

FINAL REGULATION ORDER
REGULATION FOR REDUCING EMISSIONS
FROM CONSUMER PRODUCTS

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

[Note: Proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.]

SUBCHAPTER 8.5 CONSUMER PRODUCTS

Article 2. Consumer Products

§ 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” does 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)-(12)No change

(13) “Aromatic Compound” means a carbon containing compound that contains one or more benzene or equivalent heterocyclic rings and has an initial boiling point less than or equal to 280°C. “Aromatic Compound” does not include compounds excluded from the definition of Volatile Organic Compound (VOC) in this Section 94508(a).

(14) “Artist’s Solvent/Thinner” means any liquid product, labeled to meet ASTM D4236 – 95 (March 1, 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, which is incorporated by reference herein, and packaged in a container equal to or less than 32 fluid ounces, labeled to reduce the viscosity of, and or remove, art coating compositions or components.

(15)~~(13)~~“ASTM” means the American Society for Testing and Materials ASTM International.

(16)-(20)Nonsubstantive changes were made to indicate renumbering

(21)~~(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.

~~(22)~~~~(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.

~~(23)~~~~(27)~~Nonsubstantive changes were made to indicate renumbering

~~(28)~~~~(26)~~“Carpet/Upholstery Cleaner” means a cleaning product designed or labeled for the purpose of eliminating dirt or stains on rugs, carpeting, or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. “Carpet/Upholstery Cleaner” includes, but is not limited to, products used on household furniture, the interior of motor vehicles, and products that make “Fabric Protectant” claims. “Carpet/Upholstery Cleaner” does not include “Spot Remover,” vinyl or leather cleaners, “Dry Cleaning Fluids,” or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

~~(29)~~~~(40)~~Nonsubstantive changes were made to indicate renumbering

~~(41)~~~~(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 humans 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 Cleaners,” “Glass

Cleaners,” “General Purpose Cleaners,” “Toilet/Urinal Care Products,” “Metal Polishers,” “Carpet Cleaners,” or “Fabric Refreshers” that may also make disinfecting or anti-microbial claims on the label.

(42)-(60) Nonsubstantive changes were made to indicate renumbering

(61)(59) “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 “Floor Maintenance Products,” “Floor Wax Stripper,” 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 products 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)-(66) Nonsubstantive changes were made to indicate renumbering

(67)(65) “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 Aids,” “Wood Cleaners,” 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)-(80) Nonsubstantive changes were made to indicate renumbering

(81)(79) “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 does 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)-(84) Nonsubstantive changes were made to indicate renumbering

(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)~~ "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;" "For professional use only;" "Not for residential use;" or "Not intended for residential use."

(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.

(88)-(95) Nonsubstantive changes were made to indicate renumbering

(96)(92) “Liquid” means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90 (May 25, 1990) Standard Test Method for Determining Whether a Material Is a Liquid or a Solid, which is incorporated by reference herein. “Liquid” does not include powders or other materials that are composed entirely of solid particles.

(97)-(105) Nonsubstantive changes were made to indicate renumbering

(106)(102) “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” also 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. For the purposes of this definition only, “Paint clean-up” means any liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals. “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.

(107)-(114) Nonsubstantive changes were made to indicate renumbering

(115)(114) “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 any of the following products:

(A) “Artist’s Solvent/Thinner;”

(B) products that are sold in containers with a capacity of 5 gallons or more and labeled exclusively for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature Coatings;

(C) products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient;

(D) products that meet both of the following criteria:

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.

(116)-(126) Nonsubstantive changes were made to indicate renumbering

(127)(123) “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.

(128)-(139) Nonsubstantive changes were made to indicate renumbering

(140)(136) “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 (May 25, 1990) Standard Test Method for Determining Whether a Material Is a Liquid or a Solid, which is incorporated by reference herein.

~~(141)~~~~(137)~~“(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 (Jan. 25, 1991) Standard Practice for Packed Column Gas Chromatography, which is incorporated by reference herein, 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)~~ 1. the touch-up or repair of items laminated with high pressure laminates (e.g. lifted edges, delaminations, etc.), or for
 - ~~(2)~~ 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.

(142)-(162) Nonsubstantive changes were made to indicate renumbering

(163) "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;" "For Industrial Use Only;" "Not for residential use;" or "Not intended for residential use."

NOTE: Authority cited: Sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39600, 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.

