15-DAY MODIFICATIONS TO THE ORIGINAL PROPOSAL

Amendments To The California Consumer Products Regulation

Note: This enclosure shows the modifications to the originally proposed regulatory language. The originally proposed regulatory language is shown in <u>underline</u> to indicate additions and strikeout to indicate deletions. The modifications made to this language are shown in <u>double underline</u> to indicate additions and double strikeout to indicate deletions. Shown below are only those portions of the originally proposed language that have been modified.

Consumer Products Regulation

Amend section 94508(a), title 17, California Code of Regulations, to read as follows:

[Note: Section 94508(a) contains many definitions. Shown below are only those definitions where modifications have been made to the originally proposed language.]

- (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, or products designed or labeled exclusively for use on marble floors, or coatings subject to architectural coatings regulations.
- (107) "Not for Retail Sale" means a product sold exclusively to establishments that manufacture, or construct, goods or commodities, or are sold exclusively to holders of commercial licenses, such as an electrician. For the purpose of this regulation, products labeled "Not for Retail Sale" means the products are not sold in retail outlets or wholesale locations where household consumers may purchase products.
- (107)(108) "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."

- (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.
- (109)(110)(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.
- (110)(111)(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 Solvents," paint brush cleaners, products designed and labeled exclusively as "Graffiti Removers," and hand cleaner products that claim to remove paints and other related coatings from skin.
- (<u>111)</u>(<u>112)</u>(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.
- (112)(113)(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 Lubricants" that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.
- (<u>113</u>)(<u>114</u>)(107)"Person" shall have the same meaning as defined in Health and Safety Code Section 39047.
- (114)(115)(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, <u>but not limited to</u>, cologne, perfume, aftershave, and toilet water, <u>lotion</u>, <u>powder</u>, <u>body mist</u>, <u>and body</u>

<u>spray.</u> "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 <u>designed or labeled to be</u> 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 <u>pads</u>; (F) soaps, shampoos, and products designed to be used exclusively on non-human animals.

- (115)(116)(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.
- (116)(117)(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."
- (117)(118)(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."
- (<u>118</u>)(<u>112</u>)"Product Brand Name" means the name of the product exactly as it appears on the principal display panel of the product.
- (<u>119</u>)(<u>113</u>)"Product Category" means the applicable category which best describes the product as listed in this Section 94508.

- (120)(124)(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
- (121)(122)(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.
- (122)(123)(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.
- (123)(124)(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.
- (124)(125)(118)"Restricted Materials" means pesticides established as restricted materials under Title 3, California Code of Regulations, section 6400.
- (125)(119)"Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.
- (126)(127)(120)"Retail Outlet" means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

(127)(128)(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).
- (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.

(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 Cleaners," "Glass Cleaners," "General Purpose Cleaners," "Toilet/Urinal Care Products," "Metal Polishes," "Carpet Cleaners," or "Fabric Refreshers" that may also make sanitizing or anti-microbial claims on the label.

(130)(131)(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. <u>"Sealant or Caulking</u> <u>Compound" includes threaded pipe sealants and gasket makers.</u> "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 <u>or</u> 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 $only_{7}$:

"F<u>R</u>emovable caulking compounds" means a compound which temporarily seals windows or doors for three to six month time intervals., and

"e<u>C</u>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 chemical⁴ curing process, where product ingredients participate in a chemical reaction in the presence of a catalyst that causes a change in chemical structure₇ 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 polyether₁ 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."
- (131)(132)(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.
- (132)(133)(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."
- (133)(134)(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."

(<u>134</u>)(135)(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.

- (135)(136)(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.
- (136)(137)(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.
- (137)(138)(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.
- (138)(139)(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, andor 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.
- (139)(140)(133) "Spray Buff Product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.
- (140)(134)"Table B Compound" means any carbon-containing compound listed as an exception to the definition of VOC in Section 94508.
- (141)(142)(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."

(142)(143)(136)"Terrestrial" means to live on or grow from land.

- (143)(144) "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.
- (144)(145)(137)"Tire Sealant and Inflator" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
- (145)(138)"Toilet/Urinal Care Product" means any product designed or labeled to clean and/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."
- (146)(147)(139)"Type A Propellent" means a compressed gas such as CO₂, N₂, N₂O, 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.
- (147)(148)(140)"Type B Propellent" means any halocarbon which is used as a propellent including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).
- (148)(149)(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).
- (149)(150)(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.
- (150)(151)(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.

- (151)(152)(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), 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).

- (152)(153)(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).
- (153)(154)(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.
- (<u>154</u>)(155)(147)"Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. "Waterproofer" does not include "Fabric Protectants."
- (155)(156)(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.
- (156)(157)(149)"Web Spray Adhesive" means any aerosol adhesive which is not a "Mist Spray Adhesive" or "Special Purpose Spray Adhesive."
- (157)(158) "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."
- (158)(159)(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.

Amend the Table of Standards set forth in section 94509(a), title 17, California Code of Regulations, to read as follows:

[Note: The Table of Standards specifies VOC standards for numerous product categories. Shown below is the only product category where a modification has been made to the original proposal.]

Table of Standards Percent Volatile Organic Compound by Weight

Product Category	Effective	VOC
	Date ¹	Standard ²

Motor Vehicle Wash		
non-aerosol	<u>12/31/2010</u>	<u>0.2</u>

Amend section 94512(d)(1), title 17, California Code of Regulations, to read as follows:

(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;

- 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.