

## Attachment 1

### Second 15-Day Modifications to the Original Proposal

## **MODIFICATIONS TO THE PROPOSED AMENDMENTS TO THE REGULATION FOR SMALL CONTAINERS OF AUTOMOTIVE REFRIGERANT**

Shown on the following pages are the proposed modifications to the originally proposed regulatory text set forth in Appendix A of the Staff Report: Initial Statement of Reasons, which was released on March 1, 2016. All originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

The modifications to the original proposal during the first 15-day modification are shown in double underline to indicate additions and ~~double strikethrough~~ to indicate deletions. Text that is both ~~single underlined and double struck through~~ is text that staff proposed during the 45-day public notice period but later retracted as part of the first 15-day public notice period.

The second 15 day modified language now proposed by staff is shown in ***double underline*** to indicate additions and ~~***double underline***~~ to indicate deletions. Text that is both ~~***double underline***~~ is text that staff proposed during the first 15-day public notice period but later retracted as part of the second 15-day public notice period.

This Page Intentionally Left Blank

**TITLE 17. PUBLIC HEALTH  
DIVISION 3. AIR RESOURCES  
SUBCHAPTER 10. CLIMATE CHANGE  
ARTICLE 4. REGULATIONS TO ACHIEVE GREENHOUSE GAS EMISSION  
REDUCTIONS  
SUBARTICLE 5. SMALL CONTAINERS OF AUTOMOTIVE REFRIGERANT**

---

Amend Title 17, California Code of Regulations, sections 95362, 95364.1, 95366, 95367, 95367.1, and 95369, to read as follows:

**§ 95362. Certification Procedures for Small Containers of Automotive Refrigerant.**

- (a) Except as provided in sections 95363 or 95364, on or after January 1, 2010, no person may sell, supply, offer for sale, or manufacture for sale in California automotive refrigerant in a small container unless that automotive refrigerant in a small container has been certified for use and sale by the Air Resources Board and is covered by an Executive Order issued pursuant to this subarticle.
- (b) The criteria for obtaining certification, including all procedures for determining compliance with applicable test procedures, for automotive refrigerant in a small container sold, supplied, offered for sale, or manufactured for sale in California between January 1, 2010 and [day before effective date of amendment] are set forth in "Certification Procedures for Small Containers of Automotive Refrigerant", adopted on July 20, 2009, and last amended on January 5, 2010, which is incorporated by reference herein.
- (c) The criteria for obtaining certification, including all procedures for determining compliance with applicable test procedures, for automotive refrigerant in a small container sold, supplied, offered for sale, or manufactured for sale in California on or after [effective date of amendment] are set forth in "Certification Procedures for Small Containers of Automotive Refrigerant", adopted on July 20, 2009, and last amended on [adoption date of amended procedure], which is incorporated by reference herein.
- (ed) Any modification to the design or specifications of a small container of automotive refrigerant that has been issued an Executive Order pursuant to these procedures must be disclosed to ARB before any modified small container of automotive refrigerant may be sold, supplied, offered for sale, or manufactured for sale in California. The Executive Officer will exercise good engineering judgment to determine if said change(s) constitute a significant difference to the design or specification of a previously certified small container of automotive refrigerant. If the Executive Officer determines that said change(s) constitute a significant difference to the design or specification of a previously certified small container of automotive refrigerant, the manufacturer must then request that the modified small container of automotive refrigerant be issued a new Executive Order pursuant to the provisions of this subarticle.

## § 95364.1. ~~Sell-Through~~ Manufacturing of Products with Modified Labels

~~(a) Notwithstanding the provisions of section 95362(c), any small container of automotive refrigerant that was packaged or manufactured for sale, **supplied, or offered for sale** in California on or after the [effective date of amendment] **and prior to January 1, 2018** is exempt from the labeling requirements specified in Section 2.3(B)(4) of "Certification Procedures for Small Containers of Automotive Refrigerant", adopted on July 20, 2009, as last amended on [adoption date of amended procedure], which is incorporated by reference herein, **until December 31, 2017**. Automotive refrigerant in a small container that was packaged or manufactured between January 1, 2010 and (the effective date of the regulatory amendment) may be sold, supplied, or offered for sale in California until one year from (the effective date of the regulatory amendment).~~

~~(b) Notification necessary for products sold during the sell-through period. A person who sells or supplies automotive refrigerant in a small container that does not fully comply with the provisions of section 95362 must notify the purchaser in writing of the date on which the sell-through period will end. This notification must be supplied only if all of the following conditions are met:~~

~~(1) The product is being sold or supplied to a distributor or retailer; and~~

~~(2) The sell-through period for the product will expire 6 months or less from the date the product is sold or supplied.~~

~~(c) Any small container of automotive refrigerant manufactured between January 1, 2010 and (the effective date of the regulatory amendment) that is not sold by one year from (the effective date of the regulatory amendment) must be recalled by the manufacturer. A manufacturer must report the total number of small containers of automotive refrigerant that are recalled in the reports required by section 95367.~~

Note: Authority cited: Sections 38501, 38510, 38560, 38560.5, 38580, 39600 and 39601, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38550, 38551, 38560, 38560.5, 39003, 39500, 39600 and 39601, Health and Safety Code.