

Enclosure 2

MODIFIED REGULATORY LANGUAGE FOR 15-DAY PUBLIC COMMENT PERIOD

Amendments To The California Consumer Products Regulation And The Aerosol Coatings Regulation

July 3, 2007

Note: This enclosure shows the modifications to the originally proposed regulatory language. The originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The modifications made to this language are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions. Shown below are only those portions of the originally proposed language that have been modified.

Consumer Products Regulation

Amend section 94508(a), title 17, California Code of Regulations, to read as follows:

[Note: Section 94508(a) contains many definitions. Shown below are only those definitions where modifications have been made to the originally proposed language.]

- (39) "Disinfectant" means ~~any~~ any product intended ~~that is~~ that is ~~labeled as a~~ 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 ~~designed~~ designed ~~labeled~~ labeled solely for use on human or animals, (B) products ~~designed~~ designed ~~labeled~~ labeled solely for agricultural use, (C) products ~~designed~~ designed ~~labeled~~ labeled solely for use in swimming pools, therapeutic tubs, or hot tubs, (D) products, ~~which are (1) sold exclusively to medical or veterinary establishments, and (2) are labeled to be used on heat sensitive critical, or semi-critical medical devices, or medical equipment surfaces, prior to high level disinfection, as indicated on the principal display panel or label, are designed~~ labeled ~~primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes~~ (E) products which are pre-

moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments, and (E)(F) products, which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food, or (G) products which are labeled as "Bathroom and Tile Cleaners," "Glass Cleaners," "General Purpose Cleaners," "Toilet/Urinal Care Products," "Metal Polishes," "Carpet Cleaners," or "Fabric Refreshers" that may also make disinfecting or anti-microbial claims on the label, subject to a VOC standard under another regulated category in section 94509(a), as dictated by the primary use indicated on the principal display panel.

(46) "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~~ or products designed/labeled to clean the casings or housings of electronic equipment, or products that are (A) sold exclusively to establishments which manufacture or construct goods or commodities; and (B) labeled "not for retail sale." "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."

(51) "Fabric Protectant" means:

(A) for products manufactured before December 31, 2008: a product designed 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 designed, labeled for use solely on leather. "Fabric Protectant" does not include pigmented products that are designed or labeled to be used primarily for coloring, translucent film-forming products used in conjunction with pigmented products, and other film forming 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).

- (52) "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 and Upholstery Cleaner," ~~soft household surface sanitizers,~~ "Footwear or Leather Care Product," "Spot Remover," or "Disinfectant," or products labeled for application to both fabric and human skin.

~~For the purposes of this definition only, "soft household surface sanitizer" means a product labeled to neutralize or eliminate odors on surfaces listed above whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA, 7 U.S.C. 136 et seq.)~~

- (978) "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 organic liquid product designed or labeled to be used for a variety of

~~purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving or removing contaminants or other organic materials. "Multi-purpose Solvent" includes (A) products that do not display specific use instructions on the product container or packaging, (B) products that do not specify an end-use function or application on the product container or packaging, and (C) 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. "Multi-purpose Solvent" also does not include any product making any representation that the product may be used as, or is suitable for use as a consumer product which qualifies under another definition in section 94508; such products are not Multi-purpose Solvents and are subject to the "Most Restrictive Limit" provision of section 94512.~~

(1213) "Rubber and 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 and 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 ~~designed or~~ 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 primarily 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; translucent film-forming products used in conjunction with pigmented products; and other film-forming 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).

- (123) "Sanitizer" means ~~any~~ 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.) and is labeled to reduce, but not necessarily eliminate, microorganisms in the air, on surfaces, or on inanimate objects. Products that are labeled as both a "sanitizer" and a "disinfectant" are considered disinfectants. ~~"Sanitizer" includes food contact and non-food contact products.~~ "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 Cleaners," "Glass Cleaners," "General Purpose Cleaners," "Toilet/Urinal Care Products," "Metal Polishes," "Carpet Cleaners," or "Fabric Refreshers" that may also make sanitizing or anti-microbial claims on the label, which are subject to a VOC standard under another regulated category in section 94509(a), as dictated by the primary use indicated on the principal display panel.

Amend the Table of Standards set forth in section 94509(a), title 17, California Code of Regulations, to read as follows:

[Note: The Table of Standards specifies VOC standards for numerous product categories. Shown below are only those product categories where modifications have been made to the original proposal.]

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

Product Category	Effective Date ¹	VOC Standard ²
<u>Brake Cleaners</u>	<u>1/1/97</u> <u>12/31/2002</u> <u>12/31/2008</u> <u>12/31/2010</u>	<u>50</u> <u>45</u> <u>10</u> <u>10</u>
Carburetor or Fuel-injection Air Intake Cleaners **	1/1/95 12/31/2002 12/31/2008 <u>12/31/2010</u>	75 45 <u>10</u> <u>10</u>
=====	=====	=====
** See section 94509(k) for the effective date of the VOC limit for <u>Carburetor</u> or <u>Fuel-injection</u> <u>Air Intake</u> <u>Cleaners</u> .		
Electronic Cleaner*	<u>12/31/2006</u> <u>7</u>	<u>75</u>
=====	=====	=====
[*See sections <u>94509(m)</u> and <u>94512(d)</u> for additional requirements that apply to <u>E</u> lectrical <u>C</u> leaners.]		

Engine Degreasers:	1/1/93	75
	1/1/96	50
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aerosols	12/31/2004	35
	<u>12/31/2008</u>	<u>10</u>
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non-aerosols	12/31/2004	5

General Purpose Degreasers*:		
Aerosols	1/1/2002	50
	12/31/2008	40 <u>20</u>
	<u>12/31/2010</u>	<u>10</u>
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non-aerosols	12/31/2004	4
=====	=====	=====
[*See section 94509(m) for additional requirements that apply to <u>G</u> eneral <u>P</u> urpose <u>D</u> egreasers.]		

Nail Polish Removers	1/1/94	85
	1/1/96	75
	12/31/2004	0
	<u>12/31/2004</u>	<u>0</u>
	<u>12/31/2007</u>	<u>1</u>

Amend section 94509(p), title 17, California Code of Regulations, to read as follows:

(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 container or package displays the date on which the product was manufactured, or a code indicating such date.
- (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, ~~Energized 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.

Amend section 94512(a)(3), title 17, California Code of Regulations, to read as follows:

(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, 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.)

Aerosol Coatings Regulation

Amend section 94523(a), title 17, California Code of Regulations, to read as follows:

- (a) (1) ~~ii~~ for products manufactured before December 31, 2008: This article shall not apply to aerosol lubricants, mold releases, automotive underbody coatings, electrical coatings, cleaners, belt dressings, anti-static sprays, layout fluids and removers, adhesives, maskants, rust converters, dyes, inks, cosmetics or any other products used on the human body, and leather preservatives or cleaners.
- (2) ~~ii~~ for products manufactured on or after December 31, 2008: This article shall not apply to aerosol lubricants, mold releases, automotive underbody coatings, electrical coatings, cleaners, belt dressings, anti-static sprays, layout fluids and removers, adhesives, maskants, rust converters, dyes, inks, cosmetics or any other products used on the human body, leather preservatives or cleaners, products for vehicle tires, "Rubber/Vinyl Protectants" as defined in section 94508, and "Fabric Protectants" as defined in section 94508.