§ 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 *: Aerosol**	1/1/95	75
-----	-----	-----
Mist Spray Adhesive**	1/1/2002	65
-----	-----	-----
Web Spray Adhesive**	1/1/2002	55
-----	-----	-----
Special Purpose Spray Adhesive**		
Mounting, Automotive Engine Compartment, and Flexible Vinyl Adhesive	1/1/2002	70
Polystyrene Foam and Automobile Headliner Adhesive	1/1/2002	65
Polyolefin and Laminate Repair/Edgebanding Adhesive	1/1/2002	60
=====	=====	=====
[**See 94509(i), 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesive.]		
-----	-----	-----
Construction, Panel, and Floor Covering#	1/1/95 12/31/2002 12/31/2008	40 15 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.]		
-----	-----	-----
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.] ----- General 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.		
Adhesive Remover*: Floor or Wall Covering Adhesive Remover ----- Gasket or Thread Locking Adhesive Remover ----- General Purpose Adhesive Remover ----- Specialty Adhesive Remover =====	12/31/2006 ----- 12/31/2006 ----- 12/31/2006 ----- 12/31/2006 =====	5 ----- 50 ----- 20 ----- 70 =====
[*See sections 94509(n) and 94512(d) for additional requirements that apply to Adhesive Remover.]		
Aerosol Cooking Spray	1/1/95	18
Air Freshener*: Double Phase Aerosol [*See section 94509(t) for additional requirements that apply to Double Phase Aerosol Air Freshener.] ----- Single Phase Aerosol ----- Dual Purpose Air Freshener/Disinfectant aerosol ----- liquid/pump spray ----- solid/semisolid =====	1/1/93 12/31/2004 <u>12/31/2012</u> ----- 1/1/93 1/1/96 ----- 1/1/94 ----- 1/1/93 ----- 1/1/93 =====	30 25 <u>20</u> ----- 70 30 ----- 60 ----- 18 ----- 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 Freshener.]		
Anti-static Product: aerosol ----- non-aerosol	12/31/2008 ----- 12/31/2006	80 ----- 11
Astringent/Toner (Non-FDA regulated)	12/31/2010	35
Automotive Rubbing or Polishing Compound	1/1/2005	17

Automotive Wax/Polish/Sealant/Glaze: all other forms	1/1/2005	15
----- hard paste wax	----- 1/1/2005	----- 45
----- instant detailer	----- 1/1/2001	----- 3
Automotive Windshield Washer Fluid: Type "A" areas*	1/1/93 12/31/2008	35 25
----- All other areas (all forms) Dilutable and Pre-Mixed**	----- 1/1/93 12/31/2002	----- 10 1
=====	=====	=====
**See section 94508(a)(19), section 94508(a)(20), and section 94509(l) for provisions that apply to Automotive Windshield Washer Fluid.		
=====	=====	=====
* 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*: aerosol	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.]		
Brake Cleaners	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 **	1/1/95 12/31/2002 12/31/2008 12/31/2010	75 45 20 10
=====	=====	=====
**See section 94509(k) for the effective date of the VOC limit for Carburetor or Fuel-injection Air Intake Cleaner.		

Carpet /Upholstery Cleaner*: aerosol	1/1/2001 12/31/2010	7 5
----- non-aerosol (dilutable)	----- 1/1/2001	----- 0.1
----- non-aerosol (ready-to-use)	----- 1/1/2001 12/31/2010	----- 3 1
=====	=====	=====
[*See section 94509(q) for additional requirements that apply to Carpet/Upholstery Cleaner]		
Charcoal Lighter Material	See Section 94509(h)	
Disinfectant: aerosol	12/31/2008	70
----- non-aerosol	----- 12/31/2008	----- 1
Dusting Aid: aerosol	1/1/95 1/1/97 12/31/2010	35 25 17
----- non-aerosol	----- 1/1/95 12/31/2010	----- 7 3
Electrical Cleaner* =====	12/31/2006 =====	45 =====
[*See sections 94509(n) and 94512(d) for additional requirements that apply to Electrical Cleaner.]		
Electronic Cleaner* =====	12/31/2007 =====	75 =====
[*See sections 94509(m) and 94512(d) for additional requirements that apply to Electronic Cleaner.]		
Engine Degreaser:	1/1/93 1/1/96	75 50
----- aerosol	----- 12/31/2004 12/31/2010	----- 35 10
----- non-aerosol	----- 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
----- non-aerosol	----- 12/31/2006	----- 6
Fabric Softener – Single Use Dryer Product	See Section 94509(s)	
Floor Maintenance Product	12/31/2010	1
Floor Polish or Wax: Resilient Flooring Material	1/1/94 12/31/2010	7 1
----- Nonresilient Flooring Material	----- 1/1/94 12/31/2010	----- 10 1
----- Wood Floor Wax	----- 1/1/94 12/31/2010	----- 90 70
Floor Wax Stripper: non-aerosol	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.]		
Furniture Maintenance Product: aerosol	1/1/94 12/31/2004	25 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*: aerosol and non-aerosol	1/1/94	10
----- aerosol	12/31/2008	8
----- non-aerosol	12/31/2004	4
=====	=====	=====
[*See section 94509(p) for additional requirements that apply to General Purpose Cleaner.]		
General Purpose Degreaser*: aerosol	1/1/2002 12/31/2008 12/31/2010	50 20 10
----- non-aerosol	12/31/2004	4
=====	=====	=====
[*See section 94509(m) for additional requirements that apply to General Purpose Degreaser.]		
Glass Cleaner: aerosol	1/1/93 12/31/2012	12 10
----- non-aerosol	1/1/93 1/1/96 12/31/2004	8 6 4
Graffiti Remover*: aerosol	12/31/2006	50
----- non-aerosol	12/31/2006	30
=====	=====	=====
[*See section 94509(n) for additional requirements that apply to Graffiti Remover.]		
Hair Mousse	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	1/1/94	6
Hair Styling Product: aerosol and pump spray	12/31/2006	6
----- all other forms	12/31/2006	2
Heavy-duty Hand Cleaner or Soap	1/1/2005	8
Insect Repellent: aerosol	1/1/94	65

