

FINAL REGULATION ORDER
Amendments to the Consumer Products Regulation

Note: Amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. The symbol “*****” means that intervening text not proposed for amendment is not shown.

Subchapter 8.5. Consumer Products

Amend title 17, California Code of Regulations, sections 94506, 94509, 94513, and 94515 to read as follows:

Article 1. Antiperspirants and Deodorants

§ 94506. Test Methods.

- (a)(1) Testing to determine the volatile organic compound content of an antiperspirant or deodorant, or 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 and Reactive Organic Compounds (ROC) in Aerosol Coating Products, adopted September 25, 1997, and as last amended on ~~August 1, 2014~~ May 25, 2018, 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 ~~3.54~~ and ~~3.76~~ 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 procedures set forth in ARB Method 310, and is reproduced below:

Sections ~~3.54~~ and ~~3.76~~ of Air Resources Board Method 310

~~3.54~~ *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.

~~3.54.1~~ 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.

~~3.54.2~~ If the results obtained under section ~~3.54.1~~ 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, CCR, Division 3, Chapter 1, Subchapter 4 (Disclosure of Public Records)~~California Code of Regulations~~, sections 91000 to 91022.

3.54.3 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.

3.54.4 If the ~~manufacturer~~ or responsible party fails to provide formulation data as specified in section 3.45.2, the initial determination of VOC content under this section 3.45 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.

3.76 *Final Determination of VOC Content.* If a product's compliance status is not satisfactorily resolved under sections 3.45 and 3.56, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.

3.76.1 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.

3.76.2 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.

3.76.3 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) Testing to determine compliance with the requirements of this article may also be demonstrated through calculation of the volatile organic compound content from records of the amounts of constituents used to make the product. Compliance determination based on these records may not be used unless the ~~manufacturer~~ responsible party of a consumer product keeps accurate records for each day of production of the amounts and chemical composition of the individual product constituents. These records must be kept for at least three years.

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.

Article 2. Consumer Products

§ 94509. Standards for Consumer Products.

- (a) Except as provided in sections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), and 94540 through 94555 (Alternative Control Plan), title 17, California Code of Regulations, no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which, at the time of sale or manufacture, contains volatile organic compounds in excess of the limits specified in the following Table of Standards after the specified effective dates.

**Table of Standards
Percent Volatile Organic Compound by Weight**

| Product Category | Effective Date ¹ | VOC Standard ² |
|---|--|----------------------------------|
| ***** | ***** | ***** |
| Gear, Chain, or Wire Lubricant** aerosol | 12/31/2013 | 25 |
| ----- nonaerosol | 12/31/2013 | 3 |
| ----- Multi-purpose Lubricant (excluding solid or semisolid products)#** | 1/1/2003 12/31/2013 12/31/2018 7/1/2019 | 50 25 10 ## |
| ***** | ***** | ***** |

[**See subsection 94509(n) for additional requirements that apply to Anti-Seize Lubricant; Cutting or Tapping Oil; Gear, Chain, or Wire Lubricant; Multi-purpose Lubricant; ~~or~~ and Rust Preventative or Rust Control Lubricant products.]

[#See subsection 94513(f) for additional requirements that apply to Multi-purpose Lubricant and Penetrant.]

##See subsections 94509(r)(1) through 94509(r)(5) for an alternate compliance option that applies to Multi-purpose Lubricant.

**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**

| Product Category | Effective Date | Sell-through Date |
|--|---|---|
| ***** | ***** | ***** |
| Lubricant: ***** • Gear, Chain, or Wire Lubricant • <u>Multi-purpose Lubricant (excluding solid or semisolid products)</u> ***** | ***** 12/31/2013 <u>7/1/2019</u> ***** | ***** 12/31/2016 <u>7/1/2022</u> ***** |
| ***** | ***** | ***** |

(r) Alternate compliance option for “Multi-purpose Lubricant” products.

(1) For the purpose of subsections 94509(r), 94513(h), and 94515(k), the following definitions apply:

(A) “Base Reactive Organic Gas Mixture (Base ROG Mixture)” means the mixture of reactive organic gases utilized in deriving the maximum incremental reactivity scale.

(B) “Chemical Compound” means a molecule of definite chemical formula and chemical structure.

