

## **Appendix A**

### **Proposed Amendments to the Regulation for Reducing Emissions from Consumer Products**



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

**Proposed Amendments to the  
REGULATION FOR REDUCING EMISSIONS  
FROM CONSUMER PRODUCTS**

**SUBCHAPTER 8.5 CONSUMER PRODUCTS**

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

**Article 2. Consumer Products**

**No amendments are proposed to §94507, Applicability.**

*Amend sections §94508, §94509, and §94510 to read as follows:*

**§ 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) "Aerosol Adhesive" means any adhesive packaged as an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesives, mist spray adhesives, and web spray adhesives.
- (4) "Aerosol Cooking Spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.
- (5) "Aerosol Product" means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. "Aerosol Product" does not include "Pump Spray."
- (6) "Agricultural Use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of any animal or plant crop. "Agricultural Use" does not include the sale or use of pesticides in properly labeled packages or containers which are intended for: (A) Home use, (B) Use in structural pest control, or (C) Industrial or Institutional use. For the purposes of this definition only:

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

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

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

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

- (7) "Air Freshener" means any product including, but not limited to, sprays, wicks, wipes, diffusers, powders, and crystals, designed or labeled for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. "Air Freshener" includes dual purpose air freshener/disinfectant products. "Air Freshener" does not include products that are used on the human body, products that function primarily as cleaning products as indicated on a product label, "Odor Remover/Eliminator," or "Toilet/Urinal Care Product."
- (8) "Alkylphenol Ethoxylate" means, for the purpose of this regulation only, a nonionic surface active agent (surfactant) compound composed of an alkyl chain that contains at least eight carbon atoms and a polyethoxylate chain attached to a benzene ring. "Alkylphenol Ethoxylate" includes, but is not limited to, octylphenol ethoxylate with an alkyl chain consisting of eight carbon atoms and nonylphenol ethoxylate with an alkyl chain consisting of nine carbon atoms.
- (8 9) "All Other Carbon-Containing Compounds" means all other compounds which contain at least one carbon atom and are not a "Table B" or a "LVP-VOC."
- (9 10) "All Other Forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless specified otherwise by the applicable VOC standard, "all other forms" include, but are not limited to, solids, liquids (which includes the liquid containing or liquid impregnated portion of the cloth or paper wipes (towelettes), wicks, powders, and crystals.
- (40 11) "Antimicrobial Hand or Body Cleaner or Soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity, and is regulated as an over-the-counter drug by the U.S. Food and Drug Administration. "Antimicrobial Hand or Body Cleaner or Soap" includes, but is not limited to, (A) antimicrobial hand or body washes/cleaners, (B) foodhandler hand washes, (C) healthcare personnel hand washes, (D) pre-operative skin preparations and (E) surgical scrubs. "Antimicrobial Hand or Body

Cleaner or Soap" does not include prescription drug products, antiperspirants, "Astringent/Toner," deodorant, "Facial Cleaner or Soap," "General-use Hand or Body Cleaner or Soap," "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap," "Medicated Astringent/Medicated Toner," and "Rubbing Alcohol."

(41 ~~12~~) "Anti-Static Product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. "Anti-Static Product" does not include "Electronic Cleaner," "Floor Polish or Wax," "Floor Coating," and products that meet the definition of "Aerosol Coating Product" or "Architectural Coating."

(42 ~~13~~) "Architectural Coating" means a coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.

(43 ~~14~~) "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).

(44 ~~15~~) "Artist's Solvent/Thinner" means any liquid product, labeled to meet ASTM D4236 – ~~95~~ 94 (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~~ 34 fluid ounces, labeled to reduce the viscosity of, and or remove, art coating compositions or components.

(45 ~~16~~) "ASTM" means ASTM International.

(46 ~~17~~) "Astringent/Toner" means any product designed or labeled to be applied to the skin for the purpose of cleaning or tightening pores. This category also includes clarifiers and substrate-impregnated products. This category does not include any hand, face, or body cleaner or soap product, "Medicated Astringent/Medicated Toner," cold cream, lotion, antiperspirant, or any Astringent/Toner product regulated as a drug by the United States Food and Drug Administration (FDA).

~~(17) "Automotive Hard Paste Wax" means an automotive wax or polish which is: (A) designed to protect and improve the appearance of automotive paint surfaces; and (B) a solid at room temperature; and (C) contains 0% water by formulation.~~

~~(18) "Automotive Instant Detailer" means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.~~

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

(19) "Automotive Wax, Polish, Sealant or Glaze" means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. "Automotive Wax, Polish, Sealant or Glaze" includes, but is not limited to, products designed for use in autobody repair shops and "drive-through" car washes, as well as products designed for the general public. "Automotive Wax, Polish, Sealant or Glaze" does not include "Automotive Rubbing or Polishing Compound," automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic. "Automotive Wax, Polish, Sealant or Glaze" products are subcategorized into "All Other Forms," "Hard Paste Wax," and "Instant Detailer:"

(1) "All Other Forms" subcategory consists of all automotive wax, polish, sealant or glaze products that are not either a "Hard Paste Wax" or "Instant Detailer."

(2) "Hard Paste Wax" means a product which (A) is designed to protect and improve the appearance of automotive painted surfaces; (B) is a solid at room temperature; and (C) contains zero percent water by formulation.

(3) "Instant Detailer" means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

(20) "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 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.

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

(~~24~~ 23) "Brake Cleaner" means a cleaning product designed or labeled to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

(~~25~~ 24) "Bug and Tar Remover" means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish: (A) biological-type residues such as insect carcasses and tree sap and, (B) road grime, such as road tar, roadway paint markings, and asphalt.

(~~26~~ 25) "California Sales" means the sales (net pounds of product, less packaging and container, per year) in California for either the calendar year immediately prior to the year that the information required by the Executive Officer pursuant to section 94513 (required information) is due or, if that data is not available, any consecutive 12 month period commencing no earlier than 2 years prior to the due date of the required information. If direct sales data for California is not available, sales may be estimated by prorating national or regional sales data by population.

(~~27~~ 26) "Carburetor or Fuel-Injection Air Intake Cleaner" means a product designed or labeled to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. "Carburetor or Fuel-injection Air Intake Cleaner" does not include products designed or labeled exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors, or products designed or labeled exclusively to be introduced during engine operation directly into air intake vacuum lines by using a pressurized sprayer wand.

(~~28~~ 27) "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 Fluid," or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

(~~29~~ 28) "Charcoal Lighter Material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. "Charcoal Lighter Material" does not include any of the following: (A) electrical starters and probes, (B) metallic cylinders using paper tinder, (C) natural gas, (D) propane, and (E) fat wood.

(~~30~~ 29) "Colorant" means any pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

(~~34~~ 30) "Construction, Panel, and Floor Covering Adhesive" means any non-aerosol, one-component adhesive that is designed or labeled for the installation, remodeling, maintenance, or repair of: (A) structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or (B) floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. "Construction, Panel, and Floor Covering Adhesive" does not include "Floor Seam Sealer."

(~~32~~ 31) "Consumer" means any person who seeks, purchases, or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not "consumers" for that product.

(~~33~~ 32) "Consumer Product" means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products; but does not include other paint products, furniture coatings, or architectural coatings. As used in this article, the term "consumer product" shall also refer to aerosol adhesives, including aerosol adhesives used for consumer, industrial, and commercial uses.

(~~34~~ 33) "Contact Adhesive" means a non-aerosol adhesive that: (A) is designed for application to both surfaces to be bonded together, and (B) is allowed to dry before the two surfaces are placed in contact with each other, and (C) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and (D) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full

contact between both surfaces. "Contact Adhesive" does not include rubber cements that are primarily intended for use on paper substrates. "Contact Adhesive" also does not include vulcanizing fluids that are designed and labeled for tire repair only.

(35 34) "Contact Adhesive - General Purpose" means any contact adhesive that is not a "Contact Adhesive - Special Purpose."

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

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

(38 37) "Crawling Bug Insecticide" means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders. "Crawling Bug Insecticide" does not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

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

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

(39 38) "Deodorant Body Spray" means:

(A) for products manufactured before January 1, 2006: a "Personal Fragrance Product" with 20 percent or less fragrance.

- (B) for products manufactured on or after January 1, 2006: a "Personal Fragrance Product" with 20 percent or less fragrance, that is designed for application all over the human body to provide a scent. A "Deodorant Body Spray" product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla, is a "Deodorant" as defined in section 94501(d).
- (40 39) "Device" means any instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.
- (44 40) "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 Cleaner," "Glass Cleaner," "General Purpose Cleaner," "Toilet/Urinal Care Product," "Metal Polish," "Carpet Cleaner," or "Fabric Refresher" that may also make disinfecting or anti-microbial claims on the label.
- (42 41) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.
- (43 42) "Double Phase Aerosol Air Freshener" means an aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.
- (44 43) "Dry Cleaning Fluid" means any ~~non-aqueous liquid product~~ nonaqueous solvent that is (A) used in dry-cleaning machines at commercial dry cleaners or used by commercial businesses that clean fabrics such as draperies at the customer's residence or work place; and (B) is designed and labeled exclusively to clean for use on: (1) fabrics which are labeled "for dry clean only," such as clothing or drapery; or (2) "S-coded" fabrics. "Dry Cleaning Fluid" does not

include "Spot Remover" or "Carpet/Upholstery Cleaner." For the purposes of this definition, S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee." ~~"Dry-Cleaning Fluid" includes, but is not limited to, those products used by commercial dry-cleaners and commercial businesses that clean fabrics such as draperies at the customer's residence or work place.~~

(45 ~~44~~) "Dual Purpose Air Freshener/Disinfectant" means an aerosol product that is represented on the product container for use as both a disinfectant and an air freshener, or is so represented on any sticker, label, packaging, or literature attached to the product container.

