

**§ 94509. Standards for Consumer Products.**

(a) Except as provided in Sections [94510](#) (Exemptions), [94511](#) (Innovative Products), [94514](#) (Variances), 94540 through 94555 (Alternative Control Plan), and 94567(a)(1) (Hairspray Credit Program), Title 17, California Code of Regulations, no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which, at the time of sale or manufacture, contains volatile organic compounds in excess of the limits specified in the following Table of Standards after the specified effective dates.

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

Product Category	Effective Date <sup>1</sup>	VOC Standard <sup>2</sup>
<u>Adhesive</u> *:	1/1/95	75
<u>Aerosol</u> **	-----	-----
<u>Mist Spray Adhesive</u> **	1/1/2002	65
<u>Web Spray Adhesive</u> **	1/1/2002	55
<u>Special Purpose Spray Adhesive</u> **	-----	-----
Mounting, Automotive Engine Compartment,	1/1/2002	70
and Flexible Vinyl Adhesive	1/1/2002	65
Polystyrene Foam and Automobile Headliner	1/1/2002	60
Adhesive	=====	=====
Polyolefin and Laminate Repair/Edgebanding	1/1/95	40
Adhesive	12/31/2002	15
=====	12/31/2008	7
[**See <a href="#">94509(i)</a> , <a href="#">94512(d)</a> , and <a href="#">94513(d)</a> for additional requirements that apply to aerosol adhesive.]	=====	=====
<u>Construction, Panel, and Floor Covering</u> #	-----	-----
=====	1/1/95	80
[# See section <a href="#">94509(k)</a> for the effective date of the VOC limit for certain types	12/31/2006	55

<p>of "Construction, Panel, and Floor Covering Adhesive, and section <a href="#">94509(p)</a> for additional requirements that apply to Construction, Panel, and Floor Covering Adhesive.]</p> <p>-----</p> <p><u>Contact##</u></p> <p><u>Contact Adhesive – General Purpose</u></p> <p><u>Contact Adhesive – Special Purpose</u></p> <p>=====</p> <p>[##See sections <a href="#">94509(m)</a> and <a href="#">94512(d)</a> for additional requirements that apply to Contact Adhesive.]</p> <p>-----</p> <p><u>General Purpose</u></p> <p>=====</p> <p>* See section <a href="#">94510(i)</a> for an exemption that applies to adhesives sold in containers of one fluid ounce or less.</p>	<p>12/31/2006</p> <p>=====</p> <p>-----</p> <p>1/1/95</p> <p>=====</p>	<p>80</p> <p>=====</p> <p>-----</p> <p>10</p> <p>=====</p>
<p><u>Adhesive Remover*</u>:</p> <p>Floor or Wall Covering Adhesive Remover</p> <p>-----</p> <p>Gasket or Thread Locking Adhesive Remover</p> <p>-----</p> <p>General Purpose Adhesive Remover</p> <p>-----</p> <p>Specialty Adhesive Remover</p> <p>=====</p> <p>[*See sections <a href="#">94509(n)</a> and <a href="#">94512(d)</a> for additional requirements that apply to Adhesive Remover.]</p>	<p>12/31/2006</p> <p>-----</p> <p>12/31/2006</p> <p>-----</p> <p>12/31/2006</p> <p>-----</p> <p>12/31/2006</p> <p>-----</p> <p>=====</p>	<p>5</p> <p>-----</p> <p>50</p> <p>-----</p> <p>20</p> <p>-----</p> <p>70</p> <p>=====</p>
<p><u>Aerosol Cooking Spray</u></p>	<p>1/1/95</p>	<p>18</p>
<p><u>Air Freshener*</u>:</p> <p><u>Double Phase Aerosol</u></p> <p>-----</p> <p><u>Single Phase Aerosol</u></p> <p>-----</p> <p><u>Dual Purpose Air Freshener/Disinfectant aerosol</u></p>	<p>1/1/93</p> <p>12/31/2004</p> <p>-----</p> <p>1/1/93</p> <p>1/1/96</p> <p>-----</p>	<p>30</p> <p>25</p> <p>-----</p> <p>70</p> <p>30</p> <p>-----</p>

----- liquid/pump spray -----	1/1/94	60
----- solid/semisolid =====	1/1/93	18
[*See sections <a href="#">94510(f)</a> and <a href="#">94510(g)(2)</a> for exemptions that apply to certain Air Fresheners, and <a href="#">94509(o)</a> for additional requirements that apply to Air Freshener.]	1/1/93	3
<u>Anti-static Product:</u> aerosol -----	12/31/2008	80
non-aerosol	12/31/2006	11
<u>Astringent/Toner</u> (Non-FDA regulated)	12/31/2010	35
<u>Automotive Rubbing or Polishing Compound</u>	1/1/2005	17

