(Adopted March 6, 2009) (Amended June 4, 2010)(Amended July 9, 2010)
(Proposed Amended Rule December 3, 2010)

RULE 1143. CONSUMER PAINT THINNERS & MULTI-PURPOSE SOLVENTS

(a) Purpose

The purpose of this rule is to reduce emissions of volatile organic compounds (VOCs) from the use, storage and disposal of consumer paint thinners and multi-purpose solvents commonly used in thinning of coating materials, cleaning of coating application equipment, and other solvent cleaning operations by limiting their VOC content.

(b) Applicability

This rule is applicable to any person who supplies, sells, offers for sale, or manufactures consumer paint thinners and multi-purpose solvents for sale in the District, as well as any person who uses or solicits the use of any consumer paint thinner and multi-purpose solvent within the District.

(c) Definitions

For the purpose of this rule, the following definitions shall apply:

(1) ARTIST SOLVENTS/THINNERS are any liquid products that meet and are labeled to meet the requirements of ASTM D4236-94 (Reapproved 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, which is incorporated by reference herein, and have been refined to remove impurities for artistic use for the purpose of reducing the viscosity of, or removing, art coating compositions or components. Artist Solvents/Thinners do not include commercial-grade solvents or thinners.

~~(1)~~(2) CONSUMER MULTI-PURPOSE SOLVENTS are any liquid products designed or labeled to be used for dispersing or dissolving or removing contaminants or other organic materials for personal, family, household, or institutional use including but not limited to the following: (1) products that do not display specific use instructions on the product container or packaging, (2) products that do not specify an end-use function or application on the product container or packaging, (3) solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories, (4) “Paint clean-up” products, and (5) products labeled to prepare surfaces for painting. For the purpose of this definition only, “Paint clean-up” means any liquid product labeled

for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics or metals.

"Consumer Multi-purpose Solvents" do not include solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment. "Multi-purpose Solvents" also do not include any products making any representation that the product may be used as, or is suitable for use as a consumer product which qualifies under another definition in California Code of Regulations Title 17, § 94508 as of the date of adoption.

(~~2~~3) CONSUMER PAINT THINNERS are any liquid products used for reducing the viscosity of coating compositions or components for personal, family, household, or institutional use, including, but not limited to, products that prominently display the term "Paint Thinner," "Lacquer Thinner," "Thinner," or "Reducer" on the front panel of its packaging.

(~~3~~4) DISTRIBUTOR means any person to whom consumer products are sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

(~~4~~5) EXEMPT COMPOUND is as defined in Rule 102.

(~~5~~6) FORMULATION DATA is the actual product recipe which itemizes all the ingredients contained in a product including VOCs and the quantities thereof used by the manufacturer to create the product. Material Safety Data Sheets (MSDS) are not considered formulation data.

(~~6~~7) GRAMS OF VOC PER LITER OF MATERIAL is the weight of VOC per volume of material and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{W_s - W_w - W_{es}}{V_m}$$

Where:

W_s = weight of volatile compounds in grams

W_w = weight of water in grams

W_{es} = weight of exempt compounds in grams

V_m = volume of the material in liters

(~~7~~8) INDUSTRIAL MAINTENANCE COATINGS are coatings, including primers, sealers, undercoaters, intermediate coatings and topcoats, formulated for or

applied to substrates, including floors that are exposed to one or more of the following extreme environmental conditions:

(A) immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;

(B) acute or chronic exposure to corrosive, caustic or acidic agents, or similar chemicals, chemical fumes, chemical mixtures, or solutions;

(C) repeated exposure to temperatures in excess of 250 degrees Fahrenheit;

(D) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleaners, or scouring agents; or

(E) exterior exposure of metal structures.

(~~8~~9) LACQUER THINNERS are solvents that are manufactured for the purpose of thinning, diluting, dissolving, and for clean-up of lacquer coatings.

(~~9~~10) MANUFACTURER means any person, company, firm, or establishment who imports, manufactures, blends, assembles, produces, packages, repackages, or re-labels a consumer paint thinner or multi-purpose solvent. The manufacturers listed on the product's label shall be primarily responsible for compliance with applicable provisions of this ~~R~~rule. If the label lists two or more manufacturers, they may mutually designate in writing a manufacturer responsible for compliance with this rule. That writing shall be filed with the Executive Officer.