(C) “Chemical Mixture” means a substance comprised of two or more chemical compounds.

(D) “Ingredient” means a chemical compound or a chemical mixture.

(E) “Maximum Incremental Reactivity (MIR)” means the maximum change in weight of ozone formed by adding a compound to the Base ROG Mixture per weight of compound added, expressed to hundredths of a gram (g O₃/g ROC).

(F) “Product Formulation” means the weight fraction of all ingredients.

(G) “Production Records” mean product formulation information disclosing the actual quantity of all ingredients used to manufacture a “Multi-purpose Lubricant” product on the date of manufacture. Such records shall include:

1. Batch production record with the date of manufacture;
2. Quality control records;

3. Raw materials invoices and physical property data;
4. Production equipment maintenance records;
5. Records of the weight fraction of all ingredients including the hydrocarbon solvent bin number, as listed in section 94701, manufacturer name, and trade name. For ingredients not listed in sections 94700, 94701, or 94509(r)(5), each chemical compound in the mixture must be reported separately; and
6. Any laboratory results of testing conducted at the time of manufacture to establish the VOC content and reactivity of the product.

(H) “Product-Weighted MIR (PWMIR)” means the sum of all weighted-MIR for all ingredients in a “Multi-purpose Lubricant” product. The PWMIR is the total product reactivity expressed to hundredths of a gram of ozone formed per gram of product (g O₃/g product), excluding container and packaging.

(I) “Reactive Organic Compound (ROC)” means any compound containing at least one atom of carbon and that has the potential, once emitted, to contribute to ozone formation in the troposphere.

(J) “Reactivity Limit” means the maximum ozone forming potential of ingredients (excluding container and packaging) allowed in a “Multi-purpose Lubricant” product, expressed as the PWMIR.

- (2) “Multi-purpose Lubricant” products subject to the 10 percent by weight VOC standard in section 94509(a) may comply by meeting the provisions of this subsection. “Multi-purpose Lubricant” products subject to the most restrictive limit provisions in subsection 94512(a) are ineligible to comply using this subsection. “Multi-purpose Lubricant” products subject to an Alternative Control Plan are ineligible to comply using this subsection.

To qualify for this compliance option, a Responsible Party must meet the following criteria:

(A) The Responsible Party must identify the product(s) that will comply by meeting the Reactivity Limit specified in subsection 94509(r)(3);

(B) The Responsible Party must declare the VOC content of the product(s) and the VOC content must not exceed 25 percent by weight; and

(C) The Responsible Party must provide the Executive Officer with the formulation of the product(s), as specified in subsection 94513(h).

(D) Until July 1, 2019, the Responsible Party must provide to the Executive Officer the information required in subsection 94509(r)(2)(A) through (2)(C) at least 90 calendar days before the effective date of the 10 percent by weight VOC standard.

(E) On or after July 1, 2019, the Responsible Party must provide to the Executive Officer the information required in subsection 94509(r)(2)(A) through (2)(C) at least 30 calendar days before a new product is made available on the market.

(F) If any criteria of subsection 94509(r)(2) are not met, a product will not qualify for the alternate compliance option and will be subject to the 10 percent by weight VOC standard specified in subsection 94509(a) for “Multi-purpose Lubricant” (excluding solid or semisolid products).

(G) A Responsible Party using the alternate compliance option for a future product must meet the criteria in subsection 94509(r)(2).

(3) “Multi-purpose Lubricant” products complying under this subsection shall not exceed a Reactivity Limit of 0.45 g O₃/g product.

(4) The PWMIR shall be calculated according to the following equation:

$$\text{Product-Weighted MIR} = (\text{Wtd-MIR})_1 + (\text{Wtd-MIR})_2 + \dots + (\text{Wtd-MIR})_n$$

where:

MIR = ingredient MIR, as specified in subsection 94509(r)(5);

Wtd-MIR = MIR of each ingredient in a product multiplied by the weight fraction of that ingredient; and

1,2,3,...,n = each ingredient in the product up to the total n ingredients in the product.

