

May 11, 2020

Gregory Sopkin
Regional Administrator
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

Dear Mr. Sopkin:

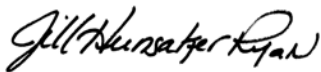
The following action is submitted to EPA for final approval and incorporation into the Colorado State Implementation Plan pursuant to 40 CFR Part 51, Appendix V, 2.1(a):

Regulation Number 21

On July 18, 2019 the Air Quality Control Commission adopted a new Regulation Number 21 that addressed limiting the VOC content in architectural coatings and consumer products, similar to Ozone Transport Commission (OTC) model rules. The revisions will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQCs in Colorado. The OTC model rules achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D (1998). The new rules will be included within Colorado's Ozone State Implementation Plan with the exception of the implementation of the standards outside of the Denver Metro North Front Range.

The materials have been entered into EPA's CDX for your review. The Office of the Commission may submit any additional technical support documentation and administrative information needed for review directly to your staff. Should there be any questions regarding these materials, please contact the Commission Office at 303-692-3478.

Sincerely,



Jill Hunsaker Ryan, MPH
Executive Director
Colorado Department of Public Health and Environment

cc: Trisha Oeth, CDPHE
Garry Kaufman, CDPHE
Abby Fulton, EPA Region 8



Regulation Number 21

ADMINISTRATIVE MATERIALS

Copies of the following administrative materials are included in this submittal of revisions to Regulation Number 21. Hearing held on July 18, 2019.

- Signed Letter detailing action of submittal to EPA for final approval and incorporation into the Colorado State Implementation Plan *40 CFR Part 51, Appendix V 2.1 (a)*
- Hearing Notice and Proposed Language as published in the CCR and published in a prominent advertisement (media neutral) such as the Air Quality Control Commission website *40 CFR Part 51 Appendix V 2.1(a & f)*
- Procedural Documents of the Commission (this includes the Meeting Agenda, Agenda Item Control Sheet, the Memorandum of Notice, the initial and final Economic Impact Analyses)
- Parties Hearing Documents (this includes a list of the parties, the parties prehearing statements and rebuttal statements, and any orders by the Commission - - does not include all the exhibits from the parties)
- EPA Comments & Division Responses *40 CFR Part 51 Appendix V 2.1(h)) There was none*
- Public Comments & Division Responses *40 CFR Part 51 Appendix V 2.1(h) There was none*
- Adopted Statement of Basis, Specific Statutory Authority and Purpose
- Adopted Language by the Commission (in redline)
- Colorado Air Quality Control Commission Meeting Minutes *40 CFR Part 51 Appendix V 2.1(g)*
- Legal Opinion of the Colorado State Attorney General *40 CFR Part 51 Appendix V 2.1(c) and (e)*
- Colorado Secretary of State Authentication *40 CFR Part 51, Appendix V 2.1 (b)*
- Regulation or Regulation Revisions as published in the Colorado Code of Regulations and Editor Notes (appear at end of Regulation) *40 CFR Part 51 Appendix V 2.1(d) Please disregard any additional sections of the rules other than those which were included in the redline versions. The entire rule is provided as it is the published version provided by the Colorado Secretary of State. The additional material is not meant for inclusion into the Federal SIP.*



NOTICE OF RULEMAKING HEARING

Regarding proposed revisions to:

Regulation Number 21

SUBJECT:

The Air Quality Control Commission will hold a rulemaking hearing to consider a new Regulation Number 21 to limit the volatile organic compound (VOC) content in consumer products and architectural and industrial maintenance (AIM) coatings manufactured or sold in Colorado.

All required documents for this rulemaking can be found on the Commission website at: <https://www.colorado.gov/pacific/cdphe/aqcc>

HEARING SCHEDULE:

DATE: July 18, 2019
TIME: 9:00 AM
PLACE: Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, Sabin Conference Room
Denver, CO 80246

The hearing may be continued at such places and time as the Commission may announce. Interested parties may contact the Commission Office at 303-692-3476 to confirm meeting location, dates and times.

PUBLIC COMMENT:

The Commission encourages all interested persons to provide their views either orally at the hearing or in writing prior to or at the hearing. The Commission encourages that written comments be submitted by **July 2, 2019** so that Commissioners have the opportunity to review the information prior to the hearing.

Electronic submissions should be emailed to: cdphe.aqcc-comments@state.co.us

Information should include: your name, address, phone number, email address, and the name of the group that you may be representing (if applicable).

Written submissions should be mailed to:

Colorado Air Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, EDO-AQCC-A5
Denver, Colorado 80246

Public testimony will be taken on July 18, 2019.

PARTY STATUS:

Any person may obtain party status for the purpose of this hearing by complying with the requirements of the Commission's Procedural Rules. A petition for party status must be filed by electronic mail with the Office of the Air Quality Control Commission no later than close of business on **May 16, 2019**. The petition must: *1) identify the applicant; 2) provide the name, address, telephone and facsimile numbers, and email address of the applicants representative; and 3) briefly summarize what, if any, policy, factual, and legal issues the applicant has with the proposal(s) as of the time of filing the application.* Electronically mailed copies must also be received, by this same date, by the Division staff person and the Assistant Attorneys General representing the Division and the Commission identified below.

Theresa L. Martin
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4300 Cherry Creek Drive South, EDO-AQCC-A5
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Theresa.Martin@state.co.us

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Attorney for the Commission
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Requests received beyond the stated deadline shall only be considered upon a written motion for good cause shown. The Commission reserves the right to deny party status to anyone that does not comply with the Commission's Procedural Rules.

ALTERNATE PROPOSAL:

The submittal of an alternate proposal must be accompanied by an electronic copy of the alternate proposed rule and all other associated documents as required by the Commission's Procedural Rules, and must be filed by electronic mail with the Office of the Commission by **close of business June 11, 2019**. Alternate proposals must also be filed by electronic mail with the Division staff person and with each of the Assistant Attorneys General.

STATUS CONFERENCE:

A status conference will be held **May 21, 2019 at 1:00 p.m.**, at the Department of Public Health and Environment, Sabin Conference Room to ascertain and discuss the issues involved, and to ensure that parties are making all necessary efforts to discuss and resolve such issues prior to the submission of prehearing statements. Attendance at this status conference is mandatory for anyone who has requested party status.

PREHEARING CONFERENCE/PREHEARING STATEMENTS:

Attendance at the prehearing conference is mandatory for all parties to this hearing. A prehearing conference will be held **June 18, 2019 at 10:00 a.m.** at the Department of Public Health and Environment, Sabin Conference Room. All parties must submit by electronic mail a prehearing statement to the Commission Office by close of business **June 11, 2019**. In addition, any exhibits to the prehearing statements or alternate proposals must be submitted in a separate electronic transmission to the Commission Office by close of business **June 11, 2019**.

Electronically mailed copies of these documents must be delivered by that date to all persons who have been granted party status and to the Division point of contact and each of the Assistant Attorneys General identified above by close of business **June 11, 2019**. Rebuttals to the prehearing statement, and any exhibits thereto, may be submitted to the Commission Office and all other parties by close of business **June 25, 2019**.

EXCEPTIONS TO FILE DOCUMENTS BY ELECTRONIC MAIL:

The Commission's Procedural Rules provide for an exception to file documents by electronic mail. Any person may petition the Commission to file documents in paper copy format if they are unable for any reason to comply with the requirements of the Commission's Procedural Rules. If granted an exception to electronic filing pursuant to the provisions of Subsection III.1.3. of the Commission's Procedural Rules, the applicant for party status shall file an original and fifteen copies in the Office of the Air Quality Control Commission, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246., and shall also deliver copies to each party, the Assistant Attorneys General representing the Commission and Division, and the Division staff person for the proceedings by electronic mail or as otherwise provided by the exception granted under Subsection III.1.3.

STATUTORY AUTHORITY FOR THE COMMISSION'S ACTIONS:

The Colorado Air Pollution Prevention and Control Act, §§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., authorize the Commission to promulgate a comprehensive State Implementation Plan (SIP) to assure attainment and maintenance of national ambient air quality standards in conformance with the Federal and Colorado Acts. Sections 105(1)(b) and 109 authorize the Commission to establish emission control regulations, including pertaining to hydrocarbons. Section 106(1) authorizes the Commission to establish emission control regulations applicable to the entire state or only within specified areas of the state. Section 106(6) authorizes the Commission to require owners or operators of any air pollution source to establish and maintain reports and record, monitor, and sample emissions. Section 109(2) authorizes the Commission to adopt emission control regulations to reduce emissions of various pollutants, including chemical substances.

The rulemaking hearing will be conducted in accordance with Sections 24-4-103 and 25-7-110, 110.5 and 110.8 C.R.S., as applicable and amended, the Commission's Procedural Rules, and as otherwise stated in this notice. This list of statutory authority is not intended as an exhaustive list of the Commission's statutory authority to act in this matter.

Dated this 18th day of April 2019 at Denver, Colorado

Colorado Air Quality Control Commission

A handwritten signature in dark ink, appearing to read "Trisha Oeth", written in a cursive style.

Trisha Oeth, Administrator

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 21

Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings

5 CCR 1001-25

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Outline of Regulation

- I. Applicability
- II. Consumer Products
- III. Architectural and Industrial Maintenance Coatings
- IV. Definitions
- V. Statements of Basis, Specific Statutory Authority, and Purpose

Pursuant to Colorado Revised Statutes Section 24-4-103(12.5), materials incorporated by reference are available for public inspection during normal business hours or copies may be obtained at a reasonable cost from the Air Quality Control Commission (Commission), 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. The material incorporated by reference may also be available through the United States Government Printing Office, online at www.govinfo.gov. Materials incorporated by reference are those editions in existence as of the date indicated and do not include any later amendments.

I. APPLICABILITY

I.A. This regulation applies to any person who sells, supplies, offers for sale, distributes for sale, or manufactures for sale consumer products; any person who supplies, sells, offers for sale, or manufactures any architectural or industrial maintenance coating; and any person who applies or solicits the application of any architectural or industrial maintenance coating in:

I.A.1. The 8-hour Ozone Control Area.

I.A.2. (State Only) Colorado. As marked by (State Only), the requirements are not federally enforceable.

II. CONSUMER PRODUCTS

II.A. Applicability

II.A.1. Except as provided in Section II.A.2., this section applies to any person who sells, supplies, offers for sale, distributes for sale, or manufactures for sale consumer products in Colorado.

II.A.2. This Section II. does not apply to

II.A.2.a. Consumer products manufactured in Colorado solely for shipment and use outside of Colorado.

II.A.2.b. Consumer products that have been granted an Innovative Product exemption by the California Air Resources Board (CARB) under the Innovative Products

provisions in Subchapter 8.5, Article 2, Section 94511 (October 20, 2010) or Subchapter 8.5, Article 1, Section 94503.5 (March 30, 1996) of Title 17 of the California Code of Regulations are exempt from the VOC content limits in Table 1 for the period of time during which the CARB Innovative Products exemption remains in effect.

II.A.2.c. Consumer products that have been granted an Alternative Control Plan (ACP) by the CARB under the provisions in Subchapter 8.5, Article 4, Sections 94540-94555 (February 15, 2019) of Title 17 of the California Code of Regulations are exempt from the VOC content limits in Table 1 for the period of time during which the CARB ACP agreement remains in effect.

II.B. Standards

II.B.1. On or after May 1, 2020, no person can manufacture for sale in Colorado any consumer product with a VOC content in excess of the VOC limit specified in Table 1.

II.B.2. No person can sell, supply, offer for sale, or distribute for sale in Colorado any consumer product manufactured on or after May 1, 2020, with a VOC content in excess of the VOC limit specified in Table 1.

II.B.3. On or after May 1, 202, no person can manufacture for sale in Colorado any consumer product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC Section 136-136y (1996)) in excess of the VOC content limits in Table 1.

II.B.4. No person can sell, supply, offer for sale, or distribute for sale in Colorado any consumer product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC Section 136-136y (1996)) and manufactured on or after May 1, 2021, with a VOC content in excess of the VOC content limits in Table 1.

II.B.5. Effective May 1, 2020, and until May 1, 2021, no person can manufacture for sale, sell, supply, or offer for sale any flammable or extremely flammable, as labeled or meeting the criteria in Title 16 CFR Section 1500.3(c)(6) (February 27, 2018), paint thinner or multi-purpose solvent labeled as a clean-up solvent or paint clean-up product unless the product is clearly and prominently labeled with:

II.B.5.a. "DANGER," "WARNING," or "CAUTION" and "Formulated to meet California VOC limits; see warnings on label"; or

II.B.5.b. 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.

II.B.6. Charcoal lighter material products must be issued a certification in accordance with Subchapter 8.5, Article 2, Section 94509(h) (January 1, 2019) of Title 17 of the California Code of Regulations.

II.B.7. 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 use, the limits specified in Table 1 apply to the product only after the minimum recommended dilution has taken place. For purposes of this section, "minimum recommended dilution" does not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard to remove soils or stains.

II.B.8. 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 Table 1 apply to the product only after the maximum recommended dilution has taken place.

II.B.9. For consumer products for which the label, packaging, or accompanying literature indicates that the product may be used, or is suitable for use, as a consumer product for

which a lower VOC limit is specified in Table 1, then the lowest VOC limit applies. Aerosol lawn and garden insecticides may claim to kill insects or other arthropods. This requirement does not apply to general purpose cleaners, antiperspirant/deodorant products, or insecticide foggers.

II.B.10. Consumer products specified in Table 1 cannot contain any of the following:

- II.B.10.a. CFC-11 (trichlorofluoromethane).
- II.B.10.b. CFC-12 (dichlorodifluoromethane).
- II.B.10.c. CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane).
- II.B.10.d. CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane).
- II.B.10.e. CFC-115 (chloropentafluoroethane).
- II.B.10.f. Halon 1211 (bromochlorodifluoromethane).
- II.B.10.g. Halon 1301 (bromotrifluoromethane).
- II.B.10.h. Halon 2402 (dibromotetrafluoroethane).
- II.B.10.i. HCFC-22 (chlorodifluoromethane).
- II.B.10.j. HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane).
- II.B.10.k. HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane).
- II.B.10.l. HCFC-141b (1,1-dichloro-1-fluoroethane).
- II.B.10.m. HCFC-142b (1-chloro-1,1-difluoroethane).
- II.B.10.n. 1,1,1-trichloroethane.
- II.B.10.o. Carbon tetrachloride.

II.B.11. The following consumer products cannot contain trichloroethylene in a combined amount greater than 0.01 percent by weight (i.e., an impurity):

- II.B.11.a. Adhesive removers.
- II.B.11.b. Aerosol adhesives.
- II.B.11.c. Bathroom and tile cleaners.
- II.B.11.d. Contact adhesives.
- II.B.11.e. Construction, panel, floor covering adhesives.
- II.B.11.f. Electrical cleaners.
- II.B.11.g. Electronic cleaners.
- II.B.11.h. Electronic cleaners labeled as energized electronic equipment use only.
- II.B.11.i. Footwear or leather care products.
- II.B.11.j. General purpose cleaners.
- II.B.11.k. General purpose degreasers.

II.B.11.l. Graffiti removers.

II.B.11.m. Multi-purpose solvent.

II.B.11.n. Oven or grill cleaners.

II.B.11.o. Paint thinners.

II.B.12. The medium volatility organic compound (MVOC) content specified for antiperspirants or deodorants does not apply to ethanol.

II.B.13. Paint thinners and multi-purpose solvents cannot contain greater than one percent (1%) aromatic compound content by weight.

II.B.14. The VOC content limits in Table 1 do not apply to:

II.B.14.a. Any LVP-VOC.

II.B.14.b. Fragrances up to a combined level of 2 percent by weight.

II.B.14.c. Colorants up to a combined level of 2 percent by weight in any antiperspirant or deodorant.

II.B.14.d. VOCs in antiperspirants or deodorants that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown or 2 mm Hg or less at 20°C.

II.B.14.e. Air fresheners that are comprised entirely of fragrance, less compounds exempt from the definition of VOC.

II.B.14.f. Adhesives sold in containers of 1 fluid ounce or less.

II.B.14.g. Bait station insecticides designed to be ingested by insects, composed of solid material feeding stimulants with less than 5 percent active ingredients, and in containers less than or equal to 0.5 ounce by weight.

II.B.14.h. Solid air fresheners, insecticides, and toilet/urinal care products containing at least 98% para-dichlorobenzene.

<u>Table 1 – VOC content limits for consumer products manufactured on or after May 1, 2020</u>	
<u>Product category</u>	<u>VOC content limit (percent VOCs by weight)</u>
<u>Adhesive removers</u>	
<u>* Floor or wall covering</u>	<u>5</u>
<u>* Gasket or thread locking</u>	<u>50</u>
<u>* General purpose</u>	<u>20</u>
<u>* Specialty</u>	<u>70</u>
<u>Adhesives</u>	
<u>* Aerosol mist spray</u>	<u>65</u>

* <u>Aerosol web spray</u>	<u>55</u>
* <u>Specialty purpose spray adhesive – mounting, automotive engine compartment, and flexible vinyl</u>	<u>70</u>
* <u>Specialty purpose spray adhesive – polystyrene foam and automotive headliner</u>	<u>65</u>
* <u>Specialty purpose spray adhesive – polyolefin and laminate repair/edgebanding</u>	<u>60</u>
* <u>Construction, panel, and floor covering contact</u>	<u>7</u>
* <u>Contact general purpose</u>	<u>80</u>
* <u>Contact special purpose</u>	<u>55</u>
* <u>General purpose</u>	<u>10</u>
* <u>Structural waterproof</u>	<u>15</u>
<u>Air fresheners</u>	
* <u>Single-phase aerosol</u>	<u>30</u>
* <u>Double-phase aerosol</u>	<u>25</u>
* <u>Dual purpose air freshener/disinfectant aerosol</u>	<u>60</u>
* <u>Liquid/pump sprays</u>	<u>18</u>
* <u>Solids/semisolids</u>	<u>3</u>
<u>Antiperspirants</u>	
* <u>Aerosol</u>	<u>40 HVOC, 10 MVOC</u>
* <u>Non-aerosol</u>	<u>0 HVOC, 0 MVOC</u>
<u>Anti-static product</u>	
* <u>Aerosol</u>	<u>80</u>
* <u>Non-aerosol</u>	<u>11</u>
<u>Automotive rubbing and polishing compound</u>	<u>17</u>
<u>Automotive wax, polish, sealant, or glaze</u>	
* <u>Hard paste waxes</u>	<u>45</u>
* <u>Instant detailers</u>	<u>3</u>

* <u>All other forms</u>	<u>15</u>
<u>Automotive windshield cleaner</u>	<u>35</u>
<u>Automotive windshield washer fluids</u>	<u>35</u>
<u>Bathroom and tile cleaners</u>	
* <u>Aerosol</u>	<u>5</u>
* <u>Non-aerosol</u>	
* <u>All other forms</u>	<u>1</u>
<u>Brake cleaner</u>	<u>10</u>
<u>Bug and tar remover</u>	<u>10</u>
<u>Carburetor or fuel-injection air intake cleaners</u>	<u>10</u>
<u>Carpet and upholstery cleaners</u>	
* <u>Aerosol</u>	<u>7</u>
* <u>Non-aerosol (dilutables)</u>	<u>0.1</u>
* <u>Non-aerosol (ready-to-use)</u>	<u>3</u>
<u>Charcoal lighter material</u>	<u>See Section II.B.6.</u>
<u>Cooking spray, aerosol</u>	<u>18</u>
<u>Deodorants</u>	
* <u>Aerosol</u>	<u>0 HVOC, 10 MVOC</u>
* <u>Non-aerosol</u>	<u>0 HVOC, 0 MVOC</u>
<u>Disinfectant</u>	
* <u>Aerosol</u>	<u>70</u>
* <u>Non-aerosol</u>	<u>1</u>
<u>Dusting aids</u>	
* <u>Aerosol</u>	<u>25</u>
* <u>Non-aerosol</u>	<u>7</u>
<u>Electrical cleaner</u>	<u>45</u>
<u>Electronic cleaner</u>	<u>75</u>
<u>Engine degreasers</u>	
* <u>Aerosol</u>	<u>10</u>

* <u>Non-aerosol</u>	<u>5</u>
<u>Fabric protectants</u>	<u>60</u>
<u>Fabric refresher</u>	
* <u>Aerosol</u>	<u>15</u>
* <u>Non-aerosol</u>	<u>6</u>
<u>Floor polishes or waxes</u>	
* <u>Resilient flooring materials</u>	<u>1</u>
* <u>Non-resilient flooring materials</u>	<u>1</u>
* <u>Wood floor wax</u>	<u>90</u>
<u>Footwear or leather care products</u>	
* <u>Aerosol</u>	<u>75</u>
* <u>Solid</u>	<u>55</u>
* <u>Other forms</u>	<u>15</u>
<u>Furniture maintenance products</u>	
* <u>Aerosol</u>	<u>17</u>
* <u>Non-aerosol (except solid or paste)</u>	<u>3</u>
* <u>All other forms (except solid or paste)</u>	
<u>General purpose cleaners</u>	
* <u>Aerosol</u>	<u>8</u>
* <u>Non-aerosol</u>	<u>4</u>
<u>General purpose degreasers</u>	
* <u>Aerosol</u>	<u>10</u>
* <u>Non-aerosol</u>	
<u>Glass cleaners</u>	
* <u>Aerosol</u>	<u>12</u>
* <u>Non-aerosol</u>	<u>4</u>
<u>Graffiti remover</u>	
* <u>Aerosol</u>	<u>50</u>
* <u>Non-aerosol</u>	<u>30</u>

<u>Hair mousses</u>	<u>6</u>
<u>Hairshines</u>	<u>55</u>
<u>Hairsprays</u>	<u>55</u>
<u>Hair styling products</u>	
* <u>Aerosol and pump sprays</u>	<u>6</u>
* <u>All other forms</u>	<u>2</u>
<u>Heavy-duty hand cleaner or soap</u>	<u>8</u>
<u>Insecticides</u>	
* <u>Crawling bug, aerosol</u>	<u>15</u>
* <u>Crawling bug, all other forms</u>	<u>20</u>
* <u>Flea and tick</u>	<u>25</u>
* <u>Flying bug, aerosol</u>	<u>25</u>
* <u>Flying bug, all other forms</u>	<u>35</u>
* <u>Foggers</u>	<u>45</u>
* <u>Lawn and garden, non-aerosol</u>	<u>20</u>
* <u>Lawn and garden, all other forms</u>	<u>3</u>
* <u>Wasp and hornet</u>	<u>40</u>
<u>Laundry prewash</u>	
* <u>Aerosols/solids</u>	<u>20</u>
* <u>All other forms</u>	<u>5</u>
<u>Laundry starch/sizing/fabric finish products</u>	<u>4.5</u>
<u>Metal polishes/cleaners</u>	<u>30</u>
<u>Multi-purpose lubricant (excluding solid or semi-solid products)</u>	<u>50</u>
<u>Multi-purpose solvent</u>	<u>3</u>
<u>Nail polish remover</u>	<u>1</u>
<u>Non-selective terrestrial herbicide, non-aerosols</u>	<u>3</u>
<u>Oven or grill cleaners</u>	
* <u>Aerosol/pump sprays</u>	<u>8</u>
* <u>Non-aerosol</u>	

<u>* Liquids</u>	
<u>Paint remover or strippers</u>	<u>50</u>
<u>Paint thinner</u>	<u>3</u>
<u>Penetrants</u>	<u>50</u>
<u>Rubber/vinyl protectants</u>	
<u>* Aerosol</u>	<u>10</u>
<u>* Non-aerosol</u>	<u>3</u>
<u>Sanitizer</u>	
<u>* Aerosol</u>	<u>70</u>
<u>* Non-aerosol</u>	<u>1</u>
<u>Sealants and caulking compounds</u>	<u>4</u>
<u>Shaving creams</u>	<u>5</u>
<u>Shaving gel</u>	<u>4</u>
<u>Silicone-based multi-purpose lubricants (excluding solid or semi-solid products)</u>	<u>60</u>
<u>Spot removers</u>	
<u>* Aerosol</u>	<u>25</u>
<u>* Non-aerosol</u>	<u>8</u>
<u>Temporary hair color, aerosol</u>	<u>55</u>
<u>Tire sealants and inflators</u>	<u>20</u>
<u>Toilet/urinal care</u>	
<u>* Aerosol</u>	<u>10</u>
<u>* Non-aerosol</u>	<u>3</u>
<u>Undercoatings, aerosol</u>	<u>40</u>
<u>Wood cleaner</u>	
<u>* Aerosol</u>	<u>17</u>
<u>* Non-aerosol</u>	<u>4</u>

II.C. Container labeling

II.C.1. The manufacturer of any consumer product, except products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. Section 136-136y) (1996) and products containing VOCs at 0.10 percent by weight or less, must clearly display on the container or package the date the product was manufactured or a date

code representing the date of manufacture. The date or date code must be displayed on the container such that it is readily observable without removing or disassembling any portion of the product container or packaging.

II.C.2. If the label on a special purpose spray adhesive indicates that the product is suitable for use on any substrate or application not listed in the definition for special purpose spray adhesive, the product must be classified as either a web spray adhesive or mist spray adhesive and meet the associated limit in Table 1.

II.C.3. The label on non-aerosol floor wax strippers 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. The label on a non-aerosol floor wax stripper that is also intended to be used for removal of heavy build-up of polish that results 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.

II.C.4. The label on energized electrical cleaners must clearly display “Energized equipment use only. Not to be used for motorized vehicle maintenance or their parts.”

II.C.5. The label on zinc rich primers must clearly display “for professional use only,” “for industrial use only,” or “not for residential use” or “not intended for residential use.”

II.C.5. The label on aerosol adhesives, adhesive removers, electronic cleaners, electrical cleaners, energized electrical cleaners, and contact adhesive products must clearly display:

II.C.5.a. The product category.

II.C.5.b. The applicable VOC standard for the product, except energized electrical cleaners, as a percentage by weight.

II.C.5.c. For special purpose spray adhesives, the applicable substrate and/or application that qualifies the product as special purpose.

II.D. Recordkeeping

II.D.1. Manufacturers of a solid air freshener, insecticide, or toilet/urinal care consumer product that contains at least 98% para-dichlorobenzene must maintain records necessary to demonstrate the para-dichlorobenzene content. These records must be maintained for a minimum of five (5) years and made available to the Division upon request.

II.D.2. Manufacturers of consumer products that have been granted an Innovative Product exemption must maintain records necessary to demonstrate that the exemption applies and remains in effect. These records must be maintained for a minimum of five (5) years and made available to the Division upon request.

II.D.3. Manufacturers of consumer products that have been granted an Alternative Control Plan agreement must maintain records necessary to demonstrate that the agreement applies and during what time period the agreement was in effect. These records must be maintained for a minimum of five (5) years and made available to the Division upon request.

II.D.4. Manufacturers of a product subject to a VOC content limit in Table 1 must maintain the following records for at least five (5) years and make records available to the Division upon request:

II.D.4.a. The company name of the responsible party, address, telephone number, and designated contact person.

II.D.4.b. The consumer product brand name, product form, product label, and product category.

II.D.4.c. Colorado sales in pounds per year, to the nearest pound, and the method used to calculate Colorado sales for each consumer product.

II.D.4.d. For each consumer product brand name, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of:

II.D.4.d.(i) Each Table B compound.

II.D.4.d.(ii) Each LVP-VOC that is not a fragrance.

II.D.4.e. For each consumer product brand name, the net percent by weight of the total product, less container and packaging, rounded to the nearest one-tenth of a percent, for each of the following:

II.D.4.e.(i) Total Table B compounds.

II.D.4.e.(ii) Total LVP-VOCs that are not fragrances.

II.D.4.e.(iii) Total all other carbon-containing compounds that are not fragrances.

II.D.4.e.(iv) Total fragrance.

II.D.4.e.(v) For consumer products containing greater than two percent by weight fragrance, the percent of fragrance that are LVP-VOCs and the percent of fragrance that are all other carbon-containing compounds.

II.D.4.e.(vi) Total all non-carbon-containing compounds.

II.D.4.e.(vii) Total para-dichlorobenzene.

II.D.4.f. The type of propellant (e.g., Type A, Type B, or a blend of the different types) and weight percent comprised of propellant for each consumer product, if applicable.

II.D.4.g. The net percent by weight of each ozone-depleting compound listed in Section II.B.2. and contained in any amount greater than 0.1 percent by weight, if applicable.

II.E. Test methods

II.E.1. Testing to determine compliance with the requirements of this section may be performed using CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997, and as last amended on May 5, 2005; a test method demonstrated to accurately determine the concentration of VOCs in a subject product or its emissions; or from records of the amounts of constituents used to make the product if:

II.E.1.a. The manufacturer keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. Records must be maintained for five (5) years and made available to the Division upon requests; and

II.E.1.b. VOC content is calculated according to the following equation:

$$\text{VOC content} = ((B-C)/A) \times 100$$

Where

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs, per unit

C = total weight of exempt VOCs in Section III.B.9., per unit

II.E.1.c. If product records are contradicted by product testing performed using CARB Method 310, the results of CARB Method 310 take precedence.

II.E.2. Testing to determine whether a product is a liquid or solid must be performed using ASTM D4359-90(2000)e1 (2012).

III. ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

III.A. Applicability

III.A.1. Except as provided in Section III.A.2., this section applies to any person who sells, supplies, offers for sale, manufacturers for sale, applies, or solicits the application of any architectural or industrial maintenance coating in Colorado.

III.A.2. This Section III. does not apply to:

III.A.2.a. Any architectural or industrial maintenance coating that is sold, supplied, offered for sale, or manufactured for use outside Colorado or shipped to other manufacturers for reformulation or repackaging.

III.A.2.b. Any aerosol coating product.

III.A.2.c. Any architectural or industrial maintenance coating that is sold in a container with a volume of one liter (1.057 quart) or less, including kits containing containers of different colors, types, or categories of coatings and two component products. This exemption includes multiple containers or one liter or less that are packaged and shipped together with no intent or requirement to ultimately sell as one unit. This exemption does not include bundling of containers one liter or less that are sold together as a unit or any type of marketing that implies that multiple containers one liter or less be combined into one container. This exemption does not include packaging from which the coating cannot be applied.

III.B. Standards

III.B.1. On or after May 1, 2020, no person can manufacture or blend for sale in Colorado any architectural or industrial maintenance coating with a VOC content in excess of the VOC limit specified in Table 2.

III.B.2. No person can supply, sell, offer for sale, repackage for sale, apply, or solicit for application in Colorado any architectural or industrial maintenance coating manufactured or blended on or after May 1, 2020, with a VOC content in excess of the VOC limit specified in Table 2.

III.B.3. If an architectural or industrial maintenance coating is recommended for use for more than one of the coating categories listed in Table 2, then the most restrictive VOC content limit shall apply. This provision does not apply to the following coating categories:

III.B.3.a. Aluminum roof coatings.

III.B.3.b. Bituminous roof primers.

III.B.3.c. High temperature coatings.

III.B.3.d. Industrial maintenance coatings.

III.B.3.e. Low-solids coatings.

- III.B.3.f. Metallic pigmented coatings.
- III.B.3.g. Pretreatment wash primers.
- III.B.3.h. Shellacs.
- III.B.3.i. Specialty primers, sealers, and undercoaters.
- III.B.3.j. Wood coatings.
- III.B.3.k. Wood preservatives.
- III.B.3.l. Zinc-rich primers.
- III.B.3.m. Calcimine recoaters.
- III.B.3.n. Impacted immersion coatings.
- III.B.3.o. Nuclear coatings.
- III.B.3.p. Thermoplastic rubber coatings and mastic.
- III.B.3.q. Concrete surface retarders.

III.B.4. For any architectural or industrial maintenance coating that is not identified in Table 2, the VOC content limit will be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high gloss coating and the corresponding coating limit of Table 2 applies.

III.B.5. No person who applies or solicits the application of any architectural or industrial maintenance coating can apply the coating if additional solvent has been added to thin the coating such that the addition causes the coating to exceed the applicable VOC limit specified in Table 2.

III.B.6. Containers of architectural and industrial maintenance coatings that are applied directly to a surface from the container by pouring, siphoning, brushing, rolling, padding, ragging, or other means must be closed when not in use. These containers include, but are not limited to, drums, buckets, cans, pails, trays, or other application containers. Containers of any VOC-containing materials used for thinning and cleanup must also be closed when not in use.

<u>Table 2 – VOC content limits for architectural and industrial maintenance coatings manufactured on or after May 1, 2020</u>	
<u>Coating category</u>	<u>VOC content limit (grams per liter)*</u>
<u>Flat coatings</u>	<u>50</u>
<u>Nonflat coatings</u>	<u>100</u>
<u>Nonflat – high gloss coatings</u>	<u>150</u>
<u>Specialty coatings</u>	
<u>* Aluminum roof</u>	<u>450</u>
<u>* Basement specialty coatings</u>	<u>400</u>
<u>* Bituminous roof coating</u>	<u>270</u>

<u>* Bituminous roof primers</u>	<u>350</u>
<u>* Bond breakers</u>	<u>350</u>
<u>* Calcimine recoaters</u>	<u>475</u>
<u>Concrete curing compounds</u>	<u>350</u>
<u>Concrete/masonry sealer</u>	<u>100</u>
<u>Concrete surface retarders</u>	<u>780</u>
<u>Conjugated oil varnishes</u>	<u>450</u>
<u>Conversion varnish</u>	<u>725</u>
<u>Driveway sealers</u>	<u>50</u>
<u>Dry fog coatings</u>	<u>150</u>
<u>Faux finishing coatings</u>	<u>350</u>
<u>Fire-resistive coatings</u>	<u>350</u>
<u>Floor coatings</u>	<u>100</u>
<u>Form-release compounds</u>	<u>250</u>
<u>Graphic arts coating (sign paints)</u>	<u>500</u>
<u>High temperature coatings</u>	<u>420</u>
<u>Impacted immersion coatings</u>	<u>780</u>
<u>Industrial maintenance coatings</u>	<u>250</u>
<u>Low-solids coatings</u>	<u>120</u>
<u>Magnesite cement coatings</u>	<u>450</u>
<u>Mastic texture coatings</u>	<u>100</u>
<u>Metallic pigmented coatings</u>	<u>500</u>
<u>Multi-color coating</u>	<u>250</u>
<u>Nuclear coatings</u>	<u>450</u>
<u>Pre-treatment wash primers</u>	<u>420</u>
<u>Primers, sealers, and undercoaters</u>	<u>100</u>
<u>Reactive penetrating sealer</u>	<u>350</u>
<u>Reactive penetrating carbonate stone sealer</u>	<u>500</u>
<u>Recycled coatings</u>	<u>250</u>

<u>Roof coatings</u>	<u>250</u>
<u>Rust preventative coatings</u>	<u>250</u>
<u>Shellacs</u>	
<u>* Clear</u>	<u>730</u>
<u>* Opaque</u>	<u>550</u>
<u>Specialty primers, sealers, and undercoaters</u>	<u>100</u>
<u>Stains</u>	<u>250</u>
<u>Stone consolidant</u>	<u>450</u>
<u>Swimming pool coatings</u>	<u>340</u>
<u>Thermoplastic rubber coatings and mastics</u>	<u>550</u>
<u>Traffic marking coatings</u>	<u>100</u>
<u>Tub and tile refinish</u>	<u>420</u>
<u>Waterproofing membranes</u>	<u>250</u>
<u>Wood coatings</u>	<u>275</u>
<u>Wood preservatives</u>	<u>350</u>
<u>Zinc-rich primer</u>	<u>340</u>

* Limits are expressed as VOC content, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

III.C. Container labeling

III.C.1. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label, lid, or bottom such that it is readily observable without disassembling the container or package the date the coating was manufactured or a date code representing the date of manufacture. The date or date code must be displayed on the product such that it is readily observable without removing or disassembling any portion of the product container or packaging.

III.C.2. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label or lid a statement of the manufacturer's recommendation regarding thinning of the coating. This requirement does not apply to the thinning of coatings with water. If thinning is not necessary prior to use, the recommendation must specify that the coating is to be applied without thinning.

III.C.3. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label, lid, or bottom the VOC content in grams per liter of coating. If the manufacturer recommends thinning, the container must display the VOC content including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredient that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

III.C.4. The manufacturer must clearly display on the container label:

III.C.4.a. For any architectural or industrial maintenance coating, at least one of the following statements:

III.C.4.a.(i) "For industrial use only"

III.C.4.a.(ii) "For professional use only"

III.C.4.a.(iii) "Not for residential use" or "Not intended for residential use"

III.C.4.b. For any specialty primer, sealer, or undercoating, at least one of the following statements:

III.C.4.b.(i) "For blocking stains"

III.C.4.b.(ii) "For fire-damaged substrates"

III.C.4.b.(iii) "For smoke-damaged substrates"

III.C.4.b.(iv) "For water-damaged substrates"

III.C.4.c. For any clear topcoat faux finishing coating, "This product can only be sold or used as part of a faux finishing coating system."

III.C.4.d. For any clear brushing lacquer, "For brush application only" and "This product must not be thinned or sprayed."

III.C.4.e. For any non-flat high-gloss coating, "High gloss."

III.C.4.f. For any rust preventative coating, "For metal substrates only."

III.C.4.g. For any reactive penetrating sealer, "Reactive penetrating sealer."

III.C.4.h. For any stone consolidant, "Stone consolidant – for professional use only."

III.C.4.i. For any wood coating, "For wood substrates only."

III.C.4.j. For any zinc rich primer, at least one of the following statements:

III.C.4.j.(i) "For industrial use only"

III.C.4.j.(ii) "For professional use only"

III.C.4.j.(iii) "Not for residential use" or "Not intended for residential use"

III.D. Recordkeeping

III.D.1. Manufacturers of a product subject to a VOC content limit in Table 2 must maintain the following records for at least five (5) years and make records available to the Division upon request:

III.D.1.a. The name and mailing address of the manufacturer.

III.D.1.b. The name, address, and telephone number of a contact person.

III.D.1.c. The name of the coating product as it appears on the label and the application coating category.

III.D.1.d. Whether the product is marketed for interior or exterior use or both.

III.D.1.e. Whether the product is marketed as solvent-borne, waterborne, or 100% solids.

III.D.1.f. Whether the coating is a single-component or multi-component product.

III.D.1.g. The description of resin or binder in the product.

III.D.1.h. The number of gallons sold in Colorado in containers greater than one liter (1.057 quart) and in containers equal to or less than one liter (1.057 quart.)

III.D.1.i. The regulatory VOC content and actual VOC content in grams per liter. If thinning is recommended, the regulatory VOC content and the actual VOC content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC Content as mixed or catalyzed.

III.D.1.j. The names and CAS numbers of the VOC constituents in the product.

III.D.1.k. The names and CAS numbers of the VOC constituents in the product that are exempted from the definition of VOC.

III.D.1.l. The density of the product in pounds per gallon.

III.D.1.m. The percent by weight of solids, all volatile materials, water, and any compounds in the product that are exempted from the definition of VOC.

III.D.1.n. The percent by volume of solids, water, and any compounds in the product that are exempted from the definition of VOC.

III.E. Testing and methods

III.E.1. Manufacturers of architectural or industrial maintenance coatings must possess documentation that such coating complies with the VOC content limits in Table 2.

III.E.1.a. The VOC content of a coating will be determined as follows:

III.E.1.a.(i) For coatings that are low solids coatings:

$$\text{VOC content} = (W_s - W_w - W_{ec})/V_m$$

Where:

VOC content = grams of VOC per liter of coating (must include the maximum amount of thinning solvent recommended by the manufacturer)

W_s = weight of volatiles in grams

W_w = weight of water in grams

W_{ec} = weight of exempt compounds in grams

V_m = volume of coating in liters

III.E.1.a.(ii) For coatings that are not low solids coatings:

$$\text{VOC content} = (W_s - W_w - W_{ec})/(V_m - V_w - V_{ec})$$

Where:

VOC content = grams of VOC per liter of coating (must include the maximum amount of thinning solvent recommended by the manufacturer)

Ws = weight of volatiles in grams

Ww = weight of water in grams

Wec = weight of exempt compounds in grams

Vm = volume of coating in liters

Vw = volume of water in liters

Vec = volume of exempt compounds in liters

III.E.1.a.(ii)(A) The VOC content of multi-component products must be calculated as mixed or catalyzed.

III.E.1.a.(ii)(B) The VOC content of coatings containing silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process must include the VOCs emitting during curing.

III.E.1.a.(iii) The VOC content of a tint base must be determined without colorant that is added after the tint base is manufactured.

III.E.1.b. The physical properties of a coating must be determined using EPA Method 24 (40 CFR Part 60, Appendix A) (February 27, 2014), SCAQMD Method 303-91 "Determination of Exempt Compounds" (revised 1993), or other test method demonstrated to provide results acceptable for purposes of determining the physical properties of a coating.

III.E.1.c. The exempt compounds content of a coating must be determined using ASTM D 3960-05 "Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings" (2018), SCAQMD Method 303-91 "Determination of Exempt Compounds" (revised 1993), BAAQMD Method 43 "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials" (adopted 1996), BAAQMD Method 41 "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride" (adopted 1995), or other test method demonstrated to provide results acceptable for purposes of determining the exempt compounds content.

III.E.1.d. The VOC content of a coating must be determined using EPA Method 24 (40 CFR Part 60, Appendix A) (February 27, 2014), formulation data, other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping), or other test method demonstrated to provide result acceptable for purposes of determining the VOC content. If there are inconsistencies between EPA Method 24 results and other means for determining VOC content, the Method 24 results will govern.

III.E.1.e. The analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of EPA Method 24 "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings" (40 CFR 59, subpart D, Appendix A) (September 11, 1998).

IV. DEFINITIONS

- IV.A. "8-Hour Ozone Control Area" means the Counties of Adams, Arapahoe, Boulder (includes part of Rocky Mountain National Park), Douglas, and Jefferson; the Cities and Counties of Denver and Broomfield; and the following portions of the Counties of Larimer and Weld:
- IV.A.1. For Larimer County (includes part of Rocky Mountain National Park), that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.
- IV.A.2. For Weld County, that portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.
- IV.B. "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means. Adhesive does not include products used on humans, animals, adhesive tape, contact paper, wallpaper, shelf liners, or other product with an adhesive incorporated onto or in an inert substrate.
- IV.C. "Adhesive remover" means a product designed to remove adhesive from either a specific substrate or a variety of substrates but does not include products that remove adhesives intended exclusively for use on humans or animals.
- IV.C.1. "Floor and wall covering adhesive remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.
- IV.C.2. "Gasket or thread locking adhesive remover" means a product designed or labeled to remove gaskets or thread locking adhesives. Gasket or thread locking adhesive remover includes products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover.
- IV.C.3. "General purpose adhesive remover" means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive adhesives or residues from a variety of substrates. General purpose adhesive remover includes, but is not limited to, products that remove thermoplastic adhesives; pressure sensitive adhesives; dextrin or starchbased adhesives; casein glues; rubber or latex-based adhesives; and stickers, decals, stencils, or similar materials.
- IV.C.4. "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur such as, but not limited to, epoxies, urethanes, and silicones.
- IV.D. "Aerosol adhesive" means an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for hand-held application of adhesive without the need for ancillary hoses or spray equipment.
- IV.E. "Aerosol coating product" means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- IV.F. "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

- IV.G. "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container or a mechanically induced force but does not include pump spray.
- IV.H. "Agricultural use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop. Agricultural use does not include the sale or use of pesticides in properly labeled packages or containers which are intended for home use, use in structural pest control, industrial use, or institutional use.
- IV.I. "Air freshener" means any product including, but not limited to, sprays, wicks, wipes, diffusers, powders, and crystals, designed or labeled for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. Air fresheners includes dual purpose air freshener/disinfectant products and spray disinfectants or other products expressly represented for use as air fresheners. Air freshener does not include products that are used on the human body, products that function primarily as cleaning products as indicated on the product label, toilet/urinal care products, or disinfectants when offered for sale solely through institutional and industrial channels of distribution.
- IV.J. "All other carbon-containing compounds" means other compounds which contain at least one carbon atom and are not a table B compound or a LVP-VOC.
- IV.K. "All other forms" means all consumer product forms for which no form-specific VOC standard is specified and include, but are not limited to, solids, liquids (including the liquid containing or liquid impregnated portion of the cloth or paper wipes), wicks, powders, and crystals.
- IV.L. "Aluminum roof coating" means a coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996).
- IV.M. "Antimicrobial hand or body cleaner or soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity and includes, but is not limited to, antimicrobial hand or body washes/cleaners, foodhandler hand washes, healthcare personnel hand washes, preoperative skin preparations, and surgical scrubs.
- IV.N. "Antiperspirant" means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.
- IV.O. "Anti-static product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity.
- IV.P. "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways; fixed ladders; catwalks and fire escapes; and window screens.
- IV.Q. "Architectural coating" means a coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Architectural coating does not include coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, as well as adhesives.
- IV.R. "Aromatic compound" means a carbon containing compound, except compounds exempt from the definition of VOC, that contains one or more benzene or equivalent heterocyclic rings and has an initial boiling point less than or equal to 280 degrees C.