<p><u>Automotive Wax/Polish/Sealant/Glaze:</u> all other forms</p> <p>-----</p> <p><u>hard paste wax</u></p> <p>-----</p> <p><u>instant detailer</u></p>	<p>1/1/2005</p> <p>-----</p> <p>1/1/2005</p> <p>-----</p> <p>1/1/2001</p>	<p>15</p> <p>-----</p> <p>45</p> <p>-----</p> <p>3</p>
<p><u>Automotive Windshield Washer Fluid:</u> Type "A" areas*</p> <p>-----</p> <p>All other areas (all forms) Dilutable and Pre-Mixed**</p> <p>=====</p> <p>**See section <a href="#">94508(a)(19)</a>, section <a href="#">94508(a)(20)</a>, and section <a href="#">94509(l)</a> for provisions that apply to Automotive Windshield Washer Fluid.</p> <p>=====</p> <p>* 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.</p>	<p>1/1/93</p> <p>12/31/2008</p> <p>-----</p> <p>1/1/93</p> <p>12/31/2002</p> <p>=====</p> <p>=====</p>	<p>35</p> <p>25</p> <p>-----</p> <p>10</p> <p>1</p> <p>=====</p> <p>=====</p>
<p><u>Bathroom and Tile Cleaner</u>*: aerosol</p> <p>-----</p> <p>all other forms</p> <p>-----</p> <p>non-aerosol</p> <p>===== [*See section <a href="#">94509(p)</a> for additional requirements that apply to Bathroom and Tile Cleaner.]</p>	<p>1/1/94</p> <p>-----</p> <p>1/1/94</p> <p>-----</p> <p>12/31/2008</p> <p>=====</p>	<p>7</p> <p>-----</p> <p>5</p> <p>-----</p> <p>1</p> <p>=====</p>
<p><u>Brake Cleaner</u></p>	<p>1/1/97</p> <p>12/31/2002</p> <p>12/31/2008</p> <p>12/31/2010</p>	<p>50</p> <p>45</p> <p>20</p> <p>10</p>
<p><u>Bug and Tar Remover</u></p>	<p>1/1/2002</p>	<p>40</p>

<u>Carburetor or Fuel-injection Air Intake Cleaner</u> *	1/1/95	75
===== * See section <u>94509(k)</u> for the effective date of the VOC limit for Carburetor or Fuel-injection Air Intake Cleaner.	12/31/2002	45
	12/31/2008	20
	12/31/2010	10
	=====	=====

<p><u>Carpet /Upholstery Cleaner</u>*:</p> <p>aerosol</p> <p>-----</p> <p>non-aerosol (dilutable)</p> <p>-----</p> <p>non-aerosol (ready-to-use)</p> <p>=====</p> <p>[*See section <a href="#">94509(q)</a> for additional requirements that apply to Carpet/Upholstery Cleaner]</p>	<p>1/1/2001</p> <p>12/31/2010</p> <p>-----</p> <p>1/1/2001</p> <p>-----</p> <p>1/1/2001</p> <p>12/31/2010</p> <p>=====</p>	<p>7</p> <p>5</p> <p>-----</p> <p>0.1</p> <p>-----</p> <p>3</p> <p>1</p> <p>=====</p>
<p><u>Charcoal Lighter Material</u></p>	<p>See Section 94509(h)</p>	
<p><u>Disinfectant:</u></p> <p>aerosol</p> <p>-----</p> <p>non-aerosol</p>	<p>12/31/2008</p> <p>-----</p> <p>12/31/2008</p>	<p>70</p> <p>-----</p> <p>1</p>
<p><u>Dusting Aid:</u></p> <p>aerosol</p> <p>-----</p> <p>non-aerosol</p>	<p>1/1/95</p> <p>1/1/97</p> <p>12/31/2010</p> <p>-----</p> <p>1/1/95</p> <p>12/31/2010</p>	<p>35</p> <p>25</p> <p>17</p> <p>-----</p> <p>7</p> <p>3</p>
<p><u>Electrical Cleaner</u>*</p> <p>=====</p> <p>[*See sections <a href="#">94509(n)</a> and <a href="#">94512(d)</a> for additional requirements that apply to Electrical Cleaner.]</p>	<p>12/31/2006</p> <p>=====</p>	<p>45</p> <p>=====</p>
<p><u>Electronic Cleaner</u>*</p> <p>=====</p> <p>[*See sections <a href="#">94509(m)</a> and <a href="#">94512(d)</a> for additional requirements that apply to Electronic Cleaner.]</p>	<p>12/31/2007</p> <p>=====</p>	<p>75</p> <p>=====</p>
<p><u>Engine Degreaser:</u></p> <p>-----</p> <p>aerosol</p> <p>-----</p> <p>non-aerosol</p>	<p>1/1/93</p> <p>1/1/96</p> <p>-----</p>	<p>75</p> <p>50</p> <p>-----</p>

	12/31/2004	35
	12/31/2010	10
	-----	-----
	12/31/2004	5
<u>Fabric Protectant*</u> aerosol	1/1/95	75
-----	1/1/97	60
non-aerosol	-----	-----
=====	1/1/95	75
[*See section <a href="#">94509(q)</a> for additional requirements that apply to Fabric Protectant]	1/1/97	60
	12/31/2010	1
	=====	=====
<u>Fabric Refresher:</u> aerosol	12/31/2006	15
-----	-----	-----
non-aerosol	12/31/2006	6
<u>Fabric Softener – Single Use Dryer Product</u>	See Section 94509(s)	
<u>Floor Maintenance Product</u>	12/31/2010	1
<u>Floor Polish or Wax:</u> Resilient Flooring Material	1/1/94	7
-----	12/31/2010	1
Nonresilient Flooring Material	-----	-----
-----	1/1/94	10
Wood Floor Wax	12/31/2010	1
	-----	-----
	1/1/94	90
	12/31/2010	70
<u>Floor Wax Stripper:</u> non-aerosol	See Section 94509(j)	