(~~10~~11) PERSON means any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof. ~~PERSON~~"Person" also means the United States or its agencies to the extent authorized by Federal law.

(~~11~~12) RESPONSIBLE PARTY for a corporation is a corporate officer or an authorized representative so delegated by a corporate officer. Delegation of an authorized representative must be made in writing to the Executive Officer. A responsible party for a partnership or sole proprietorship is the general partner or proprietor, respectively.

(~~12~~13) RETAIL OUTLET means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

(~~13~~14) SOLICIT is to require for use or to specify, by written or oral contract.

(~~14~~15) SOLVENTS include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

(~~15~~16) SOLVENT CLEANING is the removal of adhesives, inks, coatings, and contaminants which include, but are not limited to, dirt, soil, and grease from parts, products, tools, machinery, equipment, and general work areas.

(~~16~~17) SOLVENT FLUSHING is the use of a solvent to remove adhesives, inks, coatings, or contaminants from the internal surfaces and passages of the equipment by inducing a rapid flow of solvent through the equipment.

(~~17~~18) VOC (VOLATILE ORGANIC COMPOUND) is as defined in Rule 102.

(~~18~~19) VOC CONTENT means the total weight of VOC in a product expressed as a percentage of the product weight or as a mass-based concentration expressed in grams per liter of material (g/L) or pounds per gallon (lb/Gal).

(d) Requirements

(1) Except as provided in paragraph (d)(2), no person shall supply, sell, offer for sale, manufacture, blend, package or repackage any consumer paint thinner or multi-purpose solvent for use in the District unless the consumer paint thinner or multi-purpose solvent complies with the applicable VOC content limits set forth in the table below:

CATEGORY	EFFECTIVE 1/1/2010 VOC Content g/L or (lb/Gal)	EFFECTIVE 1/1/2011 VOC Content g/L or (lb/Gal)
Consumer Paint Thinner	300 (2.50)	25 (0.21)
Consumer Multi-Purpose Solvent	300 (2.50)	25 (0.21)

(2) Sell-Through Provision

(A) Any consumer paint thinner or multi-purpose solvent that is manufactured prior to the ~~implementation date,~~effective date of the applicable limit specified in paragraph (d)(1), and that has a VOC content above that limit (but not above the limit in effect on the date of manufacture), may be sold, supplied, offered for sale, or used for up to one year after the specified effective date.

(B) Consumer paint thinners manufactured prior to July 9, 2010 and labeled for more than one use including industrial maintenance coating thinning, may be sold, supplied, offered for sale, or used up to April 1, 2011.

(3) The prohibition of sale specified in paragraphs (d)(1) and (d)(5) shall not apply to any manufacturer of consumer paint thinners or multi-purpose-solvents provided that the product was sold to an independent distributor that was informed in writing by the manufacturer about the compliance status of the product in the District.

(4) Any solvent container in which the contents therein are applied directly to a surface from said container by pouring, siphoning, brushing, rolling, padding, rag application or other means, shall be closed when not in use. These solvent containers include, but shall not be limited to: drums, buckets, cans, pails, trays or other application containers.

(5) General Prohibition

No person shall supply, sell, offer for sale, manufacture, blend, package, or repackage any consumer paint thinner or multi-purpose solvent for use in the District subject to the provisions of this rule with any materials that contain in the excess of 0.1% by weight any Group II exempt compounds listed in Rule 102. Cyclic, branched, or linear, completely methylated siloxanes (VMS) are not subject to this prohibition.

(e) Administrative Requirements

(1) No person shall sell, supply, offer for sale, manufacture, blend, package, or repackage for use in the District any “Flammable” or “Extremely Flammable” Consumer Paint Thinner or Multi-purpose Solvent named, on the Principal Display Panel as “Paint Thinner”, “Multi-purpose Solvent”, “Clean-up Solvent”, or “Paint Clean-up”.

(2) Paragraph (e)(1) does not apply to products that meet any of the following criteria:

(A) Products which include an attached “hang tag” or sticker that displays, at a minimum, the following statement: “Formulated to meet low VOC limits: see warnings on label”.

(B) Products which include an attached “hang tag” or sticker that displays, at a minimum, the following statement: “Formulated to meet low VOC limits with [the common name of the chemical compound (e.g., ‘Acetone’, ‘Methyl Acetate’, etc.) that results in the product meeting the criteria for ‘Flammable’ or ‘Extremely Flammable’]”.

