Enclosure 2

AMENDMENTS TO THE CONSUMER PRODUCTS REGULATION

[Note: The originally proposed amendments to title 17, California Code of Regulations (CCR), sections 94508, 94509, 94512, and 94513 are shown in **~~bold strike-out underline~~** to indicate deletions and double-underline to indicate additions. The modifications to the original proposal are shown in ~~double strike-out~~ to indicate deletions and **faktos style** to indicate additions.

In the interests of completeness, the regulation text below also shows other recent amendments that have been proposed or approved by the Board as part of the "Midterm Measures II" rulemaking action, which was considered by the Board at an October 29, 1999, public hearing. These recent amendments have not yet been formally approved by the Office of Administrative Law. The "Midterm Measures II" amendments are identified below by underline for proposed additions and ~~strikeout~~ for proposed deletions.

Modifications to the originally proposed amendments

Amend section 94508(a)(118), title 17, CCR, to read as follows:

(118) "Special Purpose Spray Adhesive" means an aerosol adhesive that meets any of the following definitions:

(A) "Mounting adhesive" means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

(B) "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a ~~plastic~~ **vinyl** to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 or from product formulation data.

(C) "Polystyrene Foam Adhesive" means an aerosol adhesive designed to bond polystyrene foam (e.g. Styrofoam®, expanded polystyrene foam, etc.) to substrates.

(D) "Automobile Headliner Adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

(E) "Polyolefin Adhesive" means an aerosol adhesive designed to bond polyolefins (e.g. polyethylene, polypropylene, etc.) to substrates.

(F) ~~" High Pressure Laminate Adhesive" means an aerosol adhesive designed for the touch-up, repair, or edgebonding of high pressure laminates.~~ **"Laminate Repair/Edgebanding Adhesive" means an aerosol adhesive designed for:**

(1) the touch-up or repair of items laminated with high pressure laminates (e.g. lifted edges, delaminations, etc.), or for

(2) the touch-up, repair, or attachment of edgebanding materials, including, but not limited to, other laminates, synthetic marble, veneers, wood moulding, and decorative metals.

For the purposes of this definition "high pressure laminate" means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

(G) "Automotive Engine Compartment Adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200-275° F.

Amend section 94509(a), title 17, CCR, to read as follows:
[Note: The Table of Standards shown below is a condensed version which displays only the adhesives categories. No modifications are proposed to any of the other categories in the Table of Standards.]

Table of Standards
Percent Volatile Organic Compound by Weight

Product Category	Effective Date[1]	VOC Standard[2]
Adhesives *:		
aerosol	**1/1/95**	**75**
~~[See 94509(i), 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesives.] **~~	~~1/1/95~~ ~~1/1/2002~~	~~75~~ ~~25~~
mist spray adhesives	1/1/2002	65
web spray adhesives	1/1/2002	55
special purpose spray adhesives		
mounting, **automotive engine compartment**, and flexible vinyl adhesives	1/1/2002	70
polystyrene foam and automobile headliner adhesives	1/1/2002	65
polyolefin and ~~high pressure laminate~~ **laminate repair/edgebanding** adhesives	1/1/2002	60
[See 94509(i), 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesives.]		
construction, ~~and~~ panel, and floor covering***	1/1/95 12/31/2002	40 15
contact	1/1/95	80
general purpose	1/1/95	10

* See section 94510(i) for an exemption that applies to adhesives sold in containers of one fluid ounce or less.

~~** The Board will hold a public hearing by June 1, 2000, to review and consider any appropriate modifications to the 25 percent VOC limit for aerosol adhesives.~~

*** See section 94509(k) for the effective date of the VOC limit for certain types of "construction, panel, and floor covering adhesives."

[1] See section 94509(d) for the effective date of the VOC standards for products registered under FIFRA, and section 94509(c) for the "Sell-through" allowed for products manufactured prior to the effective date of standards.

2 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.

Amend section 94509(i), title 17, CCR, to read as follows:

(i) *Requirements for aerosol adhesives.*

(1) As specified in Health and Safety Code section 41712(h)(2), the ~~**75 percent VOC standard**~~ standards for aerosol adhesives appl~~ies~~y to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in sections 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 ~~**75 percent by weight**~~ 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 specified in section 94508(a)(118), but if the product label indicates that the product is suitable for use on any substrate or application not listed in section 94508(a)(118), 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)(118) 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).

NOTE: Authority cited: sections 39600, 39601, 39658, 39666, and 41712, Health and Safety Code. Reference: sections 39002, 39600, 39650, 39655, 39656, 39658, 39659, 39666, 40000, and 41712, Health and Safety Code.

Amend section 94512, title 17, CCR, proposed new subsection (d), as follows:

(d) Additional Labeling Requirements for Aerosol Adhesives.

(1) In addition to the requirements specified in subsections (a), (b) and (c), ~~effective 1/1/2002~~, both the manufacturer and responsible party for each aerosol adhesive product subject to this article shall ensure that all products clearly display the following information on each product container which is manufactured ~~90 days or later after the effective date of this article~~ **on or after 1/1/2002**:

(A) The aerosol adhesive 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), 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. Section 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), 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.

Amend 94513(d), title 17, CCR to read as follows:

(d) Special Reporting Requirements for Aerosol Adhesives

On or before March 31, ~~1999~~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 ~~1998~~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 ~~the January 1, 2002~~, 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.