:

(A) "Mounting Adhesive" means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

(B) "Flexible Vinyl Adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 or from product formulation data.

(C) "Polystyrene Foam Adhesive" means an aerosol adhesive designed to bond polystyrene foam (e.g. Styrofoam®, expanded polystyrene foam, etc.) to substrates.

(D) "Automobile Headliner Adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

(E) "Polyolefin Adhesive" means an aerosol adhesive designed to bond polyolefins (e.g. polyethylene, polypropylene, etc.) to substrates.

(F) "Laminate Repair/Edgebanding Adhesive" means an aerosol adhesive designed for:

(1) the touch-up or repair of items laminated with high pressure laminates (e.g. lifted edges, delaminations, etc.), or for
(2) the touch-up, repair, or attachment of edgebanding materials, including, but not limited to, other laminates, synthetic marble, veneers, wood moulding, and decorative metals.

For the purposes of this definition "high pressure laminate" means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

(G) "Automotive Engine Compartment Adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200-275° F.

(143)~~*(138)(132)*~~ "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, ~~*and*~~*or* clothing, that does not require subsequent laundering to achieve stain removal. "Spot Remover" does not include "Dry Cleaning Fluid," "Laundry Prewash,"~~ *or "Multi-purpose Solvent."*~~ *or aerosol products labeled solely for gum removal.*

(144)~~*(139)(133)*~~"Spray Buff Product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

(145)~~*(140)(134)*~~"Table B Compound" means any carbon-containing compound listed as an exception to the definition of VOC in Section 94508.

(146)~~*(141)(135)*~~"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 Spray," "Hair Styling Product," or "Hair Mousse."

(147)~~*(142)(136)*~~"Terrestrial" means to live on or grow from land.

(148)~~*(143)*~~ *"Tire or Wheel Cleaner" means a product designed or labeled exclusively to clean either tires, wheels, or both. "Tire or Wheel Cleaner" includes, but is not limited to, products for use in commercial, fleet, hand, and "drive-through" car washes; commercial truck washing or large vehicle*

washing stations; vehicle dealers and repair shops, as well as household consumer products. "Tire or Wheel Cleaner" does not include products labeled for use exclusively on locomotives or aircraft.

(149)~~*(144)(137)*~~"Tire Sealant and Inflator" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

(150)~~*(145)(138)*~~"Toilet/Urinal Care Product" means any product designed or labeled to cleanand/or to deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals includes, but is not limited to, toilets or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. "Toilet/Urinal Care Product" does not include "Bathroom and Tile Cleaner" or "General Purpose Cleaner."

(151)~~*(146)(139)*~~"Type A Propellent" means a compressed gas such as CO_2, N_2, N_2O, or compressed air which is used as a propellent, and is either incorporated with the product or contained in a separate chamber within the product's packaging.

(152)~~*(147)(140)*~~"Type B Propellent" means any halocarbon which is used as a propellent including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

(153)~~*(148)(141)*~~ "Type C Propellent" means any propellent which is not a Type A or Type B propellent, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

(154)~~*(149)(142)*~~ "Undercoating" means any aerosol product designed to impart a protective, non-paint 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.

(155)~~*(150)(143)*~~"Usage Directions" means the text or graphics on the product's principal display panel, label, or accompanying literature which describes to the end user how and in what quantity the product is to be used.

(156)~~*(151)(144)*~~"Volatile Organic Compound (VOC)" means any compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

(A) methane,
methylene chloride (dichloromethane),
1,1,1-trichloroethane (methyl chloroform),
trichlorofluoromethane (CFC-11),

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dichlorodifluoromethane (CFC-12),
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113),
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114),
chloropentafluoroethane (CFC-115),
chlorodifluoromethane (HCFC-22),
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123),
1,1-dichloro-1-fluoroethane (HCFC-141b),
1-chloro-1,1-difluoroethane (HCFC-142b),
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124),
trifluoromethane (HFC-23),
1,1,2,2-tetrafluoroethane (HFC-134),
1,1,1,2-tetrafluoroethane (HFC-134a),
pentafluoroethane (HFC-125),
1,1,1-trifluoroethane (HFC-143a),
1,1-difluoroethane (HFC-152a),
ethoxy-nonafluorobutane (HFE 7200),
cyclic, branched, or linear completely methylated siloxanes,
the following classes of perfluorocarbons:

1. cyclic, branched, or linear, completely fluorinated alkanes;
2. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
3. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
4. sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, and

(B) the following low-reactive organic compounds which have been exempted by the U.S. EPA:

acetone,
ethane,
methyl acetate,
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene),
perchloroethylene (tetrachloroethylene).

(157)~~*(152)(145)*~~"VOC Content" means the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined pursuant to sections 94515(a) and (b).

(158)~~*(153)(146)*~~"Wasp and 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.

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(159)~~*(154)(147)*~~"Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. "Waterproofer" does not include "Fabric Protectant~~s~~."

(160)~~*(155)(148)*~~"Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). "Wax" includes, but is not limited to, substances derived from the secretions of plants and animals such as carnuba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

(161)~~*(156)(149)*~~"Web Spray Adhesive" means any aerosol adhesive which is not a "Mist Spray Adhesive" or "Special Purpose Spray Adhesive."

(162)~~*(157)*~~ *"Windshield Water Repellent" means a product designed or labeled exclusively to repel water from motor vehicle exterior automotive glass surfaces. "Windshield Water Repellent" does not include "Automotive Windshield Washer Fluid."*

(163)~~*(158)(150)*~~"Wood Cleaner" means a product labeled to clean wooden materials including but not limited to decking, fences, flooring, logs, cabinetry, and furniture. "Wood Cleaner" does not include "Dusting Aid," General Purpose Cleaner," "Furniture Maintenance Product," "Floor Wax Stripper," "Floor Polish or Wax," or products designed and labeled exclusively to preserve or color wood.

(164) "Zinc-Rich Primer" means a coating that meets all the following specifications: (A) coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and (B) coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and (C) coating is intended for professional use only and labeled "For Professional Use Only."

NOTE: Authority cited: Sections *38501, 38510, 38560, 38560.5, 38562, 38580,* 39601, 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.

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§ 94509. Standards for Consumer Products.

(a) Except as provided in Sections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), 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

Product Category	Effective Date [1]	VOC Standard [2]
~~*Adhesive Removers*:*~~		
~~*Floor or Wall Covering Adhesive Remover*~~	~~*12/31/2006*~~	~~*5*~~
~~*Gasket or Thread Locking Adhesive Remover*~~	~~*12/31/2006*~~	~~*50*~~
~~*General Purpose Adhesive Remover*~~	~~*12/31/2006*~~	~~*20*~~
~~*Specialty Adhesive Remover*~~	~~*12/31/2006*~~	~~*70*~~
~~*[*See sections 94509(n) and 94512(d) for additional requirements that apply to adhesive removers.]*~~		
Adhesive~~s~~ *:		
~~a~~Aerosol**	1/1/95	75
Mist Spray Adhesive~~s~~**	1/1/2002	65
Web Spray Adhesive~~s~~**	1/1/2002	55
Special Purpose Spray Adhesive~~s~~**		
_Mounting, Automotive Engine Compartment, and Flexible Vinyl Adhesive~~s~~	1/1/2002	70
_Polystyrene Foam and Automobile Headliner Adhesive~~s~~	1/1/2002	65
_Polyolefin and Laminate Repair/Edgebanding Adhesive~~s~~	1/1/2002	60
[_**See 94509(i), 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesive~~s~~.]		
Construction, Panel, and Floor Covering~~* **~~#	1/1/95 12/31/2002	40 15

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	12/31/2008	7
[#~~*~~See section *94509(k) for the effective date of the VOC limit for certain types of "Construction, Panel, and Floor Covering Adhesive, and section* 94509(p) for additional requirements that apply to Construction, Panel, and Floor Covering Adhesive~~s~~.]		
__Contact##	1/1/95	80
__Contact Adhesive – General Purpose	12/31/2006	55
__Contact Adhesive – Special Purpose	12/31/2006	80
[##See sections 94509(m) and 94512(d) for additional requirements that apply to Contact Adhesive~~s~~.]		
__~~g~~General ~~p~~Purpose	1/1/95	10
* See section 94510(i) for an exemption that applies to adhesives sold in containers of one fluid ounce or less. ~~**See section 94509(k) for the effective date of the VOC limit for certain types of "Construction, Panel, and Floor Covering Adhesives."~~		
Adhesive Remover~~s~~:*		
__Floor or Wall Covering Adhesive Remover	*12/31/2006*	*5*
__Gasket or Thread Locking Adhesive Remover	*12/31/2006*	*50*
__General Purpose Adhesive Remover	*12/31/2006*	*20*
__Specialty Adhesive Remover	*12/31/2006*	*70*
*[*See sections 94509(n) and 94512(d) for additional requirements that apply to ~~a~~Adhesive ~~r~~Remover~~s~~.]*		
Aerosol Cooking Spray~~s~~	1/1/95	18
Air Freshener~~s~~*:		
Double Phase Aerosol~~s~~	1/1/93	30
[*See section 94509(u) for additional requirements that apply to Double Phase Aerosol Air Freshener.]	12/31/2004 **12/31/2012**	25 **20**
Single Phase Aerosol~~s~~	1/1/93 1/1/96	70 30
Dual Purpose Air Freshener~~s~~/Disinfectant aerosol~~s~~	1/1/94	60

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liquid/pump spray~~s~~	1/1/93	18
solid~~s~~/semisolid	1/1/93	3
[*See sections 94510(f) and 94510(g)(2) for exemptions that apply to certain Air Fresheners, and 94509(o) for additional requirements that apply to Air Fresheners.]		
Anti-static Product:		
aerosol	12/31/2008	80
non-aerosol	12/31/2006	11
Astringent/Toner (Non-FDA regulated)	*12/31/2010*	*35*
Automotive Rubbing or Polishing Compound~~s~~	1/1/2005	17
Automotive Wax/Polish/Sealant/Glaze:		
all other forms	1/1/2005	15
hard paste wax~~es~~	1/1/2005	45
instant detailer~~s~~	1/1/2001	3
Automotive Windshield Washer Fluid~~s~~:		
Type "A" areas*	1/1/93 12/31/2008	35 25
All other areas ~~(all forms)~~	1/1/93	10
~~Dilutable and Pre-Mixed~~**	12/31/2002	1
**See section 94508(a)(19), section 94508(a)(20), and section 94509(l) for provisions that apply to Automotive Windshield Washer Fluid~~s~~.		
* Type "A" areas include only the following: Del Norte, Shasta and Trinity Counties; the Great Basin Valley, Lake Tahoe, Mountain Counties, and Northeast Plateau Air Basins, as defined in Title 17, California Code of Regulations, Sections 60105, 60108, 60111, and 60113.		
Bathroom and Tile Cleaner~~s~~*:		
aerosol~~s~~	1/1/94	7
all other forms	1/1/94	5
non-aerosol	12/31/2008	1
[*See section 94509(p) for additional requirements that apply to Bathroom and Tile Cleaner~~s~~.]		

