

Final Regulation Order

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

Amendments to the Test Methods Sections of the Antiperspirant and Deodorant Regulation, the Consumer Products Regulation, and the Aerosol Coatings Regulation

Amend Section 94506(a), Title 17, California Code of Regulations, to read as follows:

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 ~~one or more of the following analytical methods which are incorporated by reference herein: (1) Method 24 24A, Part 60, Title 40, Code of Federal Regulations, Appendix A, July 1, 1988); (2) Method 18, Federal Register 48, no. 202, October 18, 1983; (3) Method 1400, (NIOSH Manual of Analytical Methods, Volume 1, February 1984; or (4) Environmental Protection Agency Method 8240, "GC/MS Method for Volatile Organics," September 1986~~ Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted 9/25/97, 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 and 3.6 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 and 3.6 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 *Final Determination of VOC Content.* If a product's compliance status is not satisfactorily resolved under section 3.5, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.

3.6.1 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.

3.6.2 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer will request the product manufacture or responsible party to supply information to explain the discrepancy.

3.6.3 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.

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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.

Amend Section 94515(a), Title 17, California Code of Regulations, to read as follows:

94515. Test Methods

- (a)(1) Testing to determine compliance with the requirements of this article, shall be performed using ~~one or more of the following analytical methods which are incorporated by reference herein: (1) Method 24-24A, Part 60, Title 40, Code of Federal Regulations, Appendix A, July 1, 1988; (2) Method 18, Federal Register 48, no. 202, October 18, 1983; (3) Method 1400, (NIOSH Manual of Analytical Methods, Volume 1, February 1984; or (4) Environmental Protection Agency Method 8240, "GC/MS Method for Volatile Organics," September 1986~~ Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted 9/25/97, 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 and 3.6 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 and 3.6 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 *Final Determination of VOC Content.* If a product's compliance status is not satisfactorily resolved under section 3.5, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.

3.6.1 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.

3.6.2 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer will request the product manufacture or responsible party to supply information to explain the discrepancy.

3.6.3 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.

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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.

Amend Section 94526, Title 17, California Code of Regulations, to read as follows:

94526. Test Methods

Compliance with the requirements of this article shall be determined by using the following test methods, which are incorporated by reference herein. Alternative test methods which are shown to accurately determine the VOC content, exempt compound content, metal content, specular gloss, or acid content may also be used after approval in writing by the Executive Officer:

- (a)(1) VOC Content. The VOC content of ~~solvent-based~~ all aerosol coating products subject to the provisions of this article shall be determined by the procedures set forth in ~~Bay Area Air Quality Management District Manual of Procedures, Volume III, Laboratory Procedures, Method 35, "Determination of Volatile Organic Compounds (VOC) in Solvent Based Aerosol Paints", as amended January 19, 1994. For water containing aerosol coating products subject to the provisions of this article, the VOC content shall be determined by ASTM D 5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.~~ "Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products," adopted 9/25/97.
- (2) In sections 3.5 and 3.6 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 and 3.6 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 *Final Determination of VOC Content.* If a product's compliance status is not satisfactorily resolved under section 3.5, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.

3.6.1 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.

3.6.2 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer will request the product manufacture or responsible party to supply information to explain the discrepancy.

3.6.3 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) Exempt Compounds. Compounds exempt from the definition of VOC shall be analyzed according to the test methods listed below:

(1) ~~the content of 1,1-difluoroethane~~ exempt compound content of all aerosol coating products shall be determined by BAAQMD Method 35, "Determination of Volatile Organic Compounds (VOC) in Solvent Based Aerosol Paints", as amended January 19, 1994. Other exempt compounds which are used as propellants in aerosol coatings may also be quantified using this method with prior written approval of the Executive Officer. "Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products," adopted 9/25/97, which is incorporated

herein by reference .

- (2) ~~the content of dichloromethane (methylene chloride) and 1,1,1-trichloroethane shall be determined by ARB Method 432, California Code of Regulations, Title 17, Section 94144, after removal of the propellant following the procedure in ASTM Method D-5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992. Other exempt compounds (except for propellants) in aerosol coatings may also be quantified using this method with prior written approval of the Executive Officer; and~~
- (23) the following classes of compounds will be analyzed as exempt compounds only if manufacturers specify which individual compounds are used in the product formulations and identify the test methods, which, prior to such analysis, have been approved by the Executive Officer of the ARB, and can be used to quantify the amounts of each exempt compound: cyclic, branched, or linear, completely fluorinated alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (c) Metal Content. The metal content of metallic aerosol coating products shall be determined by South Coast Air Quality Management District Test Method 311 (SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual), June 1, 1991, after removal of the propellant following the procedure in ASTM Method D-5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.
- (d) Specular Gloss. Specular gloss of flat and nonflat coatings shall be determined by ASTM Method D-523-89, March 31, 1989.
- (e) Acid Content. The acid content of rust converters shall be determined by ASTM Method D-1613-91, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products, May 15, 1991, after removal of the propellant following the procedure in ASTM Method D-5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.
- (f) Lacquers. Lacquer aerosol coating products shall be identified according to the procedures specified in ASTM Method D-5043-90, "Standard Test Methods for Field Identification of Coatings," April 27, 1990.

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.