<p><u>Footwear or Leather Care Product</u>*:</p> <p>aerosol</p> <p>-----</p> <p>solid</p> <p>-----</p> <p>all other forms</p> <p>=====</p> <p>[*See section <a href="#">94509(m)</a> for additional requirements that apply to Footwear or Leather Care Product.]</p>	<p>12/31/2006</p> <p>-----</p> <p>12/31/2006</p> <p>-----</p> <p>12/31/2006</p> <p>=====</p>	<p>75</p> <p>-----</p> <p>55</p> <p>-----</p> <p>15</p> <p>=====</p>
<p><u>Furniture Maintenance Product</u>:</p> <p>aerosol</p> <p>-----</p> <p>all other forms (except solid/paste forms)</p> <p>-----</p> <p>non-aerosol (except solid/paste forms)</p> <p>-----</p>	<p>1/1/94</p> <p>12/31/2004</p> <p>-----</p> <p>1/1/94</p> <p>-----</p> <p>12/31/2008</p>	<p>25</p> <p>17</p> <p>-----</p> <p>7</p> <p>-----</p> <p>3</p>
<p><u>General Purpose Cleaner</u>*:</p> <p>aerosol and non-aerosol</p> <p>-----</p> <p>aerosol</p> <p>-----</p> <p>non-aerosol</p> <p>=====</p> <p>[*See section <a href="#">94509(p)</a> for additional requirements that apply to General Purpose Cleaner.]</p>	<p>1/1/94</p> <p>-----</p> <p>12/31/2008</p> <p>-----</p> <p>12/31/2004</p> <p>=====</p>	<p>10</p> <p>-----</p> <p>8</p> <p>-----</p> <p>4</p> <p>=====</p>
<p><u>General Purpose Degreaser</u>*:</p> <p>aerosol</p> <p>-----</p> <p>non-aerosol</p> <p>=====</p> <p>[*See section <a href="#">94509(m)</a> for additional requirements that apply to General Purpose Degreaser.]</p>	<p>1/1/2002</p> <p>12/31/2008</p> <p>12/31/2010</p> <p>-----</p> <p>12/31/2004</p> <p>=====</p>	<p>50</p> <p>20</p> <p>10</p> <p>-----</p> <p>4</p> <p>=====</p>
<p><u>Glass Cleaner</u>:</p> <p>aerosol</p> <p>-----</p>	<p>1/1/93</p> <p>12/31/2012</p>	<p>12</p> <p>10</p>



non-aerosol	----- 1/1/93 1/1/96 12/31/2004	----- 8 6 4
<u>Graffiti Remover</u> *: aerosol	12/31/2006 -----	50 -----
----- non-aerosol	12/31/2006 =====	30 =====
[*See section <a href="#">94509(n)</a> for additional requirements that apply to Graffiti Remover.]		
<u>Hair Mousse</u>	1/1/94 12/31/2002	16 6
<u>Hair Shine</u>	1/1/2005	55
<u>Hair Spray</u>	1/1/93 6/1/99	80 55
<u>Hair Styling Gel</u>	1/1/94	6
<u>Hair Styling Product</u> : aerosol and pump spray	12/31/2006 -----	6 -----
----- all other forms	12/31/2006	2
<u>Heavy-duty Hand Cleaner or Soap</u>	1/1/2005	8
<u>Insect Repellent</u> : aerosol	1/1/94	65
<u>Insecticide</u> *: <u>Crawling Bug Insecticide</u> (all forms):	1/1/95 1/1/98	40 20
----- aerosol	----- 12/31/2004	----- 15
----- <u>Flea and Tick Insecticide</u>	-----	-----
----- <u>Flying Bug Insecticide</u> (all forms):	1/1/95 -----	25 -----

aerosol	1/1/95	35
-----	-----	-----
<u>Fogger</u>	12/31/2003	25
-----	-----	-----
<u>Lawn and Garden Insecticide</u> (all forms)	1/1/95	45
-----	-----	-----
non-aerosol	1/1/95	20
-----	-----	-----
<u>Wasp and Hornet Insecticide</u>	12/31/2003	3
=====	-----	-----
* See sections <u>94510(g)(1)</u> and <u>94510(k)</u> for exemptions that apply to certain insecticides.	1/1/2005	40
	=====	=====
<u>Laundry Prewash:</u>	1/1/94	22
aerosol/solid	-----	-----
-----	1/1/94	5
all other forms		
<u>Laundry Starch/Sizing/Fabric Finish Product:</u>	1/1/95	5
	12/31/2008	4.5
<u>Metal Polish/Cleanser</u>	1/1/2005	30
<u>Motor Vehicle Wash</u> non-aerosol	12/31/10	0.2
<u>Multi-purpose Lubricant*:</u> (excluding solid or semisolid products)	1/1/2003	50
-----	12/31/2013	25
[*See sections <u>94509(q)</u> and <u>94513(f)</u> for additional requirements that apply to Multi-purpose Lubricant]	12/31/2015	10
	=====	=====
<u>Nail Polish Remover</u>	1/1/94	85
	1/1/96	75
	12/31/2004	0
	12/31/2007	1