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Brake Cleaner~~s~~	1/1/97 12/31/2002 12/31/2008 12/31/2010	50 45 20 10
Bug and Tar Remover	1/1/2002	40
Carburetor or Fuel-injection Air Intake Cleaner~~s~~ ~~**~~* ========== ~~*~~* See section 94509(k) for the effective date of the VOC limit for Carburetor or Fuel-injection Air Intake Cleaner~~s~~.	1/1/95 12/31/2002 12/31/2008 12/31/2010 ==========	75 45 20 10 ==========
Carpet ~~*and*~~ /Upholstery Cleaner*: aerosol~~s~~ ---------- non-aerosol~~s~~ (dilutable~~s~~) ---------- non-aerosol~~s~~ (ready-to-use) ========== *[*See section 94509(q) for additional requirements that apply to Carpet/Upholstery Cleaner]*	1/1/2001 *12/31/2010* ---------- 1/1/2001 ---------- 1/1/2001 *12/31/2010* ==========	7 *5* ---------- 0.1 ---------- 3 *1* ==========
Charcoal Lighter Material	See *Section* 94509(h)	
Disinfectant: aerosol ---------- non-aerosol	12/31/2008 ---------- 12/31/2008	70 ---------- 1
Dusting Aid~~s~~: aerosol ---------- *non-aerosol* ~~*all other forms*~~	1/1/95 1/1/97 *12/31/2010* ---------- 1/1/95 *12/31/2010*	35 25 *17* ---------- 7 *3*
Electrical Cleaner* ========== [*See sections 94509(n) and 94512(d) for additional requirements that apply to Electrical Cleaner~~s~~.]	12/31/2006 ==========	45 ==========
Electronic Cleaner* ========== [*See sections 94509(m) and 94512(d) for additional requirements that apply to Electronic Cleaner~~s~~.]	12/31/2007 ==========	75 ==========
Engine Degreaser~~s~~:	1/1/93	75

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	1/1/96	50
aerosol~~s~~	12/31/2004 12/31/2010	35 10
non-aerosol~~s~~	12/31/2004	5
Fabric Protectant* aerosol	1/1/95 1/1/97	75 60
non-aerosol	1/1/95 1/1/97 12/31/2010	75 60 1
*[*See section 94509(q) for additional requirements that apply to Fabric Protectant]*		
Fabric Refresher: aerosol	12/31/2006	15
~~N~~non-aerosol	12/31/2006	6
~~*Fabric Protectants*~~	~~*1/1/95*~~ ~~*1/1/97*~~	~~*75*~~ ~~*60*~~
Fabric Softener – Single Use Dryer Product	*See Section 94509(s)*	
Floor Maintenance Product	*12/31/2010*	*1*
Floor Polish~~es~~ or Wax~~es~~: Resilient Flooring Material~~s~~	1/1/94 12/31/2010	7 1
Nonresilient Flooring Material~~s~~	1/1/94 12/31/2010	10 1
Wood Floor Wax	1/1/94 *12/31/2010*	90 *70*
Floor Wax Stripper: non-aerosol~~s~~	See Section 94509(j)	
Footwear or Leather Care Product*: aerosol	12/31/2006	75
solid	12/31/2006	55
all other forms	12/31/2006	15
[*See section 94509(m) for additional requirements that apply to Footwear or Leather Care Product~~s~~.]		
Furniture Maintenance Product~~s~~: aerosol~~s~~	1/1/94	25

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	12/31/2004	17
all other forms (except solid/paste forms)	1/1/94	7
non-aerosol *(except solid/paste forms)*	12/31/2008	3
General Purpose Cleaner~~s~~*: aerosol~~s~~ and non-aerosol~~s~~	1/1/94	10
aerosol~~s~~	12/31/2008	8
non-aerosol~~s~~	12/31/2004	4
[*See section 94509(p) for additional requirements that apply to General Purpose Cleaner~~s~~.]		
General Purpose Degreaser~~s~~*: aerosol~~s~~	1/1/2002 12/31/2008 12/31/2010	50 20 10
non-aerosol~~s~~	12/31/2004	4
[*See section 94509(m) for additional requirements that apply to General Purpose Degreaser~~s~~.]		
Glass Cleaner~~s~~: aerosol~~s~~	1/1/93 *12/31/2012*	12 *10*
non-aerosol~~s~~	1/1/93 1/1/96 12/31/2004	8 6 4
Graffiti Remover*: aerosol~~s~~	12/31/2006	50
non-aerosol~~s~~	12/31/2006	30
[*See section 94509(n) for additional requirements that apply to Graffiti Remover~~s~~.]		
Hair Mousse~~s~~	1/1/94 12/31/2002	16 6
Hair Shine	1/1/2005	55
Hair Spray	1/1/93 6/1/99	80 55
Hair Styling Gel~~s~~	1/1/94	6
Hair Styling Product: aerosol~~s~~ and pump spray~~s~~	12/31/2006	6

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all other forms	12/31/2006	2
Heavy-duty Hand Cleaner~~s~~ or Soap	1/1/2005	8
Insect Repellent~~s~~: ~~A~~aerosol~~s~~	1/1/94	65
Insecticide~~s~~*: Crawling Bug Insecticide (all forms):	1/1/95 1/1/98	40 20
~~aerosol Crawling Bug Insecticide~~ *aerosol*	12/31/2004	15
Flea and Tick Insecticide	1/1/95	25
Flying Bug Insecticide (all forms):	1/1/95	35
aerosol~~s~~	12/31/2003	25
F~~f~~ogger~~s~~	1/1/95	45
Lawn and Garden Insecticide (all forms)	1/1/95	20
~~non-aerosol Lawn and Garden Insecticide~~ *non-aerosol*	12/31/2003	3
Wasp and Hornet Insecticide	1/1/2005	40
* See sections 94510(g)(1) and 94510(k) for exemptions that apply to certain insecticides.		
Laundry Prewash: aerosol~~s~~/solid~~s~~	1/1/94	22
all other forms	1/1/94	5
Laundry Starch/Sizing/Fabric Finish Product:	1/1/95 12/31/2008	5 4.5
Metal Polish/Cleanser	1/1/2005	30
Motor Vehicle Wash *non-aerosol*	*12/31/10*	*0.2*
Multi-purpose Lubricant*: (excluding solid or semisolid products)	1/1/2003 *12/31/2013* *12/31/2015*	50 *25* *10*
*[*See sections 94509(g) and 94513(f) for additional requirements that apply to Multi-purpose Lubricant]*		
Multi-purpose Solvent	**12/31/2010** **12/31/2013**	**30** **3**

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[*See sections 94509(q), 94509(t), 94512(e), and 94513(g) for additional requirements that apply to Multi-purpose Solvent.]		
Nail Polish Remover~~s~~	1/1/94 1/1/96 12/31/2004 12/31/2007	85 75 0 1
Non-selective Terrestrial Herbicide: non-aerosol~~s~~	1/1/2002	3
Odor Remover/Eliminator *aerosol*	*12/31/2010*	*25*
non-aerosol	*12/31/2010*	*6*
Oven Cleaner~~s~~*: aerosol~~s~~/pump spray~~s~~	1/1/93	8
liquid	1/1/93	5
non-aerosol (including pump spray~~s~~ and liquid~~s~~)	12/31/2008	1
[*See section 94509(p) for additional requirements that apply to Oven Cleaner~~s~~.]		
Paint Remover or Stripper	1/1/2005	50
Paint Thinner	**12/31/2010** **12/31/2013**	**30** **3**
[*See sections 94509(q), 94509(t), 94512(e), and 94513(g) for additional requirements that apply to Paint Thinner.]		
Penetrant*	1/1/2003 *12/31/2013*	50 *25*
*[*See section 94509(q) and 94513(f) for additional requirements that apply to Penetrant]*		
Personal Fragrance Product~~s~~*: products with 20% or less fragrance	1/1/95 1/1/99	80 75
products with more than 20% fragrance	1/1/95 1/1/99	70 65
* See sections 94510(h), 94510(j), and 94510(l) for exemptions *and requirements* that apply to Personal Fragrance Product.		