(46 ~~45~~) "Dusting Aid" means a product designed or labeled to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. "Dusting Aid" does not include "Pressurized Gas Duster."

(47 ~~46~~) "Electrical Cleaner" means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. Electrical Cleaner does not include "General Purpose Cleaner," "General Purpose Degreaser," "Dusting Aid," "Electronic Cleaner," "Energized Electrical Cleaner," "Pressurized Gas Duster," "Engine Degreaser," "Anti-Static Product," or products designed to clean the casings or housings of electrical equipment.

(48 ~~47~~) "Electronic Cleaner" means a product labeled for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment such as circuit boards, and the internal components of electronic devices, including but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. "Electronic Cleaner" does not include "General Purpose Cleaner," "General Purpose Degreaser," "Dusting Aid," "Pressurized Gas Duster," "Engine Degreaser," "Electrical Cleaner," "Energized Electrical Cleaner," "Anti-Static Product," or products labeled to clean the casings or housings of electronic equipment. "Electronic Cleaner" does not include any product that meets both of the following criteria:

- 1) the product is labeled to clean and/or degrease electronic equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component;
- 2) the product label clearly displays the statements: "Energized Electronic Equipment use only."

(49 ~~48~~) "Energized Electrical Cleaner" means a product that meets both of the following criteria:

- 1) the product is labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component such as a capacitor;
- 2) the product label clearly displays the statements: "Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts."

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

(50 ~~49~~) "Engine Degreaser" means a cleaning product designed or labeled to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

(54 ~~50~~) "Executive Officer" means the Executive Officer of the Air Resources Board, or his or her delegate.

(52 ~~51~~) "Existing Product" means any formulation of the same product category and form sold, supplied, manufactured, or offered for sale in California prior to the following dates, or any subsequently introduced identical formulation:

- (A) October 21, 1991, for all products listed in section 94509(a) that have initial effective dates of January 1, 1993, or January 1, 1994;
- (B) January 6, 1993, for all products listed in section 94509(a) that have initial effective dates of January 1, 1995, or January 1, 1997, and charcoal lighter materials subject to section 94509(h);
- (C) August 16, 1998, for all products listed in section 94509(a) that have initial effective dates of January 1, 2001, January 1, 2002, January 1, 2003, or January 1, 2005;
- (D) November 19, 2000, for all products in the following product categories listed in section 94509(a): "Non-aerosol General Purpose Degreaser," "Sealant and Caulking Compound," and "Tire Sealant and Inflator."
- (E) July 20, 2005, for all products listed in section 94509(a) that have an effective date of December 31, 2006, December 31, 2008, or December 31, 2009; and
- (F) December 8, 2007, for all products listed in section 94509(a) that have an initial effective date of December 31, 2008, or December 31, 2010 for Brake Cleaner, Carburetor or Fuel-Injection Air Intake Cleaner, Aerosol Engine

Degreaser, Resilient Flooring Material, Nonresilient Flooring Material, Aerosol General Purpose Degreaser, and Aerosol Temporary Hair Color.

(G) July 18, 2009, for all products listed in section 94509(a) that have an initial effective date of December 31, 2010, or December 31, 2012, December 31, 2013, or December 31, 2014.

(H) October 20, 2010, for "Multi-purpose Solvent" and "Paint Thinner."

(I) [Effective Date] for "Special-purpose Lubricant."

(53 52) "Fabric Protectant" means:

(A) for products manufactured before December 31, 2008: a product designed or labeled to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. "Fabric Protectant" does not include "Waterproofers," products designed for use solely on leather, or products designed for use solely on fabrics which are labeled "for dry clean only" and sold in containers of 10 fluid ounces or less.

(B) for products manufactured on or after December 31, 2008: a product designed or labeled to be applied to fabric substrates to protect the surface from soiling from dirt or other impurities or to reduce absorption of liquid into the fabric's fibers. "Fabric Protectant" does not include "Waterproofers," or products labeled for use solely on leather. "Fabric Protectant" does not include pigmented products that are designed or labeled to be used primarily for coloring, products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates, or products that renew or restore fabric and qualifying as either "Clear Coating" or "Vinyl/Fabric/Leather/Polycarbonate Coating" under section 94521(a).

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

(55 54) "Fabric Softener-Single Use Dryer Product" means a laundry care product designed or labeled for single use in the clothes dryer to impart softness to, or control static cling of, a load of washable fabrics; and may impart a fragrance or scent. For the purpose of this definition only, "single use" means a product that is intended for one time use during a single drying cycle and is removed after

completion of the drying cycle. A "load" is the amount of washable fabrics in a single drying cycle. "Fabric Softener-Single Use Dryer Product" includes treated nonwoven sheets which are typically packaged in boxes with a multiple number of sheets. "Fabric Softener-Single Use Dryer Product" does not include products applied to washable fabrics prior to placing the washable fabrics in the clothes dryer.

- (~~56~~ 55) "Facial Cleaner or Soap" means a cleaner or soap designed primarily to clean the face. "Facial Cleaner or Soap" includes, but is not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. "Facial Cleaner or Soap" does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap," "Astringent/Toner," "General-use Hand or Body Cleaner or Soap," "Medicated Astringent/Medicated Toner," or "Rubbing Alcohol."
- (~~57~~ 56) "Fat Wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. "Fat wood" does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.
- (~~58~~ 57) "Flea and Tick Insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. "Flea and Tick Insecticide" does not include products that are designed to be used exclusively on humans or animals and their bedding.
- (~~59~~ 58) "Floor Coating" means an opaque coating that is labeled and designed for application to flooring, including but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- (~~60~~ 59) "Floor Maintenance Product" means any product designed or labeled to restore, maintain, or enhance a previously applied floor finish. "Floor Maintenance Product" includes, but is not limited to, products that are labeled as Spray Buff products or Floor Maintainers or Restorers. "Floor Maintenance Product" does not include floor polish products, products designed solely for the purpose of cleaning, products designed or labeled exclusively for use on marble floors, or coatings subject to architectural coatings regulations.
- (~~64~~ 60) "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~~ 61) "Floor Seam Sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.
- (~~63~~ 62) "Floor Wax Stripper" means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. "Floor Wax Stripper" does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.
- (~~64~~ 63) "Flying Bug Insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. "Flying Bug Insecticide" does not include "wasp and hornet insecticide," products that are designed to be used exclusively on humans or animals, or any moth-proofing product. For the purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.
- (~~65~~ 64) "Footwear or Leather Care Product" means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and non-leather foot apparel. "Footwear or Leather Care Product" does not include "Fabric Protectant," "General Purpose Adhesive," "Contact Adhesive," "Vinyl/Fabric/Leather/Polycarbonate Coating," as defined in section 94521(a), "Rubber/Vinyl Protectant," "Fabric Refresher," products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.



- (66 65) "Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.
- (67 66) "Furniture Maintenance Product" means a wax, polish, conditioner, or any other product labeled for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors, and other furniture surfaces including but not limited to acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass. "Furniture Maintenance Product" does not include "Dusting Aid," "Wood Cleaner," 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 67) "Furniture Coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.
- (69 68) "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.
- (70 69) "General Purpose Adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. "General Purpose Adhesive" does not include (A) contact adhesives, (B) construction, panel, and floor covering adhesives, (C) adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or (D) adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).
- (71 70) "General Purpose Cleaner" means a ~~general purpose cleaning product labeled to clean for use on a variety of hard surfaces, including small appliances.~~ "General Purpose Cleaner" includes, but is not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves.
- (72 71) "General Purpose Degreaser" means:
- (A) for products manufactured before December 31, 2012: any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. "General Purpose Degreaser" does not include "Engine Degreaser," "General Purpose Cleaner," "Adhesive Remover," "Electronic Cleaner,"

“Electrical Cleaner,” “Energized Electrical Cleaner,” and “Metal Polish/or Cleanser,” “General Purpose Degreaser” also does not include products used exclusively in “solvent cleaning tanks or related equipment,” or products that are (A) sold exclusively to establishments which manufacture or construct goods or commodities; and (B) labeled “not for retail sale.” “Solvent cleaning tanks or related equipment” includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

(B) for products manufactured on or after December 31, 2012: any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. “General Purpose Degreaser” does not include “Adhesive Remover,” “Electrical Cleaner,” “Electronic Cleaner,” “Energized Electrical Cleaner,” “Engine Degreaser,” “General Purpose Cleaner,” “Metal Polish or Cleanser,” or “Oven or Grill Cleaner.” “General Purpose Degreaser” also does not include products used exclusively in “solvent cleaning tanks or related equipment,” or products that are (A) exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities; and (B) labeled exclusively for “use in the manufacturing process only.” “Solvent cleaning tanks or related equipment” includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

~~(73~~ 72) “General-use Hand or Body Cleaner or Soap” means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. “General-use Hand or Body Cleaner or Soap” includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. “General-use Hand or Body Cleaner or Soap” does not include prescription drug products, “Antimicrobial Hand or Body Cleaner or Soap,” “Astringent/Toner,” “Facial Cleaner or Soap,” “Hand Dishwashing Detergent” (including antimicrobial), “Heavy-duty Hand Cleaner or Soap,” “Medicated Astringent/Medicated Toner,” or “Rubbing Alcohol.”

~~(74~~ 73) “Glass Cleaner” means a cleaning product designed or labeled primarily for cleaning surfaces made of glass. “Glass Cleaner” does not include products designed or labeled solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

~~(75~~ 74) “Global Warming Potential (GWP)” means the radiative forcing impact of one mass-based unit of a given greenhouse gas relative to an equivalent unit of carbon dioxide over a given period of time.