(C) Products which include an attached “hang tag” as a second Principal Display Panel that displays, at a minimum, the following statement:

"Formulated to meet low VOC limits" placed adjacent to and associated with the required Consumer Product Safety Commission (CPSC) warning.

(D) Products where the Principal Display Panel displays, in a font size as large as, or larger than, the largest font size of any other words on the panel, the following statement: "Formulated to meet low VOC limits" placed adjacent to and associated with the required CPSC warning.

(E) Products where the Principal Display Panel displays, in a font size as large as, or larger than, the largest font size of any other words on the panel, the common name of the chemical compound (e.g., "Acetone," "Methyl Acetate," etc.) that results in the product meeting the criteria for "Flammable" or "Extremely Flammable."

(F) Products that meet the labeling requirements of the CARB Consumer Product Regulation specified in title 17, CCR, section 94512(e) as adopted.

(G) Products that are manufactured on or before July 9, 2010.

None of the above labeling or notice requirements preclude the use of any additional labeling or notice for consumer education.

(3) For the purposes of paragraphs (e)(1) and (e)(2) a product is "Flammable" or "Extremely Flammable" if it is labeled as "Flammable" or "Extremely Flammable" on the product container, or if the product meets the criteria for these specified in title 16, Code of Federal Regulations, section 1500.3 (c)(6).

(4) Each product container shall clearly display the VOC content as determined from the actual product formulation data.

(5) The information required by paragraphs (e)(1) through (e)(3) 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.

(6) No person shall remove, alter, conceal, or deface the information required by paragraphs (e)(1) through (e)(3) prior to final sale of the product.

(7) In conjunction with the changes in VOC content limits, the Executive Officer shall develop a public education and outreach program to inform consumers of potential product changes that use more flammable substances by jointly working with the local fire departments to include, but not be limited to: public service announcements in both English and Spanish to be aired on television and radio from October 2010 to January 2012; training retailers, including big box retailers at their corporate headquarters, in November 2010 about these potential changes so that they may alert their consumers; dissemination of 25,000 hardcopy

brochures in several languages from November 2010 to January 2012; alerts through Twitter, and placement of electronic brochures and Public Service Announcements (PSAs) on AQMD, CARB, YouTube, local fire department and local city websites from November 2010 to January 2012. The Executive Officer shall report the status of the public education and outreach program to the Stationary Source Committee in November 2010 and in November 2011. The Executive Officer may extend the public education and outreach program beyond January 2012, if he determines that additional consumer education is needed.

(8) Point of sale containers, for sale or distribution, of any consumer paint thinner or multi-purpose solvent subject to this rule shall display the maximum VOC content, as supplied, and the maximum VOC content after any dilution as recommended by the manufacturer.

(9) Point of sale containers, for sale or distribution, of any consumer paint thinner and multi-purpose solvent subject to this rule shall display the date of manufacture of the contents or a code indicating the date of manufacture. The manufacturers of such consumer paint thinners and multi-purpose solvents shall file with the Executive Officer an explanation of each code.

(10) Any manufacturer that supplies consumer paint thinners and multi-purpose solvents with intent to sell in the District shall submit an application as specified by the Executive Officer to apply for a manufacturer identification (ID) number by the applicable date in subdivision (g). The application form shall be signed by the responsible party for manufacturer certifying that all information submitted (including electronic submittals) is true and correct. The Executive Officer shall be notified in writing within 30 days of any change in the responsible party for the manufacturer.

(11) On or before May 1, 2010, and each subsequent January 1 thereafter, all manufacturers subject to this rule shall provide to the District a list of all their U.S. distributors to whom they supply products subject to this rule, including but not limited to private label and toll manufactured products. The list shall be in a format determined by the Executive Officer and shall include the distributor's name, address, contact person and phone number.

(12) ~~Effective~~On or before April 1, 2010, and every subsequent April 1 (the official due date), each manufacturer subject to this rule shall~~, on or before April 1 of each subsequent calendar year,~~ submit an annual quantity and emissions report to the Executive Officer.

(f) Recordkeeping

(1) Manufacturers shall maintain a copy of the application receipt from the District. The receipt shall be maintained for five (5) years and made available upon request by the Executive Officer.