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*Pressurized Gas Duster**	*12/31/2010*	*1*
*[*See section 94509(r) and 94510(c) for additional provisions that apply to Pressurized Gas Duster]*		
Rubber /Vinyl Protectant:		
aerosol~~s~~	1/1/2005	10
non-aerosol~~s~~	1/1/2003	3
Sanitizer:		
aerosol	12/31/2008	70
non-aerosol	12/31/2008	1
Sealant~~s and~~ *or* Caulking Compound~~s~~*		
all forms	12/31/2002	4
Chemically Curing non-aerosol	*12/31/2012*	*3*
Non-chemically Curing non-aerosol	*12/31/2010*	*1.5*
*[*See sections 94509(q) and 94512(d) for additional requirements that apply to Sealant or Caulking Compound]*		
Shaving Cream~~s~~	1/1/94	5
Shaving Gel	12/31/2006 12/31/2009	7 4
Silicone-based Multi-purpose Lubricant: (excluding solid or semisolid products)	1/1/2005	60
Spot Remover*:		
aerosol~~s~~	1/1/2001 *12/31/2010*	25 *15*
non-aerosol~~s~~	1/1/2001 *12/31/2010*	8 *3*
*[*See section 94509(q) for additional requirements that apply to Spot Remover]*		
Temporary Hair Color:		
~~A~~aerosol	12/31/2010	55
Tire or Wheel Cleaner aerosol	*12/31/2010*	*8*
non-aerosol	*12/31/2010*	*2*
Tire Sealant~~s~~ and Inflator~~s~~	12/31/2002	20

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Toilet/Urinal Care Product:* aerosol	12/31/2006	10
non-aerosol	12/31/2006	3
[* See section 94509(o) for additional requirements that apply to Toilet/Urinal Care Product~~s~~]		
Undercoating: aerosol~~s~~	1/1/2002	40
Windshield Water Repellent	*12/31/2010*	*75*
Wood Cleaner: aerosol	12/31/2006	17
non-aerosol	12/31/2006	4

[1] See section 94509(d) for the effective date of the VOC standards for products registered under FIFRA, and section 94509(c) and (d) for the "sell-through" allowed for products manufactured prior to the effective date of standards.

[2] See section 94510(c) for an exemption that applies to fragrances in consumer products, and section 94510(d) for an exemption that applies to LVP-VOCs.

(b) *Products that are diluted prior to use*

(1) Except for "Automotive Windshield Washer Fluid~~s~~ (Dilutable)," for consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection (b), "minimum recommended dilution" shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the maximum recommended dilution has taken place.

(3) For "Automotive Windshield Washer Fluid~~s~~ (Dilutable)" for which the ~~label, packaging, or accompanying literature~~ <u>front panel of the product label</u> specifically states that the product should be diluted ~~with water or non-VOC solvent~~ <u>(e.g. identified as a "concentrate" rather than "ready to use")</u> prior to use;

(A) the VOC limits specified in section 94509(a) shall apply to the product only after the minimum recommended dilution has taken place;

(B) for the purpose of complying with the VOC limits specified in section 94509(a), different dilution instructions for "Type A areas" and other areas of California may

be specified on the product label if the dilution instructions meet the following criteria:

1. The instructions are readily visible, and

2. The instructions can be easily understood by the consumer, and

3. The instructions clearly specify the recommended dilutions to apply in "Type A areas" and in other areas of California, and

If the dilution instructions specified on the product label meet these criteria, the VOC limits specified in section 94509(a) shall apply to the product only after the minimum recommended dilution has taken place for the area in which the product is sold, supplied, or offered for sale.

(4) For products sold in pump spray containers, the VOC limits specified in section 94509(a) shall apply to the product prior to any minimum recommended dilution.

(c) *Sell-through of products.*

(1) *Sell-through period*. Notwithstanding the provisions of Section 94509(a) or 94509(j), a consumer product manufactured prior to each of the effective dates specified for that product in the Table of Standards may be sold, supplied, or offered for sale for up to three years after each of the specified effective dates. This subsection (c) does not apply to:

(A) any consumer product that does not display on the product container or package the date on which the product was manufactured, or a code indicating such date, or

(B) any consumer product on which the manufacturer has used a code indicating the date of manufacture that is different than the code specified in section 94512(b)(2), but an explanation of the code has not been filed with the ARB Executive Officer by the deadlines specified in section 94512(c)(1) or section 94512(c)(2), or

(C) Solid "Air Fresheners" and "Toilet/Urinal Care Product~~s~~" that contain para-dichlorobenzene; these products are subject to the one-year sell-through period specified in section 94509(o).

(D) Products contained in multi-unit packages, as specified below:

1. Subsection (c)(1) does not apply to any individual consumer products unit contained within a multi-unit package that is produced or assembled after January 1, 2006, where the multi-unit package does not display the date(s) or

date-code(s) of the individual product units, or display the date of assembly, such that the displayed information is not readily observable without irreversibly disassembling any portion of the container or packaging.

2. For the purposes of this section, "date of assembly" means the date that the individual product units are assembled into the finished multi-unit package.

3. For multi-unit packages that display the "date of assembly" instead of the date(s) or date-code(s) of the individual product units, the "date of assembly" shall be the "date of manufacture" for all of the product units contained within the multi-unit package. In other words, all of the product units shall be deemed to have been manufactured on the date these units are assembled into the multi-unit package, even if the individual product units show different date(s) or date-code(s).

(2) *Notification for products sold during the sell-through period.* Any person who sells or supplies a consumer product subject to the Table of Standards in section 94509 must notify the purchaser of the product in writing of the date on which the sell-through period for that product will end, provided, however, that this notification must be given only if all of the following conditions are met:

(A) the product is being sold or supplied to a distributor or retailer;

(B) the sell-through period for the product will expire 6 months or less from the date the product is sold or supplied;

(C) the product does not comply with the lowest VOC standard that applies on the date the sell-through period ends; and

(D) the product is subject to a VOC standard with an effective date on or after December 31, 2004.

(d) *Products registered under FIFRA.* For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136-136y), the effective date of the VOC standards specified in subsection (a) is one year after the date specified in the Table of Standards. For those consumer products that are registered under FIFRA, the three year period provided in subsection (c) shall also begin one year after the date specified in the Table of Standards.

(e) *Products containing ozone-depleting compounds.* For any consumer product for which VOC standards are specified under subsection (a), no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which contains any of the following ozone-depleting compounds:

CFC-11 (trichlorofluoromethane),

CFC-12 (dichlorodifluoromethane),
CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane),
CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane),
CFC-115 (chloropentafluoroethane), halon 1211 (bromochlorodifluoromethane), halon 1301 (bromotrifluoromethane), halon 2402 (dibromotetrafluoroethane),
HCFC-22 (chlorodifluoromethane),
HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane),
HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane),
HCFC-141b (1,1-dichloro-1-fluoroethane),
HCFC-142b (1-chloro-1,1-difluoroethane), 1,1,1-trichloroethane, and carbon tetrachloride.

(f) The requirements of section 94509 (e) shall not apply to any existing product formulation that complies with the Table of Standards or any existing product formulation that is reformulated to meet the Table of Standards, provided the ozone depleting compound content of the reformulated product does not increase.

(g) The requirements of section 94509 (e) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than 0.01% by weight of the product.

(h) *Requirements for charcoal lighter materials.* The following requirements shall apply to all charcoal lighter material products as defined in section 94508(a)~~*(27)*~~:

(1) *Regulatory Standards*

(A) In all areas of California except the South Coast Air Quality Management District, no person shall sell, supply, or offer for sale after January 1, 1993 any charcoal lighter material product unless at the time of the transaction:

1. the manufacturer or distributor of the charcoal lighter material has been issued a currently effective certification pursuant to subsection (h)(2).

2. the charcoal lighter material meets the formulation criteria and other conditions specified in the applicable Executive Order issued pursuant to subsection (h)(2).

3. the product usage directions for the charcoal lighter material are the same as those provided to the Executive Officer pursuant to subsection (h)(2)(C).

(B) In the South Coast Air Quality Management District, the regulatory standards specified in subsection (h)(1)(A) shall be applicable upon the effective date of this subsection.

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(2) *Certification Requirements*

(A) No charcoal lighter material formulation shall be certified under this subsection unless the applicant for certification demonstrates to the Executive Officer's satisfaction that the VOC emissions from the ignition of charcoal with the charcoal lighter material are less than or equal to 0.020 pound of VOC per start, using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, dated February 27, 1991 (the "SCAQMD Rule 1174 Testing Protocol"). The provisions relating to LVP-VOC in sections 94508(a)~~*(90)*~~ and 94510(d) shall not apply to any charcoal lighter material subject to the requirements of sections 94509(a) and (h).

(B) The Executive Officer may approve alternative test procedures which are shown to provide equivalent results to those obtained using the SCAQMD Rule 1174 Testing Protocol.

(C) A manufacturer or distributor of charcoal lighter material may apply to the Executive Officer for certification of a charcoal lighter material formulation in accordance with this subsection (h)(2). The application shall be in writing and shall include, at a minimum, the following:

1. the results of testing conducted pursuant to the procedures specified in SCAQMD Rule 1174 Testing Protocol.

2. the exact text and/or graphics that will appear on the charcoal lighter material's principal display panel, label, and any accompanying literature. The provided material shall clearly show the usage directions for the product. These directions shall accurately reflect the quantity of charcoal lighter material per pound of charcoal that was used in the SCAQMD Rule 1174 Testing Protocol for that product, unless:

   i) the charcoal lighter material is intended to be used in fixed amounts independent of the amount of charcoal used, such as certain paraffin cubes, or

   ii) the charcoal lighter material is already incorporated into the charcoal, such as certain "bag light," "instant light," or "match light" products.

3. For a charcoal lighter material which meets the criteria specified in subsection (h)(2)(C)~~(~~2.~~)~~(i), the usage instructions provided to the Executive Officer shall accurately reflect the quantity of charcoal lighter material used in the SCAQMD Rule 1174 Testing Protocol for that product.