(76 ~~75~~) "Global Warming Potential Value" or "GWP Value" means the global warming potential value of a chemical or compound as specified in the IPCC: 1995 Second Assessment Report (SAR), Table 2.14, in Climate Change 2007: The Physical Sciences Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, which is incorporated by reference herein.

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

(~~77~~ 76) "Graffiti Remover" means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish, from a variety of non-cloth or non-fabric substrates. "Graffiti Remover" does not include "Paint Remover or Stripper," "Nail Polish Remover," or "Spot Remover." Products labeled for dual use as both a paint stripper and graffiti remover are considered "Graffiti Removers."

(77) "Gum or Candle Wax Remover" means a product designed or labeled exclusively to remove chewing gum and/or candle wax from soft surfaces such as carpet, rugs, upholstery, or fabric.

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

(79) "Hair Shine" means any product designed for the primary purpose of creating a shine when applied to the hair. "Hair Shine" includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. "Hair Shine" does not include "Hair Spray," "Hair Mousse," "Hair Styling Product," "Hair Styling Gel," or products whose primary purpose is to condition or hold the hair.

(80) "Hair Styling Gel" means a consumer product manufactured before December 31, 2006, that is a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.

(81) "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) "Hair Styling Product" means a consumer product manufactured on or after December 31, 2006, that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. "Hair Styling Product" includes, but is not limited to hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers and/or conditioners that make styling claims. "Hair Styling Product" does not include "Hair Mousse," "Hair Shine," "Hair Spray," or shampoos and/or conditioners that are rinsed from the hair prior to styling.

For the purposes of this subchapter, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time.

For the purposes of this subchapter, "styling" means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

- (83) "Heavy-Duty Hand Cleaner or Soap" means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. "Heavy-duty Hand Cleaner or Soap" does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap," "Astringent/Toner," "Facial Cleaner or Soap," "General-use Hand or Body Cleaner or Soap," "Medicated Astringent/Medicated Toner" or "Rubbing Alcohol."
- (84) "Herbicide" means a pesticide product designed to kill or retard a plant's growth, but excludes products that are: (A) for agricultural use, or (B) restricted materials that require a permit for use and possession.

- (85) "High-Temperature Coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).
- (86) "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) "Insect Repellent" means a pesticide product that is designed to be applied on human skin, hair or attire worn on humans in order to prevent contact with or repel biting insects or arthropods.
- (89) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are: (A) for agricultural use, or (B) for a use which requires a structural pest control license under Chapter 14 (commencing with Section 8500) of the Business and Professions Code, or (C) restricted materials that require a permit for use and possession.
- (90) "Insecticide Fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.
- (91) "Institutional Product" or "Industrial and Institutional (I&I) Product" means a consumer product that is designed for use in the maintenance or operation of an establishment that: (A) manufactures, transports, or sells goods or commodities, or provides services for profit; or (B) is engaged in the nonprofit promotion of a

particular public, educational, or charitable cause. "Establishments" include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. "Institutional Product" does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

- (92) "Label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.
- (93) "Laundry Prewash" means a product that is designed for application to a fabric prior to laundering in a wet-cleaning process, and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.
- (94) "Laundry Starch/Sizing/Fabric Finish Product" means a product that is labeled for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. "Laundry Starch/Sizing/Fabric Finish Product" includes, but is not limited to, starch, sizing, and fabric finish.
- (95) "Lawn ~~and~~ or Garden Insecticide" means an insecticide product labeled primarily to be used in household lawn ~~and~~ or garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 94512(a) aerosol "Lawn ~~and~~ or Garden Insecticide" may claim to kill insects or other arthropods.
- (96) "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) "Lubricant" means:
- (A) for products manufactured before December 31, 2012: a product that reduces friction, heat, noise, or wear between moving parts, or loosens rusted or immovable parts or mechanisms. "Lubricant" does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals; or products that are (1) sold

exclusively to establishments which manufacture or construct goods or commodities, and (2) labeled "not for retail sale."

(B) for products manufactured on or after December 31, 2012: a product that reduces friction, heat, noise, or wear between moving parts, or loosens rusted or immovable parts or mechanisms. "Lubricant" does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals; or products that are (1) exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities, and (2) labeled exclusively for "use in the manufacturing process only."

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

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

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

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

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

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

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

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

- (101) "Metal Polish/ or Cleanser" means any product designed primarily or labeled to improve the appearance and/or protect of finished metal, metallic, or metallized surfaces by physical or chemical action. To "improve the appearance" means to remove, or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. "Metal Polish/ or Cleanser" includes, but is not limited to metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. "Metal Polish/ or Cleanser" does not include "Automotive Wax, Polish, Sealant or Glaze," "General Purpose Cleaner," "Tire or Wheel Cleaner," "Paint Remover or Stripper," products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.
- (102) "Mist Spray Adhesive" means any aerosol adhesive which is not a "Special Purpose Spray Adhesive" and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.
- (103) "Motor Vehicle Wash" means a product designed or labeled to wash, wash and wax, wash and shine, or wash and/or clean the exterior surface of motor vehicles. "Motor Vehicle Wash" includes, but is not limited to, products for use in commercial, fleet, hand, and "drive through" car washes; commercial truck washing or large vehicle washing stations; vehicle dealers and repair shops as well as products intended for household consumer use. "Motor Vehicle Wash" does not include "Bug and Tar Remover," "Glass Cleaner," "Tire or Wheel Cleaner," and products labeled for use exclusively on locomotives or aircraft.
- (104) "Multi-purpose Dry Lubricant" means any lubricant which is: (A) designed or labeled to provide lubricity solely by depositing a thin film of graphite, molybdenum disulfide ("moly"), or polytetrafluoroethylene or closely related fluoropolymer ("teflon") on surfaces, and (B) designed or labeled for general purpose lubrication, or for use in a wide variety of applications.
- (105) "Multi-purpose Lubricant" means any lubricant designed or labeled for general purpose lubrication, or a lubricant labeled for use in a wide variety of applications. "Multi-purpose Lubricant" does not include "Multi-purpose Dry Lubricant," "Penetrant," or "Silicone-based Multi-Purpose Lubricant."
- (106) "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, dissolving, or removing contaminants or other organic materials. "Multi-purpose Solvent" also includes: 1. products that do not display specific use instructions on the product container or packaging; 2. products that do not specify an end-use function or application on the product container or packaging; 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 1. solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines; 2. solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings; ~~or~~ 3. solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment; ; 4. Products that are labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; ~~"Multi-purpose Solvent" also does not include~~ or 5. any product making any representation that the product may be used as, or is suitable for use as a consumer product which ~~qualifies under~~ meets another definition in section 94508(a); such products are not "Multi-purpose Solvents" and are subject to the "Most Restrictive Limit" provisions of section 94512(a).
- (107) "Nail Polish" means any clear or colored coating designed for application to the fingernails or toenails and including but not limited to, lacquers, enamels, acrylics, base coats and top coats.
- (108) "Nail Polish Remover" means a product designed to remove nail polish and coatings from fingernails or toenails.
- (109) "Non-Carbon Containing Compound" means any compound which does not contain any carbon atoms.
- (110) "Non-Selective Terrestrial Herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
- (111) "Odor Remover/Eliminator" means a product that is designed or labeled to be applied exclusively to hard surfaces to inhibit the ability of soils to create malodors, or functions to entrap, encapsulate, neutralize, convert or eliminate

malodor molecules. "Odor Remover/Eliminator" does not include products designed or labeled for use in cleaning soils from hard surfaces, laundering, softening, de-wrinkling or cleaning fabrics, or dishwashing, or products that are defined as "Air Freshener," "Bathroom and Tile Cleaner," "Carpet/Upholstery Cleaner," "Fabric Refresher," "General Purpose Cleaner," "Toilet/Urinal Care Product," "Disinfectant," or "Sanitizer."

- (112) "Oven or Grill Cleaner" means any cleaning a product designed or labeled exclusively to clean and to remove dried or baked on greases and/or food deposits from oven walls food preparation and/or food cooking surfaces. A product that is labeled as an "Oven or Grill Cleaner" that makes claims that it is suitable for degreasing other hard surfaces is a "General Purpose Degreaser." A product that is labeled as an "Oven or Grill Cleaner" that makes claims that it is suitable for cleaning other hard surfaces is a "General Purpose Cleaner."
- (113) "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.
- (114) "Paint Remover or Stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. "Paint Remover or Stripper" does not include "Multi-purpose Solvent," paint brush cleaners, products designed and labeled exclusively as "Graffiti Remover," and hand cleaner products that claim to remove paints and other related coatings from skin.
- (115) "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) "Penetrant" means a lubricant designed or labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. "Penetrant" does not include "Multi-purpose Lubricant" that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

(117) "Person" shall have the same meaning as defined in Health and Safety Code Section 39047.

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

(119) "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.

- (120) "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."
- (121) "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."
- (122) "Product Brand Name" means the name of the product exactly as it appears on the principal display panel of the product.
- (123) "Product Category" means the applicable category which best describes the product as listed in this Section 94508.
- (124) "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
- (125) "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.
- (126) "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.
- (127) "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) "Restricted Materials" means pesticides established as restricted materials under Title 3, California Code of Regulations, section 6400.
- (129) "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.
- (130) "Retail Outlet" means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.
- (131) "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).
- (132) "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.
- (133) "Sanitizer" means a product that is labeled as a "sanitizer," or is labeled to reduce, but not necessarily eliminate, microorganisms in the air, on surfaces, or on inanimate objects, and whose label is registered as a "sanitizer" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. section 136 et seq.). Products that are labeled as both a "sanitizer" and a "disinfectant" are considered disinfectants. "Sanitizer" does not include (A) "Disinfectant," (B) products labeled solely for use on humans or animals, (C) products labeled solely for agricultural use, (D) products labeled solely for use in swimming pools, therapeutic tubs, or hot tubs, (E) products which are labeled to be used on heat

sensitive critical or semi-critical medical devices or medical equipment surfaces, (F) products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent or veterinary establishments (G) products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food, or (H) products which are labeled as "Bathroom and Tile Cleaner," "Glass Cleaner," "General Purpose Cleaner," "Toilet/Urinal Care Product," "Metal Polish," "Carpet Cleaner," or "Fabric Refresher" that may also make sanitizing or anti-microbial claims on the label.