- IV.S. “Artist solvent/thinner” means any liquid product, labeled to meet ASTM D4236 – 94 (March 1, 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, and packaged in a container equal to or less than 34 fluid ounces, labeled to reduce the viscosity of, and or remove, art coating compositions or components.
- IV.T. “Astringent/toner” means any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores including clarifiers and substrate-impregnated products. Astringent/toner does not include medicated astringent/medicated toner; cold cream; lotion; or hand, face, or body cleaner or soap product.
- IV.U. “Automotive hard paste wax” means an automotive wax or polish that is designed to protect and improve the appearance of automotive paint surfaces, is solid at room temperature, and contains zero percent (0%) water by formulation.
- IV.V. “Automotive instant detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.
- IV.W. “Automotive rubbing or polishing compound” means a product designed primarily to remove oxidation, old paint, scratches or “swirl marks”, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.
- IV.X. “Automotive wax, polish, sealant, or glaze” means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle’s painted surfaces.
- IV.Y. “Automotive windshield cleaner” means a product labeled for automotive use only, packaged as an automotive windshield cleaner in the form of a moistened towelette, and designed to be used on automotive windshields, automotive mirrors, and automotive headlights.
- IV.Z. “Automotive windshield washer fluid” means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. Automotive windshield washer fluid does not include fluids placed by the manufacturer in a new vehicle.
- IV.AA. “Basement specialty coating” means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement specialty coatings must be capable of withstanding at least 10 psi of hydrostatic pressure as determined in accordance with ASTM D7088-04 “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry” (2017) and must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more as determined in accordance with ASTM D3273-00 “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber” (2016) and ASTM D3274-95 “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation” (2017).
- IV.BB. “Bathroom and tile cleaner” means a product designed or labeled to clean tile or surfaces in bathrooms.
- IV.CC. “Bitumens” means black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- IV.DD. “Bituminous roof coating” means a coating which incorporates bitumens that is labeled and formulated exclusively for roofing for the primary purpose of preventing water penetration.
- IV.EE. “Bituminous roof primer” means a primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

- IV.FF. "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- IV.GG. "Brake cleaner" means a cleaning product designed to remove oil, grease, brake fluid, brake pad material, or dirt from motor vehicle brake mechanisms.
- IV.HH. "Bug and tar remover" means a product labeled to remove biological-type residues, such as insect carcasses and tree sap, and/or road grime, such as road tar, roadway paint markings, and asphalt, from painted motor vehicle surfaces without causing damage to the finish.
- IV.II. "Calcimine recoaters" means a flat solvent borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.
- IV.JJ. "Carburetor or fuel-injection air intake cleaners" means a product designed or labeled to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. Carburetor or fuel-injection air intake cleaner does not include products designed or labeled exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors or products designed or labeled exclusively to be introduced during engine operation directly into air vacuum lines by using a pressurized sprayer wand.
- IV.KK. "Carpet and upholstery cleaner" means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. Carpet and upholstery cleaner includes, but is not limited to, products that make fabric protectant claims. Carpet and upholstery cleaner does not include products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.
- IV.LL. "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. Charcoal lighter material does not include electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.
- IV.MM. "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- IV.NN. "Colorant" means a concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color. Colorant also means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient.
- IV.OO. "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water or harden or dustproof the surface of freshly poured concrete.
- IV.PP. "Concrete/masonry sealer" means a clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to prevent penetration of water; provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or harden or dustproof the surface of aged or cured concrete.
- IV.QQ. "Concrete surface retarders" means a mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.
- IV.RR. "Conjugated oil varnish" means a clear or semi-transparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (Tung oil) and modified with other natural or synthetic resins; a minimum of fifty percent of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes

penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.

IV.SS. "Construction, panel, and floor covering adhesive" means any non-aerosol, one-component adhesive that is designed or labeled for the installation, remodeling, maintenance, or repair of structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring or floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass.

IV.TT. "Consumer" means any person who purchases or acquires any consumer product for personal, family, household, or institutional use. Consumer does not include persons acquiring a consumer product for resale.

IV.UU. "Consumer product" means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; automotive specialty products; and aerosol adhesives. Consumer product does not include other paint products, furniture coatings, or architectural coatings.

IV.VV. "Contact adhesive" means a non-aerosol adhesive that is designed for application to both surfaces to be bonded together, is allowed to dry before the two surfaces are placed in contact with each other, forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact adhesive does not include rubber cements that are primarily intended for use on paper substrates or vulcanizing fluids that are designed and labeled for tire repair only.

IV.WW. "Contact adhesive – general purpose" means any contact adhesive that is not a contact adhesive – special purpose.

IV.XX. "Contact adhesive – special purpose" means a contact adhesive that: is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces; or is used in automotive applications that are automotive under-the-hood applications requiring heat, oil or gasoline resistance, or are body-side molding, automotive weatherstrip or decorative trim.

IV.YY. "Conversion varnish" means a clear acid curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. This film formation is the result of an acid-catalyzed condensation reaction, affecting transesterification at the reactive ethers of the amino resins.

IV.ZZ. "Crawling bug insecticide" means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish, or spiders. Crawling bug insecticide does not include products designed to be used exclusively on humans or animals or any house dust mite product.

IV.AAA. "Deodorant" means any product including, but not limited to, aerosol, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent and/or minimize odor. Deodorant includes deodorant body sprays or personal fragrance products (20 percent or less fragrance) that indicate or depict on the container, packaging, or label that it can be used on or applied to the human axilla.

- IV.BBB. “Disinfectant” means a product labeled as a disinfectant or a product registered as a disinfectant under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq. (1996)) to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects. Disinfectant includes products labeled as both sanitizer and disinfectant. Disinfectant does not include products labeled solely for use on humans or animals; agricultural use; use in swimming pools, therapeutic tubs, or hot tubs; to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces; to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments; or 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 or anti-microbial claims on the label..
- IV.CCC. “Double phase aerosol air freshener” means an aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.
- IV.DDD. “Driveway sealer” means a coating labeled and formulated for application to worn asphalt driveway surfaces to fill cracks, seal the surface to provide protection, or restore or preserve the appearance.
- IV.EEE. “Dry cleaning fluid” means any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled “for dry clean only” or “S-coded” fabrics. S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee. Dry cleaning fluid does not include spot removers or carpet and upholstery cleaners.
- IV.FFF. “Dry fog coating” means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- IV.GGG. “Dusting aid” means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. Dusting aid does not include pressurized gas duster.
- IV.HHH. “Electrical cleaner” means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. Electrical cleaner does not include products labeled to clean the casings or housings of electrical equipment.
- IV.III. “Electronic cleaner” means a product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment such as circuit boards and the internal components of electronic devices, including but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. Electronic cleaner does not include products labeled to clean the casings or housings of electronic equipment or energized electrical cleaners.
- IV.JJJ. “Energized electrical cleaner” means a product labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists or when there is a residual electrical potential from a component, such as a capacitor.
- IV.KKK. “Engine degreaser” means a cleaning product designed or labeled to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.
- IV.LLL. “Fabric protectant” means a product labeled to be applied to fabric substrates to protect the surface from soiling from dirt or other impurities or to reduce absorption of liquid into the fabric fibers. Fabric protectant does not include waterproofers; products labeled for use solely on leather; pigmented products that are designed to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates; or products that renew or restore fabric and qualify as either clear coating or vinyl/fabric/leather/polycarbonate coating.

- IV.MMM. "Fabric refresher" means a product labeled to neutralize or eliminate odors on nonlaundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing and/or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. Fabric refresher does not include products labeled for application to both fabric and human skin.
- IV.NNN. "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face and includes, but is not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. Facial cleaner or soap does not include prescription drug products.
- IV.OOO. "Fat wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling but does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.
- IV.PPP. "Faux finishing coating" means a coating labeled and formulated to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain; a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); a metallic appearance that contains greater than 48 grams of elemental metallic pigment (determined in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996)) per liter of coating as applied (0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions; or a clear topcoat to seal and protect a faux finishing coating. These clear topcoats must be sold and used solely as part of a faux finishing coating system.
- IV.QQQ. "Fire-resistive coating" means a coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials and includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating must be tested in accordance with ASTM Designation E 119-08 "Standard Test Methods for Fire Tests of Building Construction and Materials" (2018).
- IV.RRR. "Flat coating" means a coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than five on a 60-degree meter according to ASTM D 523-89 "Standard Test Method for Specular Gloss" (1999).
- IV.SSS. "Flea and tick insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs but does not include products that are designed to be used exclusively on humans or animals and their bedding.
- IV.TTT. "Floor coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces, which may be subjected to foot traffic.
- IV.UUU. "Floor polish or wax" means a product designed or labeled to polish, wax, condition, protect, temporarily seal, or otherwise enhance floor surfaces by leaving a protective finish that is designed or labeled to be periodically replenished. Floor polish or wax includes products for resilient flooring materials (e.g., asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, vinyl composite flooring), non-resilient flooring materials (e.g., terrazzo, marble, slate, granite, brick, stone, ceramic tile, concrete), and wood floor wax (i.e., wax-based products for use solely on wood floors). Floor polish or wax does not include products designed or labeled for unfinished wood floors or coatings subject to architectural coatings regulations.
- IV.VVV. "Floor seam sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.
- IV.WWW. "Floor wax stripper" means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers or by dissolving or emulsifying the polish or wax. Floor wax stripper does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

IV.XXX. "Flying bug insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including, but not limited to, flies, mosquitoes, moths, or gnats. Flying bug insecticide does not include products designed to be used exclusively on humans or animals or products designed and labeled to protect fabrics from damage by moths where the label does not also indicate the product is suitable for use against flying insects or other flying arthropods.

IV.YYY. "Footwear or leather care product" means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear or leather care product does not include products solely for deodorizing or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

IV.ZZZ. "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

IV.AAAA. "Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 millimeters of Mercury (mm Hg) at 20 degrees C, the sole purpose of which is to impart an odor or scent or to counteract a malodor.

IV.BBBB. "Furniture maintenance product" means a wax, polish, conditioner, or any other product labeled for the purpose of polishing, protecting or enhancing finished wood surfaces, other than floors, and other furniture surfaces including, but not limited to, acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass. Furniture maintenance product does not include products designed solely for the purpose of cleaning or products designed to leave a permanent finish such as stains, sanding sealers, and lacquers.

IV.CCCC. "Furniture coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath, and vanity), tables, chairs, beds, and sofas.

IV.DDDD. "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

IV.EEEE. "General purpose adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. General purpose adhesive does not include contact adhesives; construction, panel, and floor covering adhesives; adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls); or adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weatherstripping, or carpets).

IV.FFFF. "General purpose cleaner" means a product labeled to clean a variety of hard surfaces, including, but not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves.

IV.GGGG. "General purpose degreaser" means any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. General purpose degreaser does not include products used exclusively in solvent cleaning tanks or related equipment (e.g., cold cleaners, vapor degreasers, conveyorized degreasers) or products that are exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities and labeled exclusively for "use in the manufacturing process only."

IV.HHHH. "General-use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils and includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. General-use hand or body cleaner or soap does not include prescription drug products.

IV.IIII. “Glass cleaner” means a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment, and photocopying machines.

IV.JJJJ. “Graffiti remover” means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish from a variety of non-cloth or nonfabric substrates and products labeled for dual use as both a paint stripper and graffiti remover.

IV.KKKK. “Graphic arts coating or sign paint” means a coating labeled and formulated for hand application by artists using brush, airbrush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.

IV.LLLL. “Hair mousse” means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

IV.MMMM. “Hair shine” means any product designed for the primary purpose of creating a shine when applied to the hair and includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. Hair shine does not include products whose primary purpose is to condition or hold the hair.

IV.NNNN. “Hair spray” means a consumer product that is applied to styled hair and is designed or labeled to provide sufficient rigidity, to hold, retain, and/or finish (i.e., maintain and/or hold the styled hair for a period of time) the style of the hair for a period of time. Hair spray includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling and finishing product. Hair spray does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.

IV.OOOO. “Hair styling product” means a consumer product designed or labeled for the application to wet, damp, or dry hair to aid in defining, shaping, lifting, styling, and/or sculpting of the hair. Hair styling product includes, but is not limited, to hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers, and/or conditioners that make styling claims.

IV.PPPP. “Heavy-duty hand cleaner or soap” means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer’s ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. Heavy-duty hand cleaner or soap does not include prescription drug products.

IV.QQQQ. “Herbicide” means a pesticide product designed to kill or retard a plant’s growth, but excludes products that are for agricultural use or restricted materials that require a permit for use and possession.

IV.RRRR. “High-temperature coating” means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

IV.SSSS. “High volatility organic compound (HVOC)” means any volatile organic compound that exerts a vapor pressure greater than 80 mm Hg when measured at 20 degrees C.

IV.TTTT. “Household product” means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

IV.UUUU. “Impacted immersion coating” means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water.

IV.VVVV. “Industrial maintenance coating” means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for

application to substrates, including floors, and exposed to one or more of the following extreme environmental conditions: immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation; acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; frequent exposure to temperatures above 121°C (250°F); frequent heavy abrasion, including mechanical wear and scrubbing with industrial solvents, cleansers, or scouring agents; or exterior exposure of metal structures and structural components.

IV.WWWW. “Insecticide” means a pesticide product that is designed for use against insects or other arthropods. Insecticide does not include products that are for agricultural use, for a use which requires a structural pest control license, or restricted materials that require a permit for use and possession.

IV.XXXX. “Insecticide fogger” means any insecticide product designed to release all or most of its content as a fog or mist into indoor areas during a single application.

IV.YYYY. “Institutional product” or “industrial and institutional (I&I) product” means a consumer product that is designed for use in the maintenance or operation of an establishment (e.g., government agencies, factories, schools, hospitals, restaurants, hotels, stores) that manufactures, transports, or sells goods or commodities or provides services for profit or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. Institutional product does not include products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

IV.ZZZZ. “Laundry prewash” means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

IV.AAAAA. “Laundry starch/sizing/fabric finish product” means a product that is labeled for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric.

IV.BBBBB. “Lawn and garden insecticide” means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.

IV.CCCCC. “Liquid” means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1 (2012) but does not include powders or other materials that are composed entirely of solid particles.

IV.DDDDD. “Low-solids coating” means a coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer.

IV.EEEEE. “Lubricant” means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. Lubricant does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals or products that are exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities and labeled exclusively for “use in the manufacturing process only.”

IV.FFFFF. “LVP content” means the total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

IV.GGGGG. “LVP-VOC” means a chemical compound or mixture that contains at least one carbon atom and has a vapor pressure less than 0.1 mm Hg at 20 degrees C, as determined by CARB Method 310 (August 1, 2014); is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown; is a chemical compound

with a boiling point greater than 216 degrees C, as determined by CARB Method 310 (August 1, 2014); or is the weight percent of a chemical mixture that boils above 216 degrees C, as determined by CARB Method 310 (August 1, 2014). Chemical compound means a molecule of definite chemical formula and isomeric structure. Chemical mixture means a substrate comprised of two or more chemical compounds.

IV.HHHHH. "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

IV.IIIII. "Manufacturer," for consumer product, means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.

IV.JJJJJ. "Manufacturer's maximum thinning recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

IV.KKKKK. "Mastic texture coating" means a coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

IV.LLLLL. "Medicated astringent/medicated toner" means any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores and includes, but is not limited to, clarifiers and substrate-impregnated products. Medicated astringent/medicated toner does not include hand, face, or body cleaner or soap products; cold cream; lotion; antiperspirants; or products that must be purchased with a doctor's prescription.

IV.MMMMM. "Medium density fiberboard (MDF)" means a composite wood product, panel, molding, or other building material composed of cellulosic fibers made by dry forming and pressing of resonated fiber mat.

IV.NNNNN. "Medium volatility organic compound (MVOC)" means any volatile organic compound that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20 degrees C.

IV.OOOOO. "Metal polish/cleanser" means any product designed primarily to improve the appearance (e.g., remove or reduce stains) of finished metal, metallic, or metallized surfaces by physical or chemical action and includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel, and other ornamental metals. Metal polish/cleanser does not include products designed and labeled exclusively for automotive and marine detailing or products designed for use in degreasing tanks.

IV.PPPPP. "Metallic pigmented coating" means a coating that is labeled and formulated to provide a metallic appearance. Metallic pigmented coatings must contain containing at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996). The Metallic pigmented coating category does not include coatings applied to roofs or zinc rich primers.

IV.QQQQQ. "Mist spray adhesive" means any aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

IV.RRRRR. "Multi-color coating" means a coating that is packaged in a single container and that is labeled and formulated to exhibits more than one color when applied in a single coat.

IV.SSSSS. "Multi-purpose dry lubricant" means any lubricant which is designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (teflon) on surfaces and is designed for general purpose lubrication or for use in a wide variety of applications.

IV.TTTTT. "Multi-purpose lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications.

IV.UUUUU. “Multi-purpose solvent” means any liquid product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials. Multi-purpose solvent includes products that do not display specific use instructions on the product container or packaging; products that do not specify an end-use function or application on the product container or packaging; solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories; paint clean-up products (i.e., liquid product labeled for cleaning oil-based or water-based pain, lacquer, varnish, related coatings); and products labeled to prepare surfaces for painting. Multi-purpose solvent does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines; solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings; solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment; products that are labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; or any product making any representation that the product may be used as or is suitable for use as a consumer product which qualifies under another definition.

IV.VVVVV. “Nail polish” means any clear or colored coating designed for application to the fingernails or toenails and including, but not limited to, lacquers, enamels, acrylics, base coats and top coats.

IV.WWWWW. “Nail polish remover” means a product designed to remove nail polish and coatings from fingernails or toenails.

IV.XXXXX. “Non-aerosol product” means any consumer product that is not dispensed by a pressurized spray system.

IV.YYYYY. “Non-carbon containing product” means any compound which does not contain any carbon atoms.

IV.ZZZZZ. “Non-flat coating” means a coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D 523-89 “Standard Test Method for Specular Gloss” (1999).

IV.AAAAA. “Non-flat - high gloss coating” means a non-flat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D 523-89 “Standard Test Method for Specular Gloss” (1999).

IV.BBBBB. “Non-resilient flooring” means flooring of a mineral content which is not flexible and includes terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete.

IV.CCCCC. “Non-selective terrestrial herbicide” means a terrestrial herbicide product that is toxic to plants without regard to species.

IV.DDDDD. “Nuclear coating” means a protective coating formulated and recommended to seal porous surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to longterm (service life) cumulative radiation exposure according to ASTM Method 4082-02 “Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants” (2017), relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed according to ASTM Method D 3912-95 “Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants” (2001).

IV.EEEEE. “Oven or grill cleaner” means a product labeled exclusively to remove baked on greases and/or deposits from food preparation and/or food cooking surfaces. A product that is labeled as an oven or grill cleaner that makes claims that it is suitable for degreasing other hard surfaces is a general purpose degreaser.

IV.FFFFF. “Paint” means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration, or identification or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

IV.GGGGGG. “Paint remover or stripper” means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. Paint remover or stripper does not include paint brush cleaners and hand cleaner products that claim to remove paints and other related coatings from skin.

IV.HHHHHH. “Paint thinner” means any liquid product labeled and used for reducing the viscosity of coating compositions or components. Paint thinner does not include products that are sold in containers with a capacity of five (5) gallons or more and are labeled exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings. Paint thinner does not include products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient.

IV.IIIIII. “Particleboard” means a composite wood product panel, molding, or other building material composed of cellulosic material in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

IV.JJJJJJ. “Pearlescent” means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

IV.KKKKKK. “Penetrant” means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Penetrant does not include multi-purpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.

IV.LLLLLL. “Personal fragrance product” means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave, and toilet water. Personal fragrance product does not include medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes, breath fresheners and deodorizers; lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos, and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals.

IV.MMMMMM. “Pesticide” means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term “pesticide” will not include any substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.

IV.NNNNNN. “Plywood” means a panel product consisting of layers of wood veneers or composite core pressed together with resin.

IV.OOOOOO. “Post-consumer coating” means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.

IV.PPPPPP. “Pre-treatment wash primer” means a primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D 1613-06 “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products” (2017), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

IV.QQQQQQ. “Pressurized gas duster” means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents.

IV.RRRRRR. “Primer, sealer, and undercoater” means a coating labeled and formulated to provide a firm bond between the substrate and the subsequent coatings; prevent subsequent coatings from

being absorbed by the substrate; prevent harm to subsequent coatings by materials in the substrate; provide a smooth surface for the subsequent application of coatings; provide a clear finish coat to seal the substrate; or block materials from penetrating into or leaching out of a substrate.

IV.SSSSSS. “Product brand name” means the name of the product exactly as it appears on the principal display panel of the product.

IV.TTTTTT. “Product category” means the applicable category which best describes the product as listed in the definitions and Table 1.

IV.UUUUUU. “Product form” means the applicable form that most accurately describes the product’s dispensing form:

A = aerosol product

S = solid

P = pump spray

L = liquid

SS = semi-solid

O = other

IV.VVVVVV. “Product line” means a group of products of identical form and function belonging to the same product category(ies).

IV.WWWWWW. “Propellant” means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

IV.XXXXXX. “Pump spray” means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger, or other actuator.

IV.YYYYYY. “Reactive penetrating sealer” means a clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including but not limited to, alkalis, acids, and salts. Reactive penetrating sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive penetrating sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive penetrating sealers must improve water repellency at least 80 percent after application on a concrete or masonry substrate, as verified on standardized test specimens in accordance with one or more of ASTM C67-07 “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile” (2018), ASTM C97-02 “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone” (2018), or ASTM C140-06 “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units” (2018); must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate, as verified on standardized test specimens in accordance with ASTM E96/E96M-05 “Standard Test Method for Water Vapor Transmission of Materials” (2016); and products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 “Concrete Sealers for the Protection of Bridge Structures” (1981).

IV.ZZZZZZ. “Recycled coating” means an architectural coating formulated such that it contains a minimum of 50% by volume post-consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.

IV.AAAAAAA. "Residential" means areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

IV.BBBBBBB. "Responsible party" means the company, firm, or establishment which is listed on the product's label. If the label lists two companies, firms, or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by," as noted on the label.

IV.CCCCCCC. "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

IV.DDDDDDD. "Roof coating" means a non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration of the substrate by water, reflecting heat and ultraviolet light, or reflecting solar radiation. Metallic pigmented roof coatings, which qualify as metallic pigmented coatings, are considered to be in the metallic pigmented coatings category.

IV.EEEEEEE. "Rubber/vinyl protectant" means any product labeled to protect, preserve or renew vinyl, or rubber on vehicles, tires, luggage, furniture, and/or household products such as vinyl covers, clothing, or accessories. Rubber/vinyl protectant does not include products labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners; tire cleaners that do not leave an appearance-enhancing or protective substance on the tire; pigmented products designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, or structural maintenance or repair of rubber or vinyl substrates; or products, other than those labeled to be used on vehicle tires, qualifying as either clear coating or vinyl/fabric/leather/polycarbonate coating.

IV.FFFFFFF. "Rubbing alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

IV.GGGGGGG. "Rust preventive coating" means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces for direct-to-metal coating or application over rusty, previously coated surfaces. The rust preventative category does not include coatings that are required to be applied as a topcoat over a primer or coatings that are intended for use on wood or any other nonmetallic surface.

IV.HHHHHHH. "Sanitizer" means a product labeled as a sanitizer or a product registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.) to reduce, but not necessary eliminate, microorganisms in the air, on surfaces, or on inanimate objects. Products that are labeled both sanitizer and disinfectant are considered disinfectants. Sanitizer does not include products labeled solely for use on humans or animals; products labeled solely for agricultural use; products labeled solely for use in swimming, therapeutic tubs, or hot tubs; products which are labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces; products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent or veterinary establishments; products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; or other products (e.g., labeled bathroom and tile cleaners) that may also make sanitizing or anti-microbial claims on the label.

IV.IIIIIII. "Sealant and caulking compound" means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. Sealant and caulking compound does not include roof cements and roof sealants; insulating foams; removable caulking compounds (i.e., provides a three to six month temporary seal); clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; sealers that are applied as continuous coatings; or units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces.

IV.JJJJJJJ. "Secondary industrial materials" means a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value including products or byproducts of the paint manufacturing process that are of known

composition and have economic value but can no longer be used for their intended use, but does not include excess virgin resources of the manufacturing process.

IV.KKKKKKKK. “Semi-solid” means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.

IV.LLLLLLLL. “Semi-transparent coating” means a coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

IV.MMMMMMMM. “Shaving cream” means an aerosol product which dispenses a foam lather intended to be used with a blade, cartridge razor, or other wet-shaving system in the removal of facial or other bodily hair.

IV.NNNNNNNN. “Shaving gel” means an aerosol product which dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair.

IV.OOOOOOOO. “Shellac” means a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (Laccifer lacca), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

IV.PPPPPPPP. “Shop application” means application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process.

IV.QQQQQQQQ. “Silicone-based multi-purpose lubricant” means any lubricant that is designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane and is designed and labeled for general purpose lubrication or for use in a wide variety of applications. Silicone-based multi-purpose lubricant does not include products designed and labeled exclusively to release manufactured products from molds.

IV.RRRRRRRR. “Single phase aerosol air freshener” means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

IV.SSSSSSSS. “Solicit” means to require for use or to specify, by written or oral contract.

IV.TTTTTTTT. “Solid” means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1 (2012).

IV.UUUUUUUU. “Special purpose spray adhesive” means an aerosol adhesive that meets any of the following definitions:

IV.UUUUUUUU.1. Mounting adhesive: designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (e.g., paper, board, cloth) without causing discoloration to the artwork.

IV.UUUUUUUU.2. Flexible vinyl 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 to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 (2011) or from product formulation data.

IV.UUUUUUUU.3. Polystyrene foam adhesive: designed to bond polystyrene foam to substrates.

IV.UUUUUUUU.4. Automobile headliner adhesive: designed to bond together layers in motor vehicle headliners.

- IV.UUUUUUU.5. Polyolefin adhesive: designed to bond polyolefins to substrates.
- IV.UUUUUUU.6. Laminate repair/edgebanding adhesive: designed for the touch-up or repair (e.g., lifted edges, delaminations) of items laminated with high pressure laminates (i.e., temperatures exceeding 265°F and pressures between 1,000 and 1,400 psi) or for the touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals.
- IV.UUUUUUU.7. Automotive engine compartment 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.
- IV.VVVVVVV. “Specialty primer, sealer, and undercoater” means a coating that is formulated for application to a substrate to block water-soluble stains resulting from: fire damage, smoke damage, or water damage.
- IV.WWWWWW. “Spot remover” means any product labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing that does not require subsequent laundering to achieve stain removal.
- IV.XXXXXXX. “Spray buff product” means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.
- IV.YYYYYYY. “Stain” means a semi-transparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.
- IV.ZZZZZZZ. “Stone consolidant” means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material and be specified and used in accordance with ASTM E2167-01 “Standard Guide for Selection and Use of Stone Consolidants” (2008).
- IV.AAAAAAA. “Swimming pool coating” means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals and includes coatings used for swimming pool repair and maintenance.
- IV.BBBBBBB. “Table B compound” means any carbon-containing compound listed as an exception to the definition of VOC.
- IV.CCCCCC. “Temporary hair color” means any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed. Temporary hair color includes hair color mousses and products labeled to add texture or thickness to cover thinning/balding areas.
- IV.DDDDDDD. “Thermoplastic rubber coating and mastic” means a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to, fillers, pigments, and modifying resins.
- IV.EEEEEEE. “Tint base” means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.
- IV.FFFFFFF. “Tire sealant and inflation” means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
- IV.GGGGGGG. “Toilet/urinal care product” means any product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft.

- IV.HHHHHHHH. “Traffic marking coating” means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.
- IV.IIIIIIII. “Tub and tile refinish coating” means a clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and tile refinish coatings must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder, as determined on bonderite 1000 in accordance with ASTM D3363-05 “Standard Test Method for Film Hardness by Pencil Test” (2011); a weight loss of 20 milligrams or less after 1000 cycles, as determined with CD-17 wheels on bonderite 1000 in accordance with ASTM D4060-07 “Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser” (2014); withstand 1000 hours or more of exposure with few or no #8 blisters, as determined on unscribed bonderite in accordance with ASTM D4585-99 “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” (2018) and ASTM D714-02e1 “Standard Test Method for Evaluating Degree of Blistering of Paints” (2017); and have an adhesion rating of 4B or better after 24 hours of recovery, as determined on inscribed bonderite in accordance with ASTM D4585-99 “Standard Test Methods for Abrasion Resistance of Coatings Using Controlled Condensation” (2018) and ASTM D3359-02 “Standard Test Methods for Measuring Adhesion by Tape Test” (2017).
- IV.JJJJJJJJ. “Type A propellant” means a compressed gas such as CO₂, N₂, N₂O, or compressed air which is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product’s packaging.
- IV.KKKKKKKK. “Type B propellant” means any halocarbon which is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).
- IV.LLLLLLLL. “Type C propellant” means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).
- IV.MMMMMMMM. “Undercoating” means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound and includes, but is not limited to, rubberized, mastic, or asphaltic products.
- IV.NNNNNNNN. “Usage directions” means the text or graphics on the product label or accompanying literature that describes to the end user how and in what quantity the product is to be used.
- IV.OOOOOOOO. “Veneer” means thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.
- IV.PPPPPPPP. “Vinyl/fabric/leather/polycarbonate coating” means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.
- IV.QQQQQQQQ. “Virgin materials” means materials that contain no post-consumer coatings or secondary industrial coatings.
- IV.RRRRRRRR. “Wasp and hornet insecticide” means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.
- IV.SSSSSSSS. “Waterproofers” means a product designed and labeled exclusively to repel water from fabric or leather substrates.
- IV.TTTTTTTT. “Waterproofing membrane” means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate and does not include topcoats in the concrete/masonry sealer category. Waterproofing membranes are intended for below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing membranes must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness and meet or exceed the requirements contained in

ASTM C836-06 “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course” (2018).

IV.UUUUUUUU. “Wax” means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics) and includes, but is not limited to, substances derived from the secretions of plants and animals such as carnuba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

IV.VVVVVVVV. “Web spray adhesive” means any aerosol adhesive that is not a mist spray adhesive or special purpose spray adhesive.

IV.WWWWWWWW. “Wood cleaner” means a product labeled to clean wooden materials and includes, but is not limited to, decking, fences, flooring, logs, cabinetry, and furniture. Wood cleaner does not include products designed and labeled exclusively to preserve or color wood.

IV.XXXXXXXX. “Wood coatings” means coatings labeled and formulated for application to wood substrates only. The wood coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The wood coatings category includes the following opaque wood coatings; opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters.

IV.YYYYYYYY. “Wood floor wax” means wax-based products for use solely on wood floors.

IV.ZZZZZZZZ. “Wood preservative” means a coating labeled and formulated to protect exposed wood from decay or insect attack that is registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136, et. seq. (1996)).

IV.AAAAAAAAA. “Wood substrate” means a substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

IV.BBBBBBBBB. “Zinc-rich primer” means a coating that contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids and is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings.

V. STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

V.A. Adopted: July 18, 2019

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedure Act §24-4-103, the Colorado Air Pollution Prevention and Control Act §§25-7-110 and 25-7-110.5, and the Air Quality Control Commission’s (Commission) Procedural Rules.

Basis

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado’s Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Commission adopted a new Regulation Number 21 to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado. The Ozone Transport Commission (OTC) model rules, which are the basis for this rule, achieve additional VOC reductions over EPA’s national rules in 40 CFR Part 59, Subparts C and D (1998). Therefore, these standards will reduce VOC emissions from

consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQS in Colorado.

Specific Statutory Authority

The Colorado Air Pollution Prevention and Control Act, §§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., authorize the Commission to promulgate a comprehensive State Implementation Plan (SIP) to assure attainment and maintenance of national ambient air quality standards in conformance with the Federal and Colorado Acts. Sections 105(1)(b) and 109 authorize the Commission to establish emission control regulations, including pertaining to hydrocarbons. Section 106(1) authorizes the Commission to establish emission control regulations applicable to the entire state or only within specified areas of the state. Section 106(6) authorizes the Commission to require owners or operators of any air pollution source to establish and maintain reports and record, monitor, and sample emissions. Section 109(2) authorizes the Commission to adopt emission control regulations to reduce emissions of various pollutants, including chemical substances.

Purpose

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Commission adopted VOC standards in the OTC model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Commission adopted VOC standards in the OTC AIM coatings model rule phase 2 (2014) and VOC standards in the OTC consumer products model rule phase 4 (2013). The Commission adopted definitions, exemptions, labeling, and recordkeeping provisions based on the OTC model rules. The Commission intends that the adopted definitions have the same meanings as in the OTC model rules.

Consumer Products

The Commission adopted VOC standards for consumer products based on the OTC model rule phase 4. However, the OTC has also published consumer products models rules phases 1, 2, 3, and 5. The OTC model rule phase 5 was only published in 2018. The Commission adopted Regulation Number 21 based on the OTC model rule phase 4 due to the current implementation of this phase by some states, notably by Utah, and the potential increase in VOC emission reductions over EPA's national rule.

Some stakeholders raised concerns that the OTC model rule includes provisions to regulate two chemical substances – methylene chloride and perchloroethylene – which are not truly ozone precursors. Those stakeholders pointed out that these substances are defined as “negligibly reactive volatile organic compounds” and were therefore not within the Commission's authority to regulate as part of the ozone SIP. The provisions that regulate these chemicals are considered optional in the OTC Model rules and the Commission decided not to adopt the provisions for methylene chloride and perchloroethylene at this time.

The Commission also adopted an implementation schedule that – based upon comments received by stakeholders – appropriately addresses the time required to either develop a formula that meets requirements without additional labeling, or to update their labeling and manufacture process in order to comply. Given the need for ozone precursor reductions in the 2020 summer ozone season, additional time was not adopted.

AIM Coatings

The Commission adopted VOC standard for AIM coatings based on the OTC model rule phase 2. The OTC has also published an AIM coatings model rule phase 1. As with consumer products, Regulation Number 21 is based on the OTC model rule phase 2 due to the potential increase in VOC emission reductions over EPA's national rule. Further, the OTC model rule phase 2 is based on California's 2006 standards, which are also being implemented by other states.

Additional Considerations

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. The CAA does not expressly address all of the provisions adopted by the Commission. Rather, federal law establishes the 8-hour ozone NAAQS and requires Colorado to develop a SIP adequate to attain the NAAQS. Therefore, the Commission adopted Regulation Number 21 to make progress towards attainment of the 2008 and 2015 8-hour ozone NAAQS. These revisions do not exceed or differ from the federal act due to state flexibility in developing nonattainment area SIPs. In addition, EPA's national rules, promulgated in 1998, do not limit states from developing more stringent levels of control to attain the ozone standard. However, in accordance with C.R.S. § 25-7-110.5(5)(b), the Commission nonetheless determines:

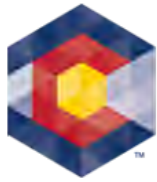
- (I) In 1998, EPA established national standards to reduce VOC emissions from architectural coatings and consumer products. EPA's national rules do not limit states from developing more stringent levels of control to attain the ozone standard. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D.
- (II) The federal rules discussed in (I) are primarily technology-based in that the rules largely prescribe the use of specific VOC contents in order to comply. The federal rules provide flexibility by allowing reformulation to meet the VOC content limits. The federal rules also provide some product and quantity exemptions.
- (III) The CAA establishes the 8-hour ozone NAAQS and requires Colorado to develop SIP revisions that will ensure attainment of the NAAQS. The ozone NAAQS was not determined taking into account concerns unique to Colorado. EPA's 1998 federal consumer products and architectural coatings rules also do not take into account concerns unique to Colorado or limit Colorado from adopting more stringent standards. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules.
- (IV) Colorado must attain the 2008 ozone NAAQS as well as the lower 2015 ozone NAAQS. The adopted VOC standards, based on the OTC consumer products model rule phase four and AIM coatings model rule phase two rather than less stringent OTC model rules, may prevent or reduce the need for the regulated community to meet more stringent requirements later.
- (V) Colorado's attainment date under the 2008 ozone NAAQS, as a Moderate ozone nonattainment area, was July 2018, and if reclassified to Serious, Colorado's attainment date will be July 2021. Colorado's attainment date under the 2015 ozone NAAQS is August 2021. There are no timing issues that might justify changing these time frames.
- (VI) The requirements in Regulation Number 21 address VOC emissions from consumer products and AIM coatings in a cost-effective manner, allowing for continued economic growth in Colorado.
- (VII) The requirements in Regulation Number 21 establish reasonable equity for sources of VOC by providing the same categorical standards for the various consumer product and AIM coatings categories.
- (VIII) Because Colorado did not attain the 2008 ozone NAAQS by July 2018, EPA will likely reclassify Colorado as a Serious ozone nonattainment area, which automatically reduces the major source thresholds from 100 tons per year of VOC and NOx to 50 tons per year; thus subjecting more sources to RACT requirements. If Colorado does not attain the 2015 ozone NAAQS by August 2021, EPA will likely reclassify Colorado as a Moderate ozone nonattainment area under the 2015 ozone NAAQS. If EPA does not approve Colorado's SIP, EPA may promulgate a Federal Implementation Plan for Colorado. These potential outcomes may subject others to increased costs.
- (IX) The requirements in Regulation Number 21 include minimal monitoring, recordkeeping, and procedural requirements that correlate to requirements in the OTC model rules.

- (X) Demonstrated technology is available to comply with the standards in Regulation Number 21. These standards are being implemented in other states and/or ozone nonattainment areas.
- (XI) As set forth in the Economic Impact Analysis, the requirements in Regulation Number 21 contribute to the prevention of ozone in a cost-effective manner.
- (XII) Although alternative rules could also provide reductions in ozone and help to attain the NAAQS, the Commission determined that the division's proposal was reasonable and cost-effective.

As part of adopting Regulation Number 21, the Commission has taken into consideration each of the factors set forth in C.R.S. § 25-7-109(1)(b).

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. However, to the extent that C.R.S. § 25-7-110.8 requirements apply to this rulemaking, and after considering all the information in the record, the Commission hereby makes the determination that:

- (I) These rules are based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties.
- (II) Evidence in the record supports the finding that the rules shall result in a demonstrable reduction of the ozone precursor VOC.
- (III) Evidence in the record supports the finding that the rules shall bring about reductions in risks to human health and the environment that justify the costs to implement and comply with the rules.
- (IV) The rules are the most cost-effective to achieve the necessary and desired results, provide the regulated community flexibility, and achieve the necessary reduction in air pollution.
- (V) The rule will maximize the air quality benefits of regulation in the most cost-effective manner.



Colorado
Secretary of State
Jenna Griswold



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Code of Colorado Regulations eDocket

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Click on the Tracking Number to see more details

Tracking Number	Agency	CCR Number	CCR Title	Type of Filing	Notice Filed with SOS	Adopted Date	AG Opinion Issued	Rules Filed with SOS/OLLS	Effective Date	Inserted into CCR	Terminated
2019-00175	Air Quality Control Commission	5 CCR 1001-25	REGULATION NUMBER 21 CONTROL OF VOLATILE ORGANIC COMPOUNDS FROM CONSUMER PRODUCTS AND ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS	Permanent	04/19/2019 06:32:35	07/18/2019	08/05/2019 15:45:20	08/06/2019 07:30:33	09/14/2019 00:00:00	09/04/2019 11:16:46	

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The Denver Post, LLC

PUBLISHER'S AFFIDAVIT

**City and County of Denver)
State of Colorado)
)**

The undersigned **Nicole Maestas** being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of The Denver Post, LLC, publisher of *The Denver Post* and *Your Hub*.
2. *The Denver Post* and *Your Hub* are newspapers of general circulation that have been published continuously and without interruption for at least fifty-two weeks in Denver County and meet the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in *The Denver Post* on the following date(s):

April 20, 2019

Nicole Maestas
Signature

Subscribed and sworn to before me this 22 day of April, 2019.

Jamie Lynn Kittelson
Notary Public

Jamie Lynn Kittelson
Notary Public
State of Colorado
Notary ID 20054026395
My Commission Expires July 6, 2021

(SEAL)

Notice of Public Hearing, Rulemaking Hearings, and Public Comment Hearings

PUBLISH ON: 04/20/2019

The Colorado Air Quality Control Commission will hold the following hearing(s):

HEARING SCHEDULE:
 DATE: July 18, 2019
 TIME: 9:00 AM
 PLACE: Colorado Department of Public Health and Environment
 4300 Cherry Creek Drive South, Sabin Conference Room
 Denver, CO 80246

Regulation Number 6
 The Air Quality Control Commission will hold a rulemaking hearing to consider revisions to incorporate by reference New Source Performance Standards (NSPS), Emission Guidelines, and performance specifications amendments of 40 C.F.R. Part 60 into Regulation Number 6, Part A. These references need updated citations to ensure that the corresponding federal rules are enforceable under Colorado law. The proposed revisions may also correct any typographical, grammatical, and formatting errors found through the regulation.

Regulation Number 8
 The Air Quality Control Commission will hold a rulemaking hearing to consider revisions to Regulation Number 8, Parts A and E (MACT Standards) to incorporate by reference changes the EPA made to its National Emission Standards for Hazardous Air Pollutants rules. The proposed revisions may also correct any typographical, grammatical, and formatting errors found through the regulation.

Regulation Number 21
 The Air Quality Control Commission will hold a rulemaking hearing to consider a new Regulation Number 21 to limit the volatile organic compound (VOC) content in consumer products and architectural and industrial maintenance (AIM) coatings manufactured or sold in Colorado.



Notice of Meeting and Agenda

July 18, 2019

Colorado Department of Public Health & Environment
4300 Cherry Creek Drive South, Sabin Room
Denver, Colorado

9:00 a.m.

This meeting is being recorded and can be viewed on-line using Adobe Connect:
<https://cdphe.adobeconnect.com/aqcc>

Call to Order: Determination of a Quorum

Public Comment: At this time, the public is invited to comment on any air pollution issue not on this agenda. The Commission will not take action on issues discussed during this general public comment period; such matters may be scheduled for further discussion or action at a later date.

Public comment will be taken for rulemaking and public hearings during the course of those proceedings. At the discretion of the Commission, public comment may also be taken for other items as they appear on the agenda.

CONSENT AGENDA

The Commission will vote on Agenda Items 1 thru 3 as part of the Consent Agenda. Adoption of the Consent Agenda allows the Commission to consolidate voting on agenda items that do not need to be discussed individually and for which presentation of additional information is not required.

APPROVAL OF MINUTES

1. **May 9, 2019, May 10, 2019, and June 20, 2019 Meeting Minutes**
Review and approval of the May 9, 2019, May 10, 2019, and June 20, 2019 meeting minutes of the Commission.

WRITTEN COMMENT ONLY RULEMAKING HEARINGS

2. Regulation Number 6, Part A

To consider a proposal to revise Regulation Number 6, Part A (NSPS) to incorporate by reference changes the EPA made to its New Source Performance Standards rules.

3. Regulation Number 8, Parts A & E

To consider revisions Regulation Number 8, Parts A and E (MACT Standards) to incorporate by reference changes the EPA made to its National Emission Standards for Hazardous Air Pollutants rules.

REGULAR AGENDA

RULEMAKING HEARING

4. Regulation Number 21

(85 minutes presentation and testimony, 60 minutes discussion)

The Commission will consider establishing a new regulation to limit the VOC content in architectural coatings and consumer products, similar to Ozone Transport Commission (OTC) model rules.

BRIEFINGS, DISCUSSIONS AND REPORTS

5. Rocky Mountain National Park Initiative

(45 minutes presentation, 30 minutes discussion)

The Air Pollution Control Division, National Park Service, and Environmental Protection Agency are working collaboratively to reduce nitrogen deposition in Rocky Mountain National Park (RMNP). The agencies will update the Commission regarding the history of the RMNP Initiative, data trends and the progress in achieving milestones, with a highlight on the release of the 2017 Milestone Report and stakeholder involvement.