<u>Non-selective Terrestrial Herbicide:</u> non-aerosol	1/1/2002	3
<u>Odor Remover/Eliminator</u> aerosol	12/31/2010	25
----- non-aerosol	----- 12/31/2010	----- 6
<u>Oven Cleaner*:</u> aerosol/pump spray	1/1/93	8
----- liquid	----- 1/1/93	----- 5
----- non-aerosol (including pump spray and liquid)	----- 12/31/2008	----- 1
=====	=====	=====
[*See section <a href="#">94509(p)</a> for additional requirements that apply to Oven Cleaner.]		
<u>Paint Remover or Stripper</u>	1/1/2005	50
<u>Penetrant*</u>	1/1/2003	50
=====		
[*See section <a href="#">94509(q)</a> and <a href="#">94513(f)</a> for additional requirements that apply to Penetrant]	12/31/2013	25
	=====	=====
<u>Personal Fragrance Product*:</u> products with 20% or less fragrance	1/1/95	80
----- products with more than 20% fragrance	----- 1/1/99	----- 75
=====		
* See sections <a href="#">94510(h)</a> , <a href="#">94510(j)</a> , and <a href="#">94510(l)</a> for exemptions and requirements that apply to Personal Fragrance Products.	1/1/95	70
	1/1/99	65
	=====	=====
<u>Pressurized Gas Duster*</u>	12/31/2010	1
=====		
[*See section <a href="#">94509(r)</a> and <a href="#">94510(c)</a> for additional provisions that apply to Pressurized Gas Duster]	=====	=====
<u>Rubber /Vinyl Protectant:</u> aerosol	1/1/2005	10
----- non-aerosol	----- 1/1/2003	----- 3

<p><u>Sanitizer:</u> aerosol</p> <p>-----</p> <p>non-aerosol</p>	<p>12/31/2008</p> <p>-----</p> <p>12/31/2008</p>	<p>70</p> <p>-----</p> <p>1</p>
<p><u>Sealant or Caulking Compound*</u> all forms</p> <p>-----</p> <p>Chemically Curing non-aerosol</p> <p>-----</p> <p>Non-chemically Curing non-aerosol</p> <p>=====</p> <p>[*See sections <a href="#">94509(g)</a> and <a href="#">94512(d)</a> for additional requirements that apply to Sealant or Caulking Compound]</p>	<p>12/31/2002</p> <p>-----</p> <p>12/31/2012</p> <p>-----</p> <p>12/31/2010</p> <p>=====</p>	<p>4</p> <p>-----</p> <p>3</p> <p>-----</p> <p>1.5</p> <p>=====</p>
<p><u>Shaving Cream</u></p>	<p>1/1/94</p>	<p>5</p>
<p><u>Shaving Gel</u></p>	<p>12/31/2006</p> <p>12/31/2009</p>	<p>7</p> <p>4</p>
<p><u>Silicone-based Multi-purpose Lubricant:</u> (excluding solid or semisolid products)</p>	<p>1/1/2005</p>	<p>60</p>

<u>Spot Remover*</u> : aerosol ----- non-aerosol =====	1/1/2001	25
	12/31/2010	15
	-----	-----
	1/1/2001	8
[*See section <a href="#">94509(q)</a> for additional requirements that apply to Spot Remover]	12/31/2010	3
	=====	=====
	12/31/2010	55
	-----	-----
<u>Temporary Hair Color:</u> aerosol	12/31/2010	8
<u>Tire or Wheel Cleaner</u> aerosol -----	12/31/2010	2
non-aerosol	12/31/2010	20
<u>Tire Sealant and Inflator</u>	12/31/2002	10
<u>Toilet/Urinal Care Product*:</u> aerosol ----- non-aerosol =====	12/31/2006	3
	-----	-----
	12/31/2006	-----
	=====	=====
[* See section <a href="#">94509(o)</a> for additional requirements that apply to Toilet/Urinal Care Product]	1/1/2002	40
<u>Undercoating:</u> aerosol	12/31/2010	75
<u>Windshield Water Repellent</u>	12/31/2006	17
<u>Wood Cleaner:</u> aerosol -----	12/31/2006	4
non-aerosol	-----	-----

<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

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use, the limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection (b), "minimum recommended dilution" shall not include recommendations for

incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the maximum recommended dilution has taken place.

(3) For “Automotive Windshield Washer Fluids (Dilutable)” for which the label,

packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent 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 Section [94509\(a\)](#) or [94509\(j\)](#), 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\(o\)](#).

(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 container or package displays the date on which the product was manufactured, or a code indicating such date.
- (4) All aerosol adhesives must comply with the labeling requirements specified in section [94512\(d\)](#), and all manufacturers and responsible parties for aerosol adhesives must comply with the special reporting requirements specified in section [94513\(d\)](#).
- (j) *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.
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- (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 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(m)(1) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2008, provided, however, that this notification must be given only if both of the following conditions are met:
- (A) the product is sold or supplied to a distributor or retailer; and
- (B) the product is sold or supplied on or after June 30, 2008.
- (4) *Impurities.* The requirements of section 94509(m)(1) and (m)(3) shall not apply to any Contact Adhesive, Electronic Cleaner, Footwear or Leather Care Product, or General Purpose Degreaser containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.
- (n) *Requirements for Adhesive Removers, Electrical Cleaners, and Graffiti Removers.*
- (1) Except as provided below in sections 94509(n)(2) and (n)(4), effective December 31, 2006, no person shall sell, supply, offer for sale, or manufacture for use in California any Adhesive Remover, Electrical Cleaner, or Graffiti Remover that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.
- (2) *Sell-through of Products.* Adhesive Removers, Electrical Cleaners, and Graffiti Removers that contain methylene chloride, perchloroethylene, or

trichloroethylene and were manufactured before December 31, 2006, may be sold, supplied, or offered for sale until December 31, 2009, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date.