- (134) "Sealant or Caulking Compound" means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. "Sealant or Caulking Compound" does not include pipe thread sealants or pipe joint compounds; 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 or Caulking Compound" also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. For the purposes of this definition only:

"Removable caulking compounds" means a compound which temporarily seals windows or doors for three to six month time intervals.

"Clear/paintable/water resistant caulking compounds" means a compound which contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

"Sealant or Caulking Compound" is divided into two subcategories:

- (A) "Chemically Curing Sealant or Caulking Compound" means any "Sealant or Caulking Compound" which achieves its final composition and physical form through a chemical curing process, where product ingredients participate in a chemical reaction in the presence of a catalyst that causes a change in chemical structure and leads to the release of chemical byproducts. "Chemically Curing Sealant or Caulking Compound" includes, but is not limited to, products that utilize silicone, polyurethane, silyl-terminated polyether, or silyl-terminated polyurethane reactive chemistries. "Chemically Curing Sealant or Caulking Compound" does not include products which are not solely dependent on a chemically curing process to achieve the cured state.
- (B) "Non-Chemically Curing Sealant or Caulking Compound" means any "Sealant or Caulking Compound" not defined under "Chemically Curing Sealant or Caulking Compound."

- (135) "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.
- (136) "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."
- (137) "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."
- (138) "Silicone-based Multi-purpose Lubricant" means any lubricant which is:
- (A) designed ~~and~~ or labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and
  - (B) designed ~~and~~ or 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.
- (139) "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.
- (140) "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) "Special-purpose Lubricant" means any lubricant that is designed or labeled as: a cutting or tapping oil; an anti-seize product; an open gear, chain or wire lubricant; or a rust preventative and/or rust control product that makes a lubricating claim. "Special-purpose Lubricant" does not include products that: (A) contain silicone compounds as the sole lubricating agent; (B) products labeled to provide lubricity solely by depositing a thin film of graphite, molybdenum disulfide, or polytetrafluoroethylene or closely related fluoropolymer ("teflon"); or (C) products designed and labeled exclusively to release manufactured products from molds. "Special-purpose Lubricant" also does not include "Multi-purpose Lubricant," "Silicone-based Multi-purpose Lubricant," or "Penetrant." A "Lubricant" product that makes claims that it is suitable for multiple applications that are different than those of a "Special-purpose Lubricant" is a "Multi-purpose Lubricant."

(441 142) "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. 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.



- (~~142~~ 143) "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, or clothing, that ~~does~~ may or may not require subsequent laundering to achieve stain removal. "Spot Remover" includes spotting agents used by commercial dry cleaning and "laundering" operations. "Spot Remover" does not include ~~"Dry Cleaning Fluid,"~~ "Laundry Prewash," or aerosol products labeled solely for gum removal.
- (~~143~~ 144) "Spray Buff Product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.
- (~~144~~ 145) "Table B Compound" means any carbon-containing compound listed as an exception to the definition of VOC in Section 94508.
- (~~145~~ 146) "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."
- (~~146~~ 147) "Terrestrial" means to live on or grow from land.
- (~~147~~ 148) "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.
- (~~148~~ 149) "Tire Sealant and Inflator" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
- (~~149~~ 150) "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."

(150 151) "Type A Propellant" means a compressed gas such as CO<sub>2</sub>, N<sub>2</sub>, N<sub>2</sub>O, or compressed air which is used as a propellant, and is either incorporated with the product or contained in a separate chamber within the product's packaging.

(151 152) "Type B Propellant" means any halocarbon which is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

(152 153) "Type C Propellant" means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

(153 154) "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.

(154 155) "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.

(155 156) "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).

(~~156~~ 157) "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).

(~~157~~ 158) "Wasp and or 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.

(~~158~~ 159) "Waterproof" means a product designed and labeled exclusively to repel water from fabric or leather substrates. "Waterproof" does not include "Fabric Protectant."

(~~159~~ 160) "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.

(~~160~~ 161) "Web Spray Adhesive" means any aerosol adhesive which is not a "Mist Spray Adhesive" or "Special Purpose Spray Adhesive."

(~~161~~ 162) "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."

(~~462~~ 163) "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.

(~~463~~ 164) "Zinc-Rich Primer" means a coating that meets all the following specifications: (A) coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and (B) coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and (C) coating is intended for professional use only and labeled "For Professional Use Only;" "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**

<b>Product Category</b>	<b>Effective Date <sup>1</sup></b>	<b>VOC Standard <sup>2</sup></b>
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 <u>subsection 94509(i)(m)(1)</u> , and sections 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesive.]		
-----		
Construction, Panel, and Floor Covering <sup>#</sup>	1/1/95	40
	12/31/2002	15
	12/31/2008	7
=====		
[#See section 94509(k) for the effective date of the VOC limit for certain types of "Construction, Panel, and Floor Covering Adhesive, and <u>subsection 94509(p)(m)(1)</u> for additional requirements that apply to Construction, Panel, and Floor Covering Adhesive.]		
-----		
Contact <sup>##</sup>	1/1/95	80
Contact Adhesive – General Purpose	12/31/2006	55
Contact Adhesive – Special Purpose	12/31/2006	80
=====		
[##See <u>subsections 94509(m)(1)</u> and <u>section 94512(d)</u> 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	12/31/2006	5
-----		
Gasket or Thread Locking Adhesive Remover	12/31/2006	50
-----		
General Purpose Adhesive Remover	12/31/2006	20
-----		
Specialty Adhesive Remover	12/31/2006	70
=====		
[*See <u>subsections 94509(n)(m)(1)</u> and <u>section 94512(d)</u> 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.]	1/1/93 12/31/2004 12/31/2012	30 25 20
----- Single Phase Aerosol	1/1/93 1/1/96	70 30
----- Dual Purpose Air Freshener/Disinfectant aerosol	1/1/94	60
----- liquid/pump spray	1/1/93	18
----- solid/semisolid	1/1/93	3
=====	=====	=====
[*See sections 94510(f) and 94510(g)(2) for exemptions that apply to certain Air Fresheners, and subsection 94509(e)(m)(2) for additional requirements that apply to Air Freshener (solid).] [**See section 94509(n) for additional requirements that apply to Double Phase Aerosol Air Freshener.]		
Anti-static Product: aerosol	12/31/2008	80
----- <del>non-aerosol</del> nonaerosol	12/31/2006	11
Astringent/Toner (Non-FDA regulated)	12/31/2010	35
Automotive Rubbing or Polishing Compound <u>all forms</u>	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**	1/1/93 12/31/2002	10 1
=====	=====	=====
**See section 94508(a)(19 <u>20</u> ), section 94508(a)(20 <u>21</u> ), 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
----- <del>non-aerosol</del> <u>nonaerosol</u>	12/31/2008	1
=====	=====	=====
[*See <u>subsection 94509(m)(1)</u> for additional requirements that apply to Bathroom and Tile Cleaner.]		
Brake Cleaner* =====	1/1/97	50
	12/31/2002	45
[*See <u>subsection 94509(m)(1)</u> for additional requirements that apply to Brake Cleaner]	12/31/2008	20
	12/31/2010	10
Bug and Tar Remover	1/1/2002	40
Carburetor or Fuel-injection Air Intake Cleaner **	1/1/95	75
	12/31/2002	45
	12/31/2008	20
	12/31/2010	10
=====	=====	=====
**See section 94509(k) for the effective date of the VOC limit for Carburetor or Fuel-injection Air Intake Cleaner and see <u>subsection 94509(m)(1)</u> for additional requirements that apply to Carburetor or Fuel-injection Air Intake Cleaner.		
Carpet /Upholstery Cleaner*: aerosol	1/1/2001	7
	12/31/2010	5
----- <del>non-aerosol</del> <u>nonaerosol</u> (dilutable)	1/1/2001	0.1
----- <del>non-aerosol</del> <u>nonaerosol</u> (ready-to-use)	1/1/2001	3
	12/31/2010	1
=====	=====	=====
[*See <u>subsection 94509(m)(1)</u> for additional requirements that apply to Carpet/Upholstery Cleaner]		
Charcoal Lighter Material	See Section 94509(h)	

Disinfectant: aerosol	12/31/2008	70
----- <del>non-aerosol</del> <u>nonaerosol</u>	12/31/2008	1
Dusting Aid: aerosol	1/1/95 1/1/97 12/31/2010	35 25 17
----- <del>non-aerosol</del> <u>nonaerosol</u>	1/1/95 12/31/2010	7 3
Electrical Cleaner* =====	12/31/2006 =====	45 =====
[*See <u>subsections 94509(n)(m(1))</u> and <u>section 94512(d)</u> for additional requirements that apply to Electrical Cleaner.]		
Electronic Cleaner* =====	12/31/2007 =====	75 =====
[*See <u>subsections 94509(m)</u> and <u>section 94512(d)</u> 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
----- <del>non-aerosol</del> <u>nonaerosol</u>	12/31/2004	5
=====		
[*See <u>subsection 94509(m)(1)</u> for additional requirements that apply to Engine Degreaser]		
Fabric Protectant* aerosol	1/1/95 1/1/97	75 60
----- <del>non-aerosol</del> <u>nonaerosol</u>	1/1/95 1/1/97 12/31/2010	75 60 1
=====		
[*See <u>subsection 94509(q)(m)(1)</u> for additional requirements that apply to Fabric Protectant]		
Fabric Refresher: aerosol	12/31/2006	15
----- <del>non-aerosol</del> <u>nonaerosol</u>	12/31/2006	6
Fabric Softener – Single Use Dryer Product	See Section 94509(s)(o)	