4. Any physical property data, formulation data, or other information required

by the Executive Officer for use in determining when a product modification has occurred and for use in determining compliance with the conditions specified on the Executive Order issued pursuant to section (h)(2).

(D) Within 30 days of receipt of an application, the Executive Officer shall advise the applicant in writing either that it is complete or that specified additional information is required to make it complete. Within 30 days of receipt of additional information, the Executive Officer shall advise the applicant in writing either that the application is complete, or that specified additional information or testing is still required before it can be deemed complete.

(E) If the Executive Officer finds that an application meets the requirements of this subsection (h)(2), then he or she shall issue an Executive Order certifying the charcoal lighter material formulation and specifying such conditions as are necessary to insure that the requirements of this subsection (h) are met. The Executive Officer shall act on a complete application within 90 days after the application is deemed complete.

(3) *Notice of Modifications*

For any charcoal lighter material for which certification has been granted pursuant to subsection (h)(2), the applicant for certification shall notify the Executive Officer in writing within 30 days of: (i) any change in the usage directions, or (ii) any change in product formulation, test results, or any other information submitted pursuant to subsection (h)(2) which may result in VOC emissions greater than 0.020 pound of VOC per start.

(4) *Revocation of Certification*

If the Executive Officer determines that any certified charcoal lighter material formulation results in VOC emissions from the ignition of charcoal which are greater than 0.020 pound of VOC per start, as determined by the SCAQMD Rule 1174 Testing Protocol and the statistical analysis procedures contained therein, the Executive Officer shall revoke or modify the certification as is necessary to assure that the charcoal lighter material will result in VOC emissions of less than or equal to 0.020 pound of VOC per start. The Executive Officer shall not revoke or modify the prior certification without first affording the applicant for the certification an opportunity for a hearing in accordance with the procedures specified in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 1, Article 4 (commencing with section 60040), to determine if the certification should be modified or revoked.

(5) Notwithstanding any other provision of this subsection 94509(h), charcoal lighter material products manufactured prior to January 1, 1993, may be sold, supplied, or offered for sale until July 1, 1994, in all areas of California except the South Coast Air Quality Management District. Charcoal lighter material products subject to

SCAQMD Rule 1174 and sold, supplied, or offered for sale in the South Coast Air Quality Management District shall meet the requirements of section 94509(h) upon the effective date of this subsection, regardless of the date on which the products were manufactured.

(i) *Requirements for aerosol adhesives* (as defined in sections 94508(a)(1) and 94508(a)(3)).

(1) As specified in Health and Safety Code section 41712(h)(2), the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in sections 94509(c), 94510, 94511, and 94514, no person shall sell, supply, offer for sale, use or manufacture for sale in California any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of the specified standard.

(2)(A) In order to qualify as a "Special Purpose Spray Adhesive" the product must meet one or more of the definitions for "Special Purpose Spray Adhesive" specified in section 94508(a)~~*(131)*~~, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one of the definitions for "Special Purpose Spray Adhesive," then the product shall be classified as either a "Web Spray Adhesive" or a "Mist Spray Adhesive."

(B) If a product meets more than one of the definitions specified in section 94508(a)~~*(131)*~~ for "Special Purpose Spray Adhesive," and is not classified as a "Web Spray Adhesive" or "Mist Spray Adhesive" under subsection (2)(A), then the VOC limit for the product shall be the lowest applicable VOC limit specified in section 94509(a).

(3) Effective 1/1/2002, no person shall sell, supply, offer for sale, or manufacture for use in California any aerosol adhesive which contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene, except that an aerosol adhesive manufactured before 1/1/2002 may be sold, supplied, or offered for sale until 1/1/2005, so long as the product ~~*container or package displays the date on which the product was manufactured, or a code indicating such date.*~~ *complies with the product dating requirements in section 94512(b).*

(4) All aerosol adhesives must comply with the labeling requirements specified in section 94512(d), and all manufacturers and responsible parties for aerosol adhesives must comply with the special reporting requirements specified in section 94513(d).

(j) *Requirements for Floor Wax Strippers.* After an effective date of January 1, 2002, no person shall sell, supply, offer for sale, or manufacture for use in California any floor wax stripper unless the following requirements are met:

(1) The label of each non-aerosol floor wax stripper must specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3 percent by weight or less.

(2) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper must specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12 percent by weight or less.

(3) The terms "light build-up," "medium build-up" or "heavy build-up" are not specifically required, as long as comparable terminology is used.

(k) *Effective dates of the VOC limits for* "*Carburetor or Fuel-injection Air Intake Cleaners*" *and* "*Construction, Panel, and Floor Covering Adhesives.* " "The definitions for the product categories of "Carburetor or Fuel-injection Air Intake Cleaners" and "Construction, Panel, and Floor Covering Adhesives" were modified as part of the "Mid-term Measures II" rulemaking action that was considered by the Board in October 1999. As a result of these modifications, certain types of consumer products were included in these definitions that had not previously been included. For those consumer products that were included in these definitions for the first time as a result of the "Mid-term Measures II" rulemaking action, the VOC limits (in section 94509(a)) applicable to these newly included products shall not become legally effective until December 31, 2002.

(l) *Automotive Windshield Washer Fluids.* The provisions of subsection 94509(b)(1) shall not apply to "Automotive Windshield Washer Fluid (Pre-Mixed)" as defined in section 94508(a)~~*(20)*~~.

(m) *Requirements for Contact Adhesives, Electronic Cleaners, Footwear or Leather Care Products, and General Purpose Degreasers.*

(1) Except as provided below in sections 94509(m)(2) and (m)(4), effective December 31, 2005, no person shall sell, supply, offer for sale, or manufacture for use in California any Contact Adhesive, Electronic Cleaner, Footwear or Leather Care Product, or General Purpose Degreaser that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.

(2) *Sell-through of Products*. Contact Adhesives, Electronic Cleaners, Footwear or Leather Care Products, and General Purpose Degreasers that contain methylene chloride, perchloroethylene, or trichloroethylene and were manufactured before December 31, 2005, may be sold, supplied, or offered for sale until December 31, 2008, so long as the product ~~*container or package displays the date on which the product was manufactured, or a code indicating such date.*~~ *complies with the product dating requirements in section 94512(b).*

(3) *Notification for products sold during the sell-through period.* Any person who sells or supplies a consumer product identified above in section 94509(m)(1) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2008, provided, however, that this notification must be given only if both of the following conditions are met:

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

(B) the product is sold or supplied on or after June 30, 2008.

(4) *Impurities*. The requirements of section 94509(m)(1) and (m)(3) shall not apply to any Contact Adhesive, Electronic Cleaner, Footwear or Leather Care Product, or General Purpose Degreaser containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

(n) *Requirements for Adhesive Removers, Electrical Cleaners, and Graffiti Removers.*

(1) Except as provided below in sections 94509(n)(2) and (n)(4), effective December 31, 2006, no person shall sell, supply, offer for sale, or manufacture for use in California any Adhesive Remover, Electrical Cleaner, or Graffiti Remover that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.

(2) *Sell-through of Products*. Adhesive Removers, Electrical Cleaners, and Graffiti Removers that contain methylene chloride, perchloroethylene, or trichloroethylene and were manufactured before December 31, 2006, may be sold, supplied, or offered for sale until December 31, 2009, so long as the product ~~*container or package displays the date on which the product was manufactured, or a code indicating such date.*~~ *complies with the product dating requirements in section 94512(b).*

(3) *Notification for products sold during the sell-through period.* Any person who sells or supplies a consumer product identified above in section 94509(n)(1) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2009, provided, however, that this notification must be given only if both of the following conditions are met:

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

(B) the product is sold or supplied on or after June 30, 2009.

(4) *Impurities*. The requirements of section 94509(n)(1) and (n)(3) shall not apply to any Adhesive Remover, Electrical Cleaner, or Graffiti Remover containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an

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impurity in a combined amount equal to or less than 0.01% by weight.

(o) *Requirements for Solid Air Fresheners and Toilet/Urinal Care Products.*

(1) Effective December 31, 2005, no person shall sell, supply, offer for sale, or manufacture for use in California any Solid Air Fresheners or Toilet/Urinal Care Products that contain para-dichlorobenzene, except that Solid Air Fresheners and Toilet/Urinal Care Products that contain para-dichlorobenzene and were manufactured before December 31, 2005 may be sold, supplied, or offered for sale until December 31, 2006, so long as the product ~~*container or package displays the date on which the product was manufactured, or a code indicating such date.*~~ *complies with the product dating requirements in section 94512(b).*

(2) *Notification for products sold during the sell-through period.* Any person who sells or supplies any Solid Air Freshener or Toilet/Urinal Care Product that contains para-dichlorobenzene must notify the purchaser of the product in writing that the sell-through period for the product will end on December 31, 2006, provided, however, that this notification must be given only if both of the following conditions are met:

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

(B) the product is sold or supplied on or after June 30, 2006.

(p) *Requirements for Bathroom and Tile Cleaners, Construction, Panel, and Floor Covering Adhesives, electronic cleaners labeled as energized electronic equipment use only, General Purpose Cleaners, and Oven Cleaners.*

(1) Except as provided below in sections 94509(p)(2) and (p)(4), effective December 31, 2008, no person shall sell, supply, offer for sale, or manufacture for use in California any Bathroom and Tile Cleaner, Construction, Panel, and Floor Covering Adhesive, electronic cleaners labeled as energized electronic equipment use only, General Purpose Cleaner, or Oven Cleaner that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.