To calculate the PWMIR of a “Multi-purpose Lubricant,” the MIR values dated October 2, 2010, as set forth in Subchapter 8.6, Article 1, section 94700 or 94701, and the MIR values specified in subsection 94509(r)(5) must be used until at least July 1, 2021. All ingredients present in the formulation in an amount equal to or exceeding 0.1 percent by weight must be used to calculate the PWMIR.

(5) Assignment of Maximum Incremental Reactivity (MIR) Values.

The MIR values of product ingredients are assigned as follows:

(A) Any ingredient which does not contain at least one atom of carbon is assigned an MIR value of 0.0;

(B) Carbon dioxide is assigned an MIR value of 0.0;

(C) Ingredients that are solid are assigned an MIR value of 0.0;

(D) For aliphatic hydrocarbon solvent “Alkane Mixed – Minimally 90% C13 and higher carbon number,” the MIR value of 0.60 g O₃/g ROC must be used to

calculate the PWMIR; and

- (E) For fragrance, as defined in section 94508(a)(54), present in a “Multi-purpose Lubricant” product, the MIR value for terpinolene, as listed in section 94700, must be used to calculate the PWMIR unless detailed fragrance ingredients information is available to determine the MIR value of the fragrance.
- (F) Any ingredient not covered under subsections 94509(r)(5)(A), (5)(B), (5)(C), (5)(D), or (5)(E) is assigned the MIR value for that ingredient as set forth in section 94700 or 94701.
- (G) If a ROC is not listed in section 94700 but an isomer(s) of the ROC is listed, then the MIR value for the isomer must be used. If more than one isomer is listed, the listed MIR value for the isomer with the highest MIR value must be used.
- (H) If a ROC or its isomer(s) is not listed in section 94700, the MIR value for Base ROG Mixture must be used to determine the weighted MIR of the ROC to calculate the PWMIR.
- (I) If a new ingredient is added to section 94700 or 94701, the MIR value for the new ingredient must be used instead of the value specified in subsection 94509(r)(5)(G) or (5)(H) to calculate the PWMIR after the effective date of the MIR value.

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.

§ 94513. Reporting Requirements.

- (c) All information submitted by any person pursuant to section 94513 shall: ~~be handled in accordance with the procedures specified in Title 17, California Code of Regulations, Section 91000-91022.~~
 - (1) Be accompanied by a signed statement declaring under penalty of perjury that the information submitted is accurate, true, and complete; and
 - (2) Be handled in accordance with the procedures specified in Title 17, California Code of Regulations, sections 91000-91022.

- (h) Special reporting requirements for “Multi-purpose Lubricant” products using the alternate compliance option specified in subsection 94509(r).

- (1) The Responsible Party must report annual sales to the Executive Officer no later than March 31. The annual reporting requirement shall sunset on April 1, 2023.
- (2) Product formulation must be reported upon initial qualification to comply using 94509(r). Product formulation shall be reported in accordance with subsections 94513(h)(2)(A) through (2)(G).

 - (A) Any ingredient listed in section 94700 must be reported if it is present in an amount greater than or equal to 0.1 percent by weight of the final "Multi-purpose Lubricant" product formulation.
 - (B) Any hydrocarbon solvent listed in section 94701 shall be reported as an ingredient if it is present in an amount greater than or equal to 0.1 percent by weight of the final "Multi-purpose Lubricant" product formulation. The hydrocarbon solvent bin number, manufacturer name, and trade name must be specified.
 - (C) Any ingredient assigned an MIR value in section 94509(r)(5) shall be reported if it is present in an amount greater than or equal to 0.1 percent by weight of the final "Multi-purpose Lubricant" product formulation.
 - (D) For chemical mixtures not listed in sections 94700, 94701, or 94509(r)(5) each chemical compound in the mixture must be reported separately.
 - (E) Propellant mixtures must be reported as separate chemical compounds.
 - (F) If an MIR value other than terpinolene is used for fragrance, the Responsible Party must provide the fragrance ingredients.
 - (G) For the purpose of this subsection, a safety data sheet (SDS) does not constitute a product's formulation.
- (3) The Responsible Party will retain a minimum of three years of production records, as specified in subsection 94509(r)(1)(G), and provide them to the Executive Officer upon request.
- (4) The Responsible Party shall provide any other information necessary to determine the PWMIR of the "Multi-purpose Lubricant" product to be tested including the MIR value for each ingredient used to calculate the PWMIR.
- (5) Upon written notification from the Executive Officer, the Responsible Party will have 25 working days from the date of mailing to provide to the Executive Officer production records to determine compliance for products complying using the alternate compliance option in subsection 94509(r).
- (6) Treatment of Confidential Information.