6. Legislative Session

(30 minutes presentation, 15 minutes discussion)

The Air Pollution Control Division will brief the Commission regarding the 2019 Colorado legislative session, specifically with respect to those bills most heavily impacting Commission activities and authority.

7. Commissioner Informational Items

Commissioners are invited to discuss activities that they have participated in over the past month and any issues relevant to Commission business.

8. Division Director's Report - Garry Kaufman

- Monthly activities report

9. Attorney General's Report - Tom Roan

- Update on legal issues and recent court actions

10. Administrator's Report - Trisha Oeth

- Review draft August meeting agenda
- Review of meeting action items

Adjourn

ANNOUNCEMENTS

Next Executive Committee Meeting: July 25, 2019 at 8:00 a.m.

The meeting will be held at the Colorado Department of Public Health and Environment, located at 4300 Cherry Creek Drive South, in the Carson conference room.

AGENDA ITEM CONTROL SHEET

Item Title: Regulation Number 21

Meeting Date: July 18, 2019

TYPES OF ACTION		
<p><i>NON-HEARING ACTIONS</i></p> <p><input type="checkbox"/> Administrative</p> <p><input type="checkbox"/> Briefing</p> <p><input type="checkbox"/> Policy</p> <p><input type="checkbox"/> Other</p> <p>Is this action a Rule Review?</p>	<p><i>REQUEST FOR HEARING</i></p> <p><input type="checkbox"/> Rulemaking</p> <p><input type="checkbox"/> Public</p> <p><input type="checkbox"/> Adjudicatory</p> <p><input type="checkbox"/> Informational</p> <p><input type="checkbox"/> Yes X No</p>	<p><i>HEARING</i></p> <p>X Rulemaking</p> <p><input type="checkbox"/> Public</p> <p><input type="checkbox"/> Adjudicatory</p> <p><input type="checkbox"/> Informational</p>
RECOMMENDED ACTION		
<input type="checkbox"/> Adoption	X Approval	<input type="checkbox"/> Denial
MOTION		
X Required	<input type="checkbox"/> Attached	<input type="checkbox"/> Not Applicable
STATUTORY AUTHORITY		
<input type="checkbox"/> General	X Specific CRS 25-7-105, 106, 109, 201-206, 210, 301-302	
EPA SUBMITTAL		
Is this issue considered a SIP revision? [Yes] Which SIP? [Ozone] EPA submission deadline: [NA] Is this a delegated program? [No]		

ISSUE STATEMENT:

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado's Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Division is proposing a new Regulation Number 21, Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings, to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado.

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Division is proposing to adopt VOC standards in the Ozone Transport Commission (OTC) model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are proposed to be included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Division is proposing to adopt VOC standards in the OTC AIM coatings model rule phase II (2014) and VOC standards in the OTC consumer products model rule phase IV (2013). The Division is also proposing to include definitions from the OTC model rules and exemptions, labeling, and recordkeeping provisions based on the OTC model rules.

The proposed revisions will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQCs in Colorado. The OTC model rules, which are the basis for the Division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D (1998).

The proposed Regulation Number 21 is proposed for inclusion in Colorado's ozone SIP, with the exception of the implementation of the standards outside of the DMNFR.

POTENTIAL ISSUES FOR COMMISSION CONSIDERATION:

The Division and the Regional Air Quality Council (RAQC) have worked with stakeholders to develop the proposed rule. Some issues that may still be of concern include the Division's selection of the OTC phases that provide the basis for the proposal and the implementation dates.

SUMMARY:

The Division is proposing a new Regulation Number 21 to limit the VOC content in consumer products and AIM coatings manufactured or sold for use in Colorado.

ATTACHMENTS:

1. Proposed rule - Regulation Number 7
2. Statement of Basis, Specific Statutory Authority, and Purpose
3. Final Economic Impact Analysis

CONTACT:

Please contact Leah Martland, with the Air Pollution Control Division, Planning and Policy Program at 303-692-6269 or at leah.martland@state.co.us with any questions.

SIGNATURES:



Preparer: Leah Martland

6/24/2019

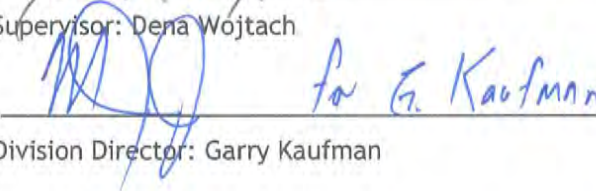
Date



Supervisor: Dena Wojtach

6/25/19

Date

 for G. Kaufman

Division Director: Garry Kaufman

6/25/19

Date

MEMORANDUM OF NOTICE

Item Title: Regulation Number 21

Meeting Date: April 18, 2019

GENERAL DESCRIPTION

The Air Pollution Control Division is proposing a new Regulation Number 21 to limit the volatile organic compound (VOC) content in consumer products and architectural and industrial maintenance (AIM) coatings manufactured or sold in Colorado.

WHAT IS IN THIS PACKAGE?

Attachments to this Memorandum provide details on the proposal as follows:

- Agenda Item Control Sheet
- Proposed Regulatory Language
- Statement of Basis, Specific Statutory Authority, and Purpose
- Initial Economic Impact Analysis

EXPLANATION OF THE PROPOSED RULE

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado's Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Division is proposing a new Regulation Number 21, Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings, to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado.

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Division is proposing to adopt VOC standards in the Ozone Transport Commission (OTC) model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are proposed to be included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Division is proposing to adopt VOC standards in the OTC AIM coatings model rule phase 2 (2014) and VOC standards in the OTC consumer products model rule phase 4 (2013). The Division is also proposing to include definitions from the OTC model rules and exemptions, labeling, and recordkeeping provisions based on the OTC model rules.

The proposed revisions will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQCs in Colorado. The OTC model rules, which are

the basis for the Division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D (1998).

The proposed Regulation Number 21 is proposed for inclusion in Colorado's ozone SIP, with the exception of the implementation of the standards outside of the DMNFR.

MATERIALS CONTAINED IN THE PROPOSED RULE

The redline version of the proposed Regulation Number 21 is attached. Section II. contains the proposed requirements for consumer products. Section III. contains the proposed requirements for AIM coatings. Section IV. contains the proposed definitions.

PUBLIC MEETINGS

Since 2014, the Division and the Regional Air Quality Council (RAQC) have held numerous meeting with stakeholders and interested parties to discuss efforts to attain the ozone NAAQS. Stakeholder input from industry, consultants, government agencies, environmental groups, and EPA representatives was sought during this process. Specifically, the RAQC conducted a literature review of low-VOC consumer products and AIM coatings in 2016 and a low-VOC consumer products and AIM market survey in 2017.

The Division met or held conference calls with industry stakeholders in November 2018, January 2019, and March 2019. The Division also requested public comment on a proposal concept document January-February 2019 and held a public meeting on January 28, 2019, to discuss the proposal concept.

The Division will meet with Commission and Division staff as necessary to educate them on the impact and effect of these rule revisions.

BACKGROUND ON THE DEVELOPMENT OF THE RULEMAKING PROPOSAL

What is the problem?

Colorado's DMNFR is not meeting the ozone NAAQS. Currently, the DMNFR is classified as both a Moderate ozone nonattainment area under the 2008 8-hour ozone NAAQS and as a Marginal ozone nonattainment area under the 2015 8-hour ozone NAAQS.

How does this proposed rule help solve the problem?

The proposed Regulation Number 21 will reduce VOC emissions from consumer products and AIM coatings beyond the level of EPA's national rules in 40 CFR Part 59, Subparts C and D, therefore further reduce emissions that contribute to ozone formation.

How was the rule developed?

The OTC model rules, which are based on California Air Resources Board (CARB) standards, were developed through the OTC workgroup and comment processes.

The Division's proposal was developed by reviewing EPA's national rules, the OTC model rule phases, and other state rules that have adopted consumer products and AIM coatings standards based on the OTC model rule phases.

Stakeholder input from industry, consultants, local government agencies, environmental groups, and EPA representatives informed this proposal.

What is the fiscal and economic impact of the proposed rule?

The fiscal and economic impacts of the proposed rule are further detailed in the Initial Economic Impact Analysis.

How does the rule compare to federal requirements or adjacent state requirements?

Federal requirements:

In 1998, EPA established national standards to reduce VOC emissions from architectural coatings and consumer products. EPA's national rules do not limit states from developing more stringent levels of control to attain the ozone standard.

Other State (Arizona, New Mexico, Utah) requirements:

Arizona has not adopted VOC standards for consumer products and AIM coatings. Maricopa County, Arizona adopted AIM coatings standards in 1988.

New Mexico has not adopted VOC standards for consumer products and AIM coatings.

Utah adopted consumer product and AIM coatings VOC content standards based on the OTC consumer products model rule phase 4 and OTC AIM coatings model rule phase 2. These standards are applicable in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties and were effective beginning September 1, 2014.

How will the rule be implemented?

The new rule will be published on the Commission's website and emailed to subscribers to the Division's air mailing lists. Division staff will be informed of the revisions to ensure the changes will be reflected in applicable permitting and regulatory actions. Any necessary guidance will be developed and shared with stakeholders.

Are there time constraints?

If the DMNFR does not attain the 2008 8-hour ozone NAAQS, EPA may continue to reclassify the DMNFR's ozone nonattainment area (e.g., serious, severe, extreme). In addition, the DMNFR 2015 8-hour ozone NAAQS attainment date is in 2021, based on 2018-2020 data. The reduction of ozone precursors such as VOC emissions in the 2020 summer ozone season will assist in the DMNFR's attainment of the ozone NAAQS.

What if the Air Quality Control Commission does not adopt the proposed rule?

If the Commission declines to adopt the proposal, Colorado will not benefit from the additional VOC reductions that are beyond EPA's national rules for consumer products and AIM coatings.

Range of Regulatory Alternatives

The Division proposes VOC standards for consumer products based on the OTC model rule phase 4. However, the OTC has also published consumer products models rules phases 1, 2, 3, and 5. The OTC model rule phase 5 was only published in 2018. In developing these phases, the OTC added or revised product categories and VOC standards. The Division based the proposed Regulation Number 21 on the OTC model rule phase 4 due to the current implementation of this phase by some states, notably by Utah, and the potential increase in VOC emission reductions over EPA's national rule. Adopting the OTC model rule phase 5 at this time may not allow sufficient time for manufacturers to address performance and other product concerns with the new and/or amended product categories or limits. However, the Division may revisit the OTC model rule phase 5 at a future date.

Similarly, the Division proposed VOC standard for AIM coatings based on the OTC model rule phase 2. The OTC has also published an AIM coatings model rule phase 1. As with consumer products, the Division based the proposed Regulation Number 21 on the OTC model rule phase 2 due to the potential increase in VOC emission reductions over EPA's national rule. Further, the OTC model rule phase 2 is based on California's 2006 standards, which are also being implemented by other states.

The Commission could choose to adopt the proposal in full, adopt only certain elements of the proposal, adopt different elements or OTC model rule phases, or not adopt the proposal at all.

The Commission could also choose to adopt proposed revisions into Colorado's ozone SIP or on a state-only basis. The proposal currently applies the requirements outside of the DMNFR on a state-only basis. If the Commission chooses to adopt the proposed revisions on a state-wide basis entirely into Colorado's Ozone SIP, the Commission must consider the stringency of the proposed revisions in relation to the Clean Air Act because §25-7-105.1(1), C.R.S., provides that provisions not required for, among other things, attainment, shall not constitute part of the SIP.

Contact for more information:

Please contact Leah Martland, with the Air Pollution Control Division, Planning and Policy Program at 303-692-6269 or at leah.martland@state.co.us with any questions.

ECONOMIC IMPACT ANALYSIS (Initial Analysis)

Item Title: Regulation Number 21

Meeting Date: April 18, 2019

ISSUE

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado's Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Division is proposing a new Regulation Number 21, Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings, to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado.

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Division is proposing to adopt VOC standards in the Ozone Transport Commission (OTC) model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are proposed to be included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Division is proposing to adopt VOC standards in the OTC AIM coatings model rule phase 2 (2014) and VOC standards in the OTC consumer products model rule phase 4 (2013). The Division is also proposing to include definitions from the OTC model rules and exemptions, labeling, and recordkeeping provisions based on the OTC model rules.

The proposed revisions will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQCs in Colorado. The OTC model rules, which are the basis for the Division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D (1998).

The proposed Regulation Number 21 is proposed for inclusion in Colorado's ozone SIP, with the exception of the implementation of the standards outside of the DMNFR.

REQUIREMENTS FOR ECONOMIC IMPACT ANALYSIS ("EIA")

Section 25-7-110.5(4)(a), C.R.S. sets forth the requirements for the initial and final Economic Impact Analysis, as stated below:

Before any permanent rule is proposed pursuant to this section, an initial economic impact analysis shall be conducted in compliance with this subsection (4) of the proposed rule or alternative proposed rules. Such economic impact analysis shall be in

writing, developed by the proponent, or the division in cooperation with the proponent and made available to the public at the time any request for hearing on a proposed rule is heard by the commission. A final economic impact analysis shall be in writing and delivered to the technical secretary and to all parties of record five working days prior to the prehearing conference. If no prehearing conference is scheduled, the economic impact analysis shall be submitted at least ten working days before the date of the rule-making hearing. The proponent of an alternative proposal will provide, in conjunction with the division, a final economic impact analysis five working days prior to the prehearing conference. The economic impact analyses shall be based upon reasonably available data. Except where data is not reasonably available, or as otherwise provided in this section, the failure to provide an economic impact analysis of any noticed proposed rule or any alternative proposed rule will preclude such proposed rule or alternative proposed rule from being considered by the commission. Nothing in this section shall be construed to restrict the commission's authority to consider alternative proposals and alternative economic impact analyses that have not been submitted prior to the prehearing conference for good cause and so long as parties have adequate time to review them.

Per Section 25-7-110.5(2), C.R.S., the requirements of Section 25-7-110.5(4) shall not apply to rules which: (1) adopt by reference applicable federal rules; (2) adopt rules to implement prescriptive state statutory requirements where the AQCC is allowed no significant policy-making options; or, (3) adopt rules that have no regulatory impact on any person, facility or activity.

DISCUSSION

The Division is considering adopting VOC standards in the OTC model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the ozone nonattainment area would be included in Colorado's ozone SIP and in the remainder of the state as state only requirements. Specifically, the Division is considering adopting the OTC AIM coatings model rule phase 2 and the OTC consumer products model rule phase 4.

Colorado is already benefiting from other states having adopted lower VOC content limits. Manufacturers have reformulated their products to meet those standards and are likely also distributing the lower VOC products in Colorado. However, adoption of the AIM coatings and consumer products VOC content limits for products manufactured or sold in Colorado is anticipated to achieve further reductions by requiring all subject products to meet the VOC content limits. Adoption of these model rules may have an estimated 10 tons per day reduction in VOC emissions in the DMNFR from AIM coatings and consumer products. This estimate is based on the consumer products and AIM coatings as reported in EPA's National Emissions Inventory (NEI).

The OTC model rules are based on rules developed by the California Air Resources Board (CARB). CARB prepared substantial technical documentation as part of its rulemaking and much of the following Economic Impact information was taken from those documents¹².

Therefore, the Division provides the following information to satisfy the economic analysis requirements relating to adoption of the OTC model rules for consumer products and AIM coatings as a result of this new Regulation Number 21:

¹ See CARB's Architectural Coatings Program - Suggested Control Measure at <https://www.arb.ca.gov/coatings/arch/docs.htm> and CARB's Formal Rulemaking Documents - Consumer Products Program at <https://www.arb.ca.gov/consprod/regact/pasthearings.htm>.

² See OTC's Technical Support Document at https://otcair.org/upload/Documents/Reports/TSD_All_Final_10182016.pdf.

- A) The cumulative cost including but not limited to the total capital, operation, and maintenance costs of any proposed controls for affected business entity or industry to comply with the provisions of the proposal;
- B) Any direct costs to be incurred by the general public to comply with the provisions of the proposal;
- C) Air pollution reductions caused by the proposal;
- D) The cost per unit of air pollution reductions caused by the proposal; and
- E) The cost for the division to implement the provisions of the proposal;

Section 25-7-110.5(4)(c)(I), C.R.S.

A) Identification of the industrial and business sectors that will be impacted by the proposal

AIM Coatings

Any person who supplies, sells, offers for sale, manufacturers, applies, or solicits the application of any AIM coating may be directly affected. Users of AIM coating may be indirectly affected.

Consumer Products

Any person who sells, supplies, offers for sale, distributes for sale, or manufacturers for sale consumer products may be directly affected. Users of consumer products may be indirectly affected.

B) Any direct costs to be incurred by the general public to comply with the provisions of the proposal;

AIM Coatings

For the purposes of this analysis the Division assumes that manufacturers and retailers pass on all the costs discussed to the consumers by raising the price of those coatings that need to be reformulated. CARB estimates³ an average potential increase of about \$1.21 per gallon in 2007 dollars, if all costs were passed on to the consumer. This results in a maximum increase in the cost per gallon of about six percent. However, the Division anticipates that some product reformulation is likely to have already occurred due to changes to regulations in California and other states. Manufactures may also choose to absorb some or all of the cost of compliance. There may be instances where a noncompliant product cannot be reformulated and consumers have to purchase a different product than the one they are accustomed to using.

Consumer Products

For the purposes of this analysis the Division assumes that manufacturers and retailers pass on all the costs discussed to the consumers by raising the price of those products that need to be reformulated. CARB estimates⁴ a potential increase in cost to the consumer of about \$0.75 per unit or \$1.50 per gallon in 2016 dollars. This may be conservative, because the manufacture may absorb some or all of the cost of compliance. The Division also anticipates that some products may have already reformulated due to changes to regulations in California and other

³ See CARB's SCM for Architectural Coatings, Chapter 5 (2007) at https://www.arb.ca.gov/coatings/arch/TSD_Chapters_5-8.pdf.

⁴ See CARB's Final Statement of Reasons for Rulemaking, Including Summary of Public Comments and Agency Responses (2010) at <https://www.arb.ca.gov/regact/2010/cp2010/cpfsor.pdf>.

states. There may be instances where a noncompliant product cannot be reformulated and consumers have to purchase a different product than the one they are accustomed to using.

C) Air pollution reductions caused by the proposal;

AIM Coatings

The estimated VOC benefit of adopting OTC Phase II limits for AIM coatings is 5.1 tons per day. This estimate is only for the DMNFR. A statewide estimate would result in more reductions. This estimate is also based on 2017 Emissions Inventory data. Because AIM coatings are looked at as an area source of emissions, this estimate scales with population growth. So as the DMNFR and Colorado undergo population growth, the likely emission reductions get larger.

Some VOCs can also be categorized as toxic air contaminants or hazardous air pollutants (HAP) and can also be a precursor to Particulate Matter of 2.5 microns in size (PM_{2.5}). There may be a co-benefit of reduced air toxics, HAPs, and PM_{2.5} emissions.

Consumer Products

The estimated VOC benefit of adopting OTC Phase IV limits for AIM coatings is 5.0 tons per day. This estimate is only for the DMNFR. A statewide estimate would result in more reductions. This estimate is also based on 2017 Emissions Inventory data. Because AIM coatings are looked at as an area source of emissions, this estimate also scales with population growth. So as the DMNFR and Colorado undergo population growth, the likely emission reductions get larger. Some VOCs can also be a precursor to Particulate Matter of 2.5 microns in size (PM_{2.5}). There may be a co-benefit of reduced PM_{2.5} emissions.

D) The cost per unit of air pollution reductions caused by the proposal; and

AIM Coatings

CARB estimates⁵ the cost per pound of VOC reduced to be \$2240 per ton (in 2007 dollars). These values were based on the assumption that companies absorbed all costs and may therefore be slightly inflated.

In addition to CARB's estimated costs, companies that sell coatings in Colorado will incur costs associated with lowering the VOC limit of the AIM coating category. Because many companies have already had to reformulate their AIM coatings to comply with standards in California, OTC states, and Utah, the costs to reformulate products for Colorado are expected to be lower. However, regional and local companies in the Colorado area that have not sold into either the northeast or California may need additional time need to completely reformulate their products. Additionally, there may be costs related to relabeling. AIM coatings manufacturers tend to manage formulation changes to their products to minimize costs stemming from obsolete products and labels. The Division requests that companies submit costs estimates related to products that need to be reformulated and relabeled.

There may also be costs associated with storing certain products at lower temperatures. Specifically, products that have a VOC content equal to or below 100 g/L may have issues with product freezing. In colder weather, these products may need to be transported and stored in climate controlled trucks and buildings. Additionally, the product application season may be shortened for compliant products that have freezing issues.

⁵ See CARB's SCM for Architectural Coatings, Chapter 5 (2007) at https://www.arb.ca.gov/coatings/arch/TSD_Chapters_5-8.pdf.

Stakeholders have also raised the concern of manufacturing and distribution facility safety upgrades to account for the increased flammability of compliant products as opposed to the currently used products. For example, paint thinners and multi-purpose solvents that meet the 3% by weight VOC limit may contain acetone instead of the mineral spirits used in higher VOC content products. Acetone is considered a highly flammable liquid and manufacturers, distributors, and contractors may need to install or upgrade safety equipment.

Consumer Products

CARB estimated⁶ the cost effectiveness of the proposed VOC limits for their 2009 amendments (including double phase air fresheners, which are not included in the OTC model rule) to be about \$580 per ton (in 2016 dollars) of VOC reduced. The Division assumes that CARB's estimates provide a conservative estimate, because some of the one-time research and reformulation costs incurred for products sold in California, OTC states, and Utah will not have to be incurred again for products sold in Colorado.

Stakeholders commented that most of the industry is currently selling OTC Phase II compliant products and is anticipating the move toward a Phase IV model when that rule is widely adopted by OTC states. Stakeholders raised concerns that moving Colorado ahead of the OTC states to a phase IV model rule could force reformulations for some consumer product categories and disrupt the current timeline to reformulate, relabel, and shift distribution into a new set of product SKU's. The Division requests that companies submit costs estimates related to products that need to be reformulated.

E) The cost for the division to implement the provisions of the proposal;

AIM Coatings and Consumer Products

The Division will publish the rule on the commission's website and email the materials to subscribers of the Division's air mailing lists. Division staff will be informed of the revisions to ensure the changes will be reflected in applicable permitting and regulatory actions. Any necessary guidance will be developed and shared with stakeholders.

The Division intends to rely on test methods⁷ and VOC content determinations developed by CARB to ensure product compliance with these regulations.

The Division does not anticipate the need for additional resources to implement the proposed regulations and existing staff will absorb any additional workload.

SUMMARY AND CONCLUSION

The Division prepared this Initial Economic Impact Analysis in accordance with the requirements of Section 25-7-110.594), C.R.S. Specifically, the Division utilized the methodology identified in Section 25-7-110.5(4)(c)(I), C.R.S.

The Division has provided an estimate of costs based on reasonably available information and will consider any additional information provided by stakeholders. The Division requests that affected industry submit any additional information with regard to the cost of compliance with these proposed rule revisions.

⁶ See CARB's Final Statement of Reasons for Rulemaking, Including Summary of Public Comments and Agency Responses (2010) at <https://www.arb.ca.gov/regact/2010/cp2010/cpfsor.pdf>.

⁷ See CARB's Test Method 310 at <https://www.arb.ca.gov/regact/2018/cp2018/method310.pdf>

ECONOMIC IMPACT ANALYSIS (Final Analysis)

Item Title: Regulation Number 21

Meeting Date: July 18, 2019

ISSUE

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado's Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Division is proposing a new Regulation Number 21, Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings, to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado.

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Division is proposing to adopt VOC standards in the Ozone Transport Commission (OTC) model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are proposed to be included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Division is proposing to adopt VOC standards in the OTC AIM coatings model rule phase II (2014) and VOC standards in the OTC consumer products model rule phase IV (2013). The Division is also proposing to include definitions from the OTC model rules and exemptions, labeling, and recordkeeping provisions based on the OTC model rules.

The proposed revisions will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQCs in Colorado. The OTC model rules, which are the basis for the Division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D (1998).

The proposed Regulation Number 21 is proposed for inclusion in Colorado's ozone SIP, with the exception of the implementation of the standards outside of the DMNFR.

REQUIREMENTS FOR ECONOMIC IMPACT ANALYSIS ("EIA")

Section 25-7-110.5(4)(a), C.R.S. sets forth the requirements for the initial and final Economic Impact Analysis, as stated below:

Before any permanent rule is proposed pursuant to this section, an initial economic impact analysis shall be conducted in compliance with this subsection (4) of the proposed rule or alternative proposed rules. Such economic impact analysis shall be in

writing, developed by the proponent, or the division in cooperation with the proponent and made available to the public at the time any request for hearing on a proposed rule is heard by the commission. A final economic impact analysis shall be in writing and delivered to the technical secretary and to all parties of record five working days prior to the prehearing conference. If no prehearing conference is scheduled, the economic impact analysis shall be submitted at least ten working days before the date of the rule-making hearing. The proponent of an alternative proposal will provide, in conjunction with the division, a final economic impact analysis five working days prior to the prehearing conference. The economic impact analyses shall be based upon reasonably available data. Except where data is not reasonably available, or as otherwise provided in this section, the failure to provide an economic impact analysis of any noticed proposed rule or any alternative proposed rule will preclude such proposed rule or alternative proposed rule from being considered by the commission. Nothing in this section shall be construed to restrict the commission's authority to consider alternative proposals and alternative economic impact analyses that have not been submitted prior to the prehearing conference for good cause and so long as parties have adequate time to review them.

Per Section 25-7-110.5(2), C.R.S., the requirements of Section 25-7-110.5(4) shall not apply to rules which: (1) adopt by reference applicable federal rules; (2) adopt rules to implement prescriptive state statutory requirements where the AQCC is allowed no significant policy-making options; or, (3) adopt rules that have no regulatory impact on any person, facility or activity.

DISCUSSION

The Division is considering adopting VOC standards in the OTC model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the ozone nonattainment area would be included in Colorado's ozone SIP and in the remainder of the state as state only requirements. Specifically, the Division is considering adopting the OTC AIM coatings model rule phase II and the OTC consumer products model rule phase IV.

Colorado is already benefiting from other states having adopted lower VOC content limits. Manufacturers have reformulated their products to meet those standards and are likely also distributing the lower VOC products in Colorado. However, adoption of the AIM coatings and consumer products VOC content limits for products manufactured or sold in Colorado is anticipated to achieve further reductions by requiring all subject products to meet the VOC content limits. Adoption of these model rules may have an estimated 10 tons per day reduction in VOC emissions in the DMNFR from AIM coatings and consumer products. This estimate is based on the consumer products and AIM coatings as reported in EPA's National Emissions Inventory (NEI).

The OTC model rules are based on rules developed by the California Air Resources Board (CARB). CARB prepared substantial technical documentation as part of its rulemaking and much of the following Economic Impact information was taken from those documents¹².

Therefore, the Division provides the following information to satisfy the economic analysis requirements relating to adoption of the OTC model rules for consumer products and AIM coatings as a result of this new Regulation Number 21:

¹ See CARB's Architectural Coatings Program - Suggested Control Measure at <https://www.arb.ca.gov/coatings/arch/docs.htm> and CARB's Formal Rulemaking Documents - Consumer Products Program at <https://www.arb.ca.gov/consprod/regact/pasthearings.htm>.

² See OTC's Technical Support Document at https://otcair.org/upload/Documents/Reports/TSD_All_Final_10182016.pdf.

- A) The cumulative cost including but not limited to the total capital, operation, and maintenance costs of any proposed controls for affected business entity or industry to comply with the provisions of the proposal;
- B) Any direct costs to be incurred by the general public to comply with the provisions of the proposal;
- C) Air pollution reductions caused by the proposal;
- D) The cost per unit of air pollution reductions caused by the proposal; and
- E) The cost for the division to implement the provisions of the proposal;

Section 25-7-110.5(4)(c)(I), C.R.S.

A) Identification of the industrial and business sectors that will be impacted by the proposal

AIM Coatings

Any person who supplies, sells, offers for sale, manufacturers, applies, or solicits the application of any AIM coating may be directly affected. Users of AIM coating may be indirectly affected.

Consumer Products

Any person who sells, supplies, offers for sale, distributes for sale, or manufacturers for sale consumer products may be directly affected. Users of consumer products may be indirectly affected.

B) Any direct costs to be incurred by the general public to comply with the provisions of the proposal;

AIM Coatings

For the purposes of this analysis the Division assumes that manufacturers and retailers pass on all the costs discussed to the consumers by raising the price of those coatings that need to be reformulated. CARB estimates³ an average potential increase of about \$1.21 per gallon in 2007 dollars, if all costs were passed on to the consumer. This results in a maximum increase in the cost per gallon of about six percent. However, the Division anticipates that some product reformulation is likely to have already occurred due to changes to regulations in California and other states. Manufactures may also choose to absorb some or all of the cost of compliance. There may be instances where a noncompliant product cannot be reformulated and consumers have to purchase a different product than the one they are accustomed to using.

Consumer Products

For the purposes of this analysis the Division assumes that manufacturers and retailers pass on all the costs discussed to the consumers by raising the price of those products that need to be reformulated. CARB estimates⁴ a potential increase in cost to the consumer of about \$0.75 per unit or \$1.50 per gallon in 2016 dollars. This may be conservative, because the manufacture may absorb some or all of the cost of compliance. The Division also anticipates that some products may have already reformulated due to changes to regulations in California and other

³ See CARB's SCM for Architectural Coatings, Chapter 5 (2007) at https://www.arb.ca.gov/coatings/arch/TSD_Chapters_5-8.pdf.

⁴ See CARB's Final Statement of Reasons for Rulemaking, Including Summary of Public Comments and Agency Responses (2010) at <https://www.arb.ca.gov/regact/2010/cp2010/cpfsor.pdf>.

states. There may be instances where a noncompliant product cannot be reformulated and consumers have to purchase a different product than the one they are accustomed to using.

C) Air pollution reductions caused by the proposal;

AIM Coatings

The estimated VOC benefit of adopting OTC Phase II limits for AIM coatings is 5.1 tons per day. This estimate is only for the DMNFR. A statewide estimate would result in more reductions. This estimate is also based on 2017 Emissions Inventory data. Because AIM coatings are looked at as an area source of emissions, this estimate scales with population growth. So as the DMNFR and Colorado undergo population growth, the likely emission reductions get larger.

Some VOCs can also be categorized as toxic air contaminants or hazardous air pollutants (HAP) and can also be a precursor to Particulate Matter of 2.5 microns in size (PM_{2.5}). There may be a co-benefit of reduced air toxics, HAPs, and PM_{2.5} emissions.

Consumer Products

The estimated VOC benefit of adopting OTC Phase IV limits for AIM coatings is 5.0 tons per day. This estimate is only for the DMNFR. A statewide estimate would result in more reductions. This estimate is also based on 2017 Emissions Inventory data. Because AIM coatings are looked at as an area source of emissions, this estimate also scales with population growth. So as the DMNFR and Colorado undergo population growth, the likely emission reductions get larger. Some VOCs can also be a precursor to Particulate Matter of 2.5 microns in size (PM_{2.5}). There may be a co-benefit of reduced PM_{2.5} emissions.

D) The cost per unit of air pollution reductions caused by the proposal; and

AIM Coatings

EPA promulgated the national VOC emissions standards for architectural coatings in 1998. This is the baseline national rule for AIM coatings. Although OTC Phase I and II are based on emission limits that CARB initially developed in 1989, the Division is only considering costs that are incremental to the federal rule since all manufacturers for AIM products are currently complying with the 1998 baseline national rule. The Division's cost estimates for AIM coatings are based on OTC supporting materials that reference cost information developed by CARB^{5,6}.

OTC estimates that the cost of reformulating products from the 1998 baseline national rule VOC content limits to meet the VOC content limits, and associated requirements, in the OTC Phase I is \$6400 per ton of VOC reduced (in 2000 dollars)⁷. OTC estimates the incremental cost of going from Phase I to Phase II is \$2240 per ton of VOC reduced (in 2007 dollars)⁸. These values were based on the assumption that companies absorbed all costs and may therefore be slightly inflated. In 2019 dollars, these estimates amount to a total incremental cost of \$12,283 per ton of VOC reduced. The Division believes that this cost is conservatively high. The Regional Air Quality Council has conducted AIM product surveys⁹ that show some products

⁵ See CARB's SCM for Architectural Coatings, Volume II (2000) at <https://www.arb.ca.gov/coatings/arch/sreport/vol2-8.pdf>

⁶ See CARB's SCM for Architectural Coatings, Chapter 5 (2007) at https://www.arb.ca.gov/coatings/arch/TSD_Chapters_5-8.pdf.

⁷ See OTC's Control Measure Development Support Analysis of OTC Model Rules, Chapter II, D (2001) at <https://otcair.org/upload/Documents/Reports/Control%20Measure%20Development%20Support.pdf>

⁸ See OTC's Model Regulations for NOx and VOC TSD, Section 2.2 (2016) at https://otcair.org/upload/Documents/Reports/TSD_AII_Final_10182016.pdf

⁹ See RAQC's Low-VOC Consumer Products and AIM Market survey at https://raqc.egnyte.com/dl/SC813AyWkF/LowVOC_AIM_MarketSurveyFinal0817.pdf

currently sold in Colorado are already compliant with CARB emission standards that are equivalent to OTC Phase II. In some cases where current coating products do not meet the more stringent standards, compliant alternatives may be readily available but are not yet distributed for sale in the state.

Companies that sell coatings in Colorado will incur costs associated with lowering the VOC limit of the AIM coating category. Because many companies have already had to reformulate their AIM coatings to comply with standards in California, OTC states, and Utah, the costs to reformulate products for Colorado are expected to be lower. However, regional and local companies in the Colorado area that have not sold into either the northeast or California may need additional time need to completely reformulate their products. Additionally, there may be costs related to relabeling. AIM coatings manufacturers tend to manage formulation changes to their products to minimize costs stemming from obsolete products and labels.

There may also be costs associated with storing certain products at lower temperatures. Specifically, products that have a VOC content equal to or below 100 g/L may have issues with product freezing. In colder weather, these products may need to be transported and stored in climate controlled trucks and buildings. Additionally, the product application season may be shortened for compliant products that have freezing issues.

Stakeholders have also raised the concern of manufacturing and distribution facility safety upgrades to account for the increased flammability of compliant products as opposed to the currently used products. For example, paint thinners and multi-purpose solvents that meet the 3% by weight VOC limit may contain acetone instead of the mineral spirits used in higher VOC content products. Acetone is considered a highly flammable liquid and manufacturers, distributors, and contractors may need to install or upgrade safety equipment.

As stated above, the Division's cost estimates for AIM coatings are based on OTC supporting materials that reference cost information developed by CARB. CARB's cost-effectiveness determinations utilized well-established methodologies for converting compliance costs, both nonrecurring and recurring costs, to an annual basis. Annual costs include annualized nonrecurring costs (e.g., total research and development, product and consumer testing, equipment purchases/modifications, one-time distributional/marketing changes, etc.) and annual recurring costs (e.g., increases or decreases in raw material costs, labeling, packaging, recordkeeping & reporting, etc.). Therefore, the Division believes that many of the specific cost issues raised above have been accounted for in CARB's analysis. If stakeholders believe that the referenced cost estimates do not capture a specific cost concern, the Division has requested and continues to request that companies submit costs estimates on these issues.

Consumer Products

CARB estimated¹⁰ the cost effectiveness of the proposed VOC limits for their 2009 amendments (including double phase air fresheners, which are not included in the OTC model rule) to be about \$580 per ton (in 2016 dollars) of VOC reduced. The Division assumes that CARB's estimates provide a conservative estimate, because some of the one-time research and reformulation costs incurred for products sold in California, OTC states, and Utah will not have to be incurred again for products sold in Colorado.

Stakeholders commented that most of the industry is currently selling OTC Phase II compliant products and is anticipating the move toward a Phase IV model when that rule is widely adopted by OTC states. Stakeholders raised concerns that moving Colorado ahead of the OTC states to a phase IV model rule could force reformulations for some consumer product categories and disrupt the current timeline to reformulate, relabel, and shift distribution into a

¹⁰ See CARB's Final Statement of Reasons for Rulemaking, Including Summary of Public Comments and Agency Responses (2010) at <https://www.arb.ca.gov/regact/2010/cp2010/cpfsor.pdf>.

new set of product SKU's. The Division requests that companies submit costs estimates related to products that need to be reformulated.

E) The cost for the division to implement the provisions of the proposal;

AIM Coatings and Consumer Products

The Division will publish the rule on the commission's website and email the materials to subscribers of the Division's air mailing lists. Division staff will be informed of the revisions to ensure the changes will be reflected in applicable permitting and regulatory actions. Any necessary guidance will be developed and shared with stakeholders.

The Division intends to rely on test methods¹¹ and VOC content determinations developed by CARB to ensure product compliance with these regulations.

The Division does not anticipate the need for additional resources to implement the proposed regulations and existing staff will absorb any additional workload.

SUMMARY AND CONCLUSION

The Division prepared this Initial Economic Impact Analysis in accordance with the requirements of Section 25-7-110.594), C.R.S. Specifically, the Division utilized the methodology identified in Section 25-7-110.5(4)(c)(I), C.R.S.

The Division has provided an estimate of costs based on reasonably available information and will consider any additional information provided by stakeholders. The Division requested that affected industry submit any additional information with regard to the cost of compliance with these proposed rule revisions. The Division did not receive such additional information.

¹¹ See CARB's Test Method 310 at <https://www.arb.ca.gov/regact/2018/cp2018/method310.pdf>

COLORADO AIR QUALITY CONTROL COMMISSION PARTY LIST

Regarding: Regulation Number 21
Hearing Officer: Commissioner Curtis Rueter
Hearing Date: July 18, 2019

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kwebster@willert.com
jbiever@lewisbess.com
dratliff@lewisbess.com

Petitions for Party Status Due
May 16, 2019 at 12:00 Midnight

Status Conference
May 21, 2019 at 1:00 p.m.
4300 Cherry Creek Drive South
Building A, Carson Conference Room
Party Representation Presence is Mandatory

Prehearing Statements & Alternative Proposals Due
June 11, 2019 at 12:00 Midnight

Prehearing Conference
June 18, 2019 at 10:00 a.m.
4300 Cherry Creek Drive South
Building A, Snow Conference Room
Party Representation Presence is Mandatory

Rebuttal Statements Due
June 25, 2019 at 12:00 Midnight

HEARING SCHEDULE:
DATE: July 18, 2019
TIME: 9:00 a.m.
PLACE: Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, Sabin/Cleere Conference Room
Denver, CO 80246

Documents associated with the upcoming rulemaking hearing can be found on the Commission's website at: <https://www.colorado.gov/pacific/cdphe/agcc-meeting-materials-july-19-2019>

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within PARTY LIST upon all petitioners herein by email this 28th day of May 2019, addressed as follows:

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s/ Theresa L. Martin

BEFORE THE AIR QUALITY CONTROL COMMISSION
STATE OF COLORADO

PREHEARING ORDER

IN THE MATTER OF THE PROPOSED ESTABLISHMENT OF A NEW REGULATION NUMBER 21

The hearing officer held a prehearing conference in this matter at 10:00 a.m. on June 18, 2019 in the Snow conference room located at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver. The Division and all parties listed below were represented at the prehearing conference. The hearing on this matter is scheduled for July 18, 2019 at the Sabin-Cleere conference room. The hearing will convene at 9:00 a.m. on July 18, 2019 or as soon thereafter as possible. This Order shall govern the conduct of the hearing in this matter unless otherwise ordered by the Hearing Officer or the full Commission.

Parties

The following entities were granted party status in this proceeding:

1. American Coatings Association
2. Household & Commercial Products Association
3. National Aerosol Association
4. Raymond Regulatory Resources
5. Regional Air Quality Council
6. Willert Home Products Inc.

The Colorado Air Pollution Control Division (APCD or Division) is the proponent of the proposed regulatory revisions and serves as staff to the Commission in this rulemaking.

Rebuttal Statements

Rebuttal statements are due on June 25, 2019 by 11:59 p.m. Each rebuttal statement must contain a summary, written in plain language, of the party's position, remaining issue(s), and its alternative proposal (if applicable).

Demonstrative Exhibits

Any party desiring to use a PowerPoint presentation or other, similar electronic version of their presentation shall submit that presentation to the Commission Office on Tuesday, July 16, 2019 by 5:00 p.m. Presentations are required in advance of the hearing so that they can be loaded on the Commission's presentations computer and provided to Commissioners for review. Presentations will not be posted on Commission's website in advance of the hearing.

Public Comment

The Commission will hear public comment at the conclusion of party testimony but prior to the Division's rebuttal testimony. Each comment will be limited to no more than 3 minutes, unless otherwise specified by the hearing officer.

Party Presentations

The order of presentation and the time permitted for each party is set forth below.

Air Pollution Control Division	30
Regional Air Quality Council	10
Household & Commercial Products Association	10
American Coatings Association	10
National Aerosol Association and Raymond Regulatory Resources, LLC	10
Willert Home Products Inc.	5
Public Comment	
Air Pollution Control Division	10
TOTAL TIME	1 hour 25 minutes

The Commission encourages parties with similar positions to consolidate and utilize assigned times efficiently. Therefore, any parties wishing to pool or donate their time shall submit a plan for agreed upon modifications to the time allocations above by close of business on July 2, 2019. Pooling of time, trading of time slots or giving unused time from one party to another will not be permitted after July 2, 2019, including during the hearing. The hearing officer will entertain motions for witnesses to be heard out of order if submitted no later than July 2, 2019.

All direct and rebuttal testimony, as well as any cross-examination of other parties' witnesses will be counted against the examining party's time.

Time taken in responding to Commissioners' questions shall not be included in the responding party's allotted time.

DONE and ORDERED this 19th day of June 2019.

A handwritten signature in black ink, appearing to read "Curtis Rueter". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Curtis Rueter
Hearing Officer
Colorado Air Quality Control Commission

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within PREHEARING ORDER upon all petitioners herein by email this 19th day of June 2019, addressed as follows:

Air Quality Control Commission
Commissioner Curtis Rueter - Hearing Officer
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s/ Theresa L. Martin

IN THE MATTER OF PROPOSED ADOPTION OF REGULATION NUMBER 21
JULY 18, 2019 HEARING

**PREHEARING STATEMENT OF THE COLORADO DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT, AIR POLLUTION CONTROL DIVISION**

The Colorado Department of Public Health and Environment, Air Pollution Control Division (“Division”) hereby submits its Prehearing Statement in this matter pursuant to the Air Quality Control Commission’s (“Commission”) procedural rule 5 Colo. Code Reg. §1001-1.V.E.6.c.

I. EXECUTIVE SUMMARY

A. Summary of Proposal

On May 21, 2012, the Denver Metro North Front Range area (“DMNFR”) was designated as a Marginal nonattainment area for the 2008 8-hour Ozone National Ambient Air Quality Standard (“NAAQS”), effective July 20, 2012, with an attainment date of July 20, 2015. On May 4, 2016, the U.S. Environmental Protection Agency (“EPA”) published a final rule that determined that Colorado’s Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone NAAQS.¹ The EPA reclassified the DMNFR area to Moderate, effective June 3, 2016, and required attainment of the NAAQS no later than July 20, 2018, based on 2015-2017 ozone season data. In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 ozone NAAQS, with an attainment date of August 3, 2021.

As part of its continued effort to seek additional reductions to attain the 2008 ozone NAAQS and the new, lower, 2015 ozone NAAQS, the Division now requests that the Commission consider proposed Regulation Number 21. Specifically, the Division is proposing new requirements to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado. Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs. The proposed revisions will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQCs in Colorado. Proposed Regulation Number 21 is

¹ *Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas for the 2008 Ozone National Ambient Air Quality Standards*, 81 Fed. Reg. 26697 (May 4, 2016).

based on the Ozone Transport Commission (OTC) model rules, which achieve additional VOC reductions over EPA’s national rules in 40 CFR Part 59, Subparts C and D (1998). The Division is proposing to include Regulation Number 21 in Colorado’s ozone state implementation plan (SIP); however, the provisions to be implemented outside of the DMNFR are proposed only as “State Only.”

The Division and the Regional Air Quality Council (RAQC) have been meeting with stakeholders since 2014. Discussions have largely been positive, but have focused on a few targeted areas of dispute. Each of these areas of dispute are discussed in detail in Section II.B.1, herein.

B. Contents of Prehearing Statement

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C. Summary of Exhibits

At this time, the Division has only the rulemaking support documents, including without limitation the Economic Impact Analysis, and Statement of Basis and Purpose. The Division is also submitting the current proposed revisions to Regulation Number 21, along with a revised Statement of Basis and Purpose and Final Economic Impact Analysis.