(3) *Notification for products sold during the sell-through period.* Any person who sells or supplies a consumer product identified above in section 94509(n)(1) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2009, provided, however, that this notification must be given only if both of the following conditions are met:

- (A) the product is sold or supplied to a distributor or retailer; and
- (B) the product is sold or supplied on or after June 30, 2009.

(4) *Impurities.* The requirements of section 94509(n)(1) and (n)(3) shall not apply to any Adhesive Remover, Electrical Cleaner, or Graffiti Remover containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

(o) *Requirements for Solid Air Fresheners and Toilet/Urinal Care Products.*

(1) Effective December 31, 2005, no person shall sell, supply, offer for sale, or manufacture for use in California any Solid Air Fresheners or Toilet/Urinal Care Products that contain para-dichlorobenzene, except 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 Pressurized Gas Duster containing any chemical compound that is present as an impurity in a combined amount equal to or less than 0.1% by weight.
- (s) *Requirements for Fabric Softener – Single Use Dryer Product.*
- (1) Effective December 31, 2010, Fabric Softener – Single Use Dryer Product shall not contain more than 0.05 grams of VOC per use. Compliance with the VOC limit shall be determined per sheet, or equivalent delivery substrate, based on the minimum recommended use for a single drying cycle specified on the product packaging or label. In other words, if one sheet is the minimum recommended use for a single drying cycle, then the VOC limit applies per sheet. If two sheets are the minimum recommended use for a single drying cycle, then the VOC limit applies to the aggregate VOC content in two sheets. For purposes of this subsection, “minimum recommended use” shall not include recommendations for incidental use of additional sheets, or equivalent delivery substrate, for limited applications such as for extra large or double loads of washable fabrics in large capacity clothes dryers.
  - (2) The provisions relating to fragrance in section 94510(c) shall not apply to Fabric Softener – Single Use Dryer Product subject to the requirements of this subsection 94509(s)(1).

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(o) 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\(b\)](#).

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

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

**§ 94511. Innovative Products.**

(a) The Executive Officer shall exempt a consumer product from the VOC limits specified in Section [94509\(a\)](#) if a manufacturer demonstrates by clear and convincing evidence that, due to some characteristic of the product formulation, design, delivery systems or other factors, the use of the product will result in less VOC emissions as compared to:

- (1) the VOC emissions from a representative consumer product which complies with the VOC limits specified in Section 94509(a), or
- (2) the calculated VOC emissions from a noncomplying representative product, if the product had been reformulated to comply with the VOC limits specified in section 94509(a). VOC emissions shall be calculated using the following equation:

$$E_R = E_{NC} \times \text{VOC}_{STD} \div \text{VOC}_{NC}$$

where:

$E_R$  = The VOC emissions from the noncomplying representative product, had it been reformulated.

$E_{NC}$  = The VOC emissions from the noncomplying representative product in its current formulation.

$\text{VOC}_{STD}$  = the VOC limit specified in 94509(a).

$\text{VOC}_{NC}$  = the VOC content of the noncomplying product in its current formulation.

If a manufacturer demonstrates that this equation yields inaccurate results due to some characteristic of the product formulation or other factors, an alternative method which accurately calculates emissions may be used upon approval of the Executive Officer.

(b) For the purposes of this section, "representative consumer product" means a consumer product which meets all of the following criteria:

- (1) the representative product shall be subject to the same VOC limit in Section 94509(a) as the innovative product.
- (2) the representative product shall be of the same product form as the innovative product, unless the innovative product uses a new form which does not exist in the product category at the time the application is made.

- (3) the representative product shall have at least similar efficacy as other consumer products in the same product category based on tests generally accepted for that product category by the consumer products industry.
- (c) A manufacturer shall apply in writing to the Executive Officer for any exemption claimed under subsection (a). The application shall include the supporting documentation that demonstrates the reduction of emissions from the innovative product, including the actual physical test methods used to generate the data and, if necessary, the consumer testing undertaken to document product usage. In addition, the applicant must provide any information necessary to enable the Executive Officer to establish enforceable conditions for granting the exemption including the VOC content for the innovative product and test methods for determining the VOC content. All information submitted by a manufacturer pursuant to this section shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, Sections 91000-91022.
- (d) Within 30 days of receipt of the exemption application the Executive Officer shall determine whether an application is complete as provided in section 60030(a), Title 17, California Code of Regulations.
- (e) Within 90 days after an application has been deemed complete, the Executive Officer shall determine whether, under what conditions, and to what extent, an exemption from the requirements of Section 94509(a) will be permitted. The applicant and the Executive Officer may mutually agree to a longer time period for reaching a decision, and additional supporting documentation may be submitted by the applicant before a decision has been reached. The Executive Officer shall notify the applicant of the decision in writing and specify such terms and conditions that are necessary to ensure that emissions from the product will meet the emissions reductions specified in subsection (a), and that such emissions reductions can be enforced.
- (f) In granting an exemption for a product the Executive Officer shall establish conditions that are enforceable. These conditions shall include the VOC content of the innovative product, dispensing rates, application rates, application rates, and any other parameters determined by the Executive Officer to be necessary. The Executive Officer shall also specify the test methods for determining conformance to the conditions established. The test methods shall include criteria for reproducibility, accuracy, and sampling and laboratory procedures.
- (g) For any product for which an exemption has been granted pursuant to this section, the manufacturer shall notify the Executive Officer in writing within 30 days of any change in the product formulation or recommended product usage directions, and shall also notify the Executive Officer within 30 days if the manufacturer learns of any information which would alter the emissions estimates submitted to the Executive Officer in support of the exemption application.
- (h) If the VOC limits specified in Section 94509(a) are lowered for a product category through any subsequent rulemaking, all innovative product exemptions granted for products in the

product category, except as provided in this subsection (h), shall have no force and effect as of the effective date of the modified VOC standard. This subsection (h) shall not apply to those innovative products which have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the Executive Officer at least 60 days before the effective date of such limits.