Information submitted by the Responsible Party pursuant to subsection 94513(h) will be handled in accordance with the procedures specified in Title 17, California Code of Regulations, sections 91000-91022.

NOTE: Authority cited: Sections 39600, 39601, 41511 and 41712, Health and Safety Code.

Reference: Sections 39002, 39600, 40000, 41511 and 41712, Health and Safety Code.

§ 94515. Test Methods.

- (a)(1) *VOC and GWP compound content determination using ARB Method 310.* Testing to determine compliance with the requirements of this article shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products, adopted September 25, 1997 and as last amended on ~~August 1, 2014~~ May 25, 2018, 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 3.54, 3.65, and 3.76 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 procedures set forth in ARB Method 310, and is reproduced below:

Sections 3.54, 3.65, and 3.76 of Air Resources Board Method 310

3.54 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.

3.54.1 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.

3.54.2 If the results obtained under section 3.54.1 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, CCR, Division 3, Chapter 1, Subchapter 4 (Disclosure of Public Records) ~~California Code of Regulations,~~ sections 91000 to 91022.

3.54.3 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.

3.54.4 If the ~~manufacturer or~~ responsible party fails to provide formulation data as specified in section 3.45.2, the initial determination of VOC content under this section 3.45 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.

3.65 Determination of the LVP-VOC status of compounds and mixtures. This section does not apply to antiperspirants and deodorants or aerosol coatings products. Effective January 1, 2015, this section also does not apply to non-aerosol "Multi-purpose Solvent" and "Paint Thinner" products sold, supplied, offered for sale, or manufactured for sale in the South Coast Air Quality Management District. There is no LVP-VOC exemption for these products.

3.65.1 Formulation data. If the vapor pressure is unknown, the following ASTM methods may be used to determine the LVP-VOC status of compounds and mixtures: ASTM D86-01 (August 10, 2001), ASTM D850-00 (December 10, 2000), ASTM D1078-01 (June 10, 2001), ASTM D2879-97 (April 10, 1997), ASTM D2887-01 (May 10, 2001), and ASTM E1719-97 (March 10, 1997).

3.65.2 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 51 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.

3.76 *Final Determination of VOC Content.* If a product's compliance status is not satisfactorily resolved under sections 3.45 and 3.56, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.

3.76.1 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.

3.76.2 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.

3.76.3 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 determination based on these records may not be used unless the manufacturer-responsible party of a consumer product keeps accurate records for each day of production of the amounts and chemical composition of the individual product constituents. These records must be kept for at least three years.

(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(p)(1), shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products, adopted September 25, 1997 and as last amended on ~~August 1, 2014~~ May 25, 2018, 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(p)(1), 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-responsible party 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.

(j) Effective January 1, 2015, testing to determine compliance with 25 g/L or 0.21 lb/gal VOC standard for nonaerosol "Multi-purpose Solvent" and "Paint Thinner" products sold, supplied, offered for sale, or manufactured for use in the South Coast Air Quality Management District (SCAQMD) shall be determined using ARB Method 310, with final VOC content determined as set forth in section 4.2.4, adopted September 25, 1997 and as last amended on ~~August 1, 2014~~ May 25, 2018, which is incorporated herein by reference. As specified in section 3.65 of Method 310, and as reproduced in section 94515(a)(2), determination of LVP-VOC status does not apply because there is no LVP-VOC exemption for these products. Section 4.2.4 is reproduced below:

(k) Alternate compliance option verification for “Multi-purpose Lubricant” products.

(1) Testing of “Multi-purpose Lubricant” products subject to the provisions of subsection 94509(r) must be performed by the procedures set forth in “Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products,” (Method 310) adopted September 25, 1997, and as last amended on May 25, 2018, which is incorporated herein by reference. Only ingredients present in amount equal to or greater than 0.1 percent by weight will be reported.

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.