D. Estimate of Time Necessary for Presentation

The Division estimates that it will require approximately 1.5 hours to present its case, including rebuttal.

II. DISCUSSION OF PROPOSED REVISIONS AND BRIEFING OF LEGAL AND FACTUAL ISSUES BEFORE THE COMMISSION

A. General Considerations

1. The Stakeholder Process

Since 2014, the Division and the RAQC have held numerous meetings with stakeholders and interested parties to discuss efforts to attain the ozone NAAQS. The Division sought input from industry, consultants, government agencies, environmental groups, and EPA representatives during this process. Further, the RAQC conducted a literature review of low-VOC consumer products and AIM coatings in 2016 and a low-VOC consumer products and AIM market survey in 2017.

The Division met and held conference calls with industry stakeholders throughout the fall of 2018, into the winter of 2019, specifically in November 2018, January 2019, and March 2019. The Division also requested public comment on a proposed “concept document” in January-February 2019 and held a public meeting on January 28, 2019, to discuss the concept document. The Division and the RAQC have continued to discuss proposed Regulation 21 with stakeholders through this rulemaking process.

2. General Considerations for Ozone Attainment

As a result of the reclassification to a Moderate nonattainment area, Colorado was required to submit SIP revisions to provide for the implementation of RACT at specified groups of sources, including major sources of VOC and NO_x in the DMNFR.² The Clean Air Act does not define RACT. However, the EPA has defined RACT as “the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.”³ RACT can be adopted in the form of emission limitations or “work practice standards or other operation and maintenance requirements,”⁴ as appropriate. The Commission adopted Colorado’s Moderate area ozone SIP and associated rules supporting the implementation of RACT at most major sources in the DMNFR in November 2016. The Commission further supplemented Colorado’s Moderate

² See 42 U.S.C. §§ 7502(c)(2) and 7511a(b)(2).

³ See *Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements*, 80 Fed. Reg. 12264 at p.12278, n.32 (Mar. 6, 2015).

⁴ See Memorandum from Sally Shaver, *Approval Options for Generic RACT Rules Submitted to Meet the non-CTG VOC RACT Requirement and Certain NO_x RACT Requirements*, at p.3, n.3 (Nov. 7, 1996).

nonattainment area RACT demonstration in November 2017 (RACT for oil and gas operations), July 2018 (RACT for combustion equipment), and in November 2018 (RACT for breweries).

Regulation 21 is not proposed for adoption as RACT for consumer products and AIM coatings as part of the Moderate area ozone SIP. However, since completing its work on that SIP, the Division has continued to look at measures to reduce ozone precursors in the DMNFR, and believes its proposal for Regulation 21 is achievable, reasonable, and likely to result in needed reductions of VOC. Most of the Division's proposal is outlined in the materials submitted with the request for hearing. Only those areas in dispute and those changes made to the proposal following the request for hearing are outlined in this Prehearing Statement.

B. Division Proposal

1. Areas of Dispute

While the Division has made some revisions to its proposal (discussed in more detail in the next section), some changes requested by stakeholders have not been made. Based on comments made during the stakeholder process, in requests for party status, and at the party status conference, the Division anticipates the following areas of dispute for the Commission to resolve at the July hearing.

a. Implementation Date

Stakeholders such as the American Coatings Association have expressed concern that a May 1, 2020 compliance date will be difficult for industry to meet. These stakeholders have indicated that the industry will not begin to adjust their operations until the rules are finally adopted by the Commission, and will need at least a year from that date in which to comply. The Division appreciates the challenges that its proposed implementation timeframe will create, but remains convinced that the May 1, 2020 implementation date is the right choice for Colorado for a few reasons.

First, as the Commission is aware, many of the ultimate products sold in Colorado to comply with proposed Regulation 21 are already in place here. However, if Colorado is to take credit for the emission reductions from these lower-VOC products as part of the inventory for its modeling demonstration for the upcoming SIP, Regulation 21 must have an implementation date at or prior to the beginning of the 2020 summer ozone season, which is May 1, 2020.

Second, given the need for expeditious ozone attainment and given that the current version of the proposal allows for sell-through of merchandise (i.e. products manufactured prior to May 1, 2020 will continue to be sold even after implementation of Regulation 21), the Division does not want to unnecessarily delay the realization of the emission reductions expected from this rulemaking.

Last, though stakeholders have maintained that a full year from adoption is necessary, the Division is not aware of any specific information supporting that claim. Also, the Division questions why manufacturers could not have already begun the planning process to transition

their operations, even while recognizing that some manufacturers may want to wait until adoption to expend significant funds.

b. Phase of Implementation

The Division has proposed to require sources to comply with the VOC standards in OTC Model Rule Phase IV for consumer products and OTC Model Rule Phase II for AIM coatings. For consumer products, the Division selected OTC Model Rule Phase IV due to the current implementation of this phase by some states, notably by Utah, and the potential increase in VOC emission reductions over EPA's national rule. For AIM coatings, the Division selected OTC Model Rule Phase II, which is based on California's 2006 standards, and which is also being implemented in other states.

Stakeholders including the American Coatings Association have suggested that the Commission adopt OTC Model Rule Phase II instead of Phase IV for consumer products and OTC Model Rule Phase I instead of Phase II for AIM coatings. The stated purpose behind that suggestion is to allow users to familiarize themselves with the new products. However, given the widespread implementation nation-wide of the OTC Model Rules (which mirror the Division's proposal) and the ability of these trade associations to educate their members, the Division fully expects the industry and users to adapt to these phases in a timely manner.

2. Changes Following Request for Hearing

The Division has made a few changes to its proposal following the April request for hearing. These changes are highlighted in yellow in the attached updated regulatory proposal. Each change – and whether it is supported by stakeholders – is discussed herein.

- Definitions - stakeholders indicated during the party status conference that their primary issue with proposed Regulation 21 was that the definitions section contained terms for both the consumer products rules and the AIM coatings rules. At their request, the Division has split out the definitions section to place them with their associated VOC standards, for ease of reading and to minimize confusion by the regulation community. The Division also made some revisions to the content of the definitions for clarity and consistency with the OTC Model Rules.
- Applicability, Part A, §I.B.4 – as requested by stakeholders during the party status conference, the Division has revised the consumer products applicability section to also include the California Air Resources Board variance provisions, for consistency with the OTC Model Rule.
- Table I, Part A - after the request for hearing, stakeholders noticed a misalignment of some of the VOC content limits in the consumer products Table 1. The Division has corrected these standards to align with the correct consumer product, as consistent with the OTC Model Rule.

- Recordkeeping, Parts A and B, §IV – as requested by stakeholders during the party status conference, the Division has revised the recordkeeping to be consistent with the OTC Model Rules.
- Test Methods, Parts A and B, §V – as requested by the EPA, the Division has revised these sections to give more specificity to the type of test methods allowed for use by sources to demonstrate compliance with the requirements of Regulation 21. The Division has not received feedback on these proposed changes from stakeholders.

The Division has made other typographical and clarifying revisions, which it does not believe to be substantive.

III. ISSUES TO BE RESOLVED BY THE COMMISSION

1. Whether to adopt proposed Regulation 21.
2. Whether to include certain provisions of Regulation 21 in the state implementation plan, as proposed by the Division.
3. Whether the process and proceedings in this matter comply with all relevant requirements of the Colorado Air Pollution Prevention and Control Act as set forth in §25-7-101, C.R.S., *et seq.* and the State Administrative Procedure Act as set forth in §24-1-101, C.R.S., *et seq.*, and all other applicable laws.

IV. EXHIBITS AND WRITTEN TESTIMONY

At this time, the Division does not intend to have any additional exhibits (other than previously submitted or attached to this Prehearing Statement) or written testimony to be offered into evidence at the hearing. The Division will utilize documents already part of the record (*e.g.* proposed rule language, etc.). The Division will also utilize demonstratives, such as a PowerPoint presentation, as part of its presentation at hearing.

The Division may also utilize exhibits identified by other parties.

V. WITNESS LIST

The Division intends to utilize the following persons for its presentation. These potential witnesses are employees of the Division and should be contacted only through undersigned counsel. The Division reserves the right and may call additional witnesses, as necessary, for rebuttal.

- A. **Dena Wojtach** - Regulatory Compliance Support Unit Supervisor/Acting Manager, Planning & Policy Program. Ms. Wojtach may testify regarding the development, meaning and implementation of the proposed revisions to

Regulation Number 21. Ms. Wojtach may also testify regarding any alternative proposals submitted by other parties.

- B. Leah Martland** – Regulatory Compliance Support Unit. Ms. Martland may testify regarding the development, meaning, and implementation of the proposed revisions to Regulation Number 21. Ms. Martland may also testify regarding any alternative proposals submitted by other parties.
- C. Jeremy Murray** – Regulatory Compliance Support Unit. Mr. Murray may testify regarding the development, meaning, and implementation of the proposed revisions to Regulation Number 21. Mr. Murray may also testify regarding any alternative proposals submitted by other parties.
- D. Curt Taipale** – State Implementation Plan - Technical Development Unit Supervisor, Planning & Policy Program. Mr. Taipale may testify regarding the development, meaning, and implementation of the proposed revisions to Regulation Number 21. Mr. Taipale may also testify regarding any alternative proposals submitted by other parties.
- E. Amanda Brimmer** – RAQC Staff. Ms. Brimmer may testify regarding the development, meaning, and implementation of the proposed revisions to Regulation Number 21.
- F.** Witnesses identified by other parties.

VI. FINAL ECONOMIC IMPACT ANALYSIS

Pursuant to 5 Code Colo. Reg., §1001-1.V.E.6.c.(ix) of the Commission's rules of procedure, the Final Economic Impact Analysis for the Division's proposed revisions to Regulation 7 is submitted with this Prehearing Statement.

VII. REVISED RULE LANGUAGE AND STATEMENT OF BASIS

Revised proposed rule language and a revised Statement of Basis and Purpose are also submitted with this Prehearing Statement.

Respectfully submitted this 11th day of June, 2019.

PHILIP J. WEISER
Attorney General

/s/ Robyn Wille

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Senior Assistant Attorney General
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Attorneys for Colorado Department of Public Health
and Environment, Air Pollution Control Division

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **PREHEARING STATEMENT OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AIR POLLUTION CONTROL DIVISION** upon all petitioners herein by email this 11th day of June 2019, addressed as follows:

Air Quality Control Commission

Commissioner Curtis Rueter - Hearing Officer
Email: curtis.rueter@nblenergy.com

Trisha Oeth
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Barbara Dory

BEFORE THE AIR QUALITY CONTROL COMMISSION
STATE OF COLORADO

IN THE MATTER OF PROPOSED ADOPTION OF REGULATION NUMBER 21
JULY 18, 2019 HEARING

**REBUTTAL STATEMENT OF THE COLORADO DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT, AIR POLLUTION CONTROL DIVISION**

The Colorado Department of Public Health and Environment, Air Pollution Control Division (“Division”) submits its Rebuttal Statement in this matter pursuant to the Air Quality Control Commission’s (“Commission”) procedural rule 5 Colo. Code Reg.§1001-1.V.E.6.d. A revised Agenda Item Control Sheet, revised proposed rule language and revised Final Economic Impact Analysis are also submitted with this Rebuttal Statement.

On June 11 and 12, 2019, all parties to this rulemaking submitted their Prehearing Statements. On June 18, 2019, the Commission conducted a prehearing conference to discuss outstanding issues and the July 18, 2019 hearing.

A. Summary

As discussed in the Division’s Prehearing Statement, which is incorporated herein, the Division requests the Commission adopt proposed Regulation 21. Proposed Regulation 21 is based on the Ozone Transport Commission (OTC) model rules which establish Volatile Organic Compound (VOC) limits for consumer products and Architectural and Industrial Maintenance (AIM) coatings.

B. Remaining Issues

1. Areas of Dispute

While the Division made additional revisions to its proposal (discussed below), some changes requested by stakeholders have not been made. Based on comments made during the stakeholder process, in requests for party status, at the party status conference, in Prehearing Statements, at the prehearing conference and in correspondence from American Coatings Association (ACA) dated June 21, 2019, the Division anticipates the following areas of dispute for the Commission to resolve at the July hearing.

a. Implementation Date

Stakeholders expressed concern that a May 1, 2020 compliance date will be difficult for industry to meet. These stakeholders indicated that industry will not begin to adjust their

operations until the final rule is published, and will need at least a year from that date to comply. The final rule will most likely be published on August 10, 2019. Therefore, it appears stakeholders would like until August 10, 2020 to comply.¹

Many companies that manufacture products subject to proposed Regulation 21 have already reformulated their products to comply with the standards in other states. In this situation, a company may only have to adjust distribution methods. Even if a company has to make a change to its facility and/or reformulate its product to comply, it will still be able to sell all noncompliant products manufactured prior to May 1, 2020 after the May 1, 2020 implementation date. Based on these factors, the Division believes a May 1, 2020 implementation date is achievable for industry and an extra three months is unnecessary.

Furthermore, if Colorado is to take credit for the emission reductions from these lower-VOC products as part of the inventory for its modeling demonstration in its upcoming Serious Area Ozone State Implementation Plan (SIP), Regulation 21 must have an implementation date at or prior to the beginning of the 2020 summer ozone season. The inability of Colorado to take credit for these emission reductions may result in a failure to demonstrate attainment.

b. Phase of Implementation

The Division has proposed to require sources to comply with the VOC standards in OTC Model Rule Phase IV for consumer products and OTC Model Rule Phase II for AIM coatings.

National Aerosol Association, Raymond Regulatory Resources and ACA believe a phased in approach is better (i.e. start with less stringent standards). ACA has requested that if a phased in approach is not adopted, the Commission adopt OTC Model Rule Phase I instead of Phase II for the following five categories of AIM coatings: waterproofing concrete/masonry sealer; waterproofing sealer; industrial maintenance; rust preventatives; and traffic marking.

On June 6 and 18, 2019, the Division asked ACA for supporting information in regard to the following AIM categories: waterproofing concrete/masonry sealer, waterproofing sealer, industrial maintenance and traffic marking.² The Division received supplemental information from ACA on June 21, 2019. In this supplemental information, ACA stated that implementing Phase II requirements for these five categories may shorten the timeframe for application. However, it did not provide a reason why Phase II compliant waterproofing concrete/masonry sealer, waterproofing sealer, industrial maintenance, rust preventatives or traffic marking cannot be used in Colorado. Although the compliant products may need to be used differently, they are still usable and effective. OTC AIM Phase II, which is based on California Air Resources Board (CARB) rules, already address climate/weather concerns. Some California air districts with mountainous regions have already implemented AIM Phase II standards.

¹ During the Prehearing Conference on June 18, 2019, stakeholders indicated they would need one year from date of publication to comply. However, in correspondence dated June 21, 2019, ACA indicated its members would need one year from rule adoption (i.e. July 18, 2019) to comply.

² The Division was not aware ACA was also requesting rust preventatives be subject to Phase I until it received ACA's request on June 21, 2019.

In March and April of this year, the Division had discussions with the Colorado Department of Transportation (CDOT) regarding issues that may arise from the implementation of OTC Model Rule Phase II for AIM coatings. After speaking with several of its suppliers and contractors, CDOT indicated the Phase II limits would not affect use of their suppliers/contractors typical water-borne paints and epoxy paints for pavement marking use. CDOT also discussed it with the Colorado Contractor's Association and did not receive any feedback or concerns. Based on the reasons above, the Division does not recommend a less stringent standard for these five categories.

2. Revisions to the Regulation Following the Prehearing Conference

The Division made a few changes to its rule proposal following the June 18th prehearing conference. Revisions are highlighted in yellow in the attached updated regulatory proposal. Each substantive change is discussed below.

- Part A, Section IV.D. – Per Willert's request, the Division added clarifying language regarding rule applicability.
- Continued efforts to refine and align definitions – Per the stakeholders' requests, the Division made changes to definitions to align with the OTC model rules.

The Division also made typographical and clarifying revisions to the rule, which it does not believe to be substantive.

3. Revisions to the Final Economic Impact Analysis (EIA) Following the Prehearing Conference

- In its June 21, 2019 correspondence, ACA admits that Colorado is complying with the EPA National AIM rule, but states that Colorado should consider the cost of implementing the CARB 1989 Suggested Control Measures (SCM). EPA did not promulgate the National AIM rule until 1998. Therefore, in addition to evaluating the costs of going from Phase I to Phase II, the proper analysis is to add the costs of going from EPA's 1998 AIM rule to OTC Model Rules Phase I. The Division has revised the EIA to account for the incremental costs of going from EPA's 1998 AIM rule to OTC Model Rules Phase I.
- In its June 25, 2019 correspondence, ACA states the Division should have taken into account additional costs for transportation and/or storage of AIM Phase II compliant products. The Division has revised the EIA to clarify why it believes these costs have been considered by CARB. The Division's cost estimates for AIM coatings are based on OTC materials that reference cost information developed by CARB.
- Revisions are highlighted in yellow in the attached updated EIA.

Respectfully submitted this 25th day of June, 2019.

PHILIP J. WEISER
Attorney General

/s/ Laura Terlisner Mehew
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and Environment, Air Pollution Control Division

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **REBUTTAL STATEMENT OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AIR POLLUTION CONTROL DIVISION** upon all petitioners herein by email this 25th day of June 2019, addressed as follows:

Air Quality Control Commission

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/s/ Barbara Dory
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AmericanCoatings ASSOCIATIONSM

May 1, 2019

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RE: American Coatings Association (ACA) Petition for Party Status for Proposed Regulation 21 Architectural and Industrial Maintenance (AIM) Coatings and Consumer Products

Dear Ms. Martin, Ms. Martland, Mr. Roan, and Ms. Mehew:

In accordance with the Procedural Rules of the Colorado Department of Public Health and Environment, Air Quality Control Commission, the American Coatings Association (ACA) is requesting stakeholder party status for proposed Regulation 21 – Architectural and Industrial Maintenance (AIM) and Consumer Products. Pursuant to Section V.E.4.c. of the Procedural Rules, ACA submits the following information to secure party status for proposed Regulation 21:

(1) Applicants:

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(2) Applicant Representative:

Mary Marchun, Christine Staberg and Moira Cullen
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(3) Summary of ACA's Policy, Factual, and Legal Issues with Proposed Regulation 21:

Proposed Regulation 21 would impose significant burdens on the coatings and consumer product industries, including, but not limited to, the following:

Compliance Date – ACA is concerned with the proposed May 1, 2020 compliance date because it would not give industry sufficient time to reformulate their products and adapt their distribution methods to effectively and efficiently implement the new rules' requirements. When new rules go into effect, industry requires a reasonable amount of lead time to adjust formulations and supply chain

processes in order to ensure compliance with VOC limits, labeling, and reporting requirements. As a result, ACA requests that CDPHE extend the compliance date to January 1, 2021 for both proposed rules to ensure that industry has adequate time to implement the necessary changes to their products being sold in Colorado.

Alternatively, ACA suggests that the CDPHE adopt a phase-in approach where Colorado would start with the adoption of the OTC Phase I Model Rule for AIM and the OTC Phase II Model Rule for Consumer Products now, and then adopt more recent versions of the OTC model rules as needed in the future. Under this phase-in approach, Colorado would continue the trend of reducing emissions with the opportunity to further those reductions in the future. A phase-in approach would also give manufacturers time to reformulate and change their distribution methods to ensure compliant products are reaching the state. Furthermore, a phase-in approach would give applicators time to understand, adjust, and become familiar with possible issues resulting from the new products.

Split the AIM and Consumer Product Rules – ACA implores CDPHE to split the AIM and Consumer Product rules into two separate documents. The current package has a shared definition section, and there are nuanced issues within each definition section for both consumer products and AIM coatings that need to be worked out independently of each other. For example, Consumer Products calculate VOC in a percentage, while AIM coatings have VOC calculated in grams per liter. Having the definition of VOC and calculation in one section for both rules will create confusion in implementation and enforcement.

Recordkeeping – ACA requests the CDHPE align its proposed rule with the OTC model rules regarding the recordkeeping requirements. The current proposal deviates from the model rules and raises potential enforcement concerns. For example, the OTC Phase II Model Rule for AIM affords companies **180 days to submit** the requested information and requires records to be retained for **3 years**. Conversely, the current CDHPE proposal requires manufacturers of a product subject to the rule to maintain records for at least **five (5) years** and **make records available to the Division upon request**. Companies need adequate time to gather the requested information (e.g. 180 days), and the proposed five-year record retention policy is overly and unnecessarily burdensome on industry.

As mentioned, these are only a few of our issues with Proposed Regulation 21. We look forward to expressing and discussing all of our issues more in-depth as this rulemaking process continues. Thank you for your consideration of our request for party status. Please do not hesitate to contact us if you have any questions.

Sincerely,

/s/

David Darling
Vice President
Health, Safety and Environmental Affairs

/s/

Rhett Cash
Counsel
Government Affairs



American Coatings ASSOCIATIONSM

June 11, 2019

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**RE: American Coatings Association (ACA) Comments on Proposed Regulation 21
Architectural and Industrial Maintenance (AIM) Coatings and Consumer Products**

Dear Ms. Martland:

The American Coatings Association (ACA)¹ is providing these comments on Proposed Regulation 21 for Architectural and Industrial Maintenance (AIM) Coatings and Consumer Products. ACA appreciates the stakeholder outreach that has been done by the Colorado Department of Public Health and Environment (CDPHE). This letter seeks to reiterate previous concerns raised by the Association during the stakeholder process, as well as discuss new and additional concerns.

Rule Package:

ACA implores CDPHE to split the AIM coatings and Consumer Product rules into two separate documents. The current package has a shared definition section, and there are nuanced issues within each definition section for both consumer products and AIM coatings that need to be worked out independently of each other. For example, Consumer Products calculate VOC in a percentage while AIM coatings have VOC calculated in grams per liter. Having the definition of VOC and calculation in one section for both rules will create confusion in implementation and enforcement.

Compliance Date:

ACA requests an extension of the effective date of the rule to one-year after adoption for both the AIM coatings and Consumer Products regulations. The proposed May 1, 2020 compliance date would not give industry sufficient time to reformulate their products and adapt their distribution methods to effectively and efficiently implement the new rules' requirements. When new rules go into effect, industry requires a reasonable amount of lead time to adjust formulations and supply chain processes in order to ensure compliance with VOC limits, labeling, and reporting requirements. As a result, ACA requests that CDPHE extend the compliance date to one-year after adoption for both proposed rules to ensure that industry has adequate time to implement the necessary changes to their products being sold in Colorado.

¹ ACA is a voluntary, non-profit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.

Recordkeeping:

ACA requests that CDPHE align its proposed rule with the OTC Model Rules regarding the recordkeeping requirements. The current proposal deviates from the model rules and raises potential enforcement concerns. For example, the OTC Phase II Model Rule for AIM affords companies **180 days to submit** the requested information and requires records to be retained for **3 years**. Conversely, the current CDPHE proposal requires manufacturers of a product subject to the rule to maintain records for at least **five (5) years** and **make records available to the Division upon request**. Companies need adequate time to gather the requested information (e.g. 180 days), and the proposed five-year record retention policy is overly and unnecessarily burdensome on industry.

Specific Issues with the Proposed Consumer Products Regulation:

ACA noticed an error in the OTC Phase IV Model Rule for Consumer Products which CDPHE included in its proposed rule. In Table 1, CDPHE proposed a VOC content limit for “Adhesives, Contact General Purpose” of 80% VOC by weight and a proposed VOC content limit for “Adhesives, Contact Special Purpose” of 55% VOC by weight. These limits are consistent with those that are listed in the OTC Phase IV Model Rule; however, it appears that the OTC Phase IV Model Rule was written incorrectly and inadvertently switched the limits for these two categories. This mistake is proven by the fact that the previous OTC model rules for consumer products included a VOC content limit for “Adhesives, Contact General Purpose” of 55% VOC by weight and a VOC content limit for “Adhesives, Contact Special Purpose” of 80% VOC by weight.² Furthermore, every state that has adopted a consumer products regulation has included a 55% VOC by weight limit for “Adhesives, Contact General Purpose” and an 80% VOC by weight limit for “Adhesives, Contact Special Purpose”.³ To correct this error, ACA respectfully requests that CDPHE revise the VOC content limits in Table 1 for “Adhesives, Contact General Purpose” to 55% VOC by weight and for “Adhesives, Contact Special Purpose” to 80% VOC by weight.

In addition, ACA respectfully requests that CDPHE revise the VOC content limit in Table 1 for “Bathroom and Tile Cleaners, Aerosol” to 7% VOC by weight. In the proposed rule, CDPHE includes a 5% VOC by weight limit for “Bathroom and Tile Cleaners, Aerosol” which is inconsistent with several consumer products regulations throughout the US. For example, Utah and California’s consumer products rules have a 7% VOC by weight limit for “Bathroom and Tile Cleaners, Aerosol”. Furthermore, the recently amended consumer products rules in Rhode Island, Connecticut, Maryland, Delaware, and New Hampshire include a 7% VOC by weight limit for “Bathroom and Tile Cleaners, Aerosol”. Therefore, to ensure consistency with consumer products regulations in neighboring jurisdictions, ACA requests that CDPHE revise the VOC content limit in Table 1 for “Bathroom and Tile Cleaners, Aerosol” to 7% VOC by weight.

Specific Issues with the Proposed AIM Coatings Regulation:

Given the specific concerns with the Colorado climate, ACA requests that CDPHE consider retaining the OTC Phase I limits for a few AIM coating categories. These categories would be adversely impacted by the significant reduction from the National Rule to the OTC Phase II limits, especially in the mountainous regions of the State. The climate will result in a narrow application window and reduced performance. ACA asks that CDPHE retain OTC Phase I Limits for the following categories:

² See the OTC Phase III and Phase II Model Rules for Consumer Products.

³ See the consumer products regulations in [Utah](#), [California](#), and every state in the OTC region.

- Waterproofing Concrete Masonry Sealer and Waterproofing Sealer at 400 g/L and 250 g/L, respectively;
- Bituminous roof coating at 300 g/L;
- Industrial Maintenance at 340 g/L; and
- Traffic Marking at 150 g/L.

Conclusion:

ACA thanks CDPHE for their early and continued stakeholder outreach during this rulemaking process. ACA looks forward to continued engagement as CDPHE moves forward. If you have any questions, please do not hesitate to reach out to the Association.

Best Regards,

/s/
Tim Wieroniey
Specialist, Health, Safety, and Environmental Affairs

/s/
Rhett Cash
Counsel, Government Affairs



AmericanCoatings

ASSOCIATIONSM

July 2, 2019

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Denver, Colorado 80246

RE: Colorado Air Pollution Control Division's Potential Rulemakings for Consumer Products and Architectural and Industrial Maintenance (AIM) Coatings; ACA Comments

Dear Commissioners:

The American Coatings Association (ACA)¹ is concerned with the proposed compliance date and the stringent OTC AIM Phase II limits, especially given the mountainous areas of Colorado. ACA requests a full one year compliance date (from rule publication) and requests Colorado adopt more reasonable OTC Phase I AIM limits, or at least adopt Phase I limits for five coatings categories (industrial maintenance, rust preventatives, traffic marking, waterproofing masonry sealers, and waterproofing sealers). The mountainous portions of the state are challenging since there is a shorter application window in which coatings can be applied and lower VOC OTC Phase II products need to be protected from freezing.

One Year Compliance Date (from rule adoption)

ACA members require at least one year (from rule publication) for both Architectural and Industrial Maintenance (AIM) Coatings and Consumer Products, to adjust formulations and supply chain processes in order to ensure compliance with amended VOC limits and labeling requirements. Industry needs sufficient time to adjust production, labeling, and distribution networks to efficiently and effectively implement the amendments. In addition, we have seen many states take a long time to adopt a rule and have used up the compliance time proposed in the rule. The additional compliance timeframe would give CO APCD enough time to fully and completely adopt a final rule and give industry adequate time to comply with it.

Manufacturers, distributors, and retail stores also employ extensive computer systems that require upgrades to incorporate new formulations and ensure non-compliant products are not sold into jurisdictions with the new VOC limits. This takes time that CO APCD must take into account. Furthermore, manufacturing and labeling costs are expensive, and architectural coatings manufacturers

¹ The American Coatings Association (ACA) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.

tend to manage formulation changes to their products to minimize costs stemming from obsolete products and labels. This is another example of additional costs that CO APCD must take into account. Additionally, manufacturers will need sufficient time to properly communicate these changes to their distributors and retail customers to ensure compliance with amended VOC limits. Finally, most companies wait until a rule is finalized (i.e. the requirements are certain) before implementing changes to ensure compliance because it helps minimize the costs of implementation and compliance. However, this also means that companies will not implement changes during the early parts of a rulemaking and will need adequate time after finalization of the amendment to make appropriate changes. This is especially relevant given significant weather concerns with mountainous area of the state.

Regional and local companies in the Colorado area that have not sold into either the Northeast or California will also need additional time need to completely reformulate their products. However even if companies have OTC Phase II formulations, they need time to make changes to their manufacturing operations to make the new products. Other companies need time to work with distributors to shift distribution - both waterborne products (threat of freezing during shipping and storage) and exempt compound products (flammable storage and shipping). As an example, an ACA member has products that can comply with the OTC AIM Phase I and II Model Rules their facility that would produce products for Colorado is not equipped to handle extremely flammable solvents (acetone). This company will need to add new equipment/controls to their facility so that these products can be made safely, and it will take 18 months for these changes to be implemented. Further, this company will need to work with distributors and transport companies to be sure these products can be properly stored and shipped. Finally, this company will incur additional shipping charges since flammable products are more expensive to ship. This company will also need to relabel several OTC Phase II products that will now be flammable. Since labels are expensive, this company needs time to work through existing label stock and develop new labels.

For companies that supply contractors there is a learning curve associated with new product use. Once manufacturers reformulate to a lower VOC product, they need to work with their customers/contractors so they understand how to properly transport, handle, store and use the new products. In many cases because the product is so different the contractor will need to learn how to properly apply the product. In addition, it may take some back and forth between the customer/contractor and manufacturer to fine tune the final product.

Many building, municipal and major construction projects include specifications as to which products are to be used, and projects are typically awarded a year prior to the start of construction. ACA respectfully requests at least a full one-year compliance date from the date the rule is adopted so that current projects can be completed without interruption. As an example the lower OTC Phase II limits and proposed May 1, 2020 compliance date may impact the Colorado Department of Transportation (CO DOT), since the CO DOT 2017 Standard Specification Book Section 708 (Paints) currently says, "Volatile Organic Compound (VOC) levels for paints and coatings shall comply with the most current EPA regulations." There could be issues with substituting lower VOC Phase II products mid-project including higher costs, application issues, color matches, incompatible coatings, blushing, and storage.

Further, while most States and local districts include a one-year compliance date others have provided additional time. The state that Colorado points to as an example of a state that adopted the OTC Phase II

limits, Utah, included a 15 month compliance date for its AIM Rule and multipurpose solvent limit as well as a 27 month compliance date for the paint thinner limit. New York, a State that adopted the OTC Phase I Model Rule in 2005, and help to develop the OTC Phase II model rule, just proposed to adopt the OTC Phase II Model Rule and included a 21 month compliance date in its proposal. The Bay Area Air Quality Management District was the first CA district to adopt the 2007 SCM (similar to the OTC Phase II rule) and included an 18 month compliance date.

ACA Requests CO Maintain the OTC Phase II limits for Industrial Maintenance, Rust Preventatives, Traffic Marking, Waterproofing Masonry Sealers, and Waterproofing Sealers

The California Air Resources Board (CARB) made several important changes to address the colder/wetter areas of California in the 2007 AIM SCM (which is the basis for the OTC AIM Phase II Model Rule). It is important to note that most of the Air Districts located in the mountainous portions of California are still complying with either the EPA National AIM Rule or the 2000 AIM SCM, which is similar to the OTC AIM Phase I Model Rule.

ACA would not be as concerned with CO APCD’s adoption of the OTC Phase II Model Rule for AIM right now if Colorado had already adopted the Phase I Model Rule because manufacturers, distributors, contractors and consumers would have had some experience with the lower VOC products and would better understand issues related to products freezing, minimum application temperatures and shorter application windows. The bottom-line is that the OTC Phase II Model Rule for AIM would not be as much of a problem if it were not for the mountainous areas of Colorado.

Colorado has cited the Utah AIM rule as a model for the Colorado IM rule, however it is important to note that Utah’s AIM rule only applies to the counties surrounding Salt Lake City and not the mountainous portions of Utah. Further, there are significant climate differences between the two states. The table below compares the lowest average temperatures (degrees F) for Salt Lake City and Denver, CO (data is from the US Climate Data website - www.usclimatedata.com). The chart indicates as much as a 10 degree difference in lowest average temperatures between the two cities. Further, the data below is for Denver, CO, the climate differences are likely even more pronounced in the more mountainous portions of Colorado.

Month	Salt Lake City, UT	Denver, CO
January	26	18
February	31	19
March	38	27
April	43	34
May	52	43
June	61	52
July	69	59
August	67	57
September	58	48
October	46	37
November	36	25
December	27	18

Most low VOC OTC AIM Phase II products must be applied at temperatures above 40 degrees F - so a 10 degree difference in temperatures between Salt Lake, UT and Denver is significant. The data also indicates that the application window for OTC Phase II products in Denver, CO is likely two months less than Salt Lake City, Utah since the lowest average temperatures in Denver are below 40 degrees for an additional two months (April and October). May and September could also be problematic as well since the average lowest temperatures are in the 40 degree range. Please note that for the May 21, 2019 Status Conference, Denver received six inches of snow. Given the limited application window in Colorado, ACA strongly recommends that CO adopt Phase I limits for AIM Coating VOC limits, however if CO does adopt Phase II AIM Coating VOC limits, we suggest keeping the OTC Phase I limits for several key categories that are intended to go on roads, highways, bridges, and other metal infrastructure in the mountains of CO as detailed below.

Industrial Maintenance Coatings (proposed limit - 250g/l, ACA recommends 340 g/l limit)

Industrial Maintenance coatings are very important protective coatings that are applied to critical infrastructure including bridges, pipelines, electrical equipment, ski lifts, metal building exteriors, wind turbines, etc. ACA is concerned that critical infrastructure in the mountains of CO could be lost if CO lowers the limit from 450 g/l to 250 g/l since the OTC Phase II products need to be applied in temperatures greater than 40-50°F. This could be challenging in the mountainous areas of Colorado and shortens the window in which these products can be applied. There will likely be less days that OTC Phase II products can be applied in the Spring and Fall, especially in the mountainous areas of the state. ACA recommends that CO keep the Industrial Maintenance limit at 340 g/l.

Rust Preventatives (proposed limit 250 g/l, ACA recommends 400 g/l limit)

Rust Preventative coatings are used to provide corrosion protection for metal substrates. Rust Preventative coatings are applied directly to metal, or over previously coated surfaces that exhibit corrosion. Rust Preventative coatings are used by homeowners, contractors, maintenance personnel, and professional painters. ACA is concerned that metal substrates in the mountains of CO could be lost if CO lowers the limit from 400 g/l to 250 g/l since the OTC Phase II products need to be applied in temperatures greater than 40-50°F. This could be challenging in the mountainous areas of Colorado and shortens the window in which these products can be applied. There will likely be less days that OTC Phase II products can be applied in the Spring and Fall, especially in the mountainous areas of the state. ACA recommends that CO keep the Rust Preventative limit at 400 g/l.

Traffic Marking Coatings (proposed limit 100 g/l, ACA recommends 150 g/l limit)

Traffic Marking coatings are primarily used to mark roadways, streets, and parking lots. ACA is concerned that it will be more challenging to apply traffic coatings in the mountains of CO if CO lowers the limit from 150 g/l to 100 g/l since the OTC Phase II products need to be applied in temperatures greater than 40-50°F. This could be challenging in the mountainous areas of Colorado and shortens the window in which these products can be applied. There will likely be less days that OTC Phase II products can be applied in the Spring and Fall, especially in the mountainous areas of the state.

It is important to note that the California Air Resources Board included the following concerns in the CARB 2007 SCM Technical Support Document (page 5-185)

“Some areas of California (e.g., the Northern Coast) have the type of climate where moisture and cold weather can inhibit the proper application of Traffic Marking coatings [100 g/l]. To help minimize application failure, Caltrans has opted to apply coatings in these areas only during good weather (Caltrans, 2007c). This may limit them to only a few months per year in this type of climate, but it prevents application failures by giving the paint sufficient time to dry. In Northern Coast areas near Crescent City, Caltrans previously used acetone-based products, but they eventually phased these products out, due to flammability and occasional machine plugging. Machine plugging can be caused by a multitude of problems ranging from the type of solvent, lack of solvent, temperature, humidity, or other factors.”

In addition, the 100 g/l limit is problematic because of the possibility of the products freezing, especially in the mountainous areas of the state. In colder weather the products need to be transported and stored in heated trucks and buildings. This will add additional costs that CO APCD must take into account. ACA recommends that CO keep the Rust Preventative limit at 150 g/l.

Waterproofing Concrete/Masonry Sealer and Waterproofing Sealers (Proposed limit 100 g/l, ACA recommends 400 g/l, and 250 g/l limits, respectively)

Waterproofing Concrete/Masonry Sealer is a clear or pigmented film forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkali, acids, ultraviolet light and staining.

Waterproofing Sealer is a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

Under the OTC Phase II AIM Coating VOC rule the Waterproofing Concrete/Masonry Sealer and Waterproofing Sealer categories have been eliminated and consolidated into the Concrete/Masonry Sealer category.

ACA is concerned that it will be more challenging to apply Waterproofing Concrete/Masonry Sealer and Waterproofing Sealer coatings on concrete and highways in the mountains of CO if CO lowers the limit from 150 g/l to 100 g/l since the OTC Phase II products need to be applied in temperatures greater than 40-50°F. This could be challenging in the mountainous areas of Colorado and shortens the window in which these products can be applied. There will likely be less days that OTC Phase II products can be applied in the Spring and Fall, especially in the mountainous areas of the state.

In addition, the 100 g/l limit is problematic because of the possibility of the products freezing, especially in the mountainous areas of the state. In colder weather the products need to be transported and stored in heated trucks and buildings. This will add additional costs that CO APCD has not taken into account.

Thank you for your consideration of our concerns. Please do not hesitate to contact us if you have any questions.

Sincerely,

/s/

David Darling
Vice President, Health, Safety and Environmental Affairs

Cc:
Craig Wieden, Colorado DOT
Leah Martland, CDPHE



Innovative Products For Home. Work. Life.

May 9, 2019

via electronic transmission

Air Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, EDO-AQCC-A5
Denver, CO 80246-1530
cdphe.aqcc-comments@state.co.us

Subject: Petition for Party Status - Proposed Regulation No. 21¹

Dear Commissioners,

The Household & Commercial Products Association (HCPA) requests party status in the rulemaking hearing on proposed Regulation 21.

HCPA is the national non-profit trade association representing companies that manufacture and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives. Fourteen HCPA member companies have facilities located in Colorado.

The Household & Commercial Products Association is located at: 1667 K Street NW, Suite 300, Washington, DC 20006, and is represented in this proceeding by the following staff persons:

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¹ Notice of Rulemaking Hearing for Proposed Regulation 21 is posted on the Commission's website at: <https://drive.google.com/drive/folders/14kuHXbmtloEnBqSI5xpulvsWhLeIK5Dv>

Statement of Interest

HCPA member companies manufacture and market more than two-thirds of the broad product categories covered by proposed Regulation 21. This wide range of products include home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products.

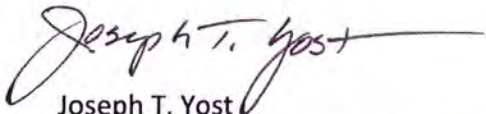
During the past 30 years, HCPA has worked actively and cooperatively with California, Connecticut, the District of Columbia, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah and Virginia to provide our industry's perspective on these states' consumer products regulations. HCPA supported (and continues to support) actions by the Ozone Transport Commission (OTC) to develop model rules. The OTC model rule provides a workable regulatory framework for states to achieve technologically and commercially feasible reductions in the VOC content of consumer products that are needed to help achieve compliance with State Implementation Plan (SIP) commitments.

Finally, HCPA worked cooperatively with the U.S. Environmental Protection Agency (EPA) as it developed the National Volatile Organic Compound Emission Standards for Consumer Products.² HCPA also participated as a joint intervenor in support of EPA in *Allied Local and Regional Manufacturers Caucus, et al v. U.S. Environmental Protection Agency*.³

HCPA Participated in All Phases of the Division's Initial Stakeholder Meetings as It Developed the Proposed Regulation 21. Therefore, HCPA Respectfully Requests that the Commission Grant Our Petition for Party Status in This Rulemaking Hearing.

HCPA participated in the initial stakeholder meeting in Denver conducted by the Division and the Regional Air Quality Council on November 13, 2018. HCPA also participated in the Division's initial conference call for stakeholders on January 10 and participated in the Division's initial stakeholder meeting in Denver on January 28. HCPA participated in the Division's early stakeholder engagement process and filed written comments on February 11 and March 14. Finally, HCPA participated in the Commission's meeting on April 18.

Respectfully,



Joseph T. Yost
Vice President, Strategic Alliances & Industry Relations

² The U.S. EPA National Volatile Organic Compound Emission Standards for Consumer Products is codified at 40 C.F.R. Part 59 Subpart C. The text of this national regulation is posted at: <http://www.ecfr.gov/cgi-bin/text-idx?SID=1411e43de79a86b3ace36f9950aa7d95&mc=true&node=sp40.6.59.c&rqn=div6>.

³ 215 F.3d 61 (D.C. Cir. 2000). In this case, HCPA and another national trade association filed joint *amicus* briefs supporting the U.S. EPA's arguments that the Agency had authority to promulgate regulations pursuant to Section 183(e) of the federal Clean Air Act [see 42 USC § 7511b(e)].

cc: HCPA Air Quality Council
Amanda Brimmer, Technical Program Manager, Regional Air Quality Council

PROOF OF SERVICE

I, the undersigned do hereby state and attest to the fact that I have sent an electronic copy of this petition for party status to the following individuals:

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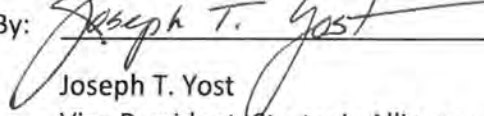
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DATED: May 9, 2019

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HOUSEHOLD & COMMERCIAL PRODUCTS
ASSOCIATION

By: 
Joseph T. Yost
Vice President, Strategic Alliances
& Industry Relations



Amendment of HCPA's Prehearing Statement on Proposed New Regulation Number 21

1 message

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Mon, Jun 17, 2019 at 4:25 PM

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To all Parties:

The Household & Commercial Products Association (HCPA) is amending the prehearing statement that the Association filed on June 11. HCPA intends to call upon the following persons for its presentation. These potential witnesses are employees of the HCPA.

Joseph Yost – Strategic Alliances & Industry Relations Department. Mr. Yost may testify regarding revisions that are necessary to ensure that the provisions of the final Regulation 21 are consistent with parallel provisions in the OTC Consumer Products Model Rule and other state regulations that are based on this model rule. Mr. Yost may also testify regarding any alternative proposals submitted by other parties.

Nicholas Georges – Scientific Affairs Department. Mr. Georges may testify regarding the practical and technical reasons that final Regulation Number 21 should provide one full year between the date that the final rule is published and the date for complying with the new VOC limits and related enforcement provisions. Mr. Georges may also testify regarding any alternative proposals submitted by other parties.

HCPA requests a total of ten (10) minutes for these two witnesses to present oral testimony during the prehearing conference.

In addition, HCPA reserves the right to identify and call additional witnesses in any Rebuttal Statement (as necessary).

Respectfully,

Joseph T. Yost

Vice President, Strategic Alliances & Industry Relations
Household & Commercial Products Association

**BEFORE THE AIR QUALITY CONTROL COMMISSION
STATE OF COLORADO**

IN THE MATTER OF PROPOSED NEW REGULATION NUMBER 21

PREHEARING STATEMENT OF THE HOUSEHOLD & COMMERCIAL PRODUCTS ASSOCIATION

This prehearing statement is submitted by the Household & Commercial Products Association (HCPA) in connection to the above-captioned hearing pursuant to the requirements of 5 CCR 1001-V.E.6.c. HCPA's statement focuses solely on the proposed provisions of Regulation 21 that are related to consumer products.

HCPA is the national non-profit trade association representing companies that manufacture and/or market of more than two-thirds of the broad product categories covered by the proposed new Regulation 21.

