

State of California  
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text and  
Availability of Additional Documents**

PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO  
THE CALIFORNIA CONSUMER PRODUCTS REGULATION

Public Hearing Date: September 24, 2009  
First Public Availability Dates: January 14, 2010 – January 29, 2010  
Second Public Availability Date: June 28, 2010  
Deadline for Public Comment: July 13, 2010

At its September 24, 2009, public hearing, the Air Resources Board (ARB or Board) approved amendments to the Regulation for Reducing Emissions from Consumer Products (title 17, California Code of Regulations (CCR), sections 94507-94517). The amendments set new or lower volatile organic compound (VOC) standards and limited the global warming potential in Double Phase Aerosol Air Fresheners, Multi-purpose Solvents, and Paint Thinners. The amendments also prohibited the use of chlorinated toxic compounds and set an aromatic compound limit for Multi-purpose Solvents and Paint Thinners, and revised or clarified other regulatory requirements.

At the hearing, the Board approved modifications to the regulations originally proposed in the Staff Report released on August 7, 2009. These modifications were made available for a 15-day public comment period beginning on January 14, 2010.

The Executive Officer is proposing additional modifications to the regulatory text in this Second Notice of Public Availability of Modified Text (Second Notice). As described below, the modifications are being proposed to address a problem posed by recently modified product labels on Multi-purpose Solvents and Paint Thinners being offered for sale in California.

The amendments approved by the Board included a proposed definition for "Paint Thinner" that excluded thinners "...labeled for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, and High Temperature Coatings." Industrial Maintenance Coatings are an existing type of high performance architectural coating that often requires a higher VOC content for use in industrial environments. Industrial Maintenance Coating Paint Thinners are an existing, niche group of Paint Thinner products manufactured and labeled to be used with Industrial Maintenance Coatings. Given the demanding industrial environments where Industrial Maintenance Coatings and their associated thinners must be able to function, the exclusion described above was originally proposed by ARB staff and was approved by the Board.

After the Board's September 24, 2009 Board hearing, staff became aware that new language had been added to the back panels of some Multi-purpose Solvent and Paint Thinner products offered for sale in California. The new language states:

“Designated for the thinning of Industrial Maintenance Coatings.  
Product Category – Industrial Maintenance Coating Thinner.”

A number of products displaying this language are being sold in home improvement, retail paint, and general mass market stores throughout California. A typical consumer who purchases these products may not notice this added language on the back panel and may continue to use these products for purposes other than the thinning of Industrial Maintenance Coatings, particularly since many of these products are preexisting ones where the only significant change made to the product label appears to be the addition of this language on the back panel of the product.

In the Initial Statement of Reasons for this rulemaking action, Multi-purpose Solvent and Paint Thinner products proposed for regulation were described as those “typically sold to household consumers and paint contractors in one quart or one gallon metal containers, and are sold primarily in home improvement stores; retail paint stores; general mass market stores; discount stores; and automotive aftermarket retail stores.” Based on the exclusion in the originally proposed “Paint Thinner” definition, products displaying the above language may not be subject to the proposed VOC limits for Paint Thinner. This could result in the loss of significant VOC emission reductions because these products comprise a majority of the VOC emissions from Multi-purpose Solvent and Paint Thinner products.

#### Summary of Proposed Modifications

For the reasons described above staff is proposing modifications to the definition of “Paint Thinner” so that manufacturers will not be able to avoid complying with the proposed VOC limits for Paint Thinner by simply adding some easily overlooked language to the back panel of the product. The proposed modifications specify that both of the following criteria must be met in order for the product to be excluded from the definition of “Paint Thinner:”

(1) the Principle Display Panel of the product displays, in a font size as large as, or larger than, the font size of all other words on the panel, language that the product is used exclusively for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature Coatings, and

(2) no representation is made anywhere on the product container or packaging, or any label or sticker attached thereto, that the product is suitable for use or may be used for any other purpose except the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature Coatings.

In addition to these modifications, several changes to improve clarity were made to proposed labeling requirements for flammable or extremely flammable Multi-purpose Solvents and Paint Thinners in section 94512(e).

#### Additional Documents Added to the Rulemaking Record

By this notice, staff is adding a number of documents to the rulemaking record in accordance with Government Code sections 11346.8(d) and 11347.1. These documents are copies of product labels that display the language described previously in this notice. The labels are from products currently being offered for sale in home improvement, retail paint, and general mass market stores in California. The documents being added to the record are available on ARB's website at: <http://www.arb.ca.gov/regact/2009/cpmthd310/cpmthd310.htm>

#### Availability of the Modified Regulatory Language and Additional Documents

By this notice, the modified regulatory language and additional documents are being made available for public comment prior to final action by the Board's Executive Officer.

Attached to this notice is the text of the modified regulatory language. The originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to show deletions. The proposed modifications released for public comment on January 14, 2010, are shown in double underline to indicate additions and ~~double strikeout~~ to show deletions. New deletions and additions to the proposed language that are made public with this Second Notice are shown in **bold double underline** to indicate additions and ~~**bold double strikeout**~~ to indicate deletions.

#### Comments

Written comments will only be accepted on the modifications and additional documents identified in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachment

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at [www.arb.ca.gov](http://www.arb.ca.gov).*