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: <del>non-aerosol</del> <u>nonaerosol</u>	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 subsection 94509(m)(1) for additional requirements that apply to Footwear or Leather Care Product.]		
Furniture Maintenance Product*: aerosol	1/1/94 12/31/2004 <u>12/31/2013</u>	25 17 <u>12</u>
----- all other forms (except solid/paste forms)	----- 1/1/94	----- 7
----- <del>non-aerosol</del> <u>nonaerosol</u> (except solid/paste forms)	----- 12/31/2008	----- 3
=====	=====	=====
[*See section 94509(n) for additional requirements that apply to Furniture Maintenance Product.]		
General Purpose Cleaner*: aerosol and <del>non-aerosol</del> <u>nonaerosol</u>	1/1/94	10
----- aerosol	----- 12/31/2008	----- 8
----- <del>non-aerosol</del> <u>nonaerosol</u>	----- 12/31/2004 <u>12/31/2012</u>	----- 4 <u>0.5</u>
=====	=====	=====
[*See subsections 94509(p)(m)(1) and (m)(3) 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
----- <del>non-aerosol</del> <u>nonaerosol</u> =====	----- 12/31/2004 <u>12/31/2012</u> =====	----- 4 <u>0.5</u> =====
[*See subsections 94509(m)(1) and (m)(3) for additional requirements that apply to General Purpose Degreaser.]		
Glass Cleaner*: aerosol	1/1/93 12/31/2012	12 10
----- <del>non-aerosol</del> <u>nonaerosol</u> =====	----- 1/1/93 1/1/96 12/31/2004 <u>12/31/2012</u>	----- 8 6 4 <u>3</u>
[*See subsection 94509(m)(3) for additional requirements that apply to nonaerosol Glass Cleaner]		
Graffiti Remover*: aerosol	12/31/2006	50
----- <del>non-aerosol</del> <u>nonaerosol</u> =====	----- 12/31/2006 =====	----- 30 =====
[*See subsection 94509(m)(1) 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* all forms <u>nonaerosol</u> =====	1/1/2005 <u>12/31/2013</u>	8 <u>1</u>
[*See subsection 94509(m)(3) for additional requirements that apply to nonaerosol Heavy-duty Hand Cleaner or Soap]		

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 <u>12/31/2013</u>	----- 25 <u>20</u>
----- Fogger	----- 1/1/95	----- 45
----- Lawn and or Garden Insecticide (all forms)	----- 1/1/95	----- 20
----- <del>non-aerosol</del> <u>nonaerosol</u>	----- 12/31/2003	----- 3
----- Wasp and or Hornet Insecticide**	----- 1/1/2005 <u>12/31/2013</u>	----- 40 <u>10</u>
=====	=====	=====
[*See sections 94510(g)(1) and 94510(k) for exemptions that apply to certain insecticides.]		
[**See subsection 94509(n) for additional requirements that apply to Flying Bug and Wasp or Hornet Insecticide]		
Laundry Prewash: aerosol/solid	1/1/94	22
----- all other forms	----- 1/1/94	----- 5
Laundry Starch/Sizing/Fabric Finish Product:	1/1/95 1/31/2008	5 4.5
Metal Polish/ or Cleanser*:	1/1/2005	30
----- <u>aerosol</u>	----- <u>12/31/2012</u>	----- <u>15</u>
----- <del>non-aerosol</del> <u>nonaerosol</u>	----- <u>12/31/2012</u>	----- <u>3</u>
=====	=====	=====
[*See sections sub94509(m)(1) and 94509(n) for additional requirements that apply to Metal Polish or Cleanser.]		
Motor Vehicle Wash <del>non-aerosol</del> <u>nonaerosol</u>	12/31/ <u>2010</u>	0.2

Multi-purpose Lubricant: (excluding solid or semisolid products)	1/1/2003 12/31/2013 12/31/2015	50 25 10
=====	=====	=====
[*See <u>subsections 94509(e)(m)(1)</u> and <u>section 94513(f)</u> for additional requirements that apply to Multi-purpose Lubricant.]		
Multi-purpose Solvent*	12/31/2010 12/31/2013	30 3
=====	=====	=====
[*See <u>subsections 94509(u)(m)(1), (n), and (p)</u> ; <u>94512(e)</u> , and <u>94513(g)</u> 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: <del>non-aerosol</del> <u>nonaerosol</u>	1/1/2002	3
Odor Remover/Eliminator aerosol	12/31/2010	25
-----	-----	-----
<del>non-aerosol</del> <u>nonaerosol</u>	12/31/2010	6
Oven or Grill Cleaner*: aerosol/pump spray <u>aerosol</u>	1/1/93 <u>1/1/93</u>	8 <u>8</u>
-----	-----	-----
liquid	1/1/93	5
-----	-----	-----
<del>non-aerosol</del> <u>nonaerosol</u> (including pump spray and liquid)	12/31/2008 <u>[effective date]</u>	1 <u>4</u>
=====	=====	=====
[*See <u>subsection 94509(q)</u> for the effective date of the VOC limit for certain types of Oven or Grill Cleaner products and [*See <u>subsection 94509(p)(m)(1)</u> and <u>(m)(3)</u> for additional requirements that apply to Oven or Grill Cleaner.]		
Paint Remover or Stripper	1/1/2005	50
Paint Thinner*	12/31/2010 12/31/2013	30 3
=====	=====	=====
[*See <u>subsections 94509(u)(m)(1), (n), and (p)</u> ; <u>94510(m)</u> , <u>94512(e)</u> , and <u>94513(g)</u> for additional requirements that apply to Paint Thinner. <u>See</u>		

subsection 94510(m) for an exemption that applies to <u>Paint Thinner.</u> ]		
Penetrant*	1/1/2003 12/31/2013	50 25
=====	=====	=====
[*See <u>subsection 94509(q)(m)(1)</u> and <u>subsection 94513(f)</u> 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 Product.		
Pressurized Gas Duster*	12/31/2010	1
=====	=====	=====
[*See sections <u>94509(r)(n)</u> and <u>94510(c)</u> for additional provisions that apply to Pressurized Gas Duster]		
Rubber /Vinyl Protectant: aerosol	1/1/2005	10
-----	-----	-----
<del>non-aerosol</del> <u>nonaerosol</u>	1/1/2003	3
Sanitizer: aerosol	12/31/2008	70
-----	-----	-----
<del>non-aerosol</del> <u>nonaerosol</u>	12/31/2008	1
Sealant or Caulking Compound* all forms	12/31/2002	4
-----	-----	-----
Chemically Curing <del>non-aerosol</del> <u>nonaerosol</u>	12/31/2012	3
-----	-----	-----
Non-chemically Curing <del>non-aerosol</del> <u>nonaerosol</u>	12/31/2010	1.5
=====	=====	=====
[*See <u>subsections 94509(q)(m)(1)</u> and <u>section 94512(d)</u> 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
[*See subsection 94509(m)(1) for additional requirements that apply to Silicone-based Multi-purpose Lubricant.]		
Special-purpose Lubricant*: <u>aerosol</u>	<u>12/31/2012</u>	<u>25</u>
-----	-----	-----
<u>nonaerosol</u>	<u>12/31/2012</u>	<u>3</u>
=====	=====	=====
[*See sections 94509(m) and 94509(n) for additional requirements that apply to Special-purpose Lubricant.]		
Spot Remover*: aerosol	1/1/2001 12/31/2010 <del>2</del>	25 15
-----	-----	-----
<del>non-aerosol</del> <u>nonaerosol</u>	1/1/2001 12/31/2010 <del>2</del>	8 3
=====	=====	=====
[*See subsections 94509(e)(m)(1) and 94509(n) 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
-----	-----	-----
<del>non-aerosol</del> <u>nonaerosol</u>	12/31/2010	2
Tire Sealant and Inflator	12/31/2002	20
Toilet/Urinal Care Product*: aerosol	12/31/2006	10
-----	-----	-----
<del>non-aerosol</del> <u>nonaerosol</u>	12/31/2006	3
=====	=====	=====
[*See subsection 94509(e)(m)(2) 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
-----	-----	-----
<del>non-aerosol</del> <u>nonaerosol</u>	12/31/2006	4

<sup>1</sup> 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.

<sup>2</sup> 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 front panel of the product label specifically states that the product should be diluted (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) *Sell-through of products.*

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

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

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

(C) Solid "Air Fresheners" and "Toilet/Urinal Care Product" that contain para-dichlorobenzene; these products are subject to the one-year sell-through period specified in section ~~94509(e)~~(m)(2).

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

1. Subsection (c)(1) does not apply to any individual consumer products unit contained within a multi-unit package that is produced or assembled after January 1, 2006, where the multi-unit package does not display the date(s) or date-code(s) of the individual product units, or display the date of assembly, such that the displayed information is not readily observable without irreversibly disassembling any portion of the container or packaging.
2. For the purposes of this section, "date of assembly" means the date that the individual product units are assembled into the finished multi-unit package.
3. For multi-unit packages that display the "date of assembly" instead of the date(s) or date-code(s) of the individual product units, the "date of assembly" shall be the "date of manufacture" for all of the product units contained within the multi-unit package. In other words, all of the product units shall be deemed to have been manufactured on the date these units are assembled into the multi-unit package, even if the individual product units show different date(s) or date-code(s).