HCPA strongly supports regionally consistent state regulations that are based on the OTC Model Consumer Products Rule. HCPA participated as an active stakeholder in every one of the rulemaking procedures conducted by the 16 states and the District of Columbia that promulgated final regulations based on the OTC Model Rule. These OTC-based regulations establish volatile organic compound (VOC) limits for products that: (1) are not regulated by EPA; or (2) are equal to, or are more stringent than the VOC limits set forth in current EPA regulation. HCPA member companies supported these states' regulations because they are consistent with the OTC Model Rule. HCPA strongly believes that consistent regional consumer products regulations achieve improvements in air quality without impeding interstate commerce.

HCPA could support the final Colorado regulation if the Division: (1) separates the provisions of the Architectural and Industrial Maintenance (AIM) Coatings Regulation and the Consumer Products Regulation to create two distinct subsections in the final rule; (2) makes revisions that are necessary to be consistent with the provisions of the OTC Consumer Products Model Rule – Phase IV; (3) uses the exact language (to the maximum extent practicable) contained in the OTC Model Rule to define product categories in the final rule; (4) establishes three-year recordkeeping requirements; and (5) provides one year for companies to comply with the new VOC limits and related enforcement provisions in the final regulation.

HCPA does not, at this time, intend to introduce any exhibits, call any witnesses or offer any written testimony at the hearing. HCPA reserves the right to raise any additional policy, factual, or legal issues identified during the rulemaking proceeding.

HCPA appreciates the Division's willingness to discuss HCPA's recommended revisions to the proposed regulation. HCPA will continue to work cooperatively with the Division to identify and discuss revisions to the proposed regulation that are necessary to ensure that the final Regulation Number 21 is consistent with the OTC Consumer Products Model Rule and the other state regulations that are based on this model rule.



June 11, 2019

via electronic transmission

Commissioner Curtis Rueter
Hearing Officer
Air Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, EDO-AQCC-A5
Denver, CO 80246-1530

Subject: Prehearing Statement – Proposed New Regulation Number 21¹

Dear Commissioner Rueter,

The Household & Commercial Products Association (HCPA) appreciates the opportunity to file this prehearing statement on the proposed new Regulation 21. HCPA’s statement focuses solely on the proposed regulatory provisions related to consumer products.

Statement of Interest

HCPA is the national non-profit trade association representing companies that make and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting in homes and commercial environments. HCPA members employ 200,000 people in the U.S. whose work helps consumers and workers create a cleaner, healthier and more productive life. Fourteen HCPA member companies have facilities located in Colorado.

HCPA member companies are involved in the manufacturing and/or marketing of more than two-thirds of the broad product categories covered by the proposed new Regulation 21. This wide range of products include home, lawn and garden pesticides; antimicrobial products; air care products; automotive specialty products; detergents and cleaning products; polishes and floor maintenance products; and various types of aerosol products.

HCPA Participated in All Phases of this Proposed Rulemaking Process

HCPA participated in the initial stakeholder meeting in Denver conducted by the Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division (Division) and the Regional Air Quality Council on November 13, 2018. HCPA also participated in the Division’s initial conference call for stakeholders on January 10 and participated in the Division’s

¹ Notice of Rulemaking Hearing for Proposed new Regulation 21 is posted on the Commission’s website at: <https://drive.google.com/drive/folders/14kuHXbmtloEnBqSI5xpulvsWhLeIK5Dv>

initial stakeholder meeting in Denver on January 28. HCPA participated in the Division's early stakeholder engagement process and filed written comments on February 11 and March 14. HCPA also participated in the Commission's party status meeting on April 18.

I. Summary of HCPA's Policy, Factual and Legal Issues with Proposed Regulation 21

On June 6, HCPA submitted a redline text document to the Division to identify specific recommended revisions to proposed rule that are necessary to ensure that provisions related to consumer products in the final Regulation Number 21 will be consistent with the Ozone Transport Commission (OTC) Consumer Products Model Rule – Phase IV and the final OTC-based regulations promulgated by 16 states² and the District of Columbia.³ HCPA appreciated the opportunity to discuss these recommended revisions with the Division.

HCPA recommends that the Division address the following overarching issues in the final rule.

- A. HCPA strongly supports regionally consistent state regulations that are based on the OTC Model Consumer Products Rule. Therefore, HCPA urges the Division to make revisions to the proposed rule that are necessary to ensure that the final Regulation 21 is consistent with the OTC Model Rule.

HCPA participated as an active stakeholder in every one of the 16 states and the District of Columbia that promulgated final regulations based on the OTC Model Rule. These OTC-based regulations establish volatile organic compound (VOC) limits for products that: (1) are not

² **Connecticut** – the revised regulation took effect on May 1, 2018 – codified at Conn. Agencies Regs. § 22a-174-40; **Delaware** – the revised regulation took effect on Jan. 1, 2017 – codified at 7 DE Admin. Code 1141 § 2; **Illinois** – the revised regulation took effect on July 1, 2012 – codified at Ill. Admin. Code Title 35 §§ 223.200 *et seq.*; **Indiana** – the regulation took effect on June 1, 2011 – codified at Ind. Admin. Code Title 326, Art. 8; **Maine** – the revised regulation took effect on Jan. 1, 2009 – codified at Code Me. R. Ch. 152; **Maryland** – the revised regulation took effect on January 1, 2018 – codified at COMAR § 26.11.32; **Massachusetts** – the regulation took effect on Jan. 1, 2009 – codified at Mass. Regs. Code Title 310 § 7.25(12) *et seq.*; **Michigan** – revised regulation took effect on Jan. 1, 2009 – codified at Mich. Ann. Code R. 336.1660 and 336.1661; **New Hampshire** – the revised regulation took effect on Jan. 1, 2017 - codified at N.H. Code Admin. Ch. Env-A 4100; **New Jersey** – the revised regulation took effect on Jan. 1, 2009 - codified at N.J. Admin Code Title 7, Ch. 27 Subch. 24; **New York** – the revised regulation took effect on Jan. 1, 2010 - codified at N.Y. Comp. Codes R & Regs. Title 6, Ch. III Subpt. 235; **Ohio** – the regulation took effect on Jan. 1, 2009 - codified at Ohio Admin. Code Chapter 3745-112 *et seq.*; **Pennsylvania** – the revised regulation took effect on Jan. 1, 2009 - codified at 25 Pa. Code § 130.201 *et seq.*; **Rhode Island** – the current regulation took effect on July 1, 2009 and the final revised regulation will take effect on Jan. 1, 2020 – codified at R.I. Air Pollution Control Reg. No. 31; **Utah** – took effect on Sept. 1, 2014 - codified at Utah Admin. Code R307-357; the regulation applies to the following specified counties in the Metropolitan Salt Lake Area: Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties; **Virginia** – the revised regulation took effect on March 1, 2014 – applies *only* in specified areas of the Commonwealth: the Northern Virginia VOC Emissions Control Area, the Fredericksburg VOC Emissions Control Area, and the Richmond VOC Emissions Control Area; codified at Va. Admin. Code Title 9, Ch. 45 Art 3 & Art. 4.

³ The revised District of Columbia regulation took effect on Jan. 1, 2012; it is codified at D.C. Mun. Regs. Title 20 § 719 *et seq.*

regulated by EPA; or (2) are equal to, or are more stringent than the VOC limits set forth in current EPA regulation.⁴ HCPA member companies supported these states' regulations because they are consistent with the OTC Model Rule.

HCPA strongly believes that consistent regional consumer products regulations achieve improvements in air quality without impeding interstate commerce. Moreover, the promulgation of consistent regional regulations is a practical necessity for small businesses since these companies generally lack the staff resources to ensure that the companies' products comply with a patchwork of different (and potentially conflicting) state-specific requirements.

HCPA could support the final Colorado regulation if: (1) the Division makes revisions that are necessary to ensure that the provisions of the final Regulation 21 are consistent with parallel provisions in the OTC Consumer Products Model Rule; and (2) the final rule provides one year for companies to comply with the new VOC limits and related enforcement provisions (see reasons set forth below).

- B. The Division should separate the provisions of the Architectural and Industrial Maintenance (AIM) Coatings Regulation and the Consumer Products Regulation and create two distinct subsections in the final Regulation Number 21.

As currently drafted, the proposed regulation joins two separate and unique regulations under a single regulatory framework. On the surface, this approach may appear to provide a degree of administrative efficiency. However, merging the two sets of definitions creates unnecessary confusion. Moreover, this approach is inconsistent with the final OTC-based regulations promulgated by other states.

HCPA does not object to the Division conducting a single rulemaking to promulgate VOC standards for consumer products and architectural and industrial maintenance (AIM) coatings. However, HCPA strongly urges the Division to separate the two regulations into clearly delineated subsections of the final Regulation Number 21.

The final regulations promulgated by the Delaware Department of Natural Resources and Environmental Control serve as a good model for effectively separating the provisions governing AIM coatings and the provisions of governing consumer products in a single regulation.⁵

- C. The final Regulation Number 21 should provide one year for companies to comply with the new VOC limits and related enforcement provisions.

HCPA member companies that manufacture and/or distribute products on a regional basis will need a reasonable amount of time to:

- Reformulate products to comply with the new VOC limits, conduct stability testing, efficacy testing and make the necessary changes to product labels and other documents such as Safety Data Sheets (SDSs) and Technical Data Sheets (TDSs); and/or

⁴ The current EPA National Volatile Organic Compound Emission Standards for Consumer Products took effect on Dec. 10, 1998; it is codified at 40 C.F.R. Part 59 Subpart C.

⁵ 7 DE Admin. Code 1141 <http://regulations.delaware.gov/AdminCode/title7/1000/1100/1141.pdf>.

- Make necessary changes in product distribution channels to ensure that compliant products are supplied to retailers.

Reformulating products and changing distribution systems is an expensive and time-consuming process. Moreover, there are instances in which proposed federal and state regulations (impacting other issues not related to VOC regulations) have been withdrawn, postponed and altered unexpectedly – sometimes at the last minute. Therefore, it is unreasonable to expect companies to expend the considerable amount of time, money and effort to reformulate products or to restructure distribution systems to comply with new VOC standards until the regulation is published as a final rule with binding legal effect.

Therefore, HCPA strongly recommends that the final regulation should provide one full year between the date the final rule is published and the date for complying with the new VOC limits and related enforcement provisions.

- D. The final Regulation Number 21 should include the definitions for product categories as written in the OTC Model Rule.

Definitions of product categories and related terms are central to the complex OTC Model Rule. The definitions in the OTC Model Rule are based on the definitions contained in the California Air Resources Board's (CARB's) comprehensive consumer products regulation.⁶ CARB has carefully updated and constructed the definitions to be unambiguous and mutually exclusive to ensure that no product category is inadvertently subject to more than one VOC limit. Therefore, the definitions contained in the OTC Model Rule provide the regulatory clarity and consistency with the CARB regulation (and all OTC-based state regulations) that is necessary for: (1) manufacturers to formulate products that comply with applicable VOC limits; and (2) state agencies to fairly enforce the regulatory requirements.

- E. The final Regulation Number 21 should be consistent with the OTC Model Rule and the CARB regulation and establish three-year recordkeeping requirements.

As currently drafted, the proposed regulation requires records to be maintained for a period of five years. This proposed requirement is not consistent with either the OTC Model Rule (and the final state regulations based on this Model Rule) and the current CARB Regulation, which impose a three-year recordkeeping requirement. This requirement is set forth in the Test Method section of the OTC Model Rule and the CARB regulation.⁷ In summary, product manufacturers must keep accurate records for each day of production and these records must be maintained for at least three years. Complying with this requirement is necessary for manufacturers to document compliance with applicable VOC limits in response to an enforcement inquiry.

⁶ 17 CCR § 94508(a).

([https://govt.westlaw.com/calregs/Document/I93A3E17045DC11E4A10180321CCBA1E2?viewType=FullText&originalContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I93A3E17045DC11E4A10180321CCBA1E2?viewType=FullText&originalContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)).

⁷ Section 9(b)(1) of the OTC Consumer Products Model Rule and 17 CCR § 94515(b)(1).

The three-year recordkeeping requirement is also contained in the provision governing the Alternative Control Plan (ACP) in both the OTC Model Rule and the CARB regulation.⁸ While there is no specific recordkeeping requirement set forth in the innovative product provision in the OTC Model Rule or the CARB regulation, product manufacturers maintain records for at least three years to document compliance with applicable VOC limits, as required by the Test Method provision.⁹

II. List of Issues that May Need to Be Resolved by the Commission During the Hearing

HCPA appreciates the Division's willingness to discuss HCPA's recommended revisions to the proposed regulation. HCPA will continue to work cooperatively with the Division to identify and discuss revisions to the proposed regulation that are necessary to ensure that the final Regulation Number 21 is consistent with the OTC Consumer Products Model Rule and the other state regulations that are based on this model rule.

At this time, the following issues remain unresolved and may need to be considered by the Commission during the hearing:

1. Separate the provisions of the Architectural and Industrial Maintenance (AIM) Coatings Regulation and the Consumer Products Regulation and create two distinct subsections in the final Regulation Number 21.
2. Provide one year for companies to comply with the new VOC limits and related enforcement provisions in the final regulation.
3. Use the exact language in the OTC Model Rule to define product categories in the final Regulation 21.
4. Establish three-year recordkeeping requirements in the final rule.

III. HCPA does not, at this time, intend to introduce any exhibits at the hearing.

IV. HCPA does not, at this time, intend to call any witnesses at the hearing.

V. HCPA does not, at this time, intend to offer written testimony into evidence at the hearing.

Conclusion

HCPA appreciates the opportunity to participate as a party in this open and transparent rulemaking process that will develop and adopt new VOC standards for consumer products that will contribute to attaining and maintaining the federal ozone standards in Colorado.

⁸ Section 11(e) of the OTC Consumer Products Model Rule and 17 CCR § 94545(a).

⁹ Section 9(b)(1) of the OTC Consumer Products Model Rule and 17 CCR § 94515(b)(1).

Air Quality Control Commission
June 11, 2019
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HCPA reserves the right to raise any additional policy, factual, or legal issues identified during the rulemaking proceeding.

Please contact us if you have questions about HCPA's recommended revisions to the proposed regulation.

Respectfully,



Joseph T. Yost
Vice President, Strategic Alliances
& Industry Relations



Steven D. Bennett, Ph.D.
Senior Vice President, Scientific Affairs



Nicholas B. Georges
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cc: HCPA Air Quality Council

CERTIFICATE OF SERVICE

I, the undersigned do hereby state and attest to the fact that I have sent an electronic copy of this prehearing statement to the following individuals:

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Air Quality Control Commission
June 11, 2019
Page 8 of 8

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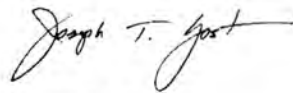
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DATED: June 11, 2019

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HOUSEHOLD & COMMERCIAL PRODUCTS
ASSOCIATION



Joseph T. Yost
Vice President, Strategic Alliances
& Industry Relations

**BEFORE THE AIR QUALITY CONTROL COMMISSION
STATE OF COLORADO**

IN THE MATTER OF PROPOSED ADOPTION OF REGULATION NUMBER 21
JULY 18, 2019 HEARING

COMMENTS OF THE HOUSEHOLD & COMMERCIAL PRODUCTS ASSOCIATION

The Household & Commercial Products Association (HCPA) submits these comments in connection to the above-captioned hearing pursuant to the requirements of 5 Colo. Code Reg. § 1001-1. HCPA's comments focus solely on the proposed provisions of Regulation 21 that are related to consumer products.

- A. HCPA supports the Division's actions to refine and align definitions in the proposed Regulation Number 21 with the OTC Consumer Products Model Rule.

As currently revised, the proposed regulation is consistent with the Ozone Transport Commission (OTC) Consumer Products Model Rule – Phase IV¹ and the other state regulations that are based on this model rule.² HCPA strongly believes that consistent consumer products regulations achieve improvements in air quality without impeding interstate commerce.

- B. HCPA member companies that manufacture product on a regional basis continue to have concerns about the proposed effective date.

As a practical matter, many HCPA member companies manufacture or market products on a nationwide basis. These products comply with the VOC limits mandated by the current California regulation³ and thus, comply with the VOC limits set forth in proposed Regulation 21.

¹ The text of the OTC Consumer Products Model Rule Phase IV is posted on the OTC website at: <https://otcair.org/upload/Documents/Meeting%20Materials/OTC%20CP%20Complete.pdf>. (Hereinafter referred to as the "OTC Model Rule.")

² **Connecticut** – the revised regulation took effect on May 1, 2018 (codified at Conn. Agencies Regs. § 22a-174-40); **Delaware** – the revised regulation took effect on Jan. 1, 2017 (codified at 7 DE Admin. Code 1141 § 2); **Maryland** – the revised regulation took effect on January 1, 2018 – codified at COMAR § 26.11.32; **New Hampshire** – the revised regulation took effect on Jan. 1, 2017 - codified at N.H. Code Admin. Ch. Env-A 4100; **Rhode Island** – the current regulation took effect on July 1, 2009 and the final revised regulation will take effect on Jan. 1, 2020 (codified at R.I. Air Pollution Control Reg. No. 31); **Utah** – the current regulation took effect on Sept. 1, 2014 (codified at Utah Admin. Code R307-357) [Note: the Utah regulation applies to the following counties in the Metropolitan Salt Lake Area: Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties].

³ Cal. Code Regs. Title 17 §§ 94507-17.

However, companies that manufacture or market products on a regional basis may require a reasonable amount of time to complete some (and in many cases, all) of the following actions:

- Reformulate products to comply with the new VOC limits,
- Conduct stability testing and efficacy testing,
- Make the necessary changes to product labels,
- Make changes to Safety Data Sheets (SDSs) and Technical Data Sheets (TDSs), and/or
- Make necessary changes to product distribution channels to ensure that compliant products are shipped to Colorado.

Reformulating products and/or changing distribution systems is an expensive and time-consuming process. Moreover, there are instances in which proposed federal and state regulations (impacting other issues not related to VOC regulations) have been withdrawn, postponed and altered unexpectedly – sometimes at the last minute. Consequently, companies do not expend time and money to reformulate products or to restructure distribution systems to comply with new regulations until these requirements have binding legal effect. Thus, as a general matter, HCPA requests that states considering adoption of OTC-based consumer products regulations provide a minimum of one full year between the date the final rule is published and the date for complying with the new VOC limits and related enforcement provisions.

Notwithstanding concerns with the proposed effective date, HCPA members recognize that the Division has a compelling interest in implementing Rule 21 at or before the beginning of the 2020 summer ozone season. Moreover, HCPA appreciates the Division's assurances that the final rule will most likely be published on August 10, 2019.⁴ Therefore, HCPA does not oppose adoption of the currently revised proposed Rule 21. HCPA member companies that manufacture or market products on a regional basis will initiate expedited actions that are needed to comply with the new VOC limits within the approximately nine month period between publication of the final rule and the proposed May 1, 2020 effective date.

- C. HCPA recommends that the Division make a technical correction in Table 1 for the oven or grill cleaner product category.

HCPA recommends that the Division strike the term "pump spray" from the proposed 8% VOC limit for aerosol oven or grill cleaners. The OTC Model Rule establishes VOC limits for two subcategories: aerosol and non-aerosol (incorporating the pump-spray and the liquid subcategories into the non-aerosol subcategory).⁵ The OTC made this change to be consistent with a similar change in the California regulation. CARB merged the pump spray and liquid subcategories into a single non-aerosol subcategory. CARB explained, "...we believe that 'non-aerosol' better describes the 'pump spray' and 'liquid' product form."⁶

⁴ APCD Rebuttal Statement at p. 2.

⁵ See Section 3(a) OTC Model Rule - Table of Standards.

⁶ "Initial Statement of Reasons for Proposed Amendments to the California Consumer Products Regulation and the Aerosol Coatings Regulation," CARB (Sept. 29, 2006) at VI-47. See <http://www.arb.ca.gov/regact/cpwg2006/appena.pdf>.

Therefore, HCPA recommends that the following revision be included in the final regulation:

Product category	VOC content limit (percent VOCs by weight)
Oven or grill cleaners	
* Aerosol / pump sprays	8
* Non-aerosol	4

This revision will ensure that VOC limits for the oven or grill cleaner product category in the final Rule 21 will be consistent with the OTC Model Rule and the state regulations based on this model.

Conclusion

HCPA members support the Division's actions to refine and align definitions in the proposed Regulation Number 21 with the OTC Consumer Products Model Rule. However, HCPA member companies that manufacture or market products on a regional basis continue to have concerns with the proposed effective date.

HCPA understands that the Division has a compelling interest in implementing Rule 21 at or before the beginning of the 2020 summer ozone season. Therefore, HCPA does not oppose adoption of the currently revised proposed rule. HCPA members that manufacture products on a regional basis will initiate expedited actions that are needed to comply with the new VOC limits within the approximately nine month period between publication of the final rule and the proposed May 1, 2020 effective date.

HCPA reserves the right to raise any additional policy, factual, or legal issues identified during the rulemaking proceeding.

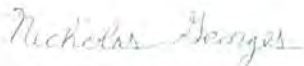
Respectfully,



Joseph T. Yost
Vice President, Strategic Alliances
& Industry Relations



Steven D. Bennett, Ph.D.
Senior Vice President, Scientific Affairs



Nicholas B. Georges
Senior Director, Scientific & International Affairs

cc: HCPA Air Quality Council

CERTIFICATE OF SERVICE

I, the undersigned do hereby state and attest to the fact that I have sent an electronic copy of this prehearing statement to the following individuals:

Air Quality Control Commission

Commissioner Curtis Rueter - Hearing Officer
Email: curtis.rueter@nblenergy.com

Trisha Oeth

Email: trisha.oeth@state.co.us

Jeremy Neustifter – Policy Advisor

Email: jeremy.neustifter@state.co.us

Theresa Martin

Email: theresa.martin@state.co.us

**Office of the Attorney General –
Commission Attorney**

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Barbara Dory

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Air Pollution Control Division

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Leah Martland

Email: leah.martland@state.co.us

**Office of the Attorney General – Division
Attorney**

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**Household & Commercial Products
Association**

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Steven Bennett, Ph.D.

Email: sbennett@theHCPA.org

National Aerosol Association

Doug Raymond

Email: djraymond@me.com

Raymond Regulatory Resources

Doug Raymond

Email: djraymond@me.com

Air Quality Control Commission
July 2, 2019
Page 5 of 5

Willert Home Products Inc.
Brian Warner
Email: bwarn@willert.com

Kelly Webster
Email: kwebster@willert.com

Jennifer L. Biever, Esq.
Email: jbiever@lewisbess.com

Dale Ratliff, Esq.
Email: dratliff@lewisbess.com

DATED: July 2, 2019

1667 K Street NW, Suite 300
Washington, DC 20006
202-833-7325

HOUSEHOLD & COMMERCIAL PRODUCTS
ASSOCIATION



Joseph T. Yost
Vice President, Strategic Alliances
& Industry Relations



Party Status for NAA

1 message

Doug Raymond <djraymond@me.com>

Thu, May 9, 2019 at 4:19 PM

To: cdphe.aqcc-comments@state.co.us

Cc: theresa.martin@state.co.us, "Martland - Cdphe, Leah" <leah.martland@state.co.us>, tom.roan@coag.gov, laura.mehew@coag.gov

This e-mail is to petition for Party Status for the new Regulation Number 21 which limits the Volatile Organic Compound (VOC) content in Consumer Products and Architectural and Industrial Maintenance (AIM) Coatings manufactured or sold in Colorado.

Identify Applicant: National Aerosol Association

Applicant: On Behalf of the NAA

Doug Raymond, Consultant

[13808 Duncan Run Rd.](#)

[Galena, Ohio 43021](#)

440-746-8120

no fax

djraymond@me.com

Issues: Currently, the two rules are joined into one, this is a unworkable situation. The products for Consumer Products are regulated by Mass VOC and AIM Coatings are regulated by grams per liter.

Next, the reporting requirements are different from the Ozone Transport Commission Model Rule. Colorado should use a phased-in approach using Model Rule 2 then Model Rule 4. Lastly, at least one year from adoption to effective date is needed for Industry to prepare for the new rules.

Doug Raymond

Raymond Regulatory Resources (3R), LLC

Home office: 740-936-8120

Mobile: 440-339-4539

djraymond@reg-resources.com



June 12, 2019

Commissioner Curtis Rueter
Hearing Officer
Air Pollution Control Division
4300 Cherry Creek Drive South, APCP-B1
Denver, CO 80246

**Subject: Pre-hearing Statement; National Aerosol Association (NAA)
comments on Proposed Regulation 21 Architectural and Industrial
Maintenance (AIM) Coatings and Consumer Products**

Dear Commissioner Rueter,

The National Aerosol Association (NAA) appreciates the opportunity to provide the pre-hearing statement for the proposed Regulation 21.

The National Aerosol Association (NAA) is an industry group devoted to serving the public's health, safety and hygiene needs through the aerosol product form. The NAA represents marketers, manufacturers, fillers and suppliers to the aerosol market.

Our comments today simply reiterate our concerns with the proposed new Regulation 21. NAA supports the regulations that are based on the Ozone Transport Commission model rules. NAA has a concern that the Department is pushing to hard and too fast by moving to more restrictive Model Rules and believes a phased in approach would be better for the end-users of these products in Colorado. This phased in approach would allow end user to become accustomed to lower VOC products instead of going from the National VOC rules to some of the strictest rules in the country. There will be a significant change in some products performance due to this rule.

NAA second concern is the combination of the definitions for the Consumer Products and AIM Coating regulations. NAA believes the two rules need to be separate and distinct. While these two rules can be listed under one Regulation such as Regulation 21. The entire wording needs to be separate for each particular rule. To mix the provisions of the Consumer Products and AIM Coatings rules will cause nothing but unnecessary confusion for the Industry. Thus the provisions of each rule need to be independent of each other.

Lastly, NAA has serious concerns with the proposed May 1, 2020 compliance date. This date does not provide sufficient time for Industry to prepare their products for sale in Colorado. The final Regulation 21 should provide at least one year for companies to comply with new VOC limits and provisions of the regulation. There is a possibility that Regulation 21 may not be final until the fall of 2019. This would only allow six to seven months for companies to prepare their products for sale in Colorado. Manufacturers cannot begin to comply with the Regulation 21 until it is final. NAA also requests that the Department provide the one-year period for companies to comply.

NAA also supports the comments of the American Coatings Association and the comments of Household Commercial Products Association.

Conclusion

In conclusion NAA requests Regulation 21 be done in a phased-in approach, the Regulation 21 to be separate and independent to each specific rule and lastly the proposed effective date should be delayed to allow at least one year for companies to comply.

If there are any questions or comments please contact me at 740-936-8120 or by e-mail at djraymond@me.com.

On Behalf of the NAA,

A handwritten signature in cursive script that reads "Douglas Raymond".

Douglas Raymond



Party Status for 3R

1 message

Doug Raymond <djraymond@me.com>

Thu, May 9, 2019 at 4:23 PM

To: cdphe.aqcc-comments@state.co.us

Cc: theresa.martin@state.co.us, "Martland - Cdphe, Leah" <leah.martland@state.co.us>, tom.roan@coag.gov, laura.mehew@coag.gov

This e-mail is to petition for Party Status for the new Regulation Number 21 which limits the Volatile Organic Compound (VOC) content in Consumer Products and Architectural and Industrial Maintenance (AIM) Coatings manufactured or sold in Colorado.

Identify Applicant: Raymond Regulatory Resources (3R), LLC

Applicant: Doug Raymond, President

13808 Duncan Run Rd.

Galena, Ohio 43021

440-746-8120

no fax

djraymond@me.com

Issues: Currently, the two rules are joined into one, this is a unworkable situation. The products for Consumer Products are regulated by Mass VOC and AIM Coatings are regulated by grams per liter.

Next, the reporting requirements are different from the Ozone Transport Commission Model Rule. Colorado should use a phased-in approach using Model Rule 2 then Model Rule 4. Lastly, at least one year from adoption to effective date is needed for Industry to prepare for the new rules.

Doug Raymond

Raymond Regulatory Resources (3R), LLC

Home office: 740-936-8120

Mobile: 440-339-4539

djraymond@reg-resources.com



Raymond Regulatory Resources (3R), LLC

Doug Raymond 13808 Duncan Run Rd. Galena, Ohio 43021
djraymond@reg-resources.com 740-936-8120

June 12, 2019

Commissioner Curtis Rueter
Hearing Officer
Air Pollution Control Division
4300 Cherry Creek Drive South, APCP-B1
Denver, CO 80246

Subject: Pre-hearing Statement; Raymond Regulatory Resources (3R) comments on Proposed Regulation 21 Architectural and Industrial Maintenance (AIM) Coatings and Consumer Products

Dear Commissioner Rueter,

Raymond Regulatory Resources (3R) appreciates the opportunity to provide the following pre-hearing statement for the proposed Regulation 21.

3R represents companies that produce or supply ingredients to the Consumer Products and AIM Coatings Industry.

Our comments today simply reiterate our concerns with the proposed new Regulation 21. 3R supports the regulations that are based on the Ozone Transport Commission model rules. 3R has a concern that the Department is pushing to hard and too fast by moving to more restrictive Model Rules and believes a phased in approach would be better for the end-users of these products in Colorado. This phased in approach would allow end user to become accustomed to lower VOC products instead of going from the National VOC rules to some of the strictest rules in the country. There will be a significant change in some products performance due to this rule.

3R second concern is the combination of the definitions for the Consumer Products and AIM Coating regulations. 3R believes the two rules need to be separate and distinct. While these two rules can be listed under one Regulation such as Regulation 21. The entire wording needs to be separate for each particular rule. To mix the

provisions of the Consumer Products and AIM Coatings rules will cause nothing but unnecessary confusion for the Industry. Thus the provisions of each rule need to be independent of each other.

Lastly, 3R has serious concerns with the proposed May 1, 2020 compliance date. This date does not provide sufficient time for Industry to prepare their products for sale in Colorado. The final Regulation 21 should provide at least one year for companies to comply with new VOC limits and provisions of the regulation. There is a possibility that Regulation 21 may not be final until the fall of 2019. This would only allow six to seven months for companies to prepare their products for sale in Colorado. Manufacturers cannot begin to comply with the Regulation 21 until it is final. 3R also requests that the Department provide the one-year period for companies to comply.

3R also supports the comments of the American Coatings Association and the comments of Household Commercial Products Association.

In conclusion 3R requests Regulation 21 be done in a phased in approach, the Regulation 21 to be separate and independent to each specific rule and lastly the proposed effective date should be delayed to allow at least one year for companies to comply.

Thank you for attention to these requests and comments or questions can be done by contacting me at djraymond@reg-resources.com or by phone at 740-936-8120.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Raymond".

Douglas Raymond

BEFORE THE COLORADO AIR QUALITY CONTROL COMMISSION STATE OF COLORADO

REGIONAL AIR QUALITY COUNCIL'S REQUEST FOR PARTY STATUS

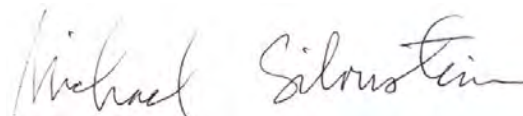
REGARDING PROPOSED REGULATION NO. 21 (ARCHITECTURAL AND INDUSTRIAL MAINTENANCE (AIM) COATINGS AND CONSUMER PRODUCTS)

In accordance with the Procedural Rules of the Colorado Department of Public Health and Environment, Air Quality Control Commission (AQCC), the Regional Air Quality Council (RAQC) hereby requests party status for the above referenced public hearing before the AQCC. The applicant's representative is:

Amanda Brimmer, E.I.T.
Technical Program Manager
1445 Market Street, Suite 260
Denver, CO 80202
303-629-5450, x240
abrimmer@ragc.org

The RAQC, as the lead agency for air quality planning for the Denver Metro/North Front Range ozone nonattainment area, has a keen interest in this rulemaking hearing and its impact on future ozone planning in the region. The RAQC seeks to ensure the adopted regulations will help the region attain federal ozone standards in an efficient manner and will meet requirements of the federal Clean Air Act.

Dated this 10th day of May, 2019 at Denver, Colorado



Michael Silverstein, Executive Director

REGIONAL AIR QUALITY COUNCIL'S PREHEARING STATEMENT

IN THE MATTER OF PROPOSED ADOPTION OF REGULATION NUMBER 21 RELATED TO LOW-VOLATILE ORGANIC COMPOUNDS (VOC) LIMITS FOR ARCHITECTURAL AND INDUSTRIAL MAINTENANCE (AIM) COATINGS AND CONSUMER PRODUCTS IN THE DENVER METROPOLITAN AND NORTH FRONT RANGE OZONE NONATTAINMENT AREA

STATEMENT OF POSITION

The Regional Air Quality Council (RAQC) supports adoption of Regulation No. 21 as proposed by the Air Pollution Control Division (APCD) for implementation statewide which will result in emissions benefits in the Denver Metro/North Front Range (DM/NFR) ozone nonattainment area and beyond. While there may be technical changes made to the proposal during the prehearing and rulemaking process, the RAQC specifically supports the following items and urges the Air Quality Control Commission (AQCC) to adopt the proposed regulation:

- 1) Adoption of Ozone Transport Commission (OTC) AIM Phase 2 Model Rule
- 2) Adoption of OTC Consumer Products Phase 4 Model Rule
- 3) Statewide applicability
- 4) Implementation date of May 1, 2020
- 5) Incorporation of regulation in Colorado State Implementation Plan (SIP) for Ozone

OVERVIEW

The RAQC is designated by the Governor as the lead agency for air quality planning for the DM/NFR ozone nonattainment area and has a vested interest in any revisions to the SIP that will positively impact the region attaining the Ozone National Ambient Air Quality Standard (NAAQS). As the lead air quality planning agency for the Denver Metro/North Front Range Region ozone nonattainment area, the RAQC has the responsibility to prepare air quality plans (see exhibit A) for the region to demonstrate and ensure long-term compliance with federal air quality standards. The RAQC's Stationary/Area Sources Committee has also been following this rulemaking closely and supports the APCD's efforts.

The proposed regulation will ensure the reduction of VOC emissions (an ozone precursor) from widely used household and commercial products, enabling the state to better meet its ozone attainment obligations. Without more stringent regulations on these products, emissions of VOC's will continue to increase in the ozone nonattainment area as well as throughout the state as the population is increasing at a rate much higher than the national average. Emissions from AIM coatings and consumers products are not only abundant, but they are also highly reactive VOCs and are potentially more impactful on ozone formation than other sources of VOCs in the region. Additionally, while the proposed regulations will have a direct impact on ozone, they will also have a secondary impact by reducing VOC emissions indoors, where citizens and workers often use impacted products; many of which contain hazardous air pollutants and are known to be carcinogens.

For the previous four years, the RAQC, in coordination with APCD, has conducted analyses evaluating the impact of more stringent standards for AIM coatings and consumer products as an emissions reduction strategy. The RAQC completed a literature review in 2016 (see exhibit B) and an AIM coatings market survey in 2017 (see exhibit C), both of which support Colorado's adoption of tighter standards. This research indicated that Colorado is already benefitting from currently available low-VOC products being sold in the State, however, the State is not able to take credit for these reductions in a SIP due to there not being a regulation requiring them to be sold here.

The estimated emissions reduction that may be creditable in a SIP is between 10 and 16 tons per day of VOC in the ozone nonattainment area. This is a considerable amount when compared to other emissions reduction strategies being implemented in the state and under evaluation by the RAQC. Thus, the RAQC supports an implementation date of May 1, 2020 in order to take credit for the reductions in the region's Serious Area Ozone State Implementation Plan (SIP) for the 2008 Ozone National Ambient Air Quality Standard. While most of the estimated reductions are already being realized at in the region, additional reductions are expected from this rulemaking, which will require products not yet meeting the more stringent standards to be reformulated to a lower VOC content, redistributed to other states, or discontinued altogether.

BACKGROUND

Effective July 20, 2012, the United States Environmental Protection Agency (EPA) designated the DM/NFR region as Marginal nonattainment for the 2008 8-hour ozone NAAQS of 75 parts per billion (ppb). Based on data from the 2012-2014 ozone seasons, the DM/NFR did not attain the NAAQS by the mandated July 20, 2015 attainment deadline. As a result, the region was reclassified to a Moderate nonattainment area effective June 3, 2016, which necessitated the development of a SIP revision. The DM/NFR Moderate Area Ozone SIP was approved by the AQCC in November 2016 and submitted to EPA in May 2017. The DM/NFR did not attain the NAAQS by the revised attainment deadline of July 20, 2018 (based on data from the 2015-2017 ozone seasons) and as a result, is now facing a subsequent reclassification to a Serious nonattainment area, which will necessitate the development of another SIP revision that demonstrates how the region will attain the standard by the end of the 2020 ozone season.

Additionally, in 2015, EPA revised the 8-hour ozone standard, tightening it to 70 ppb, with designations being finalized in June 2018. The DM/NFR region was designated as a Marginal nonattainment area under the new standard, which will require attainment by the end of the 2020 ozone season as well, which aligns with the attainment year for the 75-ppb standard.

At the end of the 2018 ozone season, the DM/NFR regional 3-year design value was 79 ppb. While Colorado faces considerable uncertainty regarding ozone planning timelines and requirements in the coming years because of dual standards, it is clear more needs to be done to get down to 70 ppb by the end of the 2020 ozone season which will require a concerted effort to reduce ozone precursor emissions from all source categories. The RAQC continues to be supportive of cost-effective measures aimed at reducing ozone precursor emissions in the nonattainment area and the current rulemaking is one such initiative. Furthermore, the RAQC, in collaboration with the APCD, will continue to conduct intensive air quality planning activities and technical analyses aimed at identifying feasible measures that protect public health, reduce emissions, and comply with federal and state laws.

AREA SOURCE EMISSIONS -- MODERATE AREA OZONE SIP EMISSIONS INVENTORY

For the 2008 Moderate Area Ozone SIP, emissions inventories for a 2017 attainment year were developed for nitrogen oxides (NO_x), VOC, and carbon monoxide (CO) using EPA-approved emissions models and methodology. Non-oil and gas area sources made up roughly 19% of the 2017 VOC inventory (i.e. 67.5 tons per day (tpd)), with AIM coatings and consumer products making up a majority of this source category (see Figure 1 and Table 1). While area sources make up a significant portion of the region’s anthropogenic VOC emissions, there has been limited regulation in Colorado related to these sources. Without adoption of tighter standards for AIM coatings and consumer products, emissions from this source category will continue to increase each year based on increasing population in the DM/NFR and across the state. To reduce emissions that contribute to ozone formation, VOC limits must be placed on the proposed source categories to achieve our aggressive goal of attaining the federal standards as expeditiously as possible. In addition, VOC reductions across the state will be beneficial for areas hovering near nonattainment of the 70 ppb standard and will help air quality in the DM/NFR region by reducing VOC transported from neighboring attainment areas.

Figure 1 – 2017 VOC Emissions Inventory – Moderate Area Ozone SIP

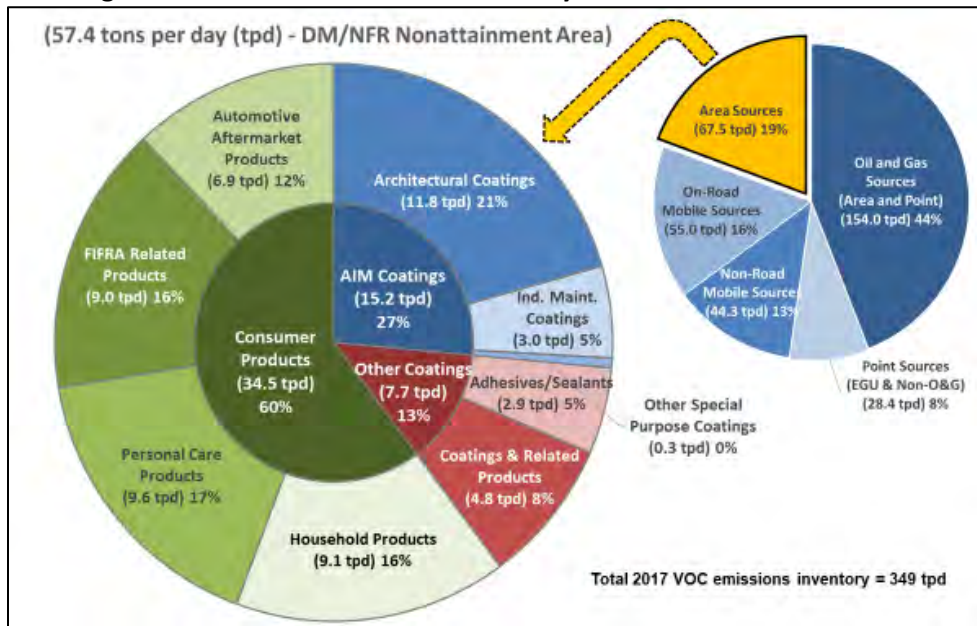


Table 1 – Area Sources (Non-Oil and Gas) Emissions Inventory – Moderate Area Ozone SIP

Description	VOC in Nonattainment Area (tpd)
Area Sources (Non-Oil and Gas)	
AIM Coatings	15.2
Architectural Coatings	11.8
Industrial Maintenance Coatings	3.0
Traffic Markings	0.0
Other Special Purpose Coatings	0.3
Other Coatings	7.7
All Adhesives and Sealants	2.9
All Coatings and Related Products	4.8
Consumer Products	34.5
All Household Products	9.1
All Personal Care Products	9.6
All FIFRA Related Products	9.0
All Automotive Aftermarket Products	6.9
Rest	19.0
Commercial Cooking - Charbroiling	0.4
Commercial Cooking - Frying	0.1
Commercial Portable Gas Cans	1.4
Emulsified Asphalt	0.0
Miscellaneous Products (Not Otherwise Covered)	0.4
Pesticide Application: Agricultural	2.1
Residential Portable Gas Cans	5.5
Tank Trucks In Transit	0.1
Area Sources - TOTAL	67.5

ESTIMATE OF TIME NECESSARY FOR PRESENTATION

The RAQC estimates that it will require approximately 15 minutes to present its testimony and provide rebuttal.

EXHIBITS

The RAQC includes the following exhibit as part of its prehearing statement:

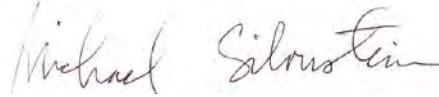
- A. Moderate Area State Implementation Plan for the 2008 8-Hour Ozone NAAQS (approved by the AQCC November 17, 2016; partially approved by EPA July 2018), https://raqc.egnyte.com/dl/uJfKleU67/FinalModerateOzoneSIP_2016-11-29.pdf).
- B. Review: Low-VOC Consumer Products and AIM Coatings, Prepared by Theresa Takushi for RAQC, June 2016, (https://raqc.egnyte.com/dl/9ucJLDABoe/RAQC_Low-VOC_Consumer_Products%26AIM_FinalReport_060316rev011717.pdf).
- C. Low-VOC Consumer Products and AIM Market Survey, Prepared by SC&A for RAQC, August 2017, (https://raqc.egnyte.com/dl/SC8I3AyWkF/LowVOC_AIM_MarketSurveyFinal0817.pdf).

WITNESSES

The following witness will be available to present the RAQC's position and respond to issues and questions raised by the Commission and the parties.

- Amanda Brimmer, E.I.T., Technical Program Manager, Regional Air Quality Council

Submitted this 11th day of June, 2019 in Denver, Colorado

A handwritten signature in cursive script that reads "Michael Silverstein".

Michael Silverstein, Executive Director

**BEFORE THE AIR QUALITY CONTROL COMMISSION
STATE OF COLORADO**

IN THE MATTER OF PROPOSED REVISIONS TO REGULATION NUMBER 21

REQUEST FOR PARTY STATUS OF WILLERT HOME PRODUCTS, INC.

This Request for Party Status is submitted through the undersigned on behalf of Willert Home Products, Inc. (“Willert Home Products”). This petition requests that Willert Home Products, the applicant, be accorded “party status” in connection with the above-captioned hearing pursuant to C.R.S. §§ 24-4-101 et seq.; §§ 25-7-101 et seq.; and 5 CCR 1001-1.

Published in the Colorado Register on May 10, 2019, the Notice of Public Rulemaking Hearing Before the Colorado Air Quality Control Commission states that “a petition for party status must be filed by electronic mail with the Office of the Air Quality Control Commission no later than close of business on May 16, 2019.” Willert Home Products timely files this Request for Party Status.