Insecticide*: Crawling Bug Insecticide (all forms):	1/1/95 1/1/98	40 20
----- aerosol	----- 12/31/2004	----- 15
----- Flea and Tick Insecticide	----- 1/1/95	----- 25
----- Flying Bug Insecticide (all forms):	----- 1/1/95	----- 35
----- aerosol	----- 12/31/2003	----- 25
----- Fogger	----- 1/1/95	----- 45
----- Lawn and Garden Insecticide (all forms)	----- 1/1/95	----- 20
----- 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/solid	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(q) and 94513(f) for additional requirements that apply to Multi-purpose Lubricant]	-----	-----
<u>Multi-purpose Solvent*</u>	<u>12/31/2010</u> <u>12/31/2013</u>	<u>30</u> <u>3</u>
----- [*See sections 94509(u), 94512(e), and 94513(g) for additional requirements that apply to Multi-purpose Solvent.]	-----	-----

Nail Polish Remover	1/1/94 1/1/96 12/31/2004 12/31/2007	85 75 0 1
Non-selective Terrestrial Herbicide: non-aerosol	1/1/2002	3
Odor Remover/Eliminator aerosol	12/31/2010	25
----- non-aerosol	12/31/2010	6
Oven Cleaner*: aerosol/pump spray	1/1/93	8
----- liquid	1/1/93	5
----- non-aerosol (including pump spray and liquid)	12/31/2008	1
=====	=====	=====
[*See section 94509(p) for additional requirements that apply to Oven Cleaner.]		
Paint Remover or Stripper	1/1/2005	50
Paint Thinner*	<u>12/31/2010</u> <u>12/31/2013</u>	<u>30</u> <u>3</u>
=====	=====	=====
[*See sections 94509(u), 94510(m), 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*: 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 Products.		
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	1/1/2005	10
----- non-aerosol	1/1/2003	3
Sanitizer: aerosol	12/31/2008	70
----- non-aerosol	12/31/2008	1
Sealant or Caulking Compound* 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	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	1/1/2001 12/31/2010	25 15
----- non-aerosol	1/1/2001 12/31/2010	8 3
=====	=====	=====
[*See section 94509(q) for additional requirements that apply to Spot Remover]		
Temporary Hair Color: aerosol	12/31/2010	55
Tire or Wheel Cleaner aerosol	12/31/2010	8
----- non-aerosol	12/31/2010	2
Tire Sealant and Inflator	12/31/2002	20

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]		
Undercoating: aerosol	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 (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 Fluids (Dilutable)” for which the ~~label, packaging, or accompanying literature~~ front panel of the product label specifically states that the product should be diluted ~~with water or non-VOC solvent~~ (e.g. identified as a “concentrate”) 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)-(h) No change

- (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), 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) 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~~ product complies with 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)-(l) No change

(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~~ product complies with 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~~ product complies with 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 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 those~~ 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.

(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)-(q) No change

(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.

(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 Double Phase Aerosol Air Freshener.*

- (1) Except as provided below in sections 94509(t)(2) and (t)(4), 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(t)(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:
 - (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, 2015.

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

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

(1) Except as provided below in sections 94509(u)(2) and (u)(4), effective December 31, 2010, no person shall sell, supply, offer for sale, or manufacture for use in California any Multi-purpose Solvent or Paint Thinner that contains any of the following:

(A) chemical compounds that have a Global Warming Potential (GWP) Value of 150 or greater;

(B) methylene chloride, perchloroethylene, or trichloroethylene;

(C) greater than 1% Aromatic Compound content by weight.

(2) Sell-through of Products. Multi-purpose Solvents and Paint Thinners that contain any chemical compound that has a GWP Value of 150 or greater; methylene chloride, perchloroethylene, or trichloroethylene; or greater than 1% Aromatic Compound content by weight; 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(u)(2) 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, 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.