- (2) *Notification for products sold during the sell-through period.* Any person who sells or supplies a consumer product subject to the Table of Standards in section 94509 must notify the purchaser of the product in writing of the date on which the sell-through period for that product will end, provided, however, that this notification must be given only if all of the following conditions are met:
- (A) the product is being sold or supplied to a distributor or retailer;
  - (B) the sell-through period for the product will expire 6 months or less from the date the product is sold or supplied;
  - (C) the product does not comply with the lowest VOC standard that applies on the date the sell-through period ends; and
  - (D) the product is subject to a VOC standard with an effective date on or after December 31, 2004.
- (d) *Products registered under FIFRA.* For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136-136y), the effective date of the VOC standards specified in subsection (a) is one year after the date specified in the Table of Standards. For those consumer products that are registered under FIFRA, the three year period provided in subsection (c) shall also begin one year after the date specified in the Table of Standards.
- (e) *Products containing ozone-depleting compounds.* For any consumer product for which VOC standards are specified under subsection (a), no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which contains any of the following ozone-depleting compounds:
- CFC-11 (trichlorofluoromethane),
  - CFC-12 (dichlorodifluoromethane),
  - CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane),
  - CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane),
  - CFC-115 (chloropentafluoroethane), halon 1211 (bromochlorodifluoromethane),
  - halon 1301 (bromotrifluoromethane), halon 2402 (dibromotetrafluoroethane),
  - HCFC-22 (chlorodifluoromethane),
  - HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane),
  - HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane),
  - HCFC-141b (1,1-dichloro-1-fluoroethane),
  - HCFC-142b (1-chloro-1,1-difluoroethane), 1,1,1-trichloroethane, and carbon tetrachloride.
- (f) The requirements of section 94509 (e) shall not apply to any existing product formulation that complies with the Table of Standards or any existing product

formulation that is reformulated to meet the Table of Standards, provided the ozone depleting compound content of the reformulated product does not increase.

- (g) The requirements of section 94509 (e) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than 0.01% by weight of the product.
- (h) *Requirements for charcoal lighter materials.* The following requirements shall apply to all charcoal lighter material products as defined in section 94508(a):
  - (1) *Regulatory Standards*
    - (A) In all areas of California except the South Coast Air Quality Management District, no person shall sell, supply, or offer for sale after January 1, 1993 any charcoal lighter material product unless at the time of the transaction:
      1. the manufacturer or distributor of the charcoal lighter material has been issued a currently effective certification pursuant to subsection (h)(2).
      2. the charcoal lighter material meets the formulation criteria and other conditions specified in the applicable Executive Order issued pursuant to subsection (h)(2).
      3. the product usage directions for the charcoal lighter material are the same as those provided to the Executive Officer pursuant to subsection (h)(2)(C).
    - (B) In the South Coast Air Quality Management District, the regulatory standards specified in subsection (h)(1)(A) shall be applicable upon the effective date of this subsection.
  - (2) *Certification Requirements*
    - (A) No charcoal lighter material formulation shall be certified under this subsection unless the applicant for certification demonstrates to the Executive Officer's satisfaction that the VOC emissions from the ignition of charcoal with the charcoal lighter material are less than or equal to 0.020 pound of VOC per start, using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol, dated February 27, 1991 (the "SCAQMD Rule 1174 Testing Protocol"). The provisions relating to LVP-VOC in sections 94508(a) and 94510(d) shall not apply to any charcoal lighter material subject to the requirements of sections 94509(a) and (h).

- (B) The Executive Officer may approve alternative test procedures which are shown to provide equivalent results to those obtained using the SCAQMD Rule 1174 Testing Protocol.
- (C) A manufacturer or distributor of charcoal lighter material may apply to the Executive Officer for certification of a charcoal lighter material formulation in accordance with this subsection (h)(2). The application shall be in writing and shall include, at a minimum, the following:
1. the results of testing conducted pursuant to the procedures specified in SCAQMD Rule 1174 Testing Protocol.
  2. the exact text and/or graphics that will appear on the charcoal lighter material's principal display panel, label, and any accompanying literature. The provided material shall clearly show the usage directions for the product. These directions shall accurately reflect the quantity of charcoal lighter material per pound of charcoal that was used in the SCAQMD Rule 1174 Testing Protocol for that product, unless:
    - i) the charcoal lighter material is intended to be used in fixed amounts independent of the amount of charcoal used, such as certain paraffin cubes, or
    - ii) the charcoal lighter material is already incorporated into the charcoal, such as certain "bag light," "instant light," or "match light" products.
  3. For a charcoal lighter material which meets the criteria specified in subsection (h)(2)(C)(2.)(i), the usage instructions provided to the Executive Officer shall accurately reflect the quantity of charcoal lighter material used in the SCAQMD Rule 1174 Testing Protocol for that product.
  4. Any physical property data, formulation data, or other information required by the Executive Officer for use in determining when a product modification has occurred and for use in determining compliance with the conditions specified on the Executive Order issued pursuant to section (h)(2).
- (D) Within 30 days of receipt of an application, the Executive Officer shall advise the applicant in writing either that it is complete or that specified additional information is required to make it complete. Within 30 days of receipt of additional information, the Executive Officer shall advise the applicant in writing either that the application is complete, or that specified additional information or testing is still required before it can be deemed complete.

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

(3) *Notice of Modifications*

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

(4) *Revocation of Certification*

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

(5) Notwithstanding any other provision of this subsection 94509(h), charcoal lighter material products manufactured prior to January 1, 1993, may be sold, supplied, or offered for sale until July 1, 1994, in all areas of California except the South Coast Air Quality Management District. Charcoal lighter material products subject to SCAQMD Rule 1174 and sold, supplied, or offered for sale in the South Coast Air Quality Management District shall meet the requirements of section 94509(h) upon the effective date of this subsection, regardless of the date on which the products were manufactured.

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

(1) As specified in Health and Safety Code section 41712(h)(2), the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer,

industrial, and commercial uses. Except as otherwise provided in sections 94509(c), 94510, 94511, and 94514, no person shall sell, supply, offer for sale, use or manufacture for sale in California any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of the specified standard.

- (2)(A) In order to qualify as a "Special Purpose Spray Adhesive" the product must meet one or more of the definitions for "Special Purpose Spray Adhesive" specified in section 94508(a), 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 complies with product dating requirements in section 94512(b).~~
- ~~(4)(3)~~ All aerosol adhesives must comply with the labeling requirements specified in section 94512(d), and all manufacturers and responsible parties for aerosol adhesives must comply with the special reporting requirements specified in section 94513(d).
- (j) *Requirements for Floor Wax Strippers.* After an effective date of January 1, 2002, no person shall sell, supply, offer for sale, or manufacture for use in California any floor wax stripper unless the following requirements are met:
  - (1) The label of each non-aerosol floor wax stripper must specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of 3 percent by weight or less.
  - (2) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper must specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12 percent by weight or less.

- (3) The terms "light build-up," "medium build-up" or "heavy build-up" are not specifically required, as long as comparable terminology is used.
- (k) *Effective dates of the VOC limits for "Carburetor or Fuel-injection Air Intake Cleaners" and "Construction, Panel, and Floor Covering Adhesives."* "The definitions for the product categories of "Carburetor or Fuel-injection Air Intake Cleaners" and "Construction, Panel, and Floor Covering Adhesives" were modified as part of the "Mid-term Measures II" rulemaking action that was considered by the Board in October 1999. As a result of these modifications, certain types of consumer products were included in these definitions that had not previously been included. For those consumer products that were included in these definitions for the first time as a result of the "Mid-term Measures II" rulemaking action, the VOC limits (in section 94509(a)) applicable to these newly included products shall not become legally effective until December 31, 2002.
- (l) *Automotive Windshield Washer Fluids.* The provisions of subsection 94509(b)(1) shall not apply to "Automotive Windshield Washer Fluid (Pre-Mixed)" as defined in section 94508(a).
- ~~(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 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.~~

(m) *Requirements limiting the use of specific toxic compounds in specific consumer products categories.*

(1) *Requirements for products listed in Table (m)(1).*

Except as provided below in sections 94509(m)(4) and (m)(6), after the applicable effective date specified in Table 94509(m)(1) for each product category, no person shall sell, supply, offer for sale, or manufacture for use in California any consumer product listed in Table 94509(m)(1) that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.