(2) *Sell-through of Products.* Bathroom and Tile Cleaners, Construction, Panel, and Floor Covering Adhesives, electronic cleaners labeled as energized electronic equipment use only, General Purpose Cleaners, and Oven Cleaners that contain methylene chloride, perchloroethylene, or trichloroethylene and were manufactured before December 31, 2008, may be sold, supplied, or offered for sale until December 31, 2011, so long as the product ~~*container or package displays the date on which the product was manufactured, or a code indicating such date.*~~ *complies with the product dating requirements in section 94512(b).*

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(3) *Notification for products sold during the sell-through period.* Any person who sells or supplies a consumer product identified above in section 94509(p)(1) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2011, provided, however, that this notification must be given only if both of the following conditions are met:

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

(B) the product is sold or supplied on or after June 30, 2011.

(4) *Impurities*. The requirements of section 94509(p)(1) and (p)(3) shall not apply to any Bathroom and Tile Cleaner, Construction, Panel, and Floor Covering Adhesive, electronic cleaner labeled as energized electronic equipment use only, General Purpose Cleaner, or Oven Cleaner containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

(q) *Requirements for Carpet/Upholstery Cleaner, Fabric Protectant, Multi-Purpose Lubricant,* **Multi-purpose Solvent, Paint Thinner,** *Penetrant, Sealant or Caulking Compound, and Spot Remover.*

(1) Except as provided below in sections 94509(q)(2), (q)(4), and (q)(5), effective December 31, 2010, no person shall sell, supply, offer for sale, or manufacture for use in California any Carpet/Upholstery Cleaner, Fabric Protectant, Multi-Purpose Lubricant, **Multi-purpose Solvent, Paint Thinner,** *Penetrant, Sealant or Caulking Compound, or Spot Remover that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.*

(2) Sell-through of Products. Carpet/Upholstery Cleaners, Fabric Protectants, Multi-Purpose Lubricants, **Multi-purpose Solvent, Paint Thinner,** *Penetrants, Sealant or Caulking Compound and Spot Removers that contain methylene chloride, perchloroethylene, or trichloroethylene and were manufactured before December 31, 2010, may be sold, supplied, or offered for sale until December 31, 2013, so long as the product complies with the product dating requirements in section 94512(b).*

(3) Notification for products sold during the sell-through period. Any person who sells or supplies a consumer product identified above in section 94509(q)(1) 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, that this notification must be given only if both of the following conditions are met:

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

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

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(4) Impurities. The requirements of section 94509(q)(1) and (q)(3) shall not apply to any Carpet/Upholstery Cleaner, Fabric Protectant, Multi-Purpose Lubricant, **Multi-purpose Solvent, Paint Thinner,** *Penetrant, Sealant or Caulking Compound, or Spot Remover containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.*

(5) The requirements of this section 94509(q) shall not apply to "Penetrant" products used on equipment when electrical current exists; residual electrical potential from a component exists; or an open flame exists, as long as the "Principal Display Panel" clearly displays the statement: "Non-flammable: For use on energized equipment only."

(r) *Requirements for Pressurized Gas Duster.*

(1) Except as provided below in sections 94509(r)(2) and (r)(3), effective December 31, 2010, no person shall sell, supply, offer for sale, or manufacture for use in California any Pressurized Gas Duster product that contains methylene chloride, perchloroethylene, or any chemical compound that has a Global Warming Potential (GWP) Value of 150 or greater.

(2) Sell-through of Products. Pressurized Gas Duster products that contain any chemical compound that has a GWP Value greater than 150, and were manufactured before December 31, 2010, may be sold, supplied, or offered for sale until December 31, 2011, so long as the product complies with the product dating requirements in section 94512(b).

(3) Notification for products sold during the sell-through period. Any person who sells or supplies a Pressurized Gas Duster identified above in section 94509(r)(2) must notify the purchaser of the product, in writing, that the sell-through period for that product will end on December 31, 2011, provided, however, that this notification must be given only if both of the following conditions are met:

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

(B) the product is sold or supplied on or after June 30, 2011.

(4) The provisions relating to fragrance in section 94510(c) shall not apply to any Pressurized Gas Duster subject to the requirements of this subsection 94509(r).

(5) Impurities. The requirements of section 94509(r)(1), (r)(2), and (r)(3) shall not apply to any Pressurized Gas Duster containing any chemical compound that is present as an impurity in a combined amount equal to or less than 0.1% by weight.

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(s) Requirements for Fabric Softener – Single Use Dryer Product.

(1) Effective December 31, 2010, Fabric Softener – Single Use Dryer Product shall not contain more than 0.05 grams of VOC per use. Compliance with the VOC limit shall be determined per sheet, or equivalent delivery substrate, based on the minimum recommended use for a single drying cycle specified on the product packaging or label. In other words, if one sheet is the minimum recommended use for a single drying cycle, then the VOC limit applies per sheet. If two sheets are the minimum recommended use for a single drying cycle, then the VOC limit applies to the aggregate VOC content in two sheets. For purposes of this subsection, "minimum recommended use" shall not include recommendations for incidental use of additional sheets, or equivalent delivery substrate, for limited applications such as for extra large or double loads of washable fabrics in large capacity clothes dryers.

(2) The provisions relating to fragrance in section 94510(c) shall not apply to Fabric Softener – Single Use Dryer Product subject to the requirements of this subsection 94509(s)(1).

(t) Requirements for Multi-purpose Solvent and Paint Thinner.

(1) Except as provided below in sections 94509(t)(2), effective December 31, 2013, no person shall sell, supply, offer for sale, or manufacture for use in California any Multi-purpose Solvent or Paint Thinner that is "Extremely Flammable," as defined in section 94508.

(2) Sell-through of Products. Multi-purpose Solvents and Paint Thinners that are "Extremely Flammable" and were manufactured before December 31, 2013, may be sold, supplied, or offered for sale until December 31, 2016, so long as the product complies with the product dating requirements in section 94512(b).

(3) Notification for products sold during the sell-through period. Any person who sells or supplies a consumer product identified above in section 94509(t)(2) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2016, provided, however, that this notification must be given only if both of the following conditions are met:

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

(B) the product is sold or supplied on or after June 30, 2016.

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(u) Requirements for Double Phase Aerosol Air Freshener.

(1) Except as provided below in sections 94509(u)(2) and (u)(3), effective December 31, 2012, no person shall sell, supply, offer for sale, or manufacture for use in California any Double Phase Aerosol Air Freshener that contains any chemical compound that has a Global Warming Potential (GWP) Value of 150 or greater.

(2) Sell-through of Products. Double Phase Aerosol Air Fresheners that contain any chemical compound that has a GWP Value of 150 or greater, and were manufactured before December 31, 2012, may be sold, supplied, or offered for sale until December 31, 2015, so long as the product complies with the product dating requirements in section 94512(b).

(3) Notification for products sold during the sell-through period. Any person who sells or supplies a Double Phase Aerosol Air Freshener identified above in section 94509(u)(2) must notify the purchaser of the product, in writing, that the sell-through period for that product will end on December 31, 2015, provided, however, that this notification must be given only if both of the following conditions are met:

(C) the product is sold or supplied to a distributor or retailer; and

(D) the product is sold or supplied on or after June 30, 2015.

(4) Impurities. The requirements of section 94509(u)(1), (u)(2), and (u)(3) shall not apply to any Double Phase Aerosol Air Freshener containing any chemical compound that is present as an impurity in a combined amount equal to or less than 0.1% by weight.

(5) Fragrance. The requirements of section 94509(u)(1), (u)(2), and (u)(3) shall not apply to any ingredient in a Double Phase Aerosol Air Freshener that is in a fragrance mixture.

NOTE: Authority cited: Sections *38500, 38501, 38510, 38560, 38560.5, 38562, 38580,* 39600, 39601, 39650, 39658, 39659, 39666, and 41712, Health and Safety Code. Reference: Sections *38505,* 39002, 39600, 39650, 39655, 39656, 39658, 39659, 39666, 40000, and 41712, Health and Safety Code.

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§ 94510. Exemptions.

(a) This article shall not apply to any consumer product manufactured in California for shipment and use outside of California.

(b) The provisions of this article shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in California a consumer product that does not comply with the VOC standards specified in Section 94509, as long as the manufacturer or distributor can demonstrate both that the consumer product is intended for shipment and use outside of California, and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed to California. This subsection (b) does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in California.

(c) *Except for Fabric Softener – Single Use Dryer Product and Pressurized Gas Duster, t*~~T~~he VOC limits specified in Section 94509(a) shall not apply to fragrances up to a combined level of 2 percent by weight contained in any consumer product.

(d) The VOC limits specified in Section 94509(a) shall not apply to any LVP-VOC.

(e) The requirements of Section 94512(b) shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136-36y).

(f) The VOC limits specified in Section 94509(a) shall not apply to air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under Section 94508 or exempted under Section 94510(d).

(g) The VOC limits specified in Section 94509(a) shall not apply to:

(1) insecticides containing at least 98% para-dichlorobenzene.

(2) Until December 30, 2006, the VOC limits specified in Section 94509(a) shall not apply to solid air fresheners containing at least 98% para-dichlorobenzene. On or after December 31, 2006, the provisions of section 94509(o) apply to solid air fresheners containing para-dichlorobenzene.

(h) *Except as specified in 94510(h)(3) below, t*~~T~~he VOC limits specified in Section 94509(a) shall not apply to:

(1) existing personal fragrance products or personal fragrance products in development on or before April 1, 1992, provided that both (i) the registration data specified in section 94513 is submitted for every such product by the date specified in section 94513(a), or prior to July 1, 1993, whichever date occurs later, and (ii) such product is sold in California prior to January 1, 1994. For the purposes of this subsection, a

product “in development” means:

(A) a product which a fragrance materials manufacturer is designing at the request of a personal fragrance product manufacturer, or

(B) a product which is the subject of a written marketing profile or other documentation authorizing the creation and marketing of the product.