Willert Home Products is a premier manufacturer of many well-known and trusted household products. Willert Home Products manufactures products potentially subject to the newly proposed Regulation Number 21. Willert requests party status in the above-captioned hearing because it anticipates the proposed rules could impact the products it manufactures and its business interests in the State of Colorado. Willert Home Products participated in the Air Pollution Control Division’s stakeholder process concerning the proposed rules and wishes to continue to monitor and participate in the rulemaking process. Willert Home Products is primarily interested in supporting the Division’s proposed exemption for solid air fresheners, insecticides, and toilet/urinal care products containing at least 98% para-dichlorobenzene. Willert Home Products believes there is strong technical and policy support for this exemption. Willert Home Products also reserves the right to raise any additional policy, factual, or legal issues identified during the rulemaking proceeding.

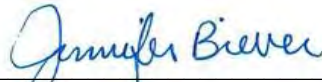
Per the above, Willert Home Products respectfully requests party status in the above-captioned hearing. Please send any future communications with respect to the above-captioned hearing to Willert Home Product’s representatives identified below.

Jennifer L. Biever, Esq.
Dale Ratliff, Esq.
Lewis Bess Williams & Weese P.C.
1601 Wewatta Street, Suite 900
Denver, Colorado 80202
1801 California Street, Suite 3400
Denver, CO 80202
(303) 861-2828
(303) 861-4017 (fax)
jbiever@lewisbess.com
dratliff@lewisbess.com

Brian Warner
Chief Financial Officer
Willert Home Products
4044 Park Avenue
Saint Louis, MO 63110
(314) 659-1417
bwerner@willert.com

Kelly Webster
Director of Regulatory Affairs
Willert Home Products
4044 Park Avenue
Saint Louis, MO 63110
(314) 659-1417
kwebster@willert.com

Respectfully submitted this 16th day of May 2019.




Jennifer L. Bieber

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 2019, a true and correct copy of the foregoing Request for Party Status was sent via electronic mail, as requested by the Notice of Public Rulemaking Hearing, to the Office of the Air Quality Control Commission, the Air Pollution Control Division Staff, the Assistant Attorney General representing the Air Pollution Control Division, and the Assistant Attorney General representing the Air Quality Control Commission at the following electronic addresses:

NAME	REPRESENTATED BY/ADDRESS
Office of Air Quality Control Commission	Air Quality Control Commission cdphe.aqcc-comments@state.co.us
Theresa L. Martin	Air Quality Control Commission 4300 Cherry Creek Drive South, EDO-AQCC-A5 Denver, Colorado 80246 Theresa.Martin@state.co.us
Leah Martland	Air Pollution Control Division Cherry Creek Drive South, APCD-B1 Denver, Colorado 80246 Leah.Martland@state.co.us
Thomas Roan	Attorney for the Commission Colorado Department of Law Natural Resources Section, Air Quality Unit 1300 Broadway, 10 th Floor Denver, CO 80203 Tom.Roan@coag.gov
Laura Mehew	Attorney for the Division Colorado Department of Law Natural Resources Section, Air Quality Unit 1300 Broadway, 10 th Floor Denver, CO 80203 Laura.Mehew@coag.gov



Jennifer L. Biever

BEFORE THE COLORADO AIR QUALITY CONTROL COMMISSION

IN THE MATTER OF PROPOSED REVISIONS TO COLORADO AIR QUALITY CONTROL COMMISSION REGULATION 21

PREHEARING STATEMENT OF WILLERT HOME PRODUCTS, INC.

SUMMARY OF WILLERT'S POSITION

Willert Home Products, Inc. ("Willert") respectfully submits this Prehearing Statement in the above-captioned rulemaking proceeding regarding the Air Pollution Control Division's (the "Division's") proposed language for Colorado Air Quality Control Commission Regulation No. 21 ("Proposed Rules").

Willert is a premier manufacturer of many well-known and trusted household products. Willert is primarily interested in supporting the Division's proposed exemption for solid air fresheners, insecticides, and toilet/urinal care products containing at least 98% para-dichlorobenzene from the Proposed Rules. Willert Home Products believes there is strong technical and policy support for this exemption. Willert has proposed additional minor revisions to the Proposed Rules related to the proposed exemption for solid air fresheners, insecticides, and toilet/urinal care products containing at least 98% para-dichlorobenzene. Willert understands that the Division plans to accept those minor proposed revisions and Willert is greatly appreciative of such acceptance. With acceptance of those revisions, Willert has no further outstanding issues with the Proposed Rules. However, Willert reserves the right to raise any additional policy, factual, or legal issues identified during the Prehearing or Rebuttal Statements. Willert requests 10 minutes for the presentation of affirmative testimony at the hearing to the extent it is needed after review of all filings in this rulemaking.

I. LEGAL, POLICY AND FACTUAL ISSUES ARISING FROM THE DIVISION'S PROPOSAL

As noted in its request for party status, Willert supports and greatly appreciates the Division's exclusion of air fresheners and toilet/urinal care products from the Volatile Organic Compound limits in the draft regulations. Willert understands that the Division proposes to accept minor revisions to the regulation proposed by Willert since the status conference – which are provided as Appendix A. With the acceptance of those revisions, Willert has no additional policy or factual issues with the Proposed Rules.

II. ISSUES TO BE RESOLVED BY THE COMMISSION

Pursuant to the Division's request at the status conference, Willert provided minor revisions to the Division for their consideration for incorporation into the Proposed Rules. Willert understands that

the Division plans to accept those revisions. With the acceptance of those revisions, Willert has no further issues to be resolved by the Commission. However, Willert reserves the right to verify the Division's acceptance of its proposed revisions and to address any inconsistencies or concerns in any Rebuttal Statement.

III. EXHIBITS TO BE INTRODUCED AT THE HEARING

Willert does not propose to submit any exhibits at this time. Willert reserves the right to prepare and submit rebuttal exhibits to be identified in any Rebuttal Statement as necessary.

IV. WITNESSES AND DESCRIPTION OF TESTIMONY

Willert does not propose any witnesses at this time. Willert reserves the right to identify witnesses in any Rebuttal Statement as necessary.


V. WRITTEN TESTIMONY

Willert does not propose to submit written testimony at this time, but reserves the right to submit written rebuttal testimony in connection with the submission of any Rebuttal Statement.

VI. CONCLUSION

Willert appreciates the opportunity to submit this Prehearing Statement, and thanks the Commissioners and staff for their attention to Willert's issues of concern identified herein.

Respectfully submitted this 11th day of June, 2019.

By: 

Jennifer Biever
Counsel for Willert Home Products, Inc.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **PREHEARING STATEMENT** upon all petitioners herein by email this 11th day of June 2019, addressed as follows:

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DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 21

Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings

5 CCR 1001-25

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Outline of Regulation

- I. Applicability
- II. Consumer Products
- III. Architectural and Industrial Maintenance Coatings
- IV. Definitions
- V. Statements of Basis, Specific Statutory Authority, and Purpose

Pursuant to Colorado Revised Statutes Section 24-4-103(12.5), materials incorporated by reference are available for public inspection during normal business hours or copies may be obtained at a reasonable cost from the Air Quality Control Commission (Commission), 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. The material incorporated by reference may also be available through the United States Government Printing Office, online at www.govinfo.gov. Materials incorporated by reference are those editions in existence as of the date indicated and do not include any later amendments.

I. APPLICABILITY

I.A. This regulation applies to any person who sells, supplies, offers for sale, distributes for sale, or manufactures for sale consumer products; any person who supplies, sells, offers for sale, or manufacturers any architectural or industrial maintenance coating; and any person who applies or solicits the application of any architectural or industrial maintenance coating in:

I.A.1. The 8-hour Ozone Control Area.

I.A.2. (State Only) Colorado. As marked by (State Only), the requirements are not federally enforceable.

II. CONSUMER PRODUCTS

II.A. Applicability

II.A.1. Except as provided in Section II.A.2., this section applies to any person who sells, supplies, offers for sale, distributes for sale, or manufactures for sale consumer products in Colorado.

II.A.2. This Section II. does not apply to

II.A.2.a. Consumer products manufactured in Colorado solely for shipment and use outside of Colorado.

II.A.2.b. Consumer products that have been granted an Innovative Product exemption by the California Air Resources Board (CARB) under the Innovative Products

provisions in Subchapter 8.5, Article 2, Section 94511 (October 20, 2010) or Subchapter 8.5, Article 1, Section 94503.5 (March 30, 1996) of Title 17 of the California Code of Regulations are exempt from the VOC content limits in Table 1 for the period of time during which the CARB Innovative Products exemption remains in effect.

II.A.2.c. Consumer products that have been granted an Alternative Control Plan (ACP) by the CARB under the provisions in Subchapter 8.5, Article 4, Sections 94540-94555 (February 15, 2019) of Title 17 of the California Code of Regulations are exempt from the VOC content limits in Table 1 for the period of time during which the CARB ACP agreement remains in effect.

II.B. Standards

II.B.1. On or after May 1, 2020, no person can manufacture for sale in Colorado any consumer product with a VOC content in excess of the VOC limit specified in Table 1.

II.B.2. No person can sell, supply, offer for sale, or distribute for sale in Colorado any consumer product manufactured on or after May 1, 2020, with a VOC content in excess of the VOC limit specified in Table 1.

II.B.3. On or after May 1, 202, no person can manufacture for sale in Colorado any consumer product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC Section 136-136y (1996)) in excess of the VOC content limits in Table 1.

II.B.4. No person can sell, supply, offer for sale, or distribute for sale in Colorado any consumer product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC Section 136-136y (1996)) and manufactured on or after May 1, 2021, with a VOC content in excess of the VOC content limits in Table 1.

II.B.5. Effective May 1, 2020, and until May 1, 2021, no person can manufacture for sale, sell, supply, or offer for sale any flammable or extremely flammable, as labeled or meeting the criteria in Title 16 CFR Section 1500.3(c)(6) (February 27, 2018), paint thinner or multi-purpose solvent labeled as a clean-up solvent or paint clean-up product unless the product is clearly and prominently labeled with:

II.B.5.a. "DANGER," "WARNING," or "CAUTION" and "Formulated to meet California VOC limits; see warnings on label"; or

II.B.5.b. 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.

II.B.6. Charcoal lighter material products must be issued a certification in accordance with Subchapter 8.5, Article 2, Section 94509(h) (January 1, 2019) of Title 17 of the California Code of Regulations.

II.B.7. 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 use, the limits specified in Table 1 apply to the product only after the minimum recommended dilution has taken place. For purposes of this section, "minimum recommended dilution" does not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard to remove soils or stains.

II.B.8. 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 Table 1 apply to the product only after the maximum recommended dilution has taken place.

II.B.9. For consumer products for which the label, packaging, or accompanying literature indicates that the product may be used, or is suitable for use, as a consumer product for

which a lower VOC limit is specified in Table 1, then the lowest VOC limit applies. Aerosol lawn and garden insecticides may claim to kill insects or other arthropods. This requirement does not apply to general purpose cleaners, antiperspirant/deodorant products, or insecticide foggers.

II.B.10. Consumer products specified in Table 1 cannot contain any of the following:

- II.B.10.a. CFC-11 (trichlorofluoromethane).
- II.B.10.b. CFC-12 (dichlorodifluoromethane).
- II.B.10.c. CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane).
- II.B.10.d. CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane).
- II.B.10.e. CFC-115 (chloropentafluoroethane).
- II.B.10.f. Halon 1211 (bromochlorodifluoromethane).
- II.B.10.g. Halon 1301 (bromotrifluoromethane).
- II.B.10.h. Halon 2402 (dibromotetrafluoroethane).
- II.B.10.i. HCFC-22 (chlorodifluoromethane).
- II.B.10.j. HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane).
- II.B.10.k. HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane).
- II.B.10.l. HCFC-141b (1,1-dichloro-1-fluoroethane).
- II.B.10.m. HCFC-142b (1-chloro-1,1-difluoroethane).
- II.B.10.n. 1,1,1-trichloroethane.
- II.B.10.o. Carbon tetrachloride.

II.B.11. The following consumer products cannot contain trichloroethylene in a combined amount greater than 0.01 percent by weight (i.e., an impurity):

- II.B.11.a. Adhesive removers.
- II.B.11.b. Aerosol adhesives.
- II.B.11.c. Bathroom and tile cleaners.
- II.B.11.d. Contact adhesives.
- II.B.11.e. Construction, panel, floor covering adhesives.
- II.B.11.f. Electrical cleaners.
- II.B.11.g. Electronic cleaners.
- II.B.11.h. Electronic cleaners labeled as energized electronic equipment use only.
- II.B.11.i. Footwear or leather care products.
- II.B.11.j. General purpose cleaners.
- II.B.11.k. General purpose degreasers.

II.B.11.i. Graffiti removers.

II.B.11.m. Multi-purpose solvent.

II.B.11.n. Oven or grill cleaners.

II.B.11.o. Paint thinners.

II.B.12. The medium volatility organic compound (MVOC) content specified for antiperspirants or deodorants does not apply to ethanol.

II.B.13. Paint thinners and multi-purpose solvents cannot contain greater than one percent (1%) aromatic compound content by weight.

II.B.14. The VOC content limits in Table 1 do not apply to:

II.B.14.a. Any LVP-VOC.

II.B.14.b. Fragrances up to a combined level of 2 percent by weight.

II.B.14.c. Colorants up to a combined level of 2 percent by weight in any antiperspirant or deodorant.

II.B.14.d. VOCs in antiperspirants or deodorants that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown or 2 mm Hg or less at 20°C.

II.B.14.e. Air fresheners that are comprised entirely of fragrance, less compounds exempt from the definition of VOC.

II.B.14.f. Adhesives sold in containers of 1 fluid ounce or less.

II.B.14.g. Bait station insecticides designed to be ingested by insects, composed of solid material feeding stimulants with less than 5 percent active ingredients, and in containers less than or equal to 0.5 ounce by weight.

II.B.14.h. Solid air fresheners, insecticides, and toilet/urinal care products containing at least 98% para-dichlorobenzene.

Table 1 – VOC content limits for consumer products manufactured on or after May 1, 2020	
Product category	VOC content limit (percent VOCs by weight)
Adhesive removers	
* Floor or wall covering	5
* Gasket or thread locking	50
* General purpose	20
* Specialty	70
Adhesives	
* Aerosol mist spray	65

* Aerosol web spray	55
* Specialty purpose spray adhesive – mounting, automotive engine compartment, and flexible vinyl	70
* Specialty purpose spray adhesive – polystyrene foam and automotive headliner	65
* Specialty purpose spray adhesive – polyolefin and laminate repair/edgebanding	60
* Construction, panel, and floor covering contact	7
* Contact general purpose	80
* Contact special purpose	55
* General purpose	10
* Structural waterproof	15
Air fresheners	
* Single-phase aerosol	30
* Double-phase aerosol	25
* Dual purpose air freshener/disinfectant aerosol	60
* Liquid/pump sprays	18
* Solids/semisolids	3
Antiperspirants	
* Aerosol	40 HVOC, 10 MVOC
* Non-aerosol	0 HVOC, 0 MVOC
Anti-static product	
* Aerosol	80
* Non-aerosol	11
Automotive rubbing and polishing compound	17
Automotive wax, polish, sealant, or glaze	
* Hard paste waxes	45
* Instant detailers	3

* All other forms	15
Automotive windshield cleaner	35
Automotive windshield washer fluids	35
Bathroom and tile cleaners	
* Aerosol	5
* Non-aerosol	
* All other forms	1
Brake cleaner	10
Bug and tar remover	10
Carburetor or fuel-injection air intake cleaners	10
Carpet and upholstery cleaners	
* Aerosol	7
* Non-aerosol (dilutables)	0.1
* Non-aerosol (ready-to-use)	3
Charcoal lighter material	See Section II.B.6.
Cooking spray, aerosol	18
Deodorants	
* Aerosol	0 HVOC, 10 MVOC
* Non-aerosol	0 HVOC, 0 MVOC
Disinfectant	
* Aerosol	70
* Non-aerosol	1
Dusting aids	
* Aerosol	25
* Non-aerosol	7
Electrical cleaner	45
Electronic cleaner	75
Engine degreasers	
* Aerosol	10

* Non-aerosol	5
Fabric protectants	60
Fabric refresher	
* Aerosol	15
* Non-aerosol	6
Floor polishes or waxes	
* Resilient flooring materials	1
* Non-resilient flooring materials	1
* Wood floor wax	90
Footwear or leather care products	
* Aerosol	75
* Solid	55
* Other forms	15
Furniture maintenance products	
* Aerosol	17
* Non-aerosol (except solid or paste)	3
* All other forms (except solid or paste)	
General purpose cleaners	
* Aerosol	8
* Non-aerosol	4
General purpose degreasers	
* Aerosol	10
* Non-aerosol	
Glass cleaners	
* Aerosol	12
* Non-aerosol	4
Graffiti remover	
* Aerosol	50
* Non-aerosol	30

Hair mousses	6
Hairshines	55
Hairsprays	55
Hair styling products	
* Aerosol and pump sprays	6
* All other forms	2
Heavy-duty hand cleaner or soap	8
Insecticides	
* Crawling bug, aerosol	15
* Crawling bug, all other forms	20
* Flea and tick	25
* Flying bug, aerosol	25
* Flying bug, all other forms	35
* Foggers	45
* Lawn and garden, non-aerosol	20
* Lawn and garden, all other forms	3
* Wasp and hornet	40
Laundry prewash	
* Aerosols/solids	20
* All other forms	5
Laundry starch/sizing/fabric finish products	4.5
Metal polishes/cleansers	30
Multi-purpose lubricant (excluding solid or semi-solid products)	50
Multi-purpose solvent	3
Nail polish remover	1
Non-selective terrestrial herbicide, non-aerosols	3
Oven or grill cleaners	
* Aerosol/pump sprays	8
* Non-aerosol	

* Liquids	
Paint remover or strippers	50
Paint thinner	3
Penetrants	50
Rubber/vinyl protectants	
* Aerosol	10
* Non-aerosol	3
Sanitizer	
* Aerosol	70
* Non-aerosol	1
Sealants and caulking compounds	4
Shaving creams	5
Shaving gel	4
Silicone-based multi-purpose lubricants (excluding solid or semi-solid products)	60
Spot removers	
* Aerosol	25
* Non-aerosol	8
Temporary hair color, aerosol	55
Tire sealants and inflators	20
Toilet/urinal care	
* Aerosol	10
* Non-aerosol	3
Undercoatings, aerosol	40
Wood cleaner	
* Aerosol	17
* Non-aerosol	4

II.C. Container labeling

II.C.1. The manufacturer of any consumer product subject to a VOC limit in Table 1, except products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. Section 136-136y) (1996) and products containing VOCs at 0.10 percent by weight or less, must clearly display on the container or package the date the product was manufactured or a date

code representing the date of manufacture. The date or date code must be displayed on the container such that it is readily observable without removing or disassembling any portion of the product container or packaging.

- **To Division:** The labeling/dating requirements found in Section 6 of the Model Rule apply only to products subject to the VOC standards contained in Section 3 of the Model Rule. See Phase IV OTC Model Rule § 6(a) (2013); Utah Admin. Code R307-357-10. Willert Home Products request that the Division revise § II.C to align with the Model Rule. Accordingly, we have proposed language above to clarify that the container labeling requirements in § II.C apply only to products subject to a VOC limit in Table 1. This would exempt the products listed in § II.B.14 from the labeling requirements in § II.C consistent with the approach under the Model Rule.

II.C.2. If the label on a special purpose spray adhesive indicates that the product is suitable for use on any substrate or application not listed in the definition for special purpose spray adhesive, the product must be classified as either a web spray adhesive or mist spray adhesive and meet the associated limit in Table 1.

II.C.3. The label on non-aerosol floor wax strippers 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. The label on a non-aerosol floor wax stripper that is also intended to be used for removal of heavy build-up of polish that results 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.

II.C.4. The label on energized electrical cleaners must clearly display “Energized equipment use only. Not to be used for motorized vehicle maintenance or their parts.”

II.C.5. The label on zinc rich primers must clearly display “for professional use only,” “for industrial use only,” or “not for residential use” or “not intended for residential use.”

II.C.5. The label on aerosol adhesives, adhesive removers, electronic cleaners, electrical cleaners, energized electrical cleaners, and contact adhesive products must clearly display:

II.C.5.a. The product category.

II.C.5.b. The applicable VOC standard for the product, except energized electrical cleaners, as a percentage by weight.

II.C.5.c. For special purpose spray adhesives, the applicable substrate and/or application that qualifies the product as special purpose.

II.D. Recordkeeping

II.D.1. Manufacturers of a solid air freshener, insecticide, or toilet/urinal care consumer product that contains at least 98% para-dichlorobenzene must maintain records necessary to demonstrate the para-dichlorobenzene content. These records must be maintained for a minimum of ~~five (5)~~three (3) years and made available to the Division upon ~~ninety (90) days written notice~~request.

- **To Division:** Willert requests that the Division revise the proposed recordkeeping timeframe from five years to three years. This timeframe is consistent with the Model Rule’s recordkeeping requirements for VOC-content determinations. See Phase IV OTC Model Rule § 9(b) (2013). We have also requested that the Division provide a ninety-day period to provide requested records consistent with the Model Rule’s approach to recordkeeping and reporting. *Id.* § 7. Willert has proposed revised language above to § II.D.1 and requests that the Division make corresponding revisions throughout § II.D.

II.D.2. Manufacturers of consumer products that have been granted an Innovative Product exemption must maintain records necessary to demonstrate that the exemption applies and remains in effect. These records must be maintained for a minimum of five (5) years and made available to the Division upon request.

II.D.3. Manufacturers of consumer products that have been granted an Alternative Control Plan agreement must maintain records necessary to demonstrate that the agreement applies and during what time period the agreement was in effect. These records must be maintained for a minimum of five (5) years and made available to the Division upon request.

II.D.4. Manufacturers of a product subject to a VOC content limit in Table 1 must maintain the following records for at least five (5) years and make records available to the Division upon request:

II.D.4.a. The company name of the responsible party, address, telephone number, and designated contact person.

II.D.4.b. The consumer product brand name, product form, product label, and product category.

II.D.4.c. Colorado sales in pounds per year, to the nearest pound, and the method used to calculate Colorado sales for each consumer product.

II.D.4.d. For each consumer product brand name, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of:

II.D.4.d.(i) Each Table B compound.

II.D.4.d.(ii) Each LVP-VOC that is not a fragrance.

II.D.4.e. For each consumer product brand name, the net percent by weight of the total product, less container and packaging, rounded to the nearest one-tenth of a percent, for each of the following:

II.D.4.e.(i) Total Table B compounds.

II.D.4.e.(ii) Total LVP-VOCs that are not fragrances.

II.D.4.e.(iii) Total all other carbon-containing compounds that are not fragrances.

II.D.4.e.(iv) Total fragrance.

II.D.4.e.(v) For consumer products containing greater than two percent by weight fragrance, the percent of fragrance that are LVP-VOCs and the percent of fragrance that are all other carbon-containing compounds.

II.D.4.e.(vi) Total all non-carbon-containing compounds.

II.D.4.e.(vii) Total para-dichlorobenzene.

II.D.4.f. The type of propellant (e.g., Type A, Type B, or a blend of the different types) and weight percent comprised of propellant for each consumer product, if applicable.

II.D.4.g. The net percent by weight of each ozone-depleting compound listed in Section II.B.2. and contained in any amount greater than 0.1 percent by weight, if applicable.

II.E. Test methods

II.E.1. Testing to determine compliance with the requirements of this section may be performed using CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997, and as last amended on May 5, 2005; a test method demonstrated to accurately determine the concentration of VOCs in a subject product or its emissions; or from records of the amounts of constituents used to make the product if:

II.E.1.a. The manufacturer keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. Records must be maintained for five (5) years and made available to the Division upon requests; and

II.E.1.b. VOC content is calculated according to the following equation:

$$\text{VOC content} = ((B-C)/A) \times 100$$

Where

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs, per unit

C = total weight of exempt VOCs in Section III.B.9., per unit

II.E.1.c. If product records are contradicted by product testing performed using CARB Method 310, the results of CARB Method 310 take precedence.

II.E.2. Testing to determine whether a product is a liquid or solid must be performed using ASTM D4359-90(2000)e1 (2012).

III. ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

III.A. Applicability

III.A.1. Except as provided in Section III.A.2., this section applies to any person who sells, supplies, offers for sale, manufacturers for sale, applies, or solicits the application of any architectural or industrial maintenance coating in Colorado.

III.A.2. This Section III. does not apply to:

III.A.2.a. Any architectural or industrial maintenance coating that is sold, supplied, offered for sale, or manufactured for use outside Colorado or shipped to other manufacturers for reformulation or repackaging.

III.A.2.b. Any aerosol coating product.

III.A.2.c. Any architectural or industrial maintenance coating that is sold in a container with a volume of one liter (1.057 quart) or less, including kits containing containers of different colors, types, or categories of coatings and two component products. This exemption includes multiple containers or one liter or less that are packaged and shipped together with no intent or requirement to ultimately sell as one unit. This exemption does not include bundling of containers one liter or less that are sold together as a unit or any type of marketing that implies that multiple containers one liter or less be combined into one container. This exemption does not include packaging from which the coating cannot be applied.

III.B. Standards

III.B.1. On or after May 1, 2020, no person can manufacture or blend for sale in Colorado any architectural or industrial maintenance coating with a VOC content in excess of the VOC limit specified in Table 2.

III.B.2. No person can supply, sell, offer for sale, repackage for sale, apply, or solicit for application in Colorado any architectural or industrial maintenance coating manufactured or blended on or after May 1, 2020, with a VOC content in excess of the VOC limit specified in Table 2.

III.B.3. If an architectural or industrial maintenance coating is recommended for use for more than one of the coating categories listed in Table 2, then the most restrictive VOC content limit shall apply. This provision does not apply to the following coating categories:

- III.B.3.a. Aluminum roof coatings.
- III.B.3.b. Bituminous roof primers.
- III.B.3.c. High temperature coatings.
- III.B.3.d. Industrial maintenance coatings.
- III.B.3.e. Low-solids coatings.
- III.B.3.f. Metallic pigmented coatings.
- III.B.3.g. Pretreatment wash primers.
- III.B.3.h. Shellacs.
- III.B.3.i. Specialty primers, sealers, and undercoaters.
- III.B.3.j. Wood coatings.
- III.B.3.k. Wood preservatives.
- III.B.3.l. Zinc-rich primers.
- III.B.3.m. Calcimine recoaters.
- III.B.3.n. Impacted immersion coatings.
- III.B.3.o. Nuclear coatings.
- III.B.3.p. Thermoplastic rubber coatings and mastic.
- III.B.3.q. Concrete surface retarders.

III.B.4. For any architectural or industrial maintenance coating that is not identified in Table 2, the VOC content limit will be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high gloss coating and the corresponding coating limit of Table 2 applies.

III.B.5. No person who applies or solicits the application of any architectural or industrial maintenance coating can apply the coating if additional solvent has been added to thin the coating such that the addition causes the coating to exceed the applicable VOC limit specified in Table 2.

III.B.6. Containers of architectural and industrial maintenance coatings that are applied directly to a surface from the container by pouring, siphoning, brushing, rolling, padding, ragging, or other means must be closed when not in use. These containers include, but are not limited to, drums, buckets, cans, pails, trays, or other application containers. Containers of any VOC-containing materials used for thinning and cleanup must also be closed when not in use.

<u>Table 2 – VOC content limits for architectural and industrial maintenance coatings manufactured on or after May 1, 2020</u>	
<u>Coating category</u>	<u>VOC content limit (grams per liter)*</u>
<u>Flat coatings</u>	<u>50</u>
<u>Nonflat coatings</u>	<u>100</u>
<u>Nonflat – high gloss coatings</u>	<u>150</u>
<u>Specialty coatings</u>	

* Aluminum roof	450
* Basement specialty coatings	400
* Bituminous roof coating	270
* Bituminous roof primers	350
* Bond breakers	350
* Calcimine recoaters	475
Concrete curing compounds	350
Concrete/masonry sealer	100
Concrete surface retarders	780
Conjugated oil varnishes	450
Conversion varnish	725
Driveway sealers	50
Dry fog coatings	150
Faux finishing coatings	350
Fire-resistive coatings	350
Floor coatings	100
Form-release compounds	250
Graphic arts coating (sign paints)	500
High temperature coatings	420
Impacted immersion coatings	780
Industrial maintenance coatings	250
Low-solids coatings	120
Magnesite cement coatings	450
Mastic texture coatings	100
Metallic pigmented coatings	500
Multi-color coating	250
Nuclear coatings	450
Pre-treatment wash primers	420
Primers, sealers, and undercoaters	100
Reactive penetrating sealer	350

Reactive penetrating carbonate stone sealer	500
Recycled coatings	250
Roof coatings	250
Rust preventative coatings	250
Shellacs	
* Clear	730
* Opaque	550
Specialty primers, sealers, and undercoaters	100
Stains	250
Stone consolidant	450
Swimming pool coatings	340
Thermoplastic rubber coatings and mastics	550
Traffic marking coatings	100
Tub and tile refinish	420
Waterproofing membranes	250
Wood coatings	275
Wood preservatives	350
Zinc-rich primer	340

* Limits are expressed as VOC content, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

III.C. Container labeling

III.C.1. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label, lid, or bottom such that it is readily observable without disassembling the container or package the date the coating was manufactured or a date code representing the date of manufacture. The date or date code must be displayed on the product such that it is readily observable without removing or disassembling any portion of the product container or packaging.

III.C.2. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label or lid a statement of the manufacturer's recommendation regarding thinning of the coating. This requirement does not apply to the thinning of coatings with water. If thinning is not necessary prior to use, the recommendation must specify that the coating is to be applied without thinning.

III.C.3. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label, lid, or bottom the VOC content in grams per liter of coating. If the manufacturer recommends thinning, the container must display the VOC content including the maximum amount of thinning solvent recommended by the manufacturer. If

the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredient that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

III.C.4. The manufacturer must clearly display on the container label:

III.C.4.a. For any architectural or industrial maintenance coating, at least one of the following statements:

III.C.4.a.(i) “For industrial use only”

III.C.4.a.(ii) “For professional use only”

III.C.4.a.(iii) “Not for residential use” or “Not intended for residential use”

III.C.4.b. For any specialty primer, sealer, or undercoating, at least one of the following statements:

III.C.4.b.(i) “For blocking stains”

III.C.4.b.(ii) “For fire-damaged substrates”

III.C.4.b.(iii) “For smoke-damaged substrates”

III.C.4.b.(iv) “For water-damaged substrates”

III.C.4.c. For any clear topcoat faux finishing coating, “This product can only be sold or used as part of a faux finishing coating system.”

III.C.4.d. For any clear brushing lacquer, “For brush application only” and “This product must not be thinned or sprayed.”

III.C.4.e. For any non-flat high-gloss coating, “High gloss.”

III.C.4.f. For any rust preventative coating, “For metal substrates only.”

III.C.4.g. For any reactive penetrating sealer, “Reactive penetrating sealer.”

III.C.4.h. For any stone consolidant, “Stone consolidant – for professional use only.”

III.C.4.i. For any wood coating, “For wood substrates only.”

III.C.4.j. For any zinc rich primer, at least one of the following statements:

III.C.4.j.(i) “For industrial use only”

III.C.4.j.(ii) “For professional use only”

III.C.4.j.(iii) “Not for residential use” or “Not intended for residential use”

III.D. Recordkeeping

III.D.1. Manufacturers of a product subject to a VOC content limit in Table 2 must maintain the following records for at least five (5) years and make records available to the Division upon request:

III.D.1.a. The name and mailing address of the manufacturer.

III.D.1.b. The name, address, and telephone number of a contact person.

III.D.1.c. The name of the coating product as it appears on the label and the application coating category.

III.D.1.d. Whether the product is marketed for interior or exterior use or both.

III.D.1.e. Whether the product is marketed as solvent-borne, waterborne, or 100% solids.

III.D.1.f. Whether the coating is a single-component or multi-component product.

III.D.1.g. The description of resin or binder in the product.

III.D.1.h. The number of gallons sold in Colorado in containers greater than one liter (1.057 quart) and in containers equal to or less than one liter (1.057 quart.)

III.D.1.i. The regulatory VOC content and actual VOC content in grams per liter. If thinning is recommended, the regulatory VOC content and the actual VOC content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC Content as mixed or catalyzed.

III.D.1.j. The names and CAS numbers of the VOC constituents in the product.

III.D.1.k. The names and CAS numbers of the VOC constituents in the product that are exempted from the definition of VOC.

III.D.1.l. The density of the product in pounds per gallon.

III.D.1.m. The percent by weight of solids, all volatile materials, water, and any compounds in the product that are exempted from the definition of VOC.

III.D.1.n. The percent by volume of solids, water, and any compounds in the product that are exempted from the definition of VOC.

III.E. Testing and methods

III.E.1. Manufacturers of architectural or industrial maintenance coatings must possess documentation that such coating complies with the VOC content limits in Table 2.

III.E.1.a. The VOC content of a coating will be determined as follows:

III.E.1.a.(i) For coatings that are low solids coatings:

$$\text{VOC content} = (W_s - W_w - W_{ec})/V_m$$

Where:

VOC content = grams of VOC per liter of coating (must include the maximum amount of thinning solvent recommended by the manufacturer)

W_s = weight of volatiles in grams

W_w = weight of water in grams

W_{ec} = weight of exempt compounds in grams

V_m = volume of coating in liters

III.E.1.a.(ii) For coatings that are not low solids

coatings: VOC content = (W_s - W_w - W_{ec})/(V_m -

V_w - V_{ec}) Where:

VOC content = grams of VOC per liter of coating (must include the maximum amount of thinning solvent recommended by the manufacturer)

Ws = weight of volatiles in grams

Ww = weight of water in grams

Wec = weight of exempt compounds in grams

Vm = volume of coating in liters

Vw = volume of water in liters

Vec = volume of exempt compounds in liters

III.E.1.a.(ii)(A) The VOC content of multi-component products must be calculated as mixed or catalyzed.

III.E.1.a.(ii)(B) The VOC content of coatings containing silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process must include the VOCs emitting during curing.

III.E.1.a.(iii) The VOC content of a tint base must be determined without colorant that is added after the tint base is manufactured.

III.E.1.b. The physical properties of a coating must be determined using EPA Method 24 (40 CFR Part 60, Appendix A) (February 27, 2014), SCAQMD Method 303-91 "Determination of Exempt Compounds" (revised 1993), or other test method demonstrated to provide results acceptable for purposes of determining the physical properties of a coating.

III.E.1.c. The exempt compounds content of a coating must be determined using ASTM D 3960-05 "Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings" (2018), SCAQMD Method 30391 "Determination of Exempt Compounds" (revised 1993), BAAQMD Method 43 "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials" (adopted 1996), BAAQMD Method 41 "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride" (adopted 1995), or other test method demonstrated to provide results acceptable for purposes of determining the exempt compounds content.

III.E.1.d. The VOC content of a coating must be determined using EPA Method 24 (40 CFR Part 60, Appendix A) (February 27, 2014), formulation data, other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping), or other test method demonstrated to provide result acceptable for purposes of determining the VOC content. If there are inconsistencies between EPA Method 24 results and other means for determining VOC content, the Method 24 results will govern.

III.E.1.e. The analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of EPA Method 24 "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings" (40 CFR 59, subpart D, Appendix A) (September 11, 1998).

IV. DEFINITIONS

IV.A. "8-Hour Ozone Control Area" means the Counties of Adams, Arapahoe, Boulder (includes part of Rocky Mountain National Park), Douglas, and Jefferson; the Cities and Counties of Denver and Broomfield; and the following portions of the Counties of Larimer and Weld:

IV.A.1. For Larimer County (includes part of Rocky Mountain National Park), that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.

IV.A.2. For Weld County, that portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.

IV.B. "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means. Adhesive does not include products used on humans, animals, adhesive tape, contact paper, wallpaper, shelf liners, or other product with an adhesive incorporated onto or in an inert substrate.

IV.C. "Adhesive remover" means a product designed to remove adhesive from either a specific substrate or a variety of substrates but does not include products that remove adhesives intended exclusively for use on humans or animals.

IV.C.1. "Floor and wall covering adhesive remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

IV.C.2. "Gasket or thread locking adhesive remover" means a product designed or labeled to remove gaskets or thread locking adhesives. Gasket or thread locking adhesive remover includes products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover.

IV.C.3. "General purpose adhesive remover" means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive adhesives or residues from a variety of substrates. General purpose adhesive remover includes, but is not limited to, products that remove thermoplastic adhesives; pressure sensitive adhesives; dextrin or starchbased adhesives; casein glues; rubber or latex-based adhesives; and stickers, decals, stencils, or similar materials.

IV.C.4. "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur such as, but not limited to, epoxies, urethanes, and silicones.

IV.D. "Aerosol adhesive" means an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for hand-held application of adhesive without the need for ancillary hoses or spray equipment.

IV.E. "Aerosol coating product" means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.

IV.F. "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

- IV.G. "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container or a mechanically induced force but does not include pump spray.
- IV.H. "Agricultural use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop. Agricultural use does not include the sale or use of pesticides in properly labeled packages or containers which are intended for home use, use in structural pest control, industrial use, or institutional use.
- IV.I. "Air freshener" means any product including, but not limited to, sprays, wicks, wipes, diffusers, powders, and crystals, designed or labeled for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. Air fresheners includes dual purpose air freshener/disinfectant products and spray disinfectants or other products expressly represented for use as air fresheners. Air freshener does not include products that are used on the human body, products that function primarily as cleaning products as indicated on the product label, toilet/urinal care products, or disinfectants when offered for sale solely through institutional and industrial channels of distribution.
- IV.J. "All other carbon-containing compounds" means other compounds which contain at least one carbon atom and are not a table B compound or a LVP-VOC.
- IV.K. "All other forms" means all consumer product forms for which no form-specific VOC standard is specified and include, but are not limited to, solids, liquids (including the liquid containing or liquid impregnated portion of the cloth or paper wipes), wicks, powders, and crystals.
- IV.L. "Aluminum roof coating" means a coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996).
- IV.M. "Antimicrobial hand or body cleaner or soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity and includes, but is not limited to, antimicrobial hand or body washes/cleaners, foodhandler hand washes, healthcare personnel hand washes, preoperative skin preparations, and surgical scrubs.
- IV.N. "Antiperspirant" means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.
- IV.O. "Anti-static product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity.
- IV.P. "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways; fixed ladders; catwalks and fire escapes; and window screens.
- IV.Q. "Architectural coating" means a coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Architectural coating does not include coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, as well as adhesives.
- IV.R. "Aromatic compound" means a carbon containing compound, except compounds exempt from the definition of VOC, that contains one or more benzene or equivalent heterocyclic rings and has an initial boiling point less than or equal to 280 degrees C.

IV.S. “Artist solvent/thinner” means any liquid product, labeled to meet ASTM D4236 – 94 (March 1, 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, and packaged in a container equal to or less than 34 fluid ounces, labeled to reduce the viscosity of, and or remove, art coating compositions or components.

IV.T. “Astringent/toner” means any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores including clarifiers and substrate-impregnated products. Astringent/toner does not include medicated astringent/medicated toner; cold cream; lotion; or hand, face, or body cleaner or soap product.

IV.U. “Automotive hard paste wax” means an automotive wax or polish that is designed to protect and improve the appearance of automotive paint surfaces, is solid at room temperature, and contains zero percent (0%) water by formulation.

IV.V. “Automotive instant detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

IV.W. “Automotive rubbing or polishing compound” means a product designed primarily to remove oxidation, old paint, scratches or “swirl marks”, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

IV.X. “Automotive wax, polish, sealant, or glaze” means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle’s painted surfaces.

IV.Y. “Automotive windshield cleaner” means a product labeled for automotive use only, packaged as an automotive windshield cleaner in the form of a moistened towelette, and designed to be used on automotive windshields, automotive mirrors, and automotive headlights.

IV.Z. “Automotive windshield washer fluid” means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. Automotive windshield washer fluid does not include fluids placed by the manufacturer in a new vehicle.

IV.AA. “Basement specialty coating” means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement specialty coatings must be capable of withstanding at least 10 psi of hydrostatic pressure as determined in accordance with ASTM D7088-04 “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry” (2017) and must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more as determined in accordance with ASTM D3273-00 “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber” (2016) and ASTM D3274-95 “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation” (2017).

IV.BB. “Bathroom and tile cleaner” means a product designed or labeled to clean tile or surfaces in bathrooms. **“Bathroom and tile cleaner” does not include “Toilet/urinal care product.”**

- **Note:** Willert Home Products proposes the above addition to the definition of “Bathroom and tile cleaner” for added clarity and to ensure consistency with the Model Rule. We have proposed a similar addition to the definition of “Toilet/urinal care product” below.

IV.CC. “Bitumens” means black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

IV.DD. “Bituminous roof coating” means a coating which incorporates bitumens that is labeled and formulated exclusively for roofing for the primary purpose of preventing water penetration.

IV.EE. “Bituminous roof primer” means a primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

- IV.FF. "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- IV.GG. "Brake cleaner" means a cleaning product designed to remove oil, grease, brake fluid, brake pad material, or dirt from motor vehicle brake mechanisms.
- IV.HH. "Bug and tar remover" means a product labeled to remove biological-type residues, such as insect carcasses and tree sap, and/or road grime, such as road tar, roadway paint markings, and asphalt, from painted motor vehicle surfaces without causing damage to the finish.
- IV.II. "Calcimine recoaters" means a flat solvent borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.
- IV.JJ. "Carburetor or fuel-injection air intake cleaners" means a product designed or labeled to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. Carburetor or fuel-injection air intake cleaner does not include products designed or labeled exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors or products designed or labeled exclusively to be introduced during engine operation directly into air vacuum lines by using a pressurized sprayer wand.
- IV.KK. "Carpet and upholstery cleaner" means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. Carpet and upholstery cleaner includes, but is not limited to, products that make fabric protectant claims. Carpet and upholstery cleaner does not include products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.
- IV.LL. "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. Charcoal lighter material does not include electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.
- IV.MM. "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- IV.NN. "Colorant" means a concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color. Colorant also means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient.
- IV.OO. "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water or harden or dustproof the surface of freshly poured concrete.
- IV.PP. "Concrete/masonry sealer" means a clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to prevent penetration of water; provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or harden or dustproof the surface of aged or cured concrete.
- IV.QQ. "Concrete surface retarders" means a mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.
- IV.RR. "Conjugated oil varnish" means a clear or semi-transparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (Tung oil) and modified with other natural or synthetic resins; a minimum of fifty percent of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.

IV.SS. "Construction, panel, and floor covering adhesive" means any non-aerosol, one-component adhesive that is designed or labeled for the installation, remodeling, maintenance, or repair of structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring or floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass.

IV.TT. "Consumer" means any person who purchases or acquires any consumer product for personal, family, household, or institutional use. Consumer does not include persons acquiring a consumer product for resale.

IV.UU. "Consumer product" means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; automotive specialty products; and aerosol adhesives. Consumer product does not include other paint products, furniture coatings, or architectural coatings.

IV.VV. "Contact adhesive" means a non-aerosol adhesive that is designed for application to both surfaces to be bonded together, is allowed to dry before the two surfaces are placed in contact with each other, forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact adhesive does not include rubber cements that are primarily intended for use on paper substrates or vulcanizing fluids that are designed and labeled for tire repair only.

IV.WW. "Contact adhesive – general purpose" means any contact adhesive that is not a contact adhesive – special purpose.

IV.XX. "Contact adhesive – special purpose" means a contact adhesive that: is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces; or is used in automotive applications that are automotive under-the-hood applications requiring heat, oil or gasoline resistance, or are body-side molding, automotive weatherstrip or decorative trim.

IV.YY. "Conversion varnish" means a clear acid curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. This film formation is the result of an acid-catalyzed condensation reaction, affecting transesterification at the reactive ethers of the amino resins.

IV.ZZ. "Crawling bug insecticide" means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish, or spiders. Crawling bug insecticide does not include products designed to be used exclusively on humans or animals or any house dust mite product.

IV.AAA. "Deodorant" means any product including, but not limited to, aerosol, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent and/or minimize odor. Deodorant includes deodorant body sprays or personal fragrance products (20 percent or less fragrance) that indicate or depict on the container, packaging, or label that it can be used on or applied to the human axilla.

IV.BBB. "Disinfectant" means a product labeled as a disinfectant or a product registered as a disinfectant under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq. (1996)) to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects. Disinfectant includes products labeled as both sanitizer and disinfectant. Disinfectant does not include products labeled solely for use on

humans or animals; agricultural use; use in swimming pools, therapeutic tubs, or hot tubs; to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces; to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments; or 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 or anti-microbial claims on the label..

IV.CCC. “Double phase aerosol air freshener” means an aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

IV.DDD. “Driveway sealer” means a coating labeled and formulated for application to worn asphalt driveway surfaces to fill cracks, seal the surface to provide protection, or restore or preserve the appearance.