- (i) If the Executive Officer believes that a consumer product for which an exemption has been granted no longer meets the criteria for an innovative product specified in subsection (a), the Executive Officer may modify or revoke the exemption as necessary to assure that the product will meet these criteria. The Executive Officer shall not modify or revoke an exemption without first affording the applicant an opportunity for a public hearing held 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 exemption should be modified or revoked.

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

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

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

(a) *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.)

(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.

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

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

**§ 94513. Reporting Requirements.**

(a) Upon 90 days written notice, the Executive Officer may require any

responsible party to report information for any consumer product or products the Executive Officer may specify including, but not limited to, all or part of the information specified in the following subsections (a)(1) through (a)(12). If the responsible party does not have or does not provide the information requested by the Executive Officer, the Executive Officer may require the reporting of this information by the person that has the information, including, but not limited to, any formulator, manufacturer, supplier, parent company, private labeler, distributor, or repackager.

- (1) the company name, address, telephone number, and designated contact person;  
>
- (2) any claim of confidentiality made pursuant to Title 17, California Code of Regulations, Section 91011;  
  
>
- (3) the product brand name for each consumer product and the product label;  
>
- (4) the product category to which the consumer product belongs;  
>
- (5) the applicable product form(s) listed separately;  
>
- (6) an identification of each product brand name and form as a "Household Product," "I&I Product," or both;  
>
- (7) separate California sales in pounds per year, to the nearest pound, and the method used to calculate California sales for each product form;  
>
- (8) for information submitted by multiple companies, an identification of each company which is submitting relevant data separate from that submitted by the responsible party. All information from all companies shall be submitted by the date specified in Section 94513(a);

(9) for each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth of a percent (0.1%):

- (A) Total Table B Compounds
- (B) Total LVP-VOCs that are not fragrances
- (C) Total All Other Carbon-Containing Compounds that are not fragrances
- (D) Total All Non-Carbon-Containing Compounds
- (E) Total Fragrance
- (F) For products containing greater than two percent by weight fragrance, but excluding "personal fragrance products":
  - (i) the percent of fragrance that are LVP-VOCs, and
  - (ii) the percent of fragrance that are all other carbon-containing compounds
- (G) For "personal fragrance products," the density of the fragrance
- (H) Total Para-dichlorobenzene

(10) for each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:

- (A) Each Table B Compound
- (B) Each LVP-VOC that is not a fragrance

(11) if applicable, the weight percent comprised of propellant for each product;

(12) if applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types);

(b) In addition to the requirements of section 94513(a)(10), the responsible party shall report or shall arrange to have reported to the Executive Officer the net percent by weight of each ozone-depleting compound which is (1) listed in section [94509\(e\)](#) and (2) contained in a product subject to reporting under section [94513\(a\)](#) in any amount greater than 0.1 percent by weight.

(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, Sections 91000-91022.

(d) *Special Reporting Requirements for Aerosol Adhesives*

On or before March 31, 2004, all responsible parties for aerosol adhesives shall report to the Executive Officer the following information for products sold or offered for sale in California:

- (1) data regarding product sales and composition for the year 2003, including the information listed in Section 94513(a), and any other information that the Executive Officer may specify; and
- (2) a written update of the research and development efforts undertaken to achieve VOC limits lower than the limits specified in section [94509\(a\)](#). The written update must include detailed information about the raw materials (solvents, propellants, resins, and polymers) and hardware (valves, actuators, cans) used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.
- (3) On or before December 31, 2003, the Executive Officer shall notify responsible parties in writing that they are to submit aerosol adhesive product and research data by March 31, 2004.

*(e) Special Reporting Requirements for Consumer Products that Contain Perchloroethylene or Methylene Chloride:*

- (1) The requirements of this subsection shall apply to all responsible parties for:

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- (A) consumer products that are subject to section [94509\(a\)](#) and contain perchloroethylene or methylene chloride, and
  - (B) Energized Electrical Cleaners as defined in section [94508\(a\)](#), that contain perchloroethylene or methylene chloride. For the purposes of this subsection, a product "contains perchloroethylene or methylene chloride" if the product contains 1.0 percent or more by weight (exclusive of the container or packaging) of either perchloroethylene or methylene chloride.
- (2) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall report the following information for products sold in California during each calendar year, beginning with the year 2000, and ending with the year 2010.
    - (A) the product brand name and a copy of the product label with legible usage instructions;
    - (B) the product category to which the consumer product belongs;
    - (C) the applicable product form(s) (listed separately);
    - (D) for each product form listed in (C), the total sales in California during the calendar year to the nearest pound (exclusive of the container or packaging), and the method used for calculating the California sales;

- (E) the weight percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the consumer product.
- (3) The information specified in subsection 94513(e)(2) shall be reported for each calendar year by March 1 of the following year. The first report shall be due on March 1, 2001, for calendar year 2000. A new report is due on March 1 of each year thereafter, until March 1, 2011, when the last report is due.