(2) personal fragrance products in development may be registered to qualify for this exemption under hypothetical trade names or pseudonyms, provided that the actual trade name is supplied to the Executive Officer within 30 days of marketing such products, or January 1, 1994, whichever occurs first.

(3) *Effective December 31, 2014, subsections 94510(h)(1) and 94510(h)(2) shall no longer apply to any “Personal Fragrance Product” that contains 20 percent or less fragrance. Products manufactured before December 31, 2014 may be sold, supplied, or offered for sale until December 31, 2017, so long as the product complies with the product dating requirements in Section 94512(b).*

(i) The VOC limits specified in Section 94509(a) shall not apply to adhesives sold in containers of 1 fluid ounce or less.

(j) The VOC limits specified in Section 94509(a) shall not apply to any VOC which is a fragrance in a personal fragrance product.

(k) The VOC limits specified in Section 94509(a) shall not apply to bait station insecticides. For the purpose of this section, bait station insecticides are containers enclosing an insecticidal bait that is not more than 0.5 ounce by weight, where the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5 percent (%) active ingredients.

(l) *Except as specified in 94510(l)(1), t*~~T~~he 1/1/99 VOC limits specified in Section 94509(a) for personal fragrance products shall not apply to such products which have been sold in California prior to 1/1/99.

(1) *On or after December 31, 2014, the 75 percent by weight VOC limit shall apply to any “Personal Fragrance Product” that contains 20 percent or less fragrance. Products manufactured before December 31, 2014 may be sold, supplied, or offered for sale until December 31, 2017, so long as the product complies with the product dating requirements in Section 94512(b).*

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

§ 94511. Innovative Products.

(a) The Executive Officer shall exempt a consumer product from the VOC limits specified in Section 94509(a) if a manufacturer demonstrates by clear and convincing evidence that, due to some characteristic of the product formulation, design, delivery systems or other factors, the use of the product will result in less VOC emissions as compared to:

(1) the VOC emissions from a representative consumer product which complies with the VOC limits specified in Section 94509(a), or

(2) the calculated VOC emissions from a noncomplying representative product, if the product had been reformulated to comply with the VOC limits specified in section 94509(a). VOC emissions shall be calculated using the following equation:

$$E_R = E_{NC} \times VOC_{STD} \div VOC_{NC}$$

where:

E_R = The VOC emissions from the noncomplying representative product, had it been reformulated.

E_{NC} = The VOC emissions from the noncomplying representative product in its current formulation.

VOC_{STD} = the VOC limit specified in 94509(a).

VOC_{NC} = the VOC content of the noncomplying product in its current formulation.

If a manufacturer demonstrates that this equation yields inaccurate results due to some characteristic of the product formulation or other factors, an alternative method which accurately calculates emissions may be used upon approval of the Executive Officer.

(b) For the purposes of this section, “representative consumer product” means a consumer product which meets all of the following criteria:

(1) the representative product shall be subject to the same VOC limit in Section 94509(a) as the innovative product.

(2) the representative product shall be of the same product form as the innovative product, unless the innovative product uses a new form which does not exist in the product category at the time the application is made.

(3) the representative product shall have at least similar efficacy as other consumer products in the same product category based on tests generally accepted for that

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product category by the consumer products industry.

(c) A manufacturer shall apply in writing to the Executive Officer for any exemption claimed under subsection (a). The application shall include the supporting documentation that demonstrates the reduction of emissions from the innovative product, including the actual physical test methods used to generate the data and, if necessary, the consumer testing undertaken to document product usage. In addition, the applicant must provide any information necessary to enable the Executive Officer to establish enforceable conditions for granting the exemption including the VOC content for the innovative product and test methods for determining the VOC content. All information submitted by a manufacturer pursuant to this section shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, Sections 91000-91022.

(d) Within 30 days of receipt of the exemption application the Executive Officer shall determine whether an application is complete as provided in section 60030(a), Title 17, California Code of Regulations.

(e) Within 90 days after an application has been deemed complete, the Executive Officer shall determine whether, under what conditions, and to what extent, an exemption from the requirements of Section 94509(a) will be permitted. The applicant and the Executive Officer may mutually agree to a longer time period for reaching a decision, and additional supporting documentation may be submitted by the applicant before a decision has been reached. The Executive Officer shall notify the applicant of the decision in writing and specify such terms and conditions that are necessary to insure that emissions from the product will meet the emissions reductions specified in subsection (a), and that such emissions reductions can be enforced.

(f) In granting an exemption for a product the Executive Officer shall establish conditions that are enforceable. These conditions shall include the VOC content of the innovative product, dispensing rates, application rates, and any other parameters determined by the Executive Officer to be necessary. The Executive Officer shall also specify the test methods for determining conformance to the conditions established. The test methods shall include criteria for reproducibility, accuracy, and sampling and laboratory procedures.

(g) For any product for which an exemption has been granted pursuant to this section, the manufacturer shall notify the Executive Officer in writing within 30 days of any change in the product formulation or recommended product usage directions, and shall also notify the Executive Officer within 30 days if the manufacturer learns of any information which would alter the emissions estimates submitted to the Executive Officer in support of the exemption application.

(h) If the VOC limits specified in Section 94509(a) are lowered for a product category through any subsequent rulemaking, all innovative product exemptions granted for products in the product category, except as provided in this subsection (h), shall have

no force and effect as of the effective date of the modified VOC standard. This subsection (h) shall not apply to those innovative products which have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the Executive Officer at least 60 days before the effective date of such limits.

(i) If the Executive Officer believes that a consumer product for which an exemption has been granted no longer meets the criteria for an innovative product specified in subsection (a), the Executive Officer may modify or revoke the exemption as necessary to assure that the product will meet these criteria. The Executive Officer shall not modify or revoke an exemption without first affording the applicant an opportunity for a public hearing held in accordance with the procedures specified in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 1, Article 4 (commencing with Section 60040), to determine if the exemption should be modified or revoked.

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.

(2) *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.

(3) *Rules that Apply when a Product Category Definition Excludes Other Product Categories.*

If a definition of a regulated product category in section 94508(a) states that the product category "does not include" one or more other product categories, the "most restrictive limit" provisions of section 94512(a) apply to regulated products that meet the definition of the regulated product category and also make any representation that the regulated product may be used as (or is suitable for use as) a product that falls within one or more of the excluded product categories. Notwithstanding the foregoing above, this provision does not apply to "Disinfectant"/"Sanitizer" products labeled as "Bathroom and Tile Cleaners," "Glass Cleaners," "General Purpose Cleaners," "Toilet/Urinal Care Products," "Metal Polishes," "Carpet Cleaners," or "Fabric Refreshers" that may also make disinfecting/sanitizing or anti-microbial claims on the label.

For example, if the definition for Regulated Product Category A states that it "does not include" Regulated Product Category B, then the "most restrictive limit" provisions apply to a regulated product that meets the definition of Regulated Product Category A, but also makes a representation that it may be used as (or is suitable for use as) Regulated Product Category B. In other words, if the regulated product makes any representation that it may be used as (or is suitable for use as) Regulated Category Product B, then the regulated product would be subject to the lowest VOC limit specified in section 94509(a) for either Product Category A or Product Category B.
For the purposes of this section:

"Regulated product" means a consumer product for which a VOC standard is specified in section 94509(a), and

"Representation" has the same meaning as used above in subsections 94512(a)(1) and 94512(a)(2) (i.e., what statements qualify as a "representation" depends on the date the product was manufactured and whether the statements appear on the "principal display panel" or other parts of the product container or packaging.)

(b) *Product Dating*.

(1) Each manufacturer of a consumer product subject to Section 94509 shall clearly display on each consumer product container or package, the day, month, and year on which the product was manufactured, or a code indicating such date. *Codes that represent a sequential batch number, or that otherwise cannot be attributed to a specific day, month, and year, do not satisfy this requirement.*

(2) A manufacturer who uses the following code to indicate the date of manufacture shall not be subject to the requirements of section 94512(c)(1), if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD = year year day day day

Where: "YY" = two digits representing the year in which the product was manufactured, and

"DDD" = three digits representing the day of the year on which the product was manufactured, with "001" representing the first day of the year, "002" representing the second day of the year, and so forth (i.e. the "Julian date")

(3) This date or code shall be displayed on each consumer product container or package no later than twelve months prior to the effective date of the applicable standard specified in Section 94509.

(4) Except as otherwise provided in subsection (b)(5), for products manufactured on or after January 1, 2006, the date or code shall be displayed on the product container such that it is readily observable without irreversibly 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.

(5) *Products Sold in Multi-unit Packages.*

(A) Products sold, supplied, or offered for sale in multi-unit packages are not required to comply with subsection (b)(4).

(B) If a multi-unit package does not comply with subsection (b)(4), the "sell-through" provisions of section 94509(c)(1) shall not apply to the individual product units contained within the multi-unit package. In other words, if any multi-unit package produced or assembled after January 1, 2006, does not display the date(s) or date-code(s) of the product units, such that the displayed information is readily observable without irreversibly disassembling any portion of the container or packaging, the individual product units shall be subject to the VOC standards in effect when the multi-unit package is sold, supplied, or offered for sale, regardless of the date on which the product units were manufactured.

(C) A multi-unit package may comply with subsection (b)(4) by displaying the date of assembly instead of the date(s) or date-code(s) of the individual product units, so long as the date of assembly is readily observable without irreversibly disassembling any portion of the container or packaging. The "date of assembly" means the date that the individual product units are assembled into the finished multi-unit package. If the date of assembly is displayed instead of the individual date(s) or date-code(s), the "date of assembly" shall be the "date of manufacture" for all of the product units contained within the multi-unit package. In other words, all of the product units shall be deemed to have been manufactured on the date these units are assembled into the multi-unit package, even if the individual product units show different date(s) or date-code(s), and the "date of assembly" shall be "date of manufacture" of each product unit for

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the purposes of applying the "sell-through" provisions of section 94509(c).