IV.EEE. “Dry cleaning fluid” means any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled “for dry clean only” or “S-coded” fabrics. S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee. Dry cleaning fluid does not include spot removers or carpet and upholstery cleaners.

IV.FFF. “Dry fog coating” means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

IV.GGG. “Dusting aid” means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. Dusting aid does not include pressurized gas duster.

IV.HHH. “Electrical cleaner” means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. Electrical cleaner does not include products labeled to clean the casings or housings of electrical equipment.

IV.III. “Electronic cleaner” means a product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment such as circuit boards and the internal components of electronic devices, including but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. Electronic cleaner does not include products labeled to clean the casings or housings of electronic equipment or energized electrical cleaners.

IV.JJJ. “Energized electrical cleaner” means a product labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists or when there is a residual electrical potential from a component, such as a capacitor.

IV.KKK. “Engine degreaser” means a cleaning product designed or labeled to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

IV.LLL. “Fabric protectant” means a product labeled to be applied to fabric substrates to protect the surface from soiling from dirt or other impurities or to reduce absorption of liquid into the fabric fibers. Fabric protectant does not include waterproofers; products labeled for use solely on leather; pigmented products that are designed to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates; or products that renew or restore fabric and qualify as either clear coating or vinyl/fabric/leather/polycarbonate coating.

IV.MMM. “Fabric refresher” means a product labeled to neutralize or eliminate odors on nonlaundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing and/or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. Fabric refresher does not include products labeled for application to both fabric and human skin.

- IV.NNN. "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face and includes, but is not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. Facial cleaner or soap does not include prescription drug products.
- IV.OOO. "Fat wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling but does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.
- IV.PPP. "Faux finishing coating" means a coating labeled and formulated to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain; a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); a metallic appearance that contains greater than 48 grams of elemental metallic pigment (determined in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996)) per liter of coating as applied (0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions; or a clear topcoat to seal and protect a faux finishing coating. These clear topcoats must be sold and used solely as part of a faux finishing coating system.
- IV.QQQ. "Fire-resistive coating" means a coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials and includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating must be tested in accordance with ASTM Designation E 119-08 "Standard Test Methods for Fire Tests of Building Construction and Materials" (2018).
- IV.RRR. "Flat coating" means a coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than five on a 60-degree meter according to ASTM D 523-89 "Standard Test Method for Specular Gloss" (1999).
- IV.SSS. "Flea and tick insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs but does not include products that are designed to be used exclusively on humans or animals and their bedding.
- IV.TTT. "Floor coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces, which may be subjected to foot traffic.
- IV.UUU. "Floor polish or wax" means a product designed or labeled to polish, wax, condition, protect, temporarily seal, or otherwise enhance floor surfaces by leaving a protective finish that is designed or labeled to be periodically replenished. Floor polish or wax includes products for resilient flooring materials (e.g., asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, vinyl composite flooring), non-resilient flooring materials (e.g., terrazzo, marble, slate, granite, brick, stone, ceramic tile, concrete), and wood floor wax (i.e., wax-based products for use solely on wood floors). Floor polish or wax does not include products designed or labeled for unfinished wood floors or coatings subject to architectural coatings regulations.
- IV.VVV. "Floor seam sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.
- IV.WWW. "Floor wax stripper" means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers or by dissolving or emulsifying the polish or wax. Floor wax stripper does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.
- IV.XXX. "Flying bug insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including, but not limited to, flies, mosquitoes, moths, or gnats. Flying bug insecticide does not include products designed to be used exclusively on humans or animals or products designed and labeled to protect fabrics from damage by moths where the label does not also indicate the product is suitable for use against flying insects or other flying arthropods.
- IV.YYY. "Footwear or leather care product" means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify

the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear or leather care product does not include products solely for deodorizing or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

IV.ZZZ. "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

IV.AAAA. "Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 millimeters of Mercury (mm Hg) at 20 degrees C, the sole purpose of which is to impart an odor or scent or to counteract a malodor.

IV.BBBB. "Furniture maintenance product" means a wax, polish, conditioner, or any other product labeled for the purpose of polishing, protecting or enhancing finished wood surfaces, other than floors, and other furniture surfaces including, but not limited to, acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass. Furniture maintenance product does not include products designed solely for the purpose of cleaning or products designed to leave a permanent finish such as stains, sanding sealers, and lacquers.

IV.CCCC. "Furniture coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath, and vanity), tables, chairs, beds, and sofas.

IV.DDDD. "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

IV.EEEE. "General purpose adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. General purpose adhesive does not include contact adhesives; construction, panel, and floor covering adhesives; adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls); or adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weatherstripping, or carpets).

IV.FFFF. "General purpose cleaner" means a product labeled to clean a variety of hard surfaces, including, but not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves.

IV.GGGG. "General purpose degreaser" means any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. General purpose degreaser does not include products used exclusively in solvent cleaning tanks or related equipment (e.g., cold cleaners, vapor degreasers, conveyorized degreasers) or products that are exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities and labeled exclusively for "use in the manufacturing process only."

IV.HHHH. "General-use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils and includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. General-use hand or body cleaner or soap does not include prescription drug products.

IV.IIII. "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment, and photocopying machines.

IV.JJJJ. "Graffiti remover" means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish from a variety of non-cloth or nonfabric substrates and products labeled for dual use as both a paint stripper and graffiti remover.

IV.KKKK. "Graphic arts coating or sign paint" means a coating labeled and formulated for hand application by artists using brush, airbrush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.

IV.LLLL. "Hair mousse" means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

IV.MMMM. "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair and includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. Hair shine does not include products whose primary purpose is to condition or hold the hair.

IV.NNNN. "Hair spray" means a consumer product that is applied to styled hair and is designed or labeled to provide sufficient rigidity, to hold, retain, and/or finish (i.e., maintain and/or hold the styled hair for a period of time) the style of the hair for a period of time. Hair spray includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling and finishing product. Hair spray does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.

IV.OOOO. "Hair styling product" means a consumer product designed or labeled for the application to wet, damp, or dry hair to aid in defining, shaping, lifting, styling, and/or sculpting of the hair. Hair styling product includes, but is not limited, to hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers, and/or conditioners that make styling claims.

IV.PPPP. "Heavy-duty hand cleaner or soap" means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. Heavy-duty hand cleaner or soap does not include prescription drug products.

IV.QQQQ. "Herbicide" means a pesticide product designed to kill or retard a plant's growth, but excludes products that are for agricultural use or restricted materials that require a permit for use and possession.

IV.RRRR. "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

IV.SSSS. "High volatility organic compound (HVOC)" means any volatile organic compound that exerts a vapor pressure greater than 80 mm Hg when measured at 20 degrees C.

IV.TTTT. "Household product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

IV.UUUU. "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water.

IV.VVVV. "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for

application to substrates, including floors, and exposed to one or more of the following extreme environmental conditions: immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation; acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; frequent exposure to temperatures above 121°C (250°F); frequent heavy abrasion, including mechanical wear and scrubbing with industrial solvents, cleansers, or scouring agents; or exterior exposure of metal structures and structural components.

IV.WWWW. "Insecticide" means a pesticide product that is designed for use against insects or other arthropods. Insecticide does not include products that are for agricultural use, for a use which requires a structural pest control license, or restricted materials that require a permit for use and possession.

IV.XXXX. "Insecticide fogger" means any insecticide product designed to release all or most of its content as a fog or mist into indoor areas during a single application.

IV.YYYY. "Institutional product" or "industrial and institutional (I&I) product" means a consumer product that is designed for use in the maintenance or operation of an establishment (e.g., government agencies, factories, schools, hospitals, restaurants, hotels, stores) that manufactures, transports, or sells goods or commodities or provides services for profit or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. Institutional product does not include products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

IV.ZZZZ. "Laundry prewash" means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

IV.AAAAA. "Laundry starch/sizing/fabric finish product" means a product that is labeled for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric.

IV.BBBBB. "Lawn and garden insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.

IV.CCCCC. "Liquid" means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1 (2012) but does not include powders or other materials that are composed entirely of solid particles.

IV.DDDDD. "Low-solids coating" means a coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer.

IV.EEEEE. "Lubricant" means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. Lubricant does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals or products that are exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities and labeled exclusively for "use in the manufacturing process only."

IV.FFFFF. "LVP content" means the total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

IV.GGGGG. "LVP-VOC" means a chemical compound or mixture that contains at least one carbon atom and has a vapor pressure less than 0.1 mm Hg at 20 degrees C, as determined by CARB Method 310 (August 1, 2014); is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown; is a chemical compound

with a boiling point greater than 216 degrees C, as determined by CARB Method 310 (August 1, 2014); or is the weight percent of a chemical mixture that boils above 216 degrees C, as determined by CARB Method 310 (August 1, 2014). Chemical compound means a molecule of definite chemical formula and isomeric structure. Chemical mixture means a substrate comprised of two or more chemical compounds.

IV.HHHHH. "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

IV.IIIII. "Manufacturer," for consumer product, means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.

IV.JJJJJ. "Manufacturer's maximum thinning recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

IV.KKKKK. "Mastic texture coating" means a coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

IV.LLLLL. "Medicated astringent/medicated toner" means any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores and includes, but is not limited to, clarifiers and substrate-impregnated products. Medicated astringent/medicated toner does not include hand, face, or body cleaner or soap products; cold cream; lotion; antiperspirants; or products that must be purchased with a doctor's prescription.

IV.MMMMM. "Medium density fiberboard (MDF)" means a composite wood product, panel, molding, or other building material composed of cellulosic fibers made by dry forming and pressing of resonated fiber mat.

IV.NNNNN. "Medium volatility organic compound (MVOC)" means any volatile organic compound that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20 degrees C.

IV.OOOOO. "Metal polish/cleanser" means any product designed primarily to improve the appearance (e.g., remove or reduce stains) of finished metal, metallic, or metallized surfaces by physical or chemical action and includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel, and other ornamental metals. Metal polish/cleanser does not include products designed and labeled exclusively for automotive and marine detailing or products designed for use in degreasing tanks.

IV.PPPPP. "Metallic pigmented coating" means a coating that is labeled and formulated to provide a metallic appearance. Metallic pigmented coatings must contain containing at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996). The Metallic pigmented coating category does not include coatings applied to roofs or zinc rich primers.

IV.QQQQQ. "Mist spray adhesive" means any aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

IV.RRRRR. "Multi-color coating" means a coating that is packaged in a single container and that is labeled and formulated to exhibits more than one color when applied in a single coat.

IV.SSSSS. "Multi-purpose dry lubricant" means any lubricant which is designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (teflon) on surfaces and is designed for general purpose lubrication or for use in a wide variety of applications.

IV.TTTTT. "Multi-purpose lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications.

IV.UUUUU. “Multi-purpose solvent” means any liquid product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials. Multi-purpose solvent includes products that do not display specific use instructions on the product container or packaging; products that do not specify an end-use function or application on the product container or packaging; solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories; paint clean-up products (i.e., liquid product labeled for cleaning oil-based or water-based pain, lacquer, varnish, related coatings); and products labeled to prepare surfaces for painting. Multi-purpose solvent does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines; solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings; solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment; products that are labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; or any product making any representation that the product may be used as or is suitable for use as a consumer product which qualifies under another definition.

IV.VVVVV. “Nail polish” means any clear or colored coating designed for application to the fingernails or toenails and including, but not limited to, lacquers, enamels, acrylics, base coats and top coats.

IV.WWWWW. “Nail polish remover” means a product designed to remove nail polish and coatings from fingernails or toenails.

IV.XXXXX. “Non-aerosol product” means any consumer product that is not dispensed by a pressurized spray system.

IV.YYYYY. “Non-carbon containing product” means any compound which does not contain any carbon atoms.

IV.ZZZZZ. “Non-flat coating” means a coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D 523-89 “Standard Test Method for Specular Gloss” (1999).

IV.AAAAA. “Non-flat - high gloss coating” means a non-flat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D 523-89 “Standard Test Method for Specular Gloss” (1999).

IV.BBBBB. “Non-resilient flooring” means flooring of a mineral content which is not flexible and includes terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete.

IV.CCCCC. “Non-selective terrestrial herbicide” means a terrestrial herbicide product that is toxic to plants without regard to species.

IV.DDDDD. “Nuclear coating” means a protective coating formulated and recommended to seal porous surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to longterm (service life) cumulative radiation exposure according to ASTM Method 4082-02 “Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants” (2017), relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed according to ASTM Method D 3912-95 “Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants” (2001).

IV.EEEEE. “Oven or grill cleaner” means a product labeled exclusively to remove baked on greases and/or deposits from food preparation and/or food cooking surfaces. A product that is labeled as an oven or grill cleaner that makes claims that it is suitable for degreasing other hard surfaces is a general purpose degreaser.

IV.FFFFF. “Paint” means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration, or identification or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

IV.GGGGGG. "Paint remover or stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. Paint remover or stripper does not include paint brush cleaners and hand cleaner products that claim to remove paints and other related coatings from skin.

IV.HHHHHH. "Paint thinner" means any liquid product labeled and used for reducing the viscosity of coating compositions or components. Paint thinner does not include products that are sold in containers with a capacity of five (5) gallons or more and are labeled exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings. Paint thinner does not include products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient.

IV.IIIIII. "Particleboard" means a composite wood product panel, molding, or other building material composed of cellulosic material in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

IV.JJJJJJ. "Pearlescent" means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

IV.KKKKKK. "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Penetrant does not include multi-purpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.

IV.LLLLLL. "Personal fragrance product" means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave, and toilet water. Personal fragrance product does not include medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes, breath fresheners and deodorizers; lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos, and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals.

IV.MMMMMM. "Pesticide" means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term "pesticide" will not include any substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.

IV.NNNNNN. "Plywood" means a panel product consisting of layers of wood veneers or composite core pressed together with resin.

IV.OOOOOO. "Post-consumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.

IV.PPPPPP. "Pre-treatment wash primer" means a primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D 1613-06 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products" (2017), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

IV.QQQQQQ. "Pressurized gas duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents.

IV.RRRRRR. "Primer, sealer, and undercoater" means a coating labeled and formulated to provide a firm bond between the substrate and the subsequent coatings; prevent subsequent coatings from

being absorbed by the substrate; prevent harm to subsequent coatings by materials in the substrate; provide a smooth surface for the subsequent application of coatings; provide a clear finish coat to seal the substrate; or block materials from penetrating into or leaching out of a substrate.

IV.SSSSSS. “Product brand name” means the name of the product exactly as it appears on the principal display panel of the product.

IV.TTTTTT. “Product category” means the applicable category which best describes the product as listed in the definitions and Table 1.

IV.UUUUUU. “Product form” means the applicable form that most accurately describes the product’s dispensing form:

A = aerosol product

S = solid

P = pump spray

L = liquid

SS = semi-solid

O = other

IV.VVVVVV. “Product line” means a group of products of identical form and function belonging to the same product category(ies).

IV.WWWWWW. “Propellant” means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

IV.XXXXXX. “Pump spray” means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger, or other actuator.

IV.YYYYYY. “Reactive penetrating sealer” means a clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including but not limited to, alkalis, acids, and salts. Reactive penetrating sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive penetrating sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive penetrating sealers must improve water repellency at least 80 percent after application on a concrete or masonry substrate, as verified on standardized test specimens in accordance with one or more of ASTM C67-07 “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile” (2018), ASTM C97-02 “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone” (2018), or ASTM C140-06 “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units” (2018); must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate, as verified on standardized test specimens in accordance with ASTM E96/E96M-05 “Standard Test Method for Water Vapor Transmission of Materials” (2016); and products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 “Concrete Sealers for the Protection of Bridge Structures” (1981).

IV.ZZZZZZ. “Recycled coating” means an architectural coating formulated such that it contains a minimum of 50% by volume post-consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.

IV.AAAAAA. "Residential" means areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

IV.BBBBBBB. "Responsible party" means the company, firm, or establishment which is listed on the product's label. If the label lists two companies, firms, or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by," as noted on the label.

IV.CCCCCC. "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

IV.DDDDDDD. "Roof coating" means a non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration of the substrate by water, reflecting heat and ultraviolet light, or reflecting solar radiation. Metallic pigmented roof coatings, which qualify as metallic pigmented coatings, are considered to be in the metallic pigmented coatings category.

IV.EEEEEEE. "Rubber/vinyl protectant" means any product labeled to protect, preserve or renew vinyl, or rubber on vehicles, tires, luggage, furniture, and/or household products such as vinyl covers, clothing, or accessories. Rubber/vinyl protectant does not include products labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners; tire cleaners that do not leave an appearance-enhancing or protective substance on the tire; pigmented products designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, or structural maintenance or repair of rubber or vinyl substrates; or products, other than those labeled to be used on vehicle tires, qualifying as either clear coating or vinyl/fabric/leather/polycarbonate coating.

IV.FFFFFFF. "Rubbing alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

IV.GGGGGGG. "Rust preventive coating" means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces for direct-to-metal coating or application over rusty, previously coated surfaces. The rust preventative category does not include coatings that are required to be applied as a topcoat over a primer or coatings that are intended for use on wood or any other nonmetallic surface.

IV.HHHHHHH. "Sanitizer" means a product labeled as a sanitizer or a product registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.) to reduce, but not necessary eliminate, microorganisms in the air, on surfaces, or on inanimate objects. Products that are labeled both sanitizer and disinfectant are considered disinfectants. Sanitizer does not include products labeled solely for use on humans or animals; products labeled solely for agricultural use; products labeled solely for use in swimming, therapeutic tubs, or hot tubs; products which are labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces; products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent or veterinary establishments; products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; or other products (e.g., labeled bathroom and tile cleaners) that may also make sanitizing or anti-microbial claims on the label.

IV.IIIIIII. "Sealant and caulking compound" means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. Sealant and caulking compound does not include roof cements and roof sealants; insulating foams; removable caulking compounds (i.e., provides a three to six month temporary seal); clear/paintable/water resistant caulking compounds; floor seam sealers; products designed exclusively for automotive uses; sealers that are applied as continuous coatings; or units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces.

IV.JJJJJJJ. "Secondary industrial materials" means a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value including products or byproducts of the paint manufacturing process that are of known

composition and have economic value but can no longer be used for their intended use, but does not include excess virgin resources of the manufacturing process.

IV.KKKKKKK. “Semi-solid” means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.

IV.LLLLLLLL. “Semi-transparent coating” means a coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

IV.MMMMMMM. “Shaving cream” means an aerosol product which dispenses a foam lather intended to be used with a blade, cartridge razor, or other wet-shaving system in the removal of facial or other bodily hair.

IV.NNNNNNN. “Shaving gel” means an aerosol product which dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair.

IV.OOOOOOO. “Shellac” means a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

IV.PPPPPPP. “Shop application” means application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process.

IV.QQQQQQQ. “Silicone-based multi-purpose lubricant” means any lubricant that is designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane and is designed and labeled for general purpose lubrication or for use in a wide variety of applications. Silicone-based multi-purpose lubricant does not include products designed and labeled exclusively to release manufactured products from molds.

IV.RRRRRRR. “Single phase aerosol air freshener” means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

IV.SSSSSSS. “Solicit” means to require for use or to specify, by written or oral contract.

IV.TTTTTTT. “Solid” means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1 (2012).

IV.UUUUUUU. “Special purpose spray adhesive” means an aerosol adhesive that meets any of the following definitions:

IV.UUUUUUU.1. Mounting adhesive: designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (e.g., paper, board, cloth) without causing discoloration to the artwork.

IV.UUUUUUU.2. Flexible vinyl 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 to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 (2011) or from product formulation data.

IV.UUUUUUU.3. Polystyrene foam adhesive: designed to bond polystyrene foam to substrates.

IV.UUUUUUU.4. Automobile headliner adhesive: designed to bond together layers in motor vehicle headliners.

IV.UUUUUUU.5. Polyolefin adhesive: designed to bond polyolefins to substrates.

IV.UUUUUUU.6. Laminate repair/edgebanding adhesive: designed for the touch-up or repair (e.g., lifted edges, delaminations) of items laminated with high pressure laminates (i.e., temperatures exceeding 265°F and pressures between 1,000 and 1,400 psi) or for the touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals.

IV.UUUUUUU.7. Automotive engine compartment 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.

IV.VVVVVVV. "Specialty primer, sealer, and undercoater" means a coating that is formulated for application to a substrate to block water-soluble stains resulting from: fire damage, smoke damage, or water damage.

IV.WWWWWW. "Spot remover" means any product labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing that does not require subsequent laundering to achieve stain removal.

IV.XXXXXXX. "Spray buff product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

IV.YYYYYYY. "Stain" means a semi-transparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

IV.ZZZZZZZ. "Stone consolidant" means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material and be specified and used in accordance with ASTM E2167-01 "Standard Guide for Selection and Use of Stone Consolidants" (2008).

IV.AAAAAAA. "Swimming pool coating" means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals and includes coatings used for swimming pool repair and maintenance.

IV.BBBBBBB. "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC.

IV.CCCCCCC. "Temporary hair color" means any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed. Temporary hair color includes hair color mousses and products labeled to add texture or thickness to cover thinning/balding areas.

IV.DDDDDDD. "Thermoplastic rubber coating and mastic" means a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to, fillers, pigments, and modifying resins.

IV.EEEEEEE. "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

IV.FFFFFFF. "Tire sealant and inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

IV.GGGGGGG. "Toilet/urinal care product" means any product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. **"Toilet/urinal care product" does not include "Bathroom and tile cleaner" or "General purpose cleaner."**

- **Note:** Willert Home Products proposes the above addition to the definition of "Toilet/urinal care product" for added clarity and to ensure consistency with the Model Rule.

- IV.HHHHHHHH. “Traffic marking coating” means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.
- IV.IIIIIIII. “Tub and tile refinish coating” means a clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and tile refinish coatings must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder, as determined on bonderite 1000 in accordance with ASTM D3363-05 “Standard Test Method for Film Hardness by Pencil Test” (2011); a weight loss of 20 milligrams or less after 1000 cycles, as determined with CD-17 wheels on bonderite 1000 in accordance with ASTM D4060-07 “Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser” (2014); withstand 1000 hours or more of exposure with few or no #8 blisters, as determined on unscribed bonderite in accordance with ASTM D4585-99 “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” (2018) and ASTM D714-02e1 “Standard Test Method for Evaluating Degree of Blistering of Paints” (2017); and have an adhesion rating of 4B or better after 24 hours of recovery, as determined on inscribed bonderite in accordance with ASTM D4585-99 “Standard Test Methods for Abrasion Resistance of Coatings Using Controlled Condensation” (2018) and ASTM D3359-02 “Standard Test Methods for Measuring Adhesion by Tape Test” (2017).
- IV.JJJJJJJJ. “Type A propellant” means a compressed gas such as CO₂, N₂, N₂O, or compressed air which is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product’s packaging.
- IV.KKKKKKKK. “Type B propellant” means any halocarbon which is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).
- IV.LLLLLLLL. “Type C propellant” means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).
- IV.MMMMMMMM. “Undercoating” means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound and includes, but is not limited to, rubberized, mastic, or asphaltic products.
- IV.NNNNNNNN. “Usage directions” means the text or graphics on the product label or accompanying literature that describes to the end user how and in what quantity the product is to be used.
- IV.OOOOOOOO. “Veneer” means thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.
- IV.PPPPPPPP. “Vinyl/fabric/leather/polycarbonate coating” means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.
- IV.QQQQQQQQ. “Virgin materials” means materials that contain no post-consumer coatings or secondary industrial coatings.
- IV.RRRRRRRR. “Wasp and hornet insecticide” means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.
- IV.SSSSSSSS. “Waterproofer” means a product designed and labeled exclusively to repel water from fabric or leather substrates.
- IV.TTTTTTTT. “Waterproofing membrane” means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate and does not include topcoats in the concrete/masonry sealer category. Waterproofing membranes are intended for below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing membranes must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness and meet or exceed the requirements contained in

ASTM C836-06 “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course” (2018).

IV.UUUUUUUU. “Wax” means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics) and includes, but is not limited to, substances derived from the secretions of plants and animals such as caruba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

IV.VVVVVVVV. “Web spray adhesive” means any aerosol adhesive that is not a mist spray adhesive or special purpose spray adhesive.

IV.WWWWWWWW. “Wood cleaner” means a product labeled to clean wooden materials and includes, but is not limited to, decking, fences, flooring, logs, cabinetry, and furniture. Wood cleaner does not include products designed and labeled exclusively to preserve or color wood.

IV.XXXXXXXX. “Wood coatings” means coatings labeled and formulated for application to wood substrates only. The wood coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The wood coatings category includes the following opaque wood coatings; opaque lacquers; opaque sanding sealers; and opaque lacquer undercoats.

IV.YYYYYYYY. “Wood floor wax” means wax-based products for use solely on wood floors.

IV.ZZZZZZZZ. “Wood preservative” means a coating labeled and formulated to protect exposed wood from decay or insect attack that is registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136, et. seq. (1996)).

IV.AAAAAAAAA. “Wood substrate” means a substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

IV.BBBBBBBBB. “Zinc-rich primer” means a coating that contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids and is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings.

V. STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

V.A. Adopted: July 18, 2019

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedure Act §24-4-103, the Colorado Air Pollution Prevention and Control Act §§25-7-110 and 25-7-110.5, and the Air Quality Control Commission’s (Commission) Procedural Rules.

Basis

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado’s Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Commission adopted a new Regulation Number 21 to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado. The Ozone Transport Commission (OTC) model rules, which are the basis for this rule, achieve additional VOC reductions over EPA’s national rules in 40 CFR Part 59, Subparts C and D (1998). Therefore, these standards will reduce VOC emissions from

consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQS in Colorado.

Specific Statutory Authority

The Colorado Air Pollution Prevention and Control Act, §§25-7-105(1)(a), 25-7-201 through 25-7-206, 257-210, 25-7-301, and 25-7-302, C.R.S., authorize the Commission to promulgate a comprehensive State Implementation Plan (SIP) to assure attainment and maintenance of national ambient air quality standards in conformance with the Federal and Colorado Acts. Sections 105(1)(b) and 109 authorize the Commission to establish emission control regulations, including pertaining to hydrocarbons. Section 106(1) authorizes the Commission to establish emission control regulations applicable to the entire state or only within specified areas of the state. Section 106(6) authorizes the Commission to require owners or operators of any air pollution source to establish and maintain reports and record, monitor, and sample emissions. Section 109(2) authorizes the Commission to adopt emission control regulations to reduce emissions of various pollutants, including chemical substances.

Purpose

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Commission adopted VOC standards in the OTC model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Commission adopted VOC standards in the OTC AIM coatings model rule phase 2 (2014) and VOC standards in the OTC consumer products model rule phase 4 (2013). The Commission adopted definitions, exemptions, labeling, and recordkeeping provisions based on the OTC model rules. The Commission intends that the adopted definitions have the same meanings as in the OTC model rules.

Consumer Products

The Commission adopted VOC standards for consumer products based on the OTC model rule phase 4. However, the OTC has also published consumer products model rules phases 1, 2, 3, and 5. The OTC model rule phase 5 was only published in 2018. The Commission adopted Regulation Number 21 based on the OTC model rule phase 4 due to the current implementation of this phase by some states, notably by Utah, and the potential increase in VOC emission reductions over EPA's national rule.

Some stakeholders raised concerns that the OTC model rule includes provisions to regulate two chemical substances – methylene chloride and perchloroethylene – which are not truly ozone precursors. Those stakeholders pointed out that these substances are defined as “negligibly reactive volatile organic compounds” and were therefore not within the Commission's authority to regulate as part of the ozone SIP. The provisions that regulate these chemicals are considered optional in the OTC Model rules and the Commission decided not to adopt the provisions for methylene chloride and perchloroethylene at this time.

The Commission also adopted an implementation schedule that – based upon comments received by stakeholders – appropriately addresses the time required to either develop a formula that meets requirements without additional labeling, or to update their labeling and manufacture process in order to comply. Given the need for ozone precursor reductions in the 2020 summer ozone season, additional time was not adopted.

AIM Coatings

The Commission adopted VOC standard for AIM coatings based on the OTC model rule phase 2. The OTC has also published an AIM coatings model rule phase 1. As with consumer products, Regulation Number 21 is based on the OTC model rule phase 2 due to the potential increase in VOC emission reductions over EPA's national rule. Further, the OTC model rule phase 2 is based on California's 2006 standards, which are also being implemented by other states.

Additional Considerations

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. The CAA does not expressly address all of the provisions adopted by the Commission. Rather, federal law establishes the 8-hour ozone NAAQS and requires Colorado to develop a SIP adequate to attain the NAAQS. Therefore, the Commission adopted Regulation Number 21 to make progress towards attainment of the 2008 and 2015 8-hour ozone NAAQS. These revisions do not exceed or differ from the federal act due to state flexibility in developing nonattainment area SIPs. In addition, EPA's national rules, promulgated in 1998, do not limit states from developing more stringent levels of control to attain the ozone standard. However, in accordance with C.R.S. § 25-7-110.5(5)(b), the Commission nonetheless determines:

- (I) In 1998, EPA established national standards to reduce VOC emissions from architectural coatings and consumer products. EPA's national rules do not limit states from developing more stringent levels of control to attain the ozone standard. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D.
- (II) The federal rules discussed in (I) are primarily technology-based in that the rules largely prescribe the use of specific VOC contents in order to comply. The federal rules provide flexibility by allowing reformulation to meet the VOC content limits. The federal rules also provide some product and quantity exemptions.
- (III) The CAA establishes the 8-hour ozone NAAQS and requires Colorado to develop SIP revisions that will ensure attainment of the NAAQS. The ozone NAAQS was not determined taking into account concerns unique to Colorado. EPA's 1998 federal consumer products and architectural coatings rules also do not take into account concerns unique to Colorado or limit Colorado from adopting more stringent standards. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules.
- (IV) Colorado must attain the 2008 ozone NAAQS as well as the lower 2015 ozone NAAQS. The adopted VOC standards, based on the OTC consumer products model rule phase four and AIM coatings model rule phase two rather than less stringent OTC model rules, may prevent or reduce the need for the regulated community to meet more stringent requirements later.
- (V) Colorado's attainment date under the 2008 ozone NAAQS, as a Moderate ozone nonattainment area, was July 2018, and if reclassified to Serious, Colorado's attainment date will be July 2021. Colorado's attainment date under the 2015 ozone NAAQS is August 2021. There are no timing issues that might justify changing these time frames.
- (VI) The requirements in Regulation Number 21 address VOC emissions from consumer products and AIM coatings in a cost-effective manner, allowing for continued economic growth in Colorado.
- (VII) The requirements in Regulation Number 21 establish reasonable equity for sources of VOC by providing the same categorical standards for the various consumer product and AIM coatings categories.
- (VIII) Because Colorado did not attain the 2008 ozone NAAQS by July 2018, EPA will likely reclassify Colorado as a Serious ozone nonattainment area, which automatically reduces the major source thresholds from 100 tons per year of VOC and NOx to 50 tons per year; thus subjecting more sources to RACT requirements. If Colorado does not attain the 2015 ozone NAAQS by August 2021, EPA will likely reclassify Colorado as a Moderate ozone nonattainment area under the 2015 ozone NAAQS. If EPA does not approve Colorado's SIP, EPA may promulgate a Federal Implementation Plan for Colorado. These potential outcomes may subject others to increased costs.
- (IX) The requirements in Regulation Number 21 include minimal monitoring, recordkeeping, and procedural requirements that correlate to requirements in the OTC model rules.

- (X) Demonstrated technology is available to comply with the standards in Regulation Number 21. These standards are being implemented in other states and/or ozone nonattainment areas.
- (XI) As set forth in the Economic Impact Analysis, the requirements in Regulation Number 21 contribute to the prevention of ozone in a cost-effective manner.
- (XII) Although alternative rules could also provide reductions in ozone and help to attain the NAAQS, the Commission determined that the division's proposal was reasonable and cost-effective.

As part of adopting Regulation Number 21, the Commission has taken into consideration each of the factors set forth in C.R.S. § 25-7-109(1)(b).

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. However, to the extent that C.R.S. § 25-7-110.8 requirements apply to this rulemaking, and after considering all the information in the record, the Commission hereby makes the determination that:

- (I) These rules are based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties.
- (II) Evidence in the record supports the finding that the rules shall result in a demonstrable reduction of the ozone precursor VOC.
- (III) Evidence in the record supports the finding that the rules shall bring about reductions in risks to human health and the environment that justify the costs to implement and comply with the rules.
- (IV) The rules are the most cost-effective to achieve the necessary and desired results, provide the regulated community flexibility, and achieve the necessary reduction in air pollution.
- (V) The rule will maximize the air quality benefits of regulation in the most cost-effective manner.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 21

Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings

5 CCR 1001-25

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

PART C STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

I. Adopted: July 18, 2019

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedure Act §24-4-103, the Colorado Air Pollution Prevention and Control Act §§25-7-110 and 25-7-110.5, and the Air Quality Control Commission's (Commission) Procedural Rules.

Basis

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado's Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Commission adopted a new Regulation Number 21 to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado. The Ozone Transport Commission (OTC) model rules, which are the basis for this rule, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D (1998). Therefore, these standards will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQS in Colorado.

Specific Statutory Authority

The Colorado Air Pollution Prevention and Control Act, §§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., authorize the Commission to promulgate a comprehensive State Implementation Plan (SIP) to assure attainment and maintenance of national ambient air quality standards in conformance with the Federal and Colorado Acts. Sections 105(1)(b) and 109 authorize the Commission to establish emission control regulations, including pertaining to hydrocarbons. Section 106(1) authorizes the Commission to establish emission control regulations applicable to the entire state or only within specified areas of the state. Section 106(6) authorizes the Commission to require owners or operators of any air pollution source to establish and maintain reports and record, monitor, and sample emissions. Section 109(2) authorizes the Commission to adopt emission control regulations to reduce emissions of various pollutants, including chemical substances.

Purpose

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Commission adopted VOC standards in the OTC model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Commission adopted VOC standards in the OTC AIM coatings model rule phase II (2014) and VOC standards in the OTC consumer products model rule phase IV (2013). The OTC model rules are based on the California Air Resources Board (CARB) standards. CARB develops standards based on technical information and extensive survey data, which is also used to determine compliance with the standards. The Commission adopted definitions, exemptions, labeling, and recordkeeping provisions based on the OTC model rules. The Commission intends that the adopted definitions have the same meanings as in the OTC model rules.

Consumer Products

The Commission adopted VOC content limits, labeling, and reporting provisions for consumer products based on the OTC model rule phase IV. The OTC has also published consumer products models rules phases I, II, III, and V. The OTC model rule phase V was only published in 2018. The Commission adopted Regulation Number 21 based on the OTC model rule phase IV due to the current implementation of this phase by some states, notably by Utah, and the potential increase in VOC emission reductions over EPA's national rule.

The OTC model rule includes provisions to regulate two chemical substances – methylene chloride and perchloroethylene – which are defined as “negligibly reactive volatile organic compounds.” Therefore, these chemicals would not achieve VOC, thus ozone, reductions as part of Colorado's ozone SIP. The provisions that regulate these chemicals are considered optional in the OTC Model rules and the Commission decided not to adopt the provisions for methylene chloride and perchloroethylene at this time. The Commission directs the division to investigate the costs and benefits of these additional provisions from a health perspective, and to brief the Commission on their findings as soon as practicable.

AIM Coatings

The Commission adopted VOC content limits, labeling, and reporting provisions for AIM coatings based on the OTC model rule phase II. The OTC has also published an AIM coatings model rule phase I. As with consumer products, Regulation Number 21 is based on the OTC model rule phase II due to the potential increase in VOC emission reductions over EPA's national rule. Further, the OTC model rule phase II is based on California's 2006 standards, which are also being implemented by other states.

Given the need for ozone precursor reductions in the 2020 summer ozone months, the Commission adopted ambitious, but achievable, implementation schedules for the consumer products and AIM coatings VOC content limits. This schedule combined with the sell-through opportunities allows adequate time to reformulate, relabel, and/or redistribute products in order to comply.

Additional Considerations

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. The CAA does not expressly address all of the provisions adopted by the Commission. Rather, federal law establishes the 8-hour ozone NAAQS and requires Colorado to develop a SIP adequate to attain the NAAQS. Therefore, the Commission adopted Regulation Number 21 to make progress towards attainment of the 2008 and 2015 8-hour ozone NAAQS. These revisions do not

exceed or differ from the federal act due to state flexibility in developing nonattainment area SIPs. In addition, EPA's national rules, promulgated in 1998, do not limit states from developing more stringent levels of control to attain the ozone standard. However, in accordance with C.R.S. § 25-7-110.5(5)(b), the Commission nonetheless determines:

- (I) In 1998, EPA established national standards to reduce VOC emissions from architectural coatings and consumer products. EPA's national rules do not limit states from developing more stringent levels of control to attain the ozone standard. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D.
- (II) The federal rules discussed in (I) are primarily technology-based in that the rules largely prescribe the use of specific VOC contents in order to comply. The federal rules provide flexibility by allowing reformulation to meet the VOC content limits. The federal rules also provide some product and quantity exemptions.
- (III) The CAA establishes the 8-hour ozone NAAQS and requires Colorado to develop SIP revisions that will ensure attainment of the NAAQS. The ozone NAAQS was not determined taking into account concerns unique to Colorado. EPA's 1998 federal consumer products and architectural coatings rules also do not take into account concerns unique to Colorado or limit Colorado from adopting more stringent standards. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules.
- (IV) Colorado must attain the 2008 ozone NAAQS as well as the lower 2015 ozone NAAQS. The adopted VOC standards, based on the OTC consumer products model rule phase four and AIM coatings model rule phase two rather than less stringent OTC model rules, may prevent or reduce the need for the regulated community to meet more stringent requirements later.
- (V) Colorado's attainment date under the 2008 ozone NAAQS, as a Moderate ozone nonattainment area, was July 2018, and if reclassified to Serious, Colorado's attainment date will be July 2021. Colorado's attainment date under the 2015 ozone NAAQS is August 2021. There are no timing issues that might justify changing these time frames.
- (VI) The requirements in Regulation Number 21 address VOC emissions from consumer products and AIM coatings in a cost-effective manner, allowing for continued economic growth in Colorado.
- (VII) The requirements in Regulation Number 21 establish reasonable equity for sources of VOC by providing the same categorical standards for the various consumer product and AIM coatings categories.
- (VIII) Because Colorado did not attain the 2008 ozone NAAQS by July 2018, EPA will likely reclassify Colorado as a Serious ozone nonattainment area, which automatically reduces the major source thresholds from 100 tons per year of VOC and NO_x to 50 tons per year; thus subjecting more sources to permitting and categorical RACT requirements. If Colorado does not attain the 2015 ozone NAAQS by August 2021, EPA will likely reclassify Colorado as a Moderate ozone nonattainment area under the 2015 ozone NAAQS. If EPA does not approve Colorado's SIP, EPA may promulgate a Federal Implementation Plan for Colorado. These potential outcomes may subject others to increased costs.
- (IX) The requirements in Regulation Number 21 include minimal monitoring, recordkeeping, and procedural requirements that correlate to requirements in the OTC model rules.

- (X) Demonstrated technology is available to comply with the standards in Regulation Number 21. These standards are being implemented in other states and/or ozone nonattainment areas.
- (XI) As set forth in the Economic Impact Analysis, the requirements in Regulation Number 21 contribute to the prevention of ozone in a cost-effective manner.
- (XII) Although alternative rules could also provide reductions in ozone and help to attain the NAAQS, the Commission determined that the division's proposal was reasonable and cost-effective.

As part of adopting Regulation Number 21, the Commission has taken into consideration each of the factors set forth in C.R.S. § 25-7-109(1)(b).

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. However, to the extent that C.R.S. § 25-7-110.8 requirements apply to this rulemaking, and after considering all the information in the record, the Commission hereby makes the determination that:

- (I) These rules are based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties.
- (II) Evidence in the record supports the finding that the rules shall result in a demonstrable reduction of the ozone precursor VOC.
- (III) Evidence in the record supports the finding that the rules shall bring about reductions in risks to human health and the environment that justify the costs to implement and comply with the rules.
- (IV) The rules are the most cost-effective to achieve the necessary and desired results, provide the regulated community flexibility, and achieve the necessary reduction in air pollution.
- (V) The rule will maximize the air quality benefits of regulation in the most cost-effective manner.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 21

Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings

5 CCR 1001-25

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Outline of Regulation

PART A CONCERNING CONSUMER PRODUCTS

PART B CONCERNING ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

PART C STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE

Pursuant to Colorado Revised Statutes Section 24-4-103(12.5), materials incorporated by reference are available for public inspection during normal business hours or copies may be obtained at a reasonable cost from the Air Quality Control Commission (Commission), 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. The material incorporated by reference may also be available through the United States Government Printing Office, online at www.govinfo.gov. Materials incorporated by reference are those editions in existence as of the date indicated and do not include any later amendments.

PART A CONCERNING CONSUMER PRODUCTS

I. Applicability

I.A. This part applies to any person who sells, supplies, offers for sale, distributes for sale, or manufactures for sale consumer products in

I.A.1. The 8-hour Ozone Control Area.

I.A.2. (State Only) Colorado. As marked by (State Only), the requirements are not federally enforceable.

I.B. This part does not apply to

I.B.1. Consumer products manufactured in Colorado solely for shipment and use outside of Colorado.

I.B.2. Consumer products that do not comply with the VOC limits in Table 1 as long as the manufacturer or distributor can demonstrate both that the consumer product is intended for shipment and use outside of Colorado and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed to Colorado. Section I.B.2. does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in Colorado.

- I.B.3. Consumer products that have been granted an Innovative Product exemption by the California Air Resources Board (CARB) under the Innovative Products provisions in Subchapter 8.5, Article 2, Section 94511 (January 2019) or Subchapter 8.5, Article 1, Section 94503.5 (January 2019) of Title 17 of the California Code of Regulations are exempt from the VOC content limits in Table 1 for the period of time during which the CARB Innovative Products exemption remains in effect.
- I.B.4. Consumer products that have been granted an Alternative Control Plan (ACP) by the CARB under the provisions in Subchapter 8.5, Article 4, Sections 94540-94555 (January 2019) of Title 17 of the California Code of Regulations are exempt from the VOC content limits in Table 1 for the period of time during which the CARB ACP agreement remains in effect. Aerosol adhesives, adhesive removers, electronic cleaners, electrical cleaners, energized electrical cleaners, and contact adhesives granted an ACP must be labeled with the term “ACP” or “ACP product” if the product exceeds the applicable VOC limit specified in Table 1. Any manufacturer claiming an ACP agreement must make a copy of the ACP decision available to the Division upon request.
- I.B.5. Consumer products that have been granted a variance by CARB under the Variances provisions in Subchapter 8.5, Article 2, Section 94514 (January 2019) of Title 17 are exempt from complying with the VOC limits established in Table 1 for the period of time during which the variance remains in effect. Any person claiming a variance must make a copy of the variance available to the Division upon request.

II. Standards

- II.A. On or after May 1, 2020, no person can manufacture for sale in Colorado any consumer product with a VOC content in excess of the VOC limit specified in Table 1.
- II.B. No person can sell, supply, offer for sale, or distribute for sale in Colorado any consumer product that is manufactured on or after May 1, 2020, with a VOC content in excess of the VOC limit specified in Table 1.
- II.C. On or after May 1, 2021, no person can manufacture for sale in Colorado any consumer product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC Section 136-136y (1996)) in excess of the VOC limits in Table 1.
- II.D. No person can sell, supply, offer for sale, or distribute for sale in Colorado any consumer product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC Section 136-136y (1996)) and manufactured on or after May 1, 2021, with a VOC content in excess of the VOC limits in Table 1.
- II.E. Effective May 1, 2020, and until May 1, 2021, no person can manufacture for sale, sell, supply, or offer for sale any flammable or extremely flammable, as labeled or meeting the criteria in Title 16 CFR Section 1500.3(c)(6) (February 27, 2018), paint thinner or multi-purpose solvent labeled as a clean-up solvent or paint clean-up product unless the product is clearly and prominently labeled with
- II.E.1. “DANGER,” “WARNING,” or “CAUTION” and “Formulated to meet California VOC limits; see warnings on label”; or

- II.E.2. 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.
- II.F. Charcoal lighter material products must be issued a certification in accordance with Subchapter 8.5, Article 2, Section 94509(h) (January 1, 2019) of Title 17 of the California Code of Regulations.
- II.G. 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 use, the limits specified in Table 1 apply to the product only after the minimum recommended dilution has taken place. For purposes of this part, "minimum recommended dilution" does not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard to remove soils or stains.
- II.H. 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 Table 1 apply to the product only after the maximum recommended dilution has taken place.
- II.I. For consumer products for which the label, packaging, or accompanying literature indicates that the product may be used, or is suitable for use, as a consumer product for which a lower VOC limit is specified in Table 1, then the lowest VOC limit applies. This requirement does not apply to general purpose cleaners, antiperspirant/deodorant products, insecticide foggers, or aerosol lawn and garden insecticides claiming to kill insects or other arthropods.
- II.J. Consumer products specified in Table 1 cannot contain any of the following
- II.J.1. CFC-11 (trichlorofluoromethane).
 - II.J.2. CFC-12 (dichlorodifluoromethane).
 - II.J.3. CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane).
 - II.J.4. CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane).
 - II.J.5. CFC-115 (chloropentafluoroethane).
 - II.J.6. Halon 1211 (bromochlorodifluoromethane).
 - II.J.7. Halon 1301 (bromotrifluoromethane).
 - II.J.8. Halon 2402 (dibromotetrafluoroethane).
 - II.J.9. HCFC-22 (chlorodifluoromethane).
 - II.J.10. HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane).
 - II.J.11. HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane).
 - II.J.12. HCFC-141b (1,1-dichloro-1-fluoroethane).
 - II.J.13. HCFC-142b (1-chloro-1,1-difluoroethane).