(4) Impurities. The requirements of section 94509(u)(1), (u)(2) and (u)(3) shall not apply to any Multi-purpose Solvent, or Paint Thinner that contains any of the following:

(A) chemical compounds that have a Global Warming Potential (GWP) Value of 150 or greater and are present as impurities in a combined amount equal to or less than 0.1% by weight;

(B) methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

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.

§ 94510. Exemptions.

(a)-(l) No change

(m) Until December 31, 2013, the VOC limits specified in Section 94509(a), and the prohibition of Aromatic Compounds listed in section 94509(u)(1), shall not apply to Paint Thinners that are packaged in containers with a capacity less than or equal to 8 fluid ounces.

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)-(d) No change

(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~~ensure 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, ~~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)-(i) No change

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) No change

(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 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)-(d) No change

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

The following requirements apply in addition to the requirements specified in section 94512(a), (b), and (c):

(1) Except as provided below in section 94512(e)(2), effective December 31, 2010, until December 31, 2015, no person shall sell, supply, offer for sale, or manufacture for use in California any “Flammable” or “Extremely Flammable” Multi-purpose Solvent or Paint Thinner named, on the Principle Display Panel as “Paint Thinner,” “Multi-purpose Solvent,” “Clean-up Solvent,” or “Paint

Clean-up.”

(2) Section 94512(e)(1) does not apply to products that meet either of the following criteria:

(A) Products which include an attached “hang tag,” sticker, or contrasting square or rectangular area on the Principle Display Panel that displays, at a minimum, the following statements in a font size as large as, or larger than, the “signal word” (i.e., “DANGER,” “WARNING,” or “CAUTION”) as specified in title 16, Code of Federal Regulations, section 1500.121:

“Formulated to meet California VOC limits; see warnings on label; Veá las advertencias en la etiqueta, formulado complacientes con leyes de California” or

(B) Products where the Principle Display Panel displays, in both English and Spanish and a font size as large as, or larger than, the font size of all other words on the panel, the common name of the chemical compound (e.g., “Acetone,” “Methyl acetate,” etc.) that results in the product meeting the criteria for “Flammable” or “Extremely Flammable.”

(3) For the purposes of this subsection (e), a product is “Flammable” or Extremely Flammable” if it is labeled as “Flammable” or “Extremely Flammable” on the product container, or if the product meets the criteria for these terms specified in title 16, Code of Federal Regulations, section 1500.3(c)(6).

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 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)-(e) No change

(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), ~~and~~ the entire product label; 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), ~~and~~ the entire product label; 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 June 30, 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), and the entire product label; and
 - (B) a written update of the research and development efforts undertaken to achieve the 3 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; 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.

§ 94515. Test Methods.

- (a)(1) *VOC and GWP compound 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 August 6, 2010 ~~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, which are incorporated by reference herein, may be used to determine the LVP-VOC status of compounds and mixtures: ASTM D 86-01 (Aug. 10, 2001), ASTM D 850-00 (Dec. 10, 2000), ASTM D 1078-01 (June 10, 2001), ASTM D 2879-97 (April 10, 1997), as modified in Appendix B to this Method 310, ASTM D 2887-01 (May 10, 2001) and ASTM E 1719-97 (March 10, 1997).
- 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 (April 10, 1997), as modified in Appendix B to this Method 310, and ASTM E 1719-97 (March 10, 1997), to determine if the compound or mixture meets the requirements of Title 17, CCR, section 94508(a)~~(98)~~(94)(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) Aromatic Compound content determination for Multi-purpose Solvent or Paint Thinner using ARB Method 310. Testing to determine compliance with the requirements of section 94509(u)(1)(C), 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 [Date of Amendment], which is incorporated by reference herein. Alternative test methods that are demonstrated to be equally or more accurate than ARB Method 310 in determining the Aromatic Compound content in a product or its emissions may be used upon the written approval of the Executive Officer.

(d) Aromatic Compound content determinations for Multi-purpose Solvent or Paint Thinner using product formulation and records. Testing to determine compliance with the requirements of section 94509(u)(1)(C), may also be demonstrated through calculation of Aromatic Compound 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 Multi-purpose Solvent or Paint Thinner 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(d), the Aromatic Compound content shall be calculated according to the following equation:

$$\text{Aromatic Compound Content} = \frac{E}{D} \times 100$$

where,

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

E = total weight of all Aromatic Compounds, as defined in Section 94508(a), per unit

- (3) If product records appear to demonstrate compliance with the Aromatic Compound limit, 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.

(e)(e) Determination of liquid or solid. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (May 25, 1990), which is incorporated by reference herein.

~~(f)~~(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.

~~(g)~~(e) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-01 Aug. 10, 2001, which is incorporated by reference herein.

~~(h)~~(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.

~~(i)~~(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.

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.