(6) The requirements of this subsection (b) shall not apply to:

(A) personal fragrance products of 2 milliliters or less, which are offered to consumers free of charge for the purpose of sampling the product; or

(B) products containing no VOCs (as defined in section 94508), or containing VOCs at 0.10% by weight or less.

(c) *Additional Product Dating Requirements*

(1) If a manufacturer uses a code indicating the date of manufacture, for any consumer product subject to section 94509 an explanation of the code must be filed with the Executive Officer of the ARB no later than twelve months prior to the effective date of the applicable standard specified in section 94509. Thereafter, manufacturers using a code must file an explanation of the code with the Executive Officer on an annual basis, beginning in 2006. The explanation of the code must be received by the Executive Officer on or before January 31st of each year, with the first explanation due on or before January 31, 2006.

(2) If a manufacturer changes any code indicating the date of manufacture for any consumer product subject to subsection (c)(1), an explanation of the modified code must be received by the Executive Officer before any products displaying the modified code are sold, supplied, or offered for sale in California.

(3) No person shall erase, alter, deface, or otherwise remove or make illegible any date or code indicating the date of manufacture from any regulated product container without the express authorization of the manufacturer.

(4) Codes indicating the date of manufacture are public information and may not be claimed as confidential.

(d) *Additional Labeling Requirements for Aerosol Adhesive~~s~~, Adhesive Remover~~s~~, Electronic Cleaner, Electrical Cleaner, Energized Electrical Cleaner, ~~and~~ Contact Adhesive~~s~~, and Sealant or Caulking Compound (non-aerosol).*

(1) In addition to the requirements specified in subsections (a), (b), and (c), both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, ~~*and*~~ contact adhesive product*, and sealant or caulking compound (non-aerosol)* subject to this article shall ensure that all products clearly display the following information on each product container which is manufactured on or after the effective date for the category specified in section 94509(a)*, except that for non-chemically curing sealant or caulking compound (non-aerosol), the effective date of this requirement is December 31, 2010, and for chemically*

curing sealant or caulking compound (non-aerosol), the effective date of this requirement is December 31, 2012:

(A) The product category as specified in section 94509(a) or an abbreviation of the category shall be displayed;

(B) 1. The applicable VOC standard for the product that is specified in section 94509(a), except for Energized Electrical Cleaner, expressed as a percentage by weight, shall be displayed unless the product is included in an alternative control plan approved by the Executive Officer, as provided in Article 4, Sections 94540-94555, Title 17, California Code of Regulations, and the product exceeds the applicable VOC standard;

2. If the product is included in an alternative control plan approved by the Executive Officer, and the product exceeds the applicable VOC standard specified in section 94509(a), the product shall be labeled with the term "ACP" or "ACP product;"

(C) If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application or an abbreviation of the substrate/application that qualifies the product as special purpose shall be displayed;

(D) If the manufacturer or responsible party uses an abbreviation as allowed by this subsection 94512(d)*(1)(A)*, an explanation of the abbreviation must be filed with the Executive Officer before the abbreviation is used.

(2) The information required in section 94512(d)(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.

(3) No person shall remove, alter, conceal, or deface the information required in section 94512(d)(1) prior to final sale of the product.

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

(1) In addition to the requirements specified in section 94512(a), (b), and (c), both the manufacturer and responsible party for each Multi-purpose Solvent and Paint Thinner subject to this article shall ensure that all products clearly display the following information on each product container which is manufactured on or after the effective date for the category specified in section 94509(a):

(A) The VOC content in percent by weight as determined from actual formulation data.

(2) The information required in section 94512(e)(1), shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. 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.

(3) No person shall remove, alter, conceal, or deface the information required in section 94512(e)(1) prior to final sale of the product.

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

§ 94513. Reporting Requirements.

(a) Upon 90 days written notice, the Executive Officer may require any responsible party to report information for any consumer product or products the Executive Officer may specify including, but not limited to, all or part of the information specified in the following subsections (a)(1) through (a)(12). If the responsible party does not have or does not provide the information requested by the Executive Officer, the Executive Officer may require the reporting of this information by the person that has the information, including, but not limited to, any formulator, manufacturer, supplier, parent company, private labeler, distributor, or repackager.

(1) the company name, address, telephone number, and designated contact person;

(2) any claim of confidentiality made pursuant to Title 17, California Code of Regulations, Section 91011;

(3) the product brand name for each consumer product and the product label;

(4) the product category to which the consumer product belongs;

(5) the applicable product form(s) listed separately;

(6) an identification of each product brand name and form as a “Household Product,” “I&I Product,” or both;

(7) separate California sales in pounds per year, to the nearest pound, and the method used to calculate California sales for each product form;

(8) for information submitted by multiple companies, an identification of each company which is submitting relevant data separate from that submitted by the

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responsible party. All information from all companies shall be submitted by the date specified in Section 94513(a);

(9) for each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth of a percent (0.1%):

(A) Total Table B Compounds
(B) Total LVP-VOCs that are not fragrances
(C) Total All Other Carbon-Containing Compounds that are not fragrances
(D) Total All Non-Carbon-Containing Compounds
(E) Total Fragrance
(F) For products containing greater than two percent by weight fragrance, but excluding "personal fragrance products":
(i) the percent of fragrance that are LVP-VOCs, and
(ii) the percent of fragrance that are all other carbon-containing compounds
(G) For "personal fragrance products," the density of the fragrance
(H) Total Para-dichlorobenzene

(10) for each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:

(A) Each Table B Compound
(B) Each LVP-VOC that is not a fragrance

(11) if applicable, the weight percent comprised of propellant for each product;

(12) if applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types);

(b) In addition to the requirements of section 94513(a)(10), the responsible party shall report or shall arrange to have reported to the Executive Officer the net percent by weight of each ozone-depleting compound which is (1) listed in section 94509(e) and (2) contained in a product subject to reporting under section 94513(a) in any amount greater than 0.1 percent by weight.

(c) All information submitted by any person pursuant to Section 94513 shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, Sections 91000-91022.

(d) *Special Reporting Requirements for Aerosol Adhesives*

On or before March 31, 2004, all responsible parties for aerosol adhesives shall report to the Executive Officer the following information for products sold or offered for sale in California:

(1) data regarding product sales and composition for the year 2003, including the information listed in Section 94513(a), and any other information that the Executive Officer may specify; and

(2) a written update of the research and development efforts undertaken to achieve VOC limits lower than the limits specified in section 94509(a). The written update must include detailed information about the raw materials (solvents, propellants, resins, and polymers) and hardware (valves, actuators, cans) used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.

(3) On or before December 31, 2003, the Executive Officer shall notify responsible parties in writing that they are to submit aerosol adhesive product and research data by March 31, 2004.

(e) *Special Reporting Requirements for Consumer Products that Contain Perchloroethylene or Methylene Chloride*:

(1) The requirements of this subsection shall apply to all responsible parties for:

(A) consumer products that are subject to section 94509(a) and contain perchloroethylene or methylene chloride, and

(B) Energized Electrical Cleaners as defined in section 94508(a) ~~*(47)*~~, that contain perchloroethylene or methylene chloride. For the purposes of this subsection, a product "contains perchloroethylene or methylene chloride" if the product contains 1.0 percent or more by weight (exclusive of the container or packaging) of either perchloroethylene or methylene chloride.

(2) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall report the following information for products sold in California during each calendar year, beginning with the year 2000, and ending with the year 2010.

(A) the product brand name and a copy of the product label with legible usage instructions;

(B) the product category to which the consumer product belongs;

(C) the applicable product form(s) (listed separately);

(D) for each product form listed in (C), the total sales in California during the calendar year to the nearest pound (exclusive of the container or packaging), and the method used for calculating the California sales;

(E) the weight percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the consumer product.

(3) The information specified in subsection 94513(e)(2) shall be reported for each calendar year by March 1 of the following year. The first report shall be due on March 1, 2001, for calendar year 2000. A new report is due on March 1 of each year thereafter, until March 1, 2011, when the last report is due.

(4) Upon request, the Executive Officer shall make the perchloroethylene information submitted pursuant to this subsection available to publicly owned treatment works in California, in accordance with the procedures for handling of confidential information specified in Title 17, California Code of Regulations, sections 91000-91022.

(A) On or before July 1, 2002, the Executive Officer shall evaluate the information, along with data on influent and effluent levels of perchloroethylene as reported by publicly-owned treatment works personnel and any other relevant information, to determine if it is likely that publicly-owned treatment works are experiencing increased levels of perchloroethylene, relative to 1996 levels, that can be attributed to consumer products which contain perchloroethylene.

(B) If the Executive Officer determines that it is likely that increased perchloroethylene levels at the publicly-owned treatment works are caused by increased levels of perchloroethylene in consumer products subject to this regulation, then the Executive Officer shall, in conjunction with the publicly-owned treatment works and other appropriate parties, implement measures which are feasible, appropriate, and necessary for reducing perchloroethylene levels at the publicly-owned treatment works.

(f) Special Reporting Requirements for Multi-purpose Lubricant and Penetrant products

(1) On or before March 31, 2012, all responsible parties for Multi-purpose Lubricant and Penetrant products shall report to the Executive Officer the following information for products sold or offered for sale in California:

(a) data regarding product sales and composition for the year 2011, including the information listed in section 94513(a), the entire product label, and any other information that the Executive Officer may specify; and

(b) a written update of the research and development efforts undertaken to achieve the 25 percent VOC limits specified in section 94509(a). The written update must include detailed information about the raw materials evaluated for use, maximum incremental reactivity (MIR) values for any VOC or LVP-VOC used or evaluated, the function of the raw material evaluated, hardware used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.