- (4) Upon request, the Executive Officer shall make the perchloroethylene information submitted pursuant to this subsection available to publicly owned treatment works in California, in accordance with the procedures for handling of confidential information specified in Title 17, California Code of Regulations, sections 91000-91022.
- (A) On or before July 1, 2002, the Executive Officer shall evaluate the information, along with data on influent and effluent levels of perchloroethylene as reported by publicly-owned treatment works personnel and any other relevant information, to determine if it is likely that publicly-owned treatment works are experiencing increased levels of perchloroethylene, relative to 1996 levels, that can be attributed to consumer products which contain perchloroethylene.
- (B) If the Executive Officer determines that it is likely that increased perchloroethylene levels at the publicly-owned treatment works are caused by increased levels of perchloroethylene in consumer products subject to this regulation, then the Executive Officer shall, in conjunction with the publicly-owned treatment works and other appropriate parties, implement measures which are feasible, appropriate, and necessary for reducing perchloroethylene levels at the publicly-owned treatment works.

(f) *Special Reporting Requirements for Multi-purpose Lubricant and Penetrant products*

- (1) On or before March 31, 2012, all responsible parties for Multi-purpose Lubricant and Penetrant products shall report to the Executive Officer the following information for products sold or offered for sale in California:
- (A) data regarding product sales and composition for the year 2011, including the information listed in section 94513(a), and the entire product label; and
- (B) a written update of the research and development efforts undertaken to achieve the 25 percent VOC limits specified in section [94509\(a\)](#). The written update must include detailed information about the raw materials evaluated for use, maximum incremental reactivity (MIR) values for any VOC or LVP-VOC used or evaluated, the function of the raw material evaluated, hardware used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.
- (2) On or before March 31, 2014, all responsible parties for Multi-purpose Lubricant products shall report to the Executive Officer the following information for products sold or offered for sale in California:
- (A) data regarding product sales and composition for the year 2013, including the information listed in Section 94513(a), the entire product label; and
- (B) a written update of the research and development efforts undertaken to achieve the 10 percent VOC limit specified in section [94509\(a\)](#). The written update must



include detailed information about the raw materials evaluated for use, MIR values for any VOC or LVP-VOC used or evaluated, the function of the raw material evaluated, hardware used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.

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.

**§ 94514. Variances.**

(a) *Applications for variances.* Any person who cannot comply with the requirements set forth in Section [94509](#), because of extraordinary reasons beyond the person's reasonable control may apply in writing to the Executive Officer for a variance. The variance application shall set forth:

- (1) the specific grounds upon which the variance is sought;
- (2) the proposed date(s) by which compliance with the provisions of Section [94509](#) will be achieved;
- (3) a compliance report reasonably detailing the method(s) by which compliance will be achieved, and
- (4) for applicants requesting a variance from the June 1, 1999, 55 percent VOC standard for hairspray products, the variance application shall also include a plan describing how the applicant will mitigate the excess VOC emissions that would be emitted during the period of the variance.

(b) *Notices and public hearings for variances.* Upon receipt of a variance application containing the information required in subsection (a), the Executive Officer shall hold a public hearing to determine whether, under what conditions, and to what extent, a variance from the requirements in Section [94509](#) is necessary and will be permitted. A hearing shall be initiated no later than 75 days after receipt of a variance application. Notice of the time and place of the hearing shall be sent to the applicant by certified mail not less than 30 days prior to the hearing. Notice of the hearing shall also be submitted for publication in the California Regulatory Notice Register and sent to every person who requests such notice, not less than 30 days prior to the hearing. The notice shall state that the parties may, but need not be, represented by counsel at the hearing. At least 30 days prior to the hearing, the variance application shall be made available to the public for inspection. Interested members of the public shall be allowed a reasonable opportunity to testify at the hearing and their testimony shall be considered.

(c) *Treatment of confidential information.* Information submitted to the Executive Officer by a variance applicant may be claimed as confidential, and such information shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, Sections 91000-91022. The Executive Officer may consider such confidential information in reaching a decision on a variance application.

(d) *Necessary findings for granting variances.* No variance shall be granted unless all of the following findings are made:

(1) that, because of reasons beyond the reasonable control of the applicant, requiring compliance with Section [94509](#) would result in extraordinary economic hardship.

(2) that the public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding any increased emissions of air contaminants which would result from issuing the variance.

(3) that the compliance report proposed by the applicant can reasonably be implemented, and will achieve compliance as expeditiously as possible.

(e) *Variance orders.* Any variance order shall specify a final compliance date by which the requirements of Section [94509](#) will be achieved. Any variance order shall contain a condition that specifies increments of progress necessary to assure timely compliance, and such other conditions that the Executive Officer, in consideration of the testimony received at the hearing, finds necessary to carry out the purposes of Division 26 of the Health and Safety Code.

(f) *Situations in which variances shall cease to be effective.* A variance shall cease to be effective upon failure of the party to whom the variance was granted to comply with any term or condition of the variance.

(g) *Modification and revocation of variances.* Upon the application of any person, the Executive Officer may review, and for good cause, modify or revoke a variance from requirements of Section [94509](#) after holding a public hearing in accordance with the provisions of subsection (b).

(h) *Special conditions in variance orders for hairspray products.*

In imposing conditions in variance orders granted from the June 1, 1999, 55 percent VOC standard for hairspray products, the Executive Officer, in addition to any other conditions that may be imposed, shall require the applicant to mitigate the excess VOC emissions that would be emitted during the period of the variance. If this mitigation requirement would result in an extraordinary economic hardship to the applicant, or if other good cause exists, the Executive Officer may waive all or part of this requirement.