(2) Manufacturers shall maintain records to verify data necessary to determine annual consumer paint thinner and multi-purpose solvent sales subject to this rule and VOC emissions in the District, and compliance with applicable rules and regulations. The records shall be maintained for five (5) years and made available upon request by the Executive Officer. Such records shall include but not be limited to:

(A) Product formulation records (to include VOC content):

(i) Laboratory reports [including percent weight of non-volatiles, water, and exempts (if applicable); density of the product; and raw laboratory data] of test methods conducted as specified in paragraph (i)(1), or

(ii) Product formulation data, including physical properties analyses, as applicable, with a VOC content calculation demonstration; and

(B) Production records including batch tickets with the date of manufacture, batch weight and volume; and

(C) Distribution records:

(i) Customer lists or store distribution lists or both (as applicable) and

(ii) Shipping manifests or bills of lading or both (as applicable); and

(D) Sales records consisting of point of sale receipts or invoices to local distributors or both, as applicable.

(g) Compliance Dates

(1) Consumer paint thinner and multi-purpose solvent manufacturers that begin to manufacture, supply, sell or offer for sale consumer paint thinners and multi-purpose solvents subject to this rule and for use in the District after July 1, 2009 shall submit the application required in paragraph (e)(10) no later than thirty (30) calendar days prior to manufacturing, supplying, selling, or offering for sale, any consumer paint thinner and multi-purpose solvent subject to this rule and for use in the District.

(2) Within thirty (30) calendar days after a change of consumer paint thinner and multi-purpose solvent manufacturer, the new consumer paint thinner and multi-purpose solvent manufacturer shall submit the application for a company ID

number as required in paragraph (e)(10). That filing shall include the previous consumer paint thinner and multi-purpose solvent manufacturer's ID number.

(h) Information exempt from Disclosure

Information submitted to the Executive Officer may be designated as exempt from disclosure consistent with District guidelines implementing the California Public Records Act (Govt. Code §§ 6250-6276.48).

(i) Test Methods

For the purpose of this rule, the following test methods shall be used:

(1) Determination of VOC Content

The VOC content of materials subject to the provisions of this rule shall be determined by:

(A) U.S. EPA Reference Test Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, Code of Federal Regulations Title 40, Part 60, Appendix A) with the exempt compound content determined by Method 303 (Determination of Exempt Compounds) in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual; or

(B) Method 304 [Determination of Volatile Organic Compounds (VOC) in Various Materials] in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.

(C) Exempt Perfluorocarbon Compounds

The following classes of compounds:

cyclic, branched, or linear, completely fluorinated alkanes

cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

will be analyzed as exempt compounds for compliance with subdivision (d), only when manufacturers specify which individual compounds are used in the solvent formulations. In addition, the manufacturers must identify the U.S. EPA, CARB, and SCAQMD approved test methods, which can be used to quantify the amount of each exempt compound.

(2) Equivalent Test Methods

Other test methods determined to be equivalent upon approval in writing by the Executive Officer, CARB, and the U.S. EPA may also be used.

(3) Multiple Test Methods

When more than one test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of the rule.

(4) All test methods referenced in this subdivision shall be the version most recently approved by the appropriate governmental entities.

(j) Exemptions

(1) The provisions of this rule shall not apply to:

(A) Solvents sold in this District for shipment outside of this District or for shipment to other manufacturers for repackaging.

~~(B~~(2) Paragraph (d)(1) of this rule shall not apply to:

(A) Solvents provided that they are labeled and designated exclusively for the clean-up of polyaspartic and polyurea coatings application equipment. This exemption does not apply if there are any additional use claims on the label or any other product literature. This exemption does not apply to any person selling or using the otherwise exempt solvent for a non-exempt purpose.

(~~C~~B) Thinners provided that they are labeled and designated exclusively for the thinning of Industrial Maintenance (IM) coatings, Zinc-Rich IM Primers, and High Temperature IM Coatings. This exemption does not apply if there are any additional use claims on the label or any other product literature. This exemption does not apply to any person selling or using the otherwise exempt thinner for a non-exempt purpose.

(C) Artist solvents/thinners provided that they are labeled and designated exclusively to reduce the viscosity of, or remove, art coating compositions or components and are individually packaged in containers having a total capacity equal to or less than 1 liter.

(k) Severability

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances. In the event any of the exceptions to this rule is held by judicial order to

be invalid, the persons or circumstances covered by the exception shall instead be required to comply with the remainder of this rule.