(2) On or before March 31, 2014, all responsible parties for Multi-purpose Lubricant products shall report to the Executive Officer the following information for products sold or offered for sale in California:

(a) data regarding product sales and composition for the year 2013, including the information listed in Section 94513(a), the entire product label, and any other information that the Executive Officer may specify; and

(b) a written update of the research and development efforts undertaken to achieve the 10 percent VOC limit specified in section 94509(a). The written update must include detailed information about the raw materials evaluated for use, MIR values for any VOC or LVP-VOC used or evaluated, the function of the raw material evaluated, hardware used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.

(g) Special Reporting Requirements for Multi-purpose Solvent and Paint Thinner products

(1) On or before March 31, 2012, all responsible parties for Multi-purpose Solvent and Paint Thinner products shall report to the Executive Officer the following information for products sold or offered for sale in California:

(a) data regarding product sales and composition for the year 2011, including the information listed in section 94513(a), the entire product label, and any other information that the Executive Officer may specify; and

(b) a written update of the research and development efforts undertaken to achieve the 3 percent VOC limits specified in section 94509(a) and the flammability requirements specified in section 94509(t). The written update must include detailed information about the raw materials evaluated for use, maximum incremental reactivity (MIR) values for any VOC or LVP-VOC used or evaluated, the function of the raw material evaluated, hardware used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.

NOTE: Authority cited: Sections 39600, 39601, 41511, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000, 41511, and 41712, Health and Safety Code.

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§ 94514. Variances.

(a) *Applications for variances.* Any person who cannot comply with the requirements set forth in Section 94509, 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 94509 will be achieved;

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

(4) for applicants requesting a variance from the June 1, 1999, 55 percent VOC standard for hairspray products, the variance application shall also include a plan describing how the applicant will mitigate the excess VOC emissions that would be emitted during the period of the variance.

(b) *Notices and public hearings for variances.* 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 94509 is necessary and will be permitted. A hearing shall be initiated no later than 75 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. Interested members of the public shall be allowed a reasonable opportunity to testify at the hearing and their testimony shall be considered.

(c) *Treatment of confidential information.* 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.

(d) *Necessary findings for granting variances.* 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 94509 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.

(e) *Variance orders.* Any variance order shall specify a final compliance date by which the requirements of Section 94509 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.

(f) *Situations in which variances shall cease to be effective.* 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.

(g) *Modification and revocation of variances.* Upon the application of any person, the Executive Officer may review, and for good cause, modify or revoke a variance from requirements of Section 94509 after holding a public hearing in accordance with the provisions of subsection (b).

(h) *Special conditions in variance orders for hairspray products.*

In imposing conditions in variance orders granted from the June 1, 1999, 55 percent VOC standard for hairspray products, the Executive Officer, in addition to any other conditions that may be imposed, shall require the applicant to mitigate the excess VOC emissions that would be emitted during the period of the variance. If this mitigation requirement would result in an extraordinary economic hardship to the applicant, or if other good cause exists, the Executive Officer may waive all or part of this requirement.

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

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§ 94515. Test Methods.

(a)(1) *VOC <u>and GWP compound</u> 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, adopted September 25, 1997 and as last amended on May 5, 2005, 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.

(2) In sections 3.5, 3.6, and 3.7 of Air Resources Board (ARB) Method 310, a process is specified for the "Initial Determination of VOC Content" and the "Final Determination of VOC Content". This process is an integral part of testing procedure set forth in ARB Method 310, and is reproduced below:

Sections 3.5, 3.6, and 3.7 of Air Resources Board Method 310

3.5 *Initial Determination of VOC Content.* The Executive Officer will determine the VOC content pursuant to sections 3.2 and 3.3. Only those components with concentrations equal to or greater than 0.1 percent by weight will be reported.

3.5.1 Using the appropriate formula specified in section 4.0, the Executive Officer will make an initial determination of whether the product meets the applicable VOC standards specified in ARB regulations. If initial results show that the product does not meet the applicable VOC standards, the Executive Officer may perform additional testing to confirm the initial results.

3.5.2 If the results obtained under section 3.5.1 show that the product does not meet the applicable VOC standards, the Executive Officer will request the product manufacturer or responsible party to supply product formulation data. The manufacturer or responsible party shall supply the requested information. Information submitted to the ARB Executive Officer may be claimed as confidential; such information will be handled in accordance with the confidentiality procedures specified in Title 17, California Code of Regulations, sections 91000 to 91022.

3.5.3 If the information supplied by the manufacturer or responsible party shows that the product does not meet the applicable VOC standards, then the Executive Officer will take appropriate enforcement action.

3.5.4 If the manufacturer or responsible party fails to provide formulation data as specified in section 3.5.2, the initial determination of VOC content

under this section 3.5 shall determine if the product is in compliance with the applicable VOC standards. This determination may be used to establish a violation of ARB regulations.

3.6 Determination of the LVP-VOC status of compounds and mixtures. This section does not apply to antiperspirant and deodorants or aerosol coating products because there is no LVP-VOC exemption for these products.

3.6.1 Formulation data. If the vapor pressure is unknown, the following ASTM methods may be used to determine the LVP-VOC status of compounds and mixtures: ASTM D 86-01, ASTM D 850-00, ASTM D 1078-01, ASTM D 2879-97, as modified in Appendix B to this Method 310, ASTM D 2887-01 and ASTM E 1719-97.

3.6.2 LVP-VOC status of "compounds" or "mixtures." The Executive Officer will test a sample of the LVP-VOC used in the product formulation to determine the boiling point for a compound or for a mixture. If the boiling point exceeds 216°C, the compound or mixture is an LVP-VOC. If the boiling point is less than 216°C, then the weight percent of the mixture which boils above 216°C is an LVP-VOC. The Executive Officer will use the nearest 5 percent distillation cut that is greater than 216°C as determined under 3.6.1 to determine the percentage of the mixture qualifying as an LVP-VOC.

3.6.3 Reference method for identification of LVP-VOC compounds and mixtures. If a product does not qualify as an LVP-VOC under 3.6.2, the Executive Officer will test a sample of the compound or mixture used in a product's formulation utilizing one or both of the following: ASTM D 2879-97, as modified in Appendix B to this Method 310, and ASTM E 1719-97, to determine if the compound or mixture meets the requirements of Title 17, CCR, section 94508*(a)(94)*~~*(90)*~~(A).

3.7 *Final Determination of VOC Content*. If a product's compliance status is not satisfactorily resolved under sections 3.5 and 3.6, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.

3.7.1 If the accuracy of the supplied formulation data is verified and the product sample is determined to meet the applicable VOC standards, then no enforcement action for violation of the VOC standards will be taken.

3.7.2 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer will request the product manufacturer or responsible party to supply information to explain the discrepancy.

3.7.3 If there exists a discrepancy that cannot be resolved between the results

of Method 310 and the supplied formulation data, then the results of Method 310 shall take precedence over the supplied formulation data. The results of Method 310 shall then determine if the product is in compliance with the applicable VOC standards, and may be used to establish a violation of ARB regulations.

(b) VOC content determinations using product formulation and records. Testing to determine compliance with the requirements of this article may also be demonstrated through calculation of the VOC content from records of the amounts of constituents used to make the product pursuant to the following criteria:

(1) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three years.

(2) For the purposes of this section 94515(b), the VOC content shall be calculated according to the following equation:

$$\text{VOC Content} = \frac{B - C}{A} \times 100$$

where,

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs, as defined in Section 94508(a), per unit

C = total weight of VOCs exempted under Section 94510, per unit

(3) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using ARB Method 310, the results of ARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this article.

(c) Determination of liquid or solid. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90, which is incorporated by reference herein.

(d) Compliance determinations for charcoal lighter material products. Testing to determine compliance with the certification requirements for charcoal lighter material shall be performed using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 28, 1991), which is incorporated by reference herein.

(e) Testing to determine distillation points of petroleum distillate-based charcoal lighter

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materials shall be performed using ASTM D86-01, which is incorporated by reference herein.

(f) Fragrance content determinations for personal fragrance products. Testing to determine the percent by weight of fragrance in personal fragrance products shall be performed according to the Association of Official Analytical Chemists (AOAC) Official Method of Analysis No. 932.11, 1990, "Essential Oil in Flavor Extracts and Toilet Preparations, Babcock Method" (AOAC Official Methods of Analysis, 15th Edition, 1990), which is incorporated by reference herein.

(g) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other test, processes, or records used in connection with product manufacture.

(h) Testing to determine flashpoints of Multi-purpose Solvent and Paint Thinner products shall be performed using the test method described in 16 CFR 1500.43a, which is incorporated by reference herein.

NOTE: Authority cited: Sections 39600, 39601, 39607, 41511, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 39607, 40000, 41511, and 41712, Health and Safety Code.

94516. Severability.

Each part of this article shall be deemed severable, and in the event that any part of this article is held to be invalid, the remainder of this article shall continue in full force and effect.

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

94517. Federal Enforceability.

For purposes of federal enforceability of this article, the Environmental Protection Agency is not subject to approval determinations made by the Executive Officer under Sections 94511, 94514, and 94515. Within 180 days of a request from a person who has been granted an exemption or variance under Section 94511 or 94514, an exemption or 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. Prior to submitting an exemption granted under Section 94511 as a revision to the applicable implementation plan, the Executive Officer shall hold a public hearing on the proposed exemption. 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 the Environmental Protection Agency, every person who requests such notice, and to any person or group of persons whom the Executive Officer believes may be interested in the application. Within 30 days of the hearing the Executive Officer shall notify the applicant of the decision in writing as provided in Section 94511(f). The decision may approve, disapprove, or modify an exemption previously granted pursuant to Section 94511.

NOTE: Authority cited: Section 39600, 39601, 39602, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 39602, 40000, and 41712, Health and Safety Code.

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