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

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

#### **§ 94515. Test Methods.**

(a)(1) *VOC and GWP compound content determination using ARB Method 310.* Testing to determine compliance with the requirements of this article, shall be performed using Air Resources Board Method 310, Determination of Volatile Organic

Compounds (VOC) in Consumer Products, adopted September 25, 1997 and as last amended on May 5, 2005, which is incorporated herein by reference. Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon approval of the Executive Officer.

(2) In sections 3.5, 3.6, and 3.7 of Air Resources Board (ARB) Method 310, a process is specified for the "Initial Determination of VOC Content" and the "Final Determination of VOC Content". This process is an integral part of testing procedure set forth in ARB Method 310, and is reproduced below:

#### Sections 3.5, 3.6, and 3.7 of Air Resources Board Method 310

3.5 *Initial Determination of VOC Content.* The Executive Officer will determine the VOC content pursuant to sections 3.2 and 3.3. Only those components with concentrations equal to or greater than 0.1 percent by weight will be reported.

3.5.1 Using the appropriate formula specified in section 4.0, the Executive Officer will make an initial determination of whether the product meets the applicable VOC standards specified in ARB regulations. If initial results show that the product does not meet the applicable VOC standards, the Executive Officer may perform additional testing to confirm the initial results.

3.5.2 If the results obtained under section 3.5.1 show that the product does not meet the applicable VOC standards, the Executive Officer will request the product manufacturer or responsible party to supply product formulation data. The manufacturer or responsible party shall supply the requested information. Information submitted to the ARB Executive Officer may be claimed as confidential; such information will be handled in accordance with the confidentiality procedures specified in Title 17, California Code of Regulations, sections 91000 to 91022.

3.5.3 If the information supplied by the manufacturer or responsible party shows that the product does not meet the applicable VOC standards, then the Executive Officer will take appropriate enforcement action.

3.5.4 If the manufacturer or responsible party fails to provide formulation data as specified in section 3.5.2, the initial determination of VOC content under this section 3.5 shall determine if the product is in compliance with the applicable VOC standards. This determination may be used to establish a violation of ARB regulations.

3.6 Determination of the LVP-VOC status of compounds and mixtures. This section does not apply to antiperspirant and deodorants or aerosol coating products because there is no LVP-VOC exemption for these products.

3.6.1 Formulation data. If the vapor pressure is unknown, the following ASTM methods may be used to determine the LVP-VOC status of compounds and mixtures: ASTM D 86-01, ASTM D 850-00, ASTM D 1078-01, ASTM D 2879-97, as modified in Appendix B to this Method 310, ASTM D 2887-01 and ASTM E 1719-97.

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 products formulation utilizing one or both of the following: ASTM D 2879-97, as modified in Appendix B to this Method 310, and ASTM E 1719-97, to determine if the compound or mixture meets the requirements of Title 17, CCR, section 94508(a)(94).

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:

$$\text{VOC Content} = [(B - C) \div A] \times 100$$

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) Determination of liquid or solid. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90, which is incorporated by reference herein.
- (d) Compliance determinations for charcoal lighter material products. Testing to determine compliance with the certification requirements for charcoal lighter material shall be performed using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 28, 1991), which is incorporated by reference herein.
- (e) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-01, which is incorporated by reference herein.
- (f) Fragrance content determinations for personal fragrance products. Testing to determine the percent by weight of fragrance in personal fragrance products shall be performed according to the Association of Official Analytical Chemists (AOAC) Official Method of Analysis No. 932.11, 1990, "Essential Oil in Flavor Extracts and Toilet Preparations, Babcock Method" (AOAC Official Methods of Analysis, 5th Edition, 1990), which is incorporated by reference herein.
- (g) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other test, processes, or records used in connection with product manufacture.

NOTE: Authority cited: Sections 39600, 39601, 39607, 41511, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 39607, 40000, 41511, and 41712, Health and Safety Code.

**94516. Severability.**

Each part of this article shall be deemed severable, and in the event that any part of this article is held to be invalid, the remainder of this article shall continue in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

**94517. Federal Enforceability.**

For purposes of federal enforceability of this article, the Environmental Protection Agency is not subject to approval determinations made by the Executive Officer under Sections [94511](#), [94514](#), and [94515](#). Within 180 days of a request from a person who has been granted an exemption or variance under Section 94511 or 94514, an exemption or variance meeting the requirements of the Clean Air Act shall be submitted by the Executive Officer to the Environmental Protection Agency for inclusion in the applicable

implementation plan approved or promulgated by the Environmental Protection Agency pursuant to Section 110 of the Clean Air Act,

42 U.S.C., Section 7410. Prior to submitting an exemption granted under Section 94511 as a revision to the applicable implementation plan, the Executive Officer shall hold a public hearing on the proposed exemption. Notice of the time and place of the hearing shall be sent to the applicant by certified mail not less than 30 days prior to the hearing. Notice of the hearing shall also be submitted for publication in the California Regulatory Notice Register and sent to the Environmental Protection Agency, every person who requests such notice, and to any person or group of persons whom the Executive Officer believes may be interested in the application. Within 30 days of the hearing the Executive Officer shall notify the applicant of the decision in writing as provided in Section 94511(f). The decision may approve, disapprove, or modify an exemption previously granted pursuant to Section 94511.

NOTE: Authority cited: Section 39600, 39601, 39602, and 41712, Health and Safety Code.

Reference: Sections 39002, 39600, 39602, 40000, and 41712, Health and Safety Cod