**[Note: Table 94509(m)(1), (m)(2), and (m)(3) are new tables. For clarity, the table and categories where the specified toxics have already been prohibited, along with the effective date and sell-through date, are not shown in an underline format. Only those categories where toxic compound prohibitions are being proposed in this rulemaking are shown in underline format with their respective effective date and sell-through date.]**

**Table 94509(m)(1)  
Product Categories in which Use of Methylene Chloride Perchloroethylene, and  
Trichloroethylene is Prohibited**

<b>Product Category</b>	<b>Effective Date</b>	<b>Sell-through Date</b>
Adhesive: Aerosol	1/1/2002	1/1/2005
<ul style="list-style-type: none"> <li>• Mist Spray Adhesive</li> <li>• Web Spray Adhesive</li> <li>• Special Purpose Spray Adhesive               <ul style="list-style-type: none"> <li>• Mounting, Automotive Engine Compartment, and Flexible Vinyl Adhesive</li> <li>• Polystyrene Foam and Automobile Headliner Adhesive</li> <li>• Polyolefin and Laminate Repair/Edgebanding Adhesive</li> </ul> </li> </ul>		
Construction, Panel and Floor Covering	12/31/2008	12/31/2011
Contact	12/31/2005	12/31/2008

Adhesive Remover • Floor or Wall Covering Adhesive Remover • Gasket or Thread Locking Adhesive Remover • General Purpose Adhesive Remover • Specialty Adhesive Remover	12/31/2006	12/31/2009
Automotive Consumer Products: See the Airborne Toxic Control Measure For Emissions Of Chlorinated Toxic Air Contaminants From Automotive Maintenance And Repair Activities, section 93111, title 17, California Code of Regulations for additional requirements that apply to the Automotive Consumer Products: Brake Cleaner, Carburetor or Fuel Injection Air Intake Cleaner, Engine Degreaser, and General Purpose Degreaser - intended for use in automotive maintenance or repair activities.		
Bathroom and Tile Cleaner	12/31/2008	12/31/2011
Carpet/Upholstery Cleaner	12/31/2010	12/31/2013
Electrical Cleaner	12/31/2006	12/31/2009
Electronic Cleaner	12/31/2005	12/31/2008
Electronic Cleaner labeled as energized electronic equipment use only	12/31/2008	12/31/2011
Fabric Protectant	12/31/2010	12/31/2013
Footwear or Leather Care Product	12/31/2005	12/31/2008
General Purpose Cleaner	12/31/2008	12/31/2011
General Purpose Degreaser	12/31/2005	12/31/2008
Graffiti Remover	12/31/2006	12/31/2009
Metal Polish or Cleanser	12/31/2012	12/31/2015
Multi-purpose Lubricant	12/31/2010	12/31/2013
Multi-purpose Solvent	12/31/2010	12/31/2013
Oven or Grill Cleaner	12/31/2008	12/31/2011
Paint Thinner	12/31/2010	12/31/2013
Penetrant	12/31/2010	12/31/2013
Pressurized Gas Duster (Trichloroethylene is not prohibited)	12/31/2010	12/31/2011
Sealant or Caulking Compound	12/31/2010	12/31/2013
Silicone-based Multi-purpose Lubricant	12/31/2012	12/31/2015
Special-purpose Lubricant	12/31/2012	12/31/2015
Spot Remover	12/31/2012	12/31/2015

(2) Requirements for products listed in Table (m)(2).

Except as provided below in sections 94509(m)(4) after the applicable effective date specified in Table 94509(m)(2) for each product category, no person shall sell, supply, offer for sale, or manufacture for use in California any consumer product listed in Table 94509(m)(2) that contains para-dichlorobenzene.

**Table 94509(m)(2)  
Product Categories in which Use of Para-dichlorobenzene is Prohibited**

<b>Product Category</b>	<b>Effective Date</b>	<b>Sell-through Date</b>
Air Freshener (solid)	12/31/2005	12/31/2006
Toilet/Urinal Care Products	12/31/2005	12/31/2006



(3) Requirements for products listed in Table (m)(3).

Except as provided below in sections 94509(m)(4) and (m)(6), after the applicable effective date specified in Table 94509(m)(3) for each product category, no person shall sell, supply, offer for sale, or manufacture for use in California any consumer product listed in Table 94509(m)(3) that contains an alkylphenol ethoxylate surfactant compound.

**Table 94509(m)(3)  
Product Categories in which Use of Alkylphenol Ethoxylate Surfactants  
is Prohibited**

<b>Product Category</b>	<b>Effective Date</b>	<b>Sell-through Date</b>
<u>General Purpose Cleaner (nonaerosol)</u>	<u>12/31/2012</u>	<u>12/31/2015</u>
<u>General Purpose Degreaser (nonaerosol)</u>	<u>12/31/2012</u>	<u>12/31/2015</u>
<u>Glass Cleaner (nonaerosol)</u>	<u>12/31/2012</u>	<u>12/31/2015</u>
<u>Heavy-duty Hand Cleaner or Soap (nonaerosol)</u>	<u>12/31/2013</u>	<u>12/31/2016</u>
<u>Oven or Grill Cleaner</u>	<u>12/31/2012</u>	<u>12/31/2015</u>

(4) Sell-through of Products. Consumer products listed in Table 94509(m)(1), (m)(2), or (m)(3) that were manufactured before the specified effective date listed in Table 94509(m)(1), (m)(2), or (m)(3), may be sold, supplied, or offered for sale until the corresponding “sell-through” date listed in Table 94509(m)(1), (m)(2), or (m)(3), so long as the product complies with the product dating requirements in section 94512(b).

(5) Notification for products sold during the sell-through period. Any person who sells or supplies a consumer product identified listed in section 94509(m)(1), (m)(2), or (m)(3) must notify the purchaser of the product of the sell-through period dates, 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 within 6 months of the specified effective date.

(6) Impurities. The requirements of section 94509(m)(1) and (m)(5) shall not apply to any consumer product listed in Table 94509(m)(1) 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 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.~~

(n) Requirements limiting the use of any chemical compound that has a Global Warming Potential (GWP) Value of 150 or greater.

(1) Requirements for products listed in Table (n)(1)

Except as provided below in sections 94509(n)(2) and (n)(3), after the applicable effective date specified in Table 94509(n)(1), no person shall sell, supply, offer for sale, or manufacture for use in California any consumer product listed in Table 94509(n)(1) that contains any chemical compound that has a GWP Value of 150 or greater.

**[Note: Table 94509(n) is a new table. For clarity, the table and categories where the use of global warming compounds has previously been limited, along with the effective date and sell-through date, are not shown in an underline format. Only those categories where limitations on use of global warming compounds are being proposed in this rulemaking are shown in underline format along with their respective effective date and sell-through date.]**

**Table 94509(n)(1)**  
**Product Categories in which Use of Any Chemical Compound that has a Global Warming Potential (GWP) Value of 150 or Greater is Prohibited**

<b>Product Category</b>	<b>Effective Date</b>	<b>Sell-through Date</b>
Double Phase Aerosol Air Freshener	12/31/2012	12/31/2015
Flying Bug Insecticide	12/31/2012 <del>3</del>	12/31/2015 <del>6</del>
Furniture Maintenance Product	12/31/2012 <del>3</del>	12/31/2015 <del>6</del>
Metal Polish or Cleanser	12/31/2012	12/31/2015
Multi-purpose Solvents	12/31/2010	12/31/2013
Paint Thinners	12/31/2010	12/31/2013
Pressurized Gas Duster	12/31/2010	12/31/2011
Special-purpose Lubricant	12/31/2012	12/31/2015
Spot Remover	12/31/2012	12/31/2015
Wasp or Hornet Insecticide	12/31/2013	12/31/2016

(2) Sell-through of Products. Consumer products listed in Table 94509(n)(1) that were manufactured before the specified effective date listed in Table 94509(n)(1), may be sold, supplied, or offered for sale until the corresponding “sell-through” date listed in Table 94509(n)(1), 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 listed in section 94509(n)(1) must notify the purchaser of the product of the sell-through period dates, 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 within 6 months of the specified effective date.

(4) Impurities. The requirements of section 94509(n)(1), (n)(2), and (n)(3) shall not apply to any consumer product listed in Table 94509(n)(1) containing any chemical compound 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 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) Requirements for Bathroom and Tile Cleaners, Construction, Panel, and Floor Covering Adhesives, electronic cleaners labeled as energized electronic equipment use only, General Purpose Cleaners, and Oven Cleaners.~~

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

~~(2) Sell-through of Products. Bathroom and Tile Cleaners, Construction, Panel, and Floor Covering Adhesives, electronic cleaners labeled as energized electronic equipment use only, General Purpose Cleaners, and Oven Cleaners that contain methylene chloride, perchloroethylene, or trichloroethylene and were manufactured before December 31, 2008, may be sold, supplied, or offered for sale until December 31, 2011, so long as the product 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(p)(1) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2011, provided, however, that this notification must be given only if both of the following conditions are met:~~

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

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

~~(4) Impurities. The requirements of section 94509(p)(1) and (p)(3) shall not apply~~

~~to any Bathroom and Tile Cleaner, Construction, Panel, and Floor Covering Adhesive, electronic cleaner labeled as energized electronic equipment use only, General Purpose Cleaner, or Oven Cleaner containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.~~

~~(q) — Requirements for Carpet/Upholstery Cleaner, Fabric Protectant, Multi-Purpose Lubricant, Penetrant, Sealant or Caulking Compound, and Spot Remover.~~

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

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

~~(3) Notification for products sold during the sell-through period. Any person who sells or supplies a consumer product identified above in section 94509(q)(1) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2013, provided, however, that this notification must be given only if both of the following conditions are met:~~

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

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

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

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

~~(r)~~ *Requirements for Pressurized Gas Duster.*

- ~~(1) Except as provided below in sections 94509(r)(2) and (r)(3), effective December 31, 2010, no person shall sell, supply, offer for sale, or manufacture for use in California any Pressurized Gas Duster product that contains methylene chloride, perchloroethylene, or any chemical compound that has a Global Warming Potential (GWP) Value of 150 or greater.~~
- ~~(2) *Sell-through of Products.* Pressurized Gas Duster products that contain any chemical compound that has a GWP Value greater than 150, and were manufactured before December 31, 2010, may be sold, supplied, or offered for sale until December 31, 2011, so long as the product complies with the product dating requirements in section 94512(b).~~
- ~~(3) *Notification for products sold during the sell-through period.* Any person who sells or supplies a Pressurized Gas Duster identified above in section 94509(r)(2) must notify the purchaser of the product, in writing, that the sell-through period for that product will end on December 31, 2011, provided, however, that this notification must be given only if both of the following conditions are met:
  - ~~(A) the product is sold or supplied to a distributor or retailer; and~~
  - ~~(B) the product is sold or supplied on or after June 30, 2011.~~~~
- ~~(4) The provisions relating to fragrance in section 94510(c) shall not apply to any Pressurized Gas Duster subject to the requirements of this subsection 94509(r).~~
- ~~(5) *Impurities.* The requirements of section 94509(r)(1), (r)(2), and (r)(3) shall not apply to any chemical compound that is present as an impurity in a combined amount equal to or less than 0.1% by weight.~~

~~(s)~~(o) *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)(o)(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)(p)~~ ~~*Additional Requirements for Multi-purpose Solvent and Paint Thinner.*~~

~~(1) Except as provided below in sections 94509(u)(p)(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)~~(p)(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.~~

(q) *Effective dates of the VOC limits for "Oven or Grill Cleaner."* The definition for the "Oven or Grill Cleaner" product category was modified as part of a rulemaking action to amend the California Consumer Products Regulation that was considered by the Board in November 2010. As a result of this modification, grill cleaning products were included in this definition that had not previously been included. For those grill cleaning products that were included in this definition for the first time as a result this rulemaking action, the VOC limits (in section 94509(a)) applicable to these newly included products shall not become legally effective until December 31, 2012.



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) This article shall not apply to any consumer product manufactured in California for shipment and use outside of California.
- (b) The provisions of this article shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in California a consumer product that does not comply with the VOC standards specified in Section 94509, as long as the manufacturer or distributor can demonstrate both that the consumer product is intended for shipment and use outside of California, and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed to California. This subsection (b) does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in California.
- (c) Except for ~~Fabric Softener – Single Use Dryer Product~~ and Pressurized Gas Duster, the VOC limits specified in Section 94509(a) shall not apply to fragrances up to a combined level of 2 percent by weight contained in any consumer product.
- (d) The VOC limits specified in Section 94509(a) shall not apply to any LVP-VOC.
- (e) The requirements of Section 94512(b) shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA; 7 U.S.C. Section 136-36y).
- (f) The VOC limits specified in Section 94509(a) shall not apply to air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under Section 94508 or exempted under Section 94510(d).
- (g) The VOC limits specified in Section 94509(a) shall not apply to:
  - (1) insecticides containing at least 98% para-dichlorobenzene.
  - (2) Until December 30, 2006, the VOC limits specified in Section 94509(a) shall not apply to solid air fresheners containing at least 98% para-dichlorobenzene. On or after December 31, 2006, the provisions of section 94509~~(e)~~(m)(2) apply to solid air fresheners containing para-dichlorobenzene.
- (h) Except as specified in 94510(h)(3) below, the VOC limits specified in Section 94509(a) shall not apply to:

- (1) existing personal fragrance products or personal fragrance products in development on or before April 1, 1992, provided that both (i) the registration data specified in section 94513 is submitted for every such product by the date specified in section 94513(a), or prior to July 1, 1993, whichever date occurs later, and (ii) such product is sold in California prior to January 1, 1994. For the purposes of this subsection, a product "in development" means:
    - (A) a product which a fragrance materials manufacturer is designing at the request of a personal fragrance product manufacturer, or
    - (B) a product which is the subject of a written marketing profile or other documentation authorizing the creation and marketing of the product.
  - (2) personal fragrance products in development may be registered to qualify for this exemption under hypothetical trade names or pseudonyms, provided that the actual trade name is supplied to the Executive Officer within 30 days of marketing such products, or January 1, 1994, whichever occurs first.
  - (3) Effective December 31, 2014, subsections 94510(h)(1) and 94510(h)(2) shall no longer apply to any "Personal Fragrance Product" that contains 20 percent or less fragrance. Products manufactured before December 31, 2014 may be sold, supplied, or offered for sale until December 31, 2017, so long as the product complies with the product dating requirements in Section 94512(b).
- (i) The VOC limits specified in Section 94509(a) shall not apply to adhesives sold in containers of 1 fluid ounce or less.
  - (j) The VOC limits specified in Section 94509(a) shall not apply to any VOC which is a fragrance in a personal fragrance product.
  - (k) The VOC limits specified in Section 94509(a) shall not apply to bait station insecticides. For the purpose of this section, bait station insecticides are containers enclosing an insecticidal bait that is not more than 0.5 ounce by weight, where the bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5 percent (%) active ingredients.
  - (l) Except as specified in 94510(l)(1), the 1/1/99 VOC limits specified in Section 94509(a) for personal fragrance products shall not apply to such products which have been sold in California prior to 1/1/99.
- (1) On or after December 31, 2014, the 75 percent by weight VOC limit shall apply to any "Personal Fragrance Product" that contains 20 percent or less fragrance. Products manufactured before December 31, 2014 may be sold, supplied, or offered for sale until December 31, 2017, so long as the product complies with the product dating requirements in Section 94512(b).

- (m) Until December 31, 2013, the VOC limits specified in Section 94509(a), and the prohibition of Aromatic Compounds listed in section 94509(u)~~(p)~~(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.

## **No amendments are proposed to §94511, Innovative Products.**

*Amend §94512 to read as follows:*

### **§ 94512. Administrative Requirements.**

(a) *Most Restrictive Limit.*

*(1) Products Manufactured Before January 1, 2007, and FIFRA-registered Insecticides Manufactured Before January 1, 2008.* Notwithstanding the definition of "Product Category" in Section 94508, if anywhere on the principal display panel of any consumer product manufactured before January 1, 2007, or any FIFRA-registered insecticide manufactured before January 1, 2008, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in Section 94509(a), then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners and insecticide foggers.

*(2) Products Manufactured on or After January 1, 2007, and FIFRA-registered Insecticides Manufactured on or After January 1, 2008.* Notwithstanding the definition of "product category" in Section 94508, if anywhere on the container or packaging of any consumer product manufactured on or after January 1, 2007, or any FIFRA-registered insecticide manufactured on or after January 1, 2008, or on any sticker or label affixed thereto, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in Section 94509(a), then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners and insecticide foggers.

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

~~If a definition of a regulated product category in section 94508(a) states that the product category "does not include" one or more other product categories, the "most restrictive limit" provisions of section 94512(a) apply to regulated products that meet the definition of the regulated product category and also make any representation that the regulated product may be used as (or is suitable for use as) a product that falls within one or more of the excluded product categories. Notwithstanding the foregoing above, this provision does not apply to "Disinfectant"/ "Sanitizer" products~~

~~labeled as "Bathroom and Tile Cleaners," "Glass Cleaners," "General Purpose Cleaners," "Toilet/Urinal Care Products," "Metal Polishes," "Carpet Cleaners," or "Fabric Refreshers" that may also make disinfecting/sanitizing or anti-microbial claims on the label.~~

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

~~For the purposes of this section:~~

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

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

(3) Rule that applies when Product Category definitions exclude each other.

When determining the applicable VOC limit for a product that meets the definition for Regulated Category A and Regulated Category B, in circumstances where the definition of Regulated Category A excludes Regulated Category B, and the definition of Regulated Category B excludes Regulated Category A, the product is subject to the VOC limit for whichever regulated category, A or B, has the lower VOC limit.

(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) Additional Product Dating Requirements*

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

The explanation of the code must be received by the Executive Officer on or before January 31<sup>st</sup> of each year, with the first explanation due on or before January 31, 2006.

- (2) If a manufacturer changes any code indicating the date of manufacture for any consumer product subject to subsection (c)(1), an explanation of the modified code must be received by the Executive Officer before any products displaying the modified code are sold, supplied, or offered for sale in California.
- (3) No person shall erase, alter, deface, or otherwise remove or make illegible any date or code indicating the date of manufacture from any regulated product container without the express authorization of the manufacturer.
- (4) Codes indicating the date of manufacture are public information and may not be claimed as confidential.

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

- (1) In addition to the requirements specified in subsections (a), (b), and (c), both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, contact adhesive product, and sealant or caulking compound (non-aerosol) subject to this article shall ensure that all products clearly display the following information on each product container which is manufactured on or after the effective date for the category specified in section 94509(a), except that for non-chemically curing sealant or caulking compound (non-aerosol), the effective date of this requirement is December 31, 2010, and for chemically curing sealant or caulking compound (non-aerosol), the effective date of this requirement is December 31, 2012:
  - (A) The product category as specified in section 94509(a) or an abbreviation of the category shall be displayed;
  - (B)
    1. The applicable VOC standard for the product that is specified in section 94509(a), except for Energized Electrical Cleaner, expressed as a percentage by weight, shall be displayed unless the product is included in an alternative control plan approved by the Executive Officer, as provided in Article 4, Sections 94540-94555, Title 17, California Code of Regulations, and the product exceeds the applicable VOC standard;
    2. If the product is included in an alternative control plan approved by the Executive Officer, and the product exceeds the applicable VOC standard specified in section 94509(a), the product shall be labeled with the term "ACP" or "ACP product;"
  - (C) If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application or an abbreviation of the substrate/application that qualifies the product as special purpose shall be displayed;
  - (D) If the manufacturer or responsible party uses an abbreviation as allowed by this subsection 94512(d)(1)(A), an explanation of the abbreviation must be filed with the Executive Officer before the abbreviation is used.
- (2) The information required in section 94512(d)(1), shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.
- (3) No person shall remove, alter, conceal, or deface the information required in section 94512(d)(1) prior to final sale of the product.

*(e) Additional 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.

**No amendments are proposed to §94513, Reporting Requirements and §94514, Variances.**



*Amend §94515 to read as follows:*

**§ 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 [Date of Amendment], 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)(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)~~(p)~~(1)(C)~~, shall be performed using Air Resources

Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products, adopted September 25, 1997 and as last amended on ~~August 6, 2010~~ [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)(p)(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) 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) 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) 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) 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) 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.

**No amendments are proposed to §94516, Severability and §94517, Federal Enforceability.**