II.J.14. 1,1,1-trichloroethane.

II.J.15. Carbon tetrachloride.

II.K. The following consumer products cannot contain trichloroethylene in a combined amount greater than 0.01 percent by weight (i.e., an impurity)

II.K.1. Adhesive removers.

II.K.2. Aerosol adhesives.

II.K.3. Bathroom and tile cleaners.

II.K.4. Contact adhesives.

II.K.5. Construction, panel, floor covering adhesives.

II.K.6. Electrical cleaners.

II.K.7. Electronic cleaners.

II.K.8. Electronic cleaners labeled as energized electronic equipment use only.

II.K.9. Footwear or leather care products.

II.K.10. General purpose cleaners.

II.K.11. General purpose degreasers.

II.K.12. Graffiti removers.

II.K.13. Multi-purpose solvent.

II.K.14. Oven or grill cleaners.

II.K.15. Paint thinners.

II.L. The medium volatility organic compound (MVOC) content specified for antiperspirants or deodorants does not apply to ethanol.

II.M. Paint thinners and multi-purpose solvents cannot contain greater than one percent (1%) aromatic compound content by weight.

II.N. The VOC content limits in Table 1 do not apply to

II.N.1. Any LVP-VOC.

II.N.2. Fragrances up to a combined level of 2 percent by weight.

II.N.3. Colorants up to a combined level of 2 percent by weight in any antiperspirant or deodorant.

II.N.4. VOCs in antiperspirants or deodorants that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown or 2 mm Hg or less at 20°C.

II.N.5. Air fresheners that are comprised entirely of fragrance, less compounds exempt from the definition of VOC.

II.N.6. Adhesives sold in containers of 1 fluid ounce or less.

II.N.7. Bait station insecticides designed to be ingested by insects, composed of solid material feeding stimulants with less than 5 percent active ingredients, and in containers less than or equal to 0.5 ounce by weight.

II.N.8. Solid air fresheners, insecticides, and toilet/urinal care products containing at least 98% para-dichlorobenzene.

<u>Table 1 – VOC content limits for consumer products manufactured on or after May 1, 2020</u>	
<u>Product category</u>	<u>VOC content limit (percent VOCs by weight)</u>
<u>Adhesive removers</u>	
<u>* Floor or wall covering</u>	<u>5</u>
<u>* Gasket or thread locking</u>	<u>50</u>
<u>* General purpose</u>	<u>20</u>
<u>* Specialty</u>	<u>70</u>
<u>Adhesives</u>	
<u>* Aerosol mist spray</u>	<u>65</u>
<u>* Aerosol web spray</u>	<u>55</u>
<u>* Specialty purpose spray adhesive – mounting, automotive engine compartment, and flexible vinyl</u>	<u>70</u>
<u>* Specialty purpose spray adhesive – polystyrene foam and automotive headliner</u>	<u>65</u>
<u>* Specialty purpose spray adhesive – polyolefin and laminate repair/edgebanding</u>	<u>60</u>
<u>* Construction, panel, and floor covering contact</u>	<u>7</u>
<u>* Contact general purpose</u>	<u>55</u>
<u>* Contact special purpose</u>	<u>80</u>

<u>* General purpose</u>	<u>10</u>
<u>* Structural waterproof</u>	<u>15</u>
<u>Air fresheners</u>	
<u>* Single-phase aerosol</u>	<u>30</u>
<u>* Double-phase aerosol</u>	<u>25</u>
<u>* Dual purpose air freshener/disinfectant aerosol</u>	<u>60</u>
<u>* Liquid/pump sprays</u>	<u>18</u>
<u>* Solids/semisolids</u>	<u>3</u>
<u>Antiperspirants</u>	
<u>* Aerosol</u>	<u>40 HVOC, 10 MVOC</u>
<u>* Non-aerosol</u>	<u>0 HVOC, 0 MVOC</u>
<u>Anti-static product</u>	
<u>* Aerosol</u>	<u>80</u>
<u>* Non-aerosol</u>	<u>11</u>
<u>Automotive rubbing or polishing compound</u>	<u>17</u>
<u>Automotive wax, polish, sealant, or glaze</u>	
<u>* Hard paste waxes</u>	<u>45</u>
<u>* Instant detailers</u>	<u>3</u>
<u>* All other forms</u>	<u>15</u>
<u>Automotive windshield cleaner</u>	<u>35</u>
<u>Automotive windshield washer fluids</u>	<u>35</u>
<u>Bathroom and tile cleaners</u>	
<u>* Aerosol</u>	<u>7</u>
<u>* Non-aerosol</u>	<u>1</u>
<u>Brake cleaner</u>	<u>10</u>
<u>Bug and tar remover</u>	<u>40</u>

<u>Carburetor or fuel-injection air intake cleaners</u>	<u>10</u>
<u>Carpet and upholstery cleaners</u>	
<u>* Aerosol</u>	<u>7</u>
<u>* Non-aerosol (dilutables)</u>	<u>0.1</u>
<u>* Non-aerosol (ready-to-use)</u>	<u>3</u>
<u>Charcoal lighter material</u>	<u>See Section II.F.</u>
<u>Cooking spray, aerosol</u>	<u>18</u>
<u>Deodorants</u>	
<u>* Aerosol</u>	<u>0 HVOC, 10 MVOC</u>
<u>* Non-aerosol</u>	<u>0 HVOC, 0 MVOC</u>
<u>Disinfectant</u>	
<u>* Aerosol</u>	<u>70</u>
<u>* Non-aerosol</u>	<u>1</u>
<u>Dusting aids</u>	
<u>* Aerosol</u>	<u>25</u>
<u>* Non-aerosol</u>	<u>7</u>
<u>Electrical cleaner</u>	<u>45</u>
<u>Electronic cleaner</u>	<u>75</u>
<u>Engine degreasers</u>	
<u>* Aerosol</u>	<u>10</u>
<u>* Non-aerosol</u>	<u>5</u>
<u>Fabric protectants</u>	<u>60</u>
<u>Fabric refresher</u>	
<u>* Aerosol</u>	<u>15</u>
<u>* Non-aerosol</u>	<u>6</u>
<u>Floor polishes or waxes</u>	

* <u>Resilient flooring materials</u>	<u>1</u>
* <u>Non-resilient flooring materials</u>	<u>1</u>
* <u>Wood floor wax</u>	<u>90</u>
<u>Footwear or leather care products</u>	
* <u>Aerosol</u>	<u>75</u>
* <u>Solid</u>	<u>55</u>
* <u>Other forms</u>	<u>15</u>
<u>Furniture maintenance products</u>	
* <u>Aerosol</u>	<u>17</u>
* <u>Non-aerosol (except solid or paste)</u>	<u>3</u>
<u>General purpose cleaners</u>	
* <u>Aerosol</u>	<u>8</u>
* <u>Non-aerosol</u>	<u>4</u>
<u>General purpose degreasers</u>	
* <u>Aerosol</u>	<u>10</u>
* <u>Non-aerosol</u>	<u>4</u>
<u>Glass cleaners</u>	
* <u>Aerosol</u>	<u>12</u>
* <u>Non-aerosol</u>	<u>4</u>
<u>Graffiti remover</u>	
* <u>Aerosol</u>	<u>50</u>
* <u>Non-aerosol</u>	<u>30</u>
<u>Hair mousses</u>	<u>6</u>
<u>Hairshines</u>	<u>55</u>
<u>Hairsprays</u>	<u>55</u>
<u>Hair styling products</u>	

* <u>Aerosol and pump sprays</u>	<u>6</u>
* <u>All other forms</u>	<u>2</u>
<u>Heavy-duty hand cleaner or soap</u>	<u>8</u>
<u>Insecticides</u>	
* <u>Crawling bug, aerosol</u>	<u>15</u>
* <u>Crawling bug, all other forms</u>	<u>20</u>
* <u>Flea and tick</u>	<u>25</u>
* <u>Flying bug, aerosol</u>	<u>25</u>
* <u>Flying bug, all other forms</u>	<u>35</u>
* <u>Foggers</u>	<u>45</u>
* <u>Lawn and garden, non-aerosol</u>	<u>3</u>
* <u>Lawn and garden, all other forms</u>	<u>20</u>
* <u>Wasp and hornet</u>	<u>40</u>
<u>Laundry prewash</u>	
* <u>Aerosols/solids</u>	<u>22</u>
* <u>All other forms</u>	<u>5</u>
<u>Laundry starch/sizing/fabric finish products</u>	<u>4.5</u>
<u>Metal polishes/cleaners</u>	<u>30</u>
<u>Multi-purpose lubricant (excluding solid or semi-solid products)</u>	<u>50</u>
<u>Multi-purpose solvent</u>	<u>3</u>
<u>Nail polish remover</u>	<u>1</u>
<u>Non-selective terrestrial herbicide, non-aerosols</u>	<u>3</u>
<u>Oven or grill cleaners</u>	
* <u>Aerosol/pump sprays</u>	<u>8</u>
* <u>Non-aerosol</u>	<u>4</u>
<u>Paint remover or strippers</u>	<u>50</u>

<u>Paint thinner</u>	<u>3</u>
<u>Penetrants</u>	<u>50</u>
<u>Rubber/vinyl protectants</u>	
<u>* Aerosol</u>	<u>10</u>
<u>* Non-aerosol</u>	<u>3</u>
<u>Sanitizer</u>	
<u>* Aerosol</u>	<u>70</u>
<u>* Non-aerosol</u>	<u>1</u>
<u>Sealants and caulking compounds</u>	<u>4</u>
<u>Shaving creams</u>	<u>5</u>
<u>Shaving gel</u>	<u>4</u>
<u>Silicone-based multi-purpose lubricants (excluding solid or semi-solid products)</u>	<u>60</u>
<u>Spot removers</u>	
<u>* Aerosol</u>	<u>25</u>
<u>* Non-aerosol</u>	<u>8</u>
<u>Temporary hair color, aerosol</u>	<u>55</u>
<u>Tire sealants and inflators</u>	<u>20</u>
<u>Toilet/urinal care</u>	
<u>* Aerosol</u>	<u>10</u>
<u>* Non-aerosol</u>	<u>3</u>
<u>Undercoatings, aerosol</u>	<u>40</u>
<u>Wood cleaner</u>	
<u>* Aerosol</u>	<u>17</u>
<u>* Non-aerosol</u>	<u>4</u>

III. Container labeling

III.A. The manufacturer of any consumer product subject to a VOC limit in Table 1, except products registered under the Federal Insecticide, Fungicide, and Rodenticide Act

(FIFRA; 7 U.S.C. Section 136-136y) (1996) and products containing VOCs at 0.10 percent by weight or less, must clearly display on the container or package the date the product was manufactured or a date code representing the date of manufacture. The date or date code must be displayed on the container such that it is readily observable without removing or disassembling any portion of the product container or packaging.

III.B. If the label on a special purpose spray adhesive indicates that the product is suitable for use on any substrate or application not listed in the definition for special purpose spray adhesive, the product must be classified as either a web spray adhesive or mist spray adhesive and meet the associated limit in Table 1.

III.C. The label on non-aerosol floor wax strippers 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. The label on a non-aerosol floor wax stripper that is also intended to be used for removal of heavy build-up of polish that results 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.

III.D. The label on energized electrical cleaners must clearly display “Energized equipment use only. Not to be used for motorized vehicle maintenance or their parts.”

III.E. The label on zinc rich primers must clearly display “for professional use only,” “for industrial use only,” or “not for residential use” or “not intended for residential use.”

III.F. The label on aerosol adhesives, adhesive removers, electronic cleaners, electrical cleaners, energized electrical cleaners, and contact adhesive products must clearly display

III.F.1. The product category.

III.F.2. The applicable VOC standard for the product, except energized electrical cleaners, as a percentage by weight.

III.F.3. For special purpose spray adhesives, the applicable substrate and/or application that qualifies the product as special purpose.

IV. Reporting

IV.A. Manufacturers of a solid air freshener, insecticide, or toilet/urinal care consumer product that contains at least 98% para-dichlorobenzene must maintain records necessary to demonstrate the para-dichlorobenzene content. These records must be maintained for a minimum of three (3) years and made available to the Division within 90 days after written notice.

IV.B. Manufacturers of consumer products that have been granted an Innovative Product exemption must maintain records necessary to demonstrate that the exemption applies and remains in effect. These records must be maintained for a minimum of three (3) years and made available to the Division within 90 days after written notice.

IV.C. Manufacturers of consumer products that have been granted an Alternative Control Plan agreement must maintain records necessary to demonstrate that the agreement applies and during what time period the agreement was in effect. These records must be maintained for a minimum of three (3) years and made available to the Division within 90 days after written notice.

IV.D. Upon 90 days written notice, the Division may require any responsible party to report any of the following information for any consumer product subject to a VOC limit in Table 1. If the responsible party does not have or does not provide the information requested by the Division, the Division 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.

IV.D.1. The company name of the responsible party, address, telephone number, and designated contact person.

IV.D.2. Any claim of confidentiality made pursuant to Colorado requirements.

IV.D.3. The consumer product brand name for each consumer product, product label, and product category to which the consumer product belongs.

IV.D.4. The applicable product form(s) listed separately.

IV.D.5. An identification of each product brand name and form as a "Household Product," "I&I Product," or both.

IV.D.6. Colorado sales in pounds per year, to the nearest pound, and the method used to calculate Colorado sales for each consumer product.

IV.D.7. For information submitted by multiple companies, an identification of each company which is submitting relevant data separate from that submitted by the responsible party.

IV.D.8. For each consumer product brand name, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of

IV.D.8.a. _____ Each Table B compound.

IV.D.8.b. _____ Each LVP-VOC that is not a fragrance.

IV.D.9. For each consumer product brand name, the net percent by weight of the total product, less container and packaging, rounded to the nearest one-tenth of a percent, for each of the following

IV.D.9.a. _____ Total Table B compounds.

IV.D.9.b. _____ Total LVP-VOCs that are not fragrances.

IV.D.9.c. _____ Total all other carbon-containing compounds that are not fragrances.

IV.D.9.d. _____ Total fragrance.

IV.D.9.e. _____ For consumer products containing greater than two percent by weight fragrance, the percent of fragrance that are LVP-VOCs and the percent of fragrance that are all other carbon-containing compounds.

IV.D.9.f. _____ Total all non-carbon-containing compounds.

IV.D.9.g. _____ Total para-dichlorobenzene.

IV.D.10. The type of propellant (e.g., Type A, Type B, or a blend of the different types) and weight percent comprised of propellant for each consumer product, if applicable.

IV.D.11. The net percent by weight of each ozone-depleting compound listed in Section II.J. and contained in any amount greater than 0.1 percent by weight, if applicable.

IV.D.12. Documentation that the consumer product meets the applicable VOC content limit specified in Table 1.

IV.D.13. Documentation explaining the date portion of the date code indicating the date of manufacture.

V. Test methods

V.A. Testing to determine compliance with the requirements of this part, except for charcoal lighter material products (see Section II.F.), may be performed using CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997, and as last amended on December 31, 2018, or through calculation of the VOC content from records of the amounts of constituents used to make the product if

V.A.1. The manufacturer keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. Records must be maintained for three (3) years and made available to the Division upon request; and

V.A.2. VOC content is calculated according to the following equation:

$$\text{VOC content} = ((B-C)/A) \times 100$$

Where

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs, per unit

C = total weight of VOCs exempted under Section II.N., per unit

V.A.3. If product records are contradicted by product testing performed using CARB Method 310, the results of CARB Method 310 take precedence.

V.B. Testing to determine whether a product is a liquid or solid must be performed using ASTM D4359-90(2000)e1 "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid" (2012).

VI. Definitions

VI.A. "8-Hour Ozone Control Area" means the Counties of Adams, Arapahoe, Boulder (includes part of Rocky Mountain National Park), Douglas, and Jefferson; the Cities and Counties of Denver and Broomfield; and the following portions of the Counties of Larimer and Weld:

VI.A.1. For Larimer County (includes part of Rocky Mountain National Park), that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.

VI.A.2. For Weld County, that portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.

VI.B. "Adhesive" means any product that is used to bond one surface to another by attachment. Adhesive does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate.

VI.C. "Adhesive remover" means a product designed to remove adhesive from either a specific substrate or a variety of substrates but does not include products that remove adhesives intended exclusively for use on humans or animals. For the purposes of this definition, adhesive means a substance used to bond one or more materials including, but not limited to, caulks, sealants, glues, or similar substances used for the purpose of forming a bond.

VI.C.1. "Floor and wall covering adhesive remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

VI.C.2. "Gasket or thread locking adhesive remover" means a product designed or labeled to remove gaskets or thread locking adhesives. Gasket or thread locking adhesive remover includes products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover.

VI.C.3. "General purpose adhesive remover" means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive adhesives or residues from a variety of substrates. General purpose adhesive remover includes, but is not limited to, products that remove thermoplastic adhesives; pressure sensitive adhesives; dextrin or starch based adhesives; casein glues; rubber or latex-based adhesives; and stickers, decals, stencils, or similar materials. General purpose adhesive remover does not include floor or wall covering adhesive remover.

VI.C.4. "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur such as, but not limited to, epoxies, urethanes, and silicones. Specialty adhesive remover does not include gasket or thread locking adhesive remover.

- VI.D. "Aerosol adhesive" means an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for hand-held application of adhesive without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesive, mist spray adhesives, and web spray adhesives.
- VI.E. "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.
- VI.F. "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container or a mechanically induced force but does not include pump spray.
- VI.G. "Agricultural use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop. Agricultural use does not include the sale or use of pesticides in properly labeled packages or containers which are intended for home use (use in a household or its immediate environment), use in structural pest control (use requiring a license), industrial use (use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites), or institutional use (use within or on property necessary for the operation of buildings such as hospital, schools, libraries, auditorium, and office complexes).
- VI.H. "Air freshener" means any product including, but not limited to, sprays, wicks, wipes, diffusers, powders, and crystals, designed or labeled for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. Air fresheners includes dual purpose air freshener/disinfectant products, which are aerosol products represented on the product container, label, packaging, or attached literature for use as both a disinfectant and an air freshener. Air freshener does not include products that are used on the human body, products that function primarily as cleaning products as indicated on the product label, odor remover/eliminator, toilet/urinal care products, or disinfectants when offered for sale solely through institutional and industrial channels of distribution.
- VI.I. "All other carbon-containing compounds" means other compounds which contain at least one carbon atom and are not a table B compound or a LVP-VOC.
- VI.J. "All other forms" means all consumer product forms for which no form-specific VOC standard is specified and include, but are not limited to, solids, liquids (including the liquid containing or liquid impregnated portion of the cloth or paper wipes), wicks, powders, and crystals.
- VI.K. "Antimicrobial hand or body cleaner or soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity and includes, but is not limited to, antimicrobial hand or body washes/cleaners, food handler hand washes, healthcare personnel hand washes, preoperative skin preparations, and surgical scrubs. Antimicrobial hand or body cleaner or soap does not include prescription drug products, antiperspirants, astringent/toner, deodorant, facial cleaner or soap, general-use hand or body cleaner or soap, hand dishwashing detergent (including antimicrobial), heavy-duty hand cleaner or soap, medicated astringent/medicated toner, and rubbing alcohol.
- VI.L. "Antiperspirant" means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.

- VI.M. "Anti-static product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. Anti-static product does not include electronic cleaner, floor polish or wax, floor coating, aerosol coating products, or architectural coatings.
- VI.N. "Architectural coating" means a coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.
- VI.O. "Aromatic compound" means a carbon containing compound, except compounds exempt from the definition of VOC, that contains one or more benzene or equivalent heterocyclic rings and has an initial boiling point less than or equal to 280 degrees C.
- VI.P. "Artist solvent/thinner" means any liquid product, labeled to meet ASTM D4236 – 94 (March 1, 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, and packaged in a container equal to or less than 34 fluid ounces, labeled to reduce the viscosity of, and or remove, art coating compositions or components.
- VI.Q. "Astringent/toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores including clarifiers and substrate-impregnated products. Astringent/toner does not include medicated astringent/medicated toner, cold cream, lotion, or antiperspirant.
- VI.R. "Automotive hard paste wax" means an automotive wax or polish that is designed to protect and improve the appearance of automotive paint surfaces, is solid at room temperature, and contains zero percent (0%) water by formulation.
- VI.S. "Automotive instant detailer" means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.
- VI.T. "Automotive rubbing or polishing compound" means a product designed primarily to remove oxidation, old paint, scratches or "swirl marks", and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.
- VI.U. "Automotive wax, polish, sealant, or glaze" means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces and includes, but is not limited to, products designed for use in auto body repair shops, drive-through car washes, and products designed for the general public. Automotive wax, polish, sealant, or glaze does not include automotive rubbing or polishing compounds, automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.
- VI.V. "Automotive windshield cleaner" means a product labeled for automotive use only, packaged as an automotive windshield cleaner in the form of a moistened towelette, and designed to be used on automotive windshields, automotive mirrors, and automotive headlights. Automotive windshield cleaner does not include automotive windshield washer fluid.
- VI.W. "Automotive windshield washer fluid" means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. Automotive windshield washer fluid does not include fluids placed by the manufacturer in a new vehicle.

- VI.X. "Bathroom and tile cleaner" means a product designed or labeled to clean tile or surfaces in bathrooms. Bathroom and tile cleaner does not include toilet/urinal care product.
- VI.Y. "Brake cleaner" means a cleaning product designed to remove oil, grease, brake fluid, brake pad material, or dirt from motor vehicle brake mechanisms.
- VI.Z. "Bug and tar remover" means a product labeled to remove biological-type residues, such as insect carcasses and tree sap, and/or road grime, such as road tar, roadway paint markings, and asphalt, from painted motor vehicle surfaces without causing damage to the finish.
- VI.AA. "Carburetor or fuel-injection air intake cleaners" means a product designed or labeled to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. Carburetor or fuel-injection air intake cleaner does not include products designed or labeled exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors or products designed or labeled exclusively to be introduced during engine operation directly into air vacuum lines by using a pressurized sprayer wand.
- VI.BB. "Carpet and upholstery cleaner" means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. Carpet and upholstery cleaner includes, but is not limited to, products that make fabric protectant claims. Carpet and upholstery cleaner does not include general purpose cleaners, spot removers, vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.
- VI.CC. "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. Charcoal lighter material does not include electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.
- VI.DD. "Colorant" means any pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.
- VI.EE. "Construction, panel, and floor covering adhesive" means any non-aerosol, one-component adhesive that is designed or labeled for the installation, remodeling, maintenance, or repair of structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring or floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. Construction, panel, and floor covering adhesive does not include floor seam sealer. Construction, panel and floor covering adhesive, does not include units of non-aerosol adhesive, less packaging, which weigh more than one pound and consists of more than 16 fluid ounces.
- VI.FF. "Consumer" means any person who purchases or acquires any consumer product for personal, family, household, or institutional use. Consumer does not include persons acquiring a consumer product for resale.

- VI.GG. “Consumer product” means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; automotive specialty products; and aerosol adhesives. Consumer product does not include other paint products, furniture coatings, or architectural coatings.
- VI.HH. “Contact adhesive” means a non-aerosol adhesive that is designed for application to both surfaces to be bonded together, is allowed to dry before the two surfaces are placed in contact with each other, forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact adhesive does not include rubber cements that are primarily intended for use on paper substrates or vulcanizing fluids that are designed and labeled for tire repair only. Contact adhesive does not include units of adhesive, less packaging, which consist of more than one gallon.
- VI.II. “Contact adhesive – general purpose” means any contact adhesive that is not a contact adhesive – special purpose.
- VI.JJ. “Contact adhesive – special purpose” means a contact adhesive that: is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces; or is used in automotive applications that are automotive under-the-hood applications requiring heat, oil or gasoline resistance, or are body-side molding, automotive weatherstrip or decorative trim.
- VI.KK. “Container/packaging” means the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. Container/packaging includes any article onto or into which the principle display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.
- VI.LL. “Crawling bug insecticide” means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish, or spiders. Crawling bug insecticide does not include products designed to be used exclusively on humans or animals or any house dust mite product. A house dust mite product means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods. House dust mite means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.
- VI.MM. “Date-code” means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.
- VI.NN. “Deodorant” means any product including, but not limited to, aerosol, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent and/or minimize odor. Deodorant includes

deodorant body sprays that indicate or depict on the container, packaging, or label that it can be used on or applied to the human axilla.

VI.OO. "Deodorant body spray" means a personal fragrance product with 20 percent or less fragrance that is designed for application all over the human body to provide a scent.

VI.PP. "Device" means any instrument or contrivance (other than a firearm) that is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and bacterium, virus, other microorganism on or in living man or other living animals). Device does not include equipment used for the application of pesticides when sold separately therefrom.

VI.QQ. "Disinfectant" means a product labeled as a disinfectant or a product registered as a disinfectant under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq. (1996)) to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects. Disinfectant includes products labeled as both sanitizer and disinfectant. Disinfectant does not include products labeled solely for use on humans or animals; agricultural use; use in swimming pools, therapeutic tubs, or hot tubs; to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces; to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments; or 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 or anti-microbial claims on the label.

VI.RR. "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

VI.SS. "Double phase aerosol air freshener" means an aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

VI.TT. "Dry cleaning fluid" means any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled "for dry clean only," such as clothing or drapery, or "S-coded" fabrics. S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee. Dry cleaning fluid does not include spot removers or carpet and upholstery cleaners.

VI.UU. "Dusting aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. Dusting aid does not include pressurized gas duster.

VI.VV. "Electrical cleaner" means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. Electrical cleaner does not include general purpose cleaner, general purpose degreaser, dusting aid, electronic cleaner, energized electrical cleaner, pressurized gas duster, engine degreaser, anti-static product, or products labeled to clean the casings or housings of electrical equipment.

VI.WW. "Electronic cleaner" means a product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment such as

circuit boards and the internal components of electronic devices, including but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. Electronic cleaner does not include general purpose cleaner, general purpose degreaser, dusting aid, pressurized gas duster, engine degreaser, electrical cleaner, energized electrical cleaner, anti-static product, or products labeled to clean the casings or housings of electronic equipment or energized electrical cleaners. Electronic cleaner does not include products labeled to clean and/or degrease electronic equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component and clearly displaying “energized electronic equipment use only.”

VI.XX “Energized electrical cleaner” means a product labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component, such as a capacitor. Energized electrical cleaner does not include electronic cleaner.

VI.YY. “Engine degreaser” means a cleaning product designed or labeled to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

VI.ZZ. “Fabric protectant” means a product labeled to be applied to fabric substrates to protect the surface from soiling from dirt or other impurities or to reduce absorption of liquid into the fabric fibers. Fabric protectant does not include waterproofers; products labeled for use solely on leather; pigmented products that are designed to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates; or products that renew or restore fabric and qualify as either clear coating or vinyl/fabric/leather/polycarbonate coating.

VI.AAA. “Fabric refresher” means a product labeled to neutralize or eliminate odors on nonlaundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing and/or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. Fabric refresher does not include anti-static product, carpet and upholstery cleaner, footwear or leather care product, spot remover, disinfectant, or products labeled for application to both fabric and human skin.

VI.BBB. “Facial cleaner or soap” means a cleaner or soap designed primarily to clean the face and includes, but is not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. Facial cleaner or soap does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.

VI.CCC. “Fat wood” means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling but does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

VI.DDD. “Flea and tick insecticide” means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs but does not include products that are designed to be used exclusively on humans or animals and their bedding.

VI.EEE. “Floor coating” means an opaque coating that is labeled and designed for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.

VI.FFF. “Floor polish or wax” means a product designed or labeled to polish, wax, condition, protect, temporarily seal, or otherwise enhance floor surfaces by leaving a protective finish that is designed or labeled to be periodically replenished. Floor polish or wax includes products for resilient flooring materials (including, but not limited to, asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, vinyl composite flooring), non-resilient flooring materials (including, but not limited to, terrazzo, marble, slate, granite, brick, stone, ceramic tile, concrete), and wood floor wax (i.e., wax-based products for use solely on wood floors). Floor polish or wax does not include spray buff products, floor wax strippers, or products designed or labeled for unfinished wood floors or coatings subject to architectural coatings regulations.

VI.GGG. “Floor seam sealer” means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

VI.HHH. “Floor wax stripper” means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers or by dissolving or emulsifying the polish or wax. Floor wax stripper does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

VI.III. “Flying bug insecticide” means any insecticide product that is designed for use against flying insects or other flying arthropods, including, but not limited to, flies, mosquitoes, moths, or gnats. Flying bug insecticide does not include wasp and hornet insecticide, products designed to be used exclusively on humans or , or products designed and labeled to protect fabrics from damage by moths where the label does not also indicate the product is suitable for use against flying insects or other flying arthropods.

VI.JJJ. “Footwear or leather care product” means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear or leather care product does not include fabric protectant, general purpose adhesive, contact adhesive, vinyl/fabric/leather/polycarbonate coating, rubber/vinyl protectant, fabric refresher, or products solely for deodorizing or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

VI.KKK. “Fragrance” means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 millimeters of Mercury (mm Hg) at 20 degrees C, the sole purpose of which is to impart an odor or scent or to counteract a malodor.

VI.LLL. “Furniture maintenance product” means a wax, polish, conditioner, or any other product labeled for the purpose of polishing, protecting or enhancing finished wood surfaces, other than floors, and other furniture surfaces including, but not limited to, acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass. Furniture maintenance product does not include dusting aids, wood cleaners, and products designed solely for the purpose of cleaning or products designed to leave a permanent finish such as stains, sanding sealers, and lacquers.

VI.MMM. “Furniture coating” means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath, and vanity), tables, chairs, beds, and sofas.

VI.NNNN. “Gel” means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

VI.OOO. “General purpose adhesive” means any non-aerosol adhesive designed for use on a variety of substrates. General purpose adhesive does not include contact adhesives; construction, panel, and floor covering adhesives; adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls); or adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weatherstripping, or carpets). General purpose adhesive, does not include units of non-aerosol adhesive, less packaging, which weigh more than one pound and consists of more than 16 fluid ounces.

VI.PPP. “General purpose cleaner” means a product labeled to clean a variety of hard surfaces, including, but not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves.

VI.QQQ. “General purpose degreaser” means any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. General purpose degreaser does not include engine degreaser, general purpose cleaner, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, metal polish or cleanser, oven or grill cleaner, or products used exclusively in solvent cleaning tanks or related equipment (including, but not limited to, cold cleaners, vapor degreasers, conveyorized degreasers, film cleaning machines, products designed to clean miscellaneous metallic parts by immersion in a container) or products that are exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities and labeled exclusively for “use in the manufacturing process only.”

VI.RRR. “General-use hand or body cleaner or soap” means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils and includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. General-use hand or body cleaner or soap does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, hand dishwashing detergent (including antimicrobial), heavy-duty hand cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.

VI.SSS. “Glass cleaner” means a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment, and photocopying machines.

VI.TTT. “Graffiti remover” means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish from a variety of non-cloth or nonfabric substrates and products labeled for dual use as both a paint stripper and graffiti remover. Graffiti remover does not include paint remover or stripper, nail polish remover, or spot remover.

VI.UUU. “Hair mousse” means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

VI.VVV. “Hair shine” means any product designed for the primary purpose of creating a shine when applied to the hair and includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. Hair shine does not include hair spray, hair mousse, hair styling product, hair styling gel, or products whose primary purpose is to condition or hold the hair.

VI.WWWW. “Hair spray” means a consumer product that is applied to styled hair and is designed or labeled to provide sufficient rigidity, to hold, retain, and/or finish the style of the hair for a period of time. Hair spray includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling (i.e., forming, sculpting, or manipulating the hair for a period of time) and finishing (i.e., maintain and/or hold the styled hair for a period of time) product. Hair spray does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.

VI.XXX. “Hair styling product” means a consumer product designed or labeled for the application to wet, damp, or dry hair to aid in defining, shaping, lifting, styling, and/or sculpting of the hair. Hair styling product includes, but is not limited, to hair balm, clay, cream, ~~cream~~crème, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers, and/or conditioners that make styling claims. Hair styling product does not include hair mousse, hair shine, hair spray, or shampoos and/or conditioners that are rinsed from the hair prior to styling.

VI.YYY. “Heavy-duty hand cleaner or soap” means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer’s ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. Heavy-duty hand cleaner or soap does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.

VI.ZZZ. “Herbicide” means a pesticide product designed to kill or retard a plant’s growth, but excludes products that are for agricultural use or restricted materials that require a permit for use and possession.

VI.AAAA. “High-temperature coating” means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204 degrees C (400 degrees F).

VI.BBBB. “High volatility organic compound (HVOC)” means any volatile organic compound that exerts a vapor pressure greater than 80 mm Hg when measured at 20 degrees C.

VI.CCCC. “Household product” means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

VI.DDDD. “Industrial maintenance coating” means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, and exposed to one or more of the following extreme environmental conditions: immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation; acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; frequent exposure to temperatures above 121°C (250°F); frequent heavy abrasion, including mechanical wear and scrubbing with industrial solvents, cleansers, or scouring agents; or exterior exposure of metal structures and structural components. Industrial maintenance coatings must be labeled as specified in Part B, Section III.D.1.

VI.EEEE. “Insecticide” means a pesticide product that is designed for use against insects or other arthropods. Insecticide does not include products that are for agricultural use, for

a use which requires a structural pest control license, or restricted materials that require a permit for use and possession.

VI.FFFF. "Insecticide fogger" means any insecticide product designed to release all or most of its content as a fog or mist into indoor areas during a single application.

VI.GGGG. "Institutional product" or "industrial and institutional (I&I) product" means a consumer product that is designed for use in the maintenance or operation of an establishment (e.g., government agencies, factories, schools, hospitals, restaurants, hotels, stores) that manufactures, transports, or sells goods or commodities or provides services for profit or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. Institutional product does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

VI.HHHH. "Label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

VI.IIII. "Laundry prewash" means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

VI.JJJJ. "Laundry starch/sizing/fabric finish product" means a product that is labeled for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric.

VI.KKKK. "Lawn and garden insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Lawn and garden insecticides may claim to kill insects or other arthropods.

VI.LLLL. "Liquid" means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1 (2012) but does not include powders or other materials that are composed entirely of solid particles.

VI.MMMM. "Lubricant" means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. Lubricant does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals or products that are exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities and labeled exclusively for "use in the manufacturing process only."

VI.NNNN. "LVP content" means the total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

VI.OOOO. "LVP-VOC" means a chemical compound or mixture that contains at least one carbon atom and meets one of the following: has a vapor pressure less than 0.1 mm Hg at 20 degrees C, as determined by CARB Method 310 (December 31, 2018); is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown; is a chemical compound with a boiling

point greater than 216 degrees C, as determined by CARB Method 310 (December 31, 2018); or is the weight percent of a chemical mixture that boils above 216 degrees C, as determined by CARB Method 310 (December 31, 2018). Chemical compound means a molecule of definite chemical formula and isomeric structure. Chemical mixture means a substrate comprised of two or more chemical compounds.

VI.PPPP. "Manufacturer," for consumer product, means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.

VI.QQQQ. "Medicated astringent/medicated toner" means any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores and includes, but is not limited to, clarifiers and substrate-impregnated products. Medicated astringent/medicated toner does not include hand, face, or body cleaner or soap products; cold cream; lotion; antiperspirants; or products that must be purchased with a doctor's prescription.

VI.RRRR. "Medium volatility organic compound (MVOC)" means any volatile organic compound that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20 degrees C.

VI.SSSS. "Metal polish/cleanser" means any product designed primarily to improve the appearance (e.g., remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny) of finished metal, metallic, or metallized surfaces by physical or chemical action and includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel, and other ornamental metals. Metal polish/cleanser does not include automotive wax, polish, sealant or glaze; wheel cleaner; paint remover or stripper; or products designed and labeled exclusively for automotive and marine detailing or products designed for use in degreasing tanks.

VI.TTTT. "Mist spray adhesive" means any aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

VI.UUUU. "Multi-purpose dry lubricant" means any lubricant which is designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (~~teflon~~Teflon) on surfaces and is designed for general purpose lubrication or for use in a wide variety of applications.

VI.VVVV. "Multi-purpose lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. Multi-purpose lubricant does not include multi-purpose dry lubricants, penetrants, or silicone-based multi-purpose lubricants.

VI.WWWW. "Multi-purpose solvent" means any liquid product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials. Multi-purpose solvent includes products that do not display specific use instructions on the product container or packaging; products that do not specify an end-use function or application on the product container or packaging; solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories; paint clean-up products (i.e., liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, related coatings from, but not limited to, painting equipment or tools, plastics, or metals); and products labeled to prepare surfaces for painting. Multi-purpose solvent does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines; solvents labeled

exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings; solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment; products that are labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; or any product making any representation that the product may be used as or is suitable for use as a consumer product which qualifies under another definition.

VI.XXXX. "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails and including, but not limited to, lacquers, enamels, acrylics, base coats and top coats.

VI.YYYY. "Nail polish remover" means a product designed to remove nail polish and coatings from fingernails or toenails.

VI.ZZZZ. "Non-aerosol product" means any consumer product that is not dispensed by a pressurized spray system.

VI.AAAAA. "Non-carbon containing compound" means any compound which does not contain any carbon atoms.

VI.BBBBB. "Non-resilient flooring" means flooring of a mineral content which is not flexible and includes terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete.

VI.CCCCC. "Non-selective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.

VI.DDDDD. "Oven or grill cleaner" means a product labeled exclusively to remove baked on greases and/or deposits from food preparation and/or food cooking surfaces. A product that is labeled as an oven or grill cleaner that makes claims that it is suitable for degreasing other hard surfaces is a general purpose degreaser. A product that is labeled as an oven or grill cleaner that makes claims that it is suitable for cleaning other hard surfaces is a general purpose cleaner.

VI.EEEEE. "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration, or identification or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

VI.FFFFF. "Paint remover or stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. Paint remover or stripper does not include multi-purpose solvents, paint brush cleaners, products designed and labeled exclusively as graffiti removers, and hand cleaner products that claim to remove paints and other related coatings from skin.

VI.GGGGG. "Paint thinner" means any liquid product that prominently displays the term paint thinner, lacquer thinner, thinner, or reducer and used for reducing the viscosity of coating compositions or components. Paint thinner does not include artist's solvent/thinner; products that are sold in containers with a capacity of five (5) gallons or more and are labeled exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings; and products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient. Paint thinner does not include a product with a principle display panel displaying language, in a font as large as or larger than the font size of the other words on the panel (not including the font size used for the company

name, brand name, or logo), that the product is used exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings and that makes no representation that the product is suitable for use or may be used for any other purpose except the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings.

VI.HHHHH. “Penetrant” means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Penetrant does not include multi-purpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.

VI.IIIII. “Personal fragrance product” means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave, and toilet water. Personal fragrance product does not include deodorant; medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes, breath fresheners and deodorizers; lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos, and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals.

VI.JJJJJ. “Pesticide” means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term “pesticide” will not include any substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.

VI.KKKKK. “Pressurized gas duster” means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents. Pressurized gas duster does not include dusting aid.

VI.LLLLL. “Principal display panel or panels” means that part, or those parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all such principal display panels.

VI.MMMMM. “Product brand name” means the name of the product exactly as it appears on the principal display panel of the product.

VI.NNNNN. “Product category” means the applicable category which best describes the product as listed in the definitions and Table 1.

VI.OOOOO. “Product form” means the applicable form that most accurately describes the product’s dispensing form:

A = aerosol product

S = solid

P = pump spray

L = liquid

SS = semi-solid

O = other

VI.PPPPP. "Product line" means a group of products of identical form and function belonging to the same product category(ies).

VI.QQQQQ. "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

VI.RRRRR. "Pump spray" means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger, or other actuator.

VI.SSSSS. "Responsible party" means the company, firm, or establishment which is listed on the product's label. If the label lists two companies, firms, or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by," as noted on the label.

VI.TTTTT. "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.

VI.UUUUU. "Retail outlet" means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

VI.VVVVV. "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

VI.WWWWW. "Rubber/vinyl protectant" means any product labeled to protect, preserve or renew vinyl, or rubber on vehicles, tires, luggage, furniture, and/or household products such as vinyl covers, clothing, or accessories. Rubber/vinyl protectant does not include products labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners; tire cleaners that do not leave an appearance-enhancing or protective substance on the tire; pigmented products designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, or structural maintenance or repair of rubber or vinyl substrates; or products, other than those labeled to be used on vehicle tires, qualifying as either clear coating or vinyl/fabric/leather/polycarbonate coating.

VI.XXXXX. "Rubbing alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

VI.YYYYY. "Sanitizer" means a product labeled as a sanitizer or a product registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.) to reduce, but not necessary eliminate, microorganisms in the air, on surfaces, or on inanimate objects. Products that are labeled both sanitizer and disinfectant are considered disinfectants. Sanitizer does not include disinfectant; products labeled solely for use on humans or animals; products labeled solely for agricultural use; products labeled solely for use in swimming, therapeutic tubs, or hot tubs; products which are labeled to be used on heat sensitive critical or semi-critical medical devices or

medical equipment surfaces; products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent or veterinary establishments; products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; or other products labeled bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet/urinal care products, metal polishers, carpet cleaners, or fabric refreshers that may also make sanitizing or anti-microbial claims on the label.

VI.ZZZZZ. “Sealant and caulking compound” means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. Sealant and caulking compound does not include roof cements and roof sealants; insulating foams; removable caulking compounds (i.e., provides a three to six month temporary seal); clear/paintable/water resistant caulking compounds (i.e., contains no appreciable level of opaque fillers or pigments, transmits most or all visible light when cured, and is immediately resistant to precipitation upon application); floor seam sealers; products designed exclusively for automotive uses; sealers that are applied as continuous coatings; or units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces.

VI.AAAAA. “Semi-solid” means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.

VI.BBBBB. “Shaving cream” means an aerosol product which dispenses a foam lather intended to be used with a blade, cartridge razor, or other wet-shaving system in the removal of facial or other bodily hair. Shaving cream does not include shaving gel.

VI.CCCCC. “Shaving gel” means an aerosol product which dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. Shaving gel does not include shaving cream.

VI.DDDDD. “Silicone-based multi-purpose lubricant” means any lubricant that is designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane and is designed and labeled for general purpose lubrication or for use in a wide variety of applications. Silicone-based multi-purpose lubricant does not include products designed and labeled exclusively to release manufactured products from molds.

VI.EEEEE. “Single phase aerosol air freshener” means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

VI.FFFFF. “Solid” means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1 (2012).

VI.GGGGG. “Special purpose spray adhesive” means an aerosol adhesive that meets any of the following definitions:

VI.GGGGG.1. Mounting adhesive: designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (e.g., paper, board, cloth) without causing discoloration to the artwork.

VI.GGGGG.2. Flexible vinyl 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 to increase its flexibility,

workability, or distensibility, and may be determined using ASTM Method E260-91 (2011) or from product formulation data.

VI.GGGGGG.3. Polystyrene foam adhesive: designed to bond polystyrene foam to substrates.

VI.GGGGGG.4. Automobile headliner adhesive: designed to bond together layers in motor vehicle headliners.

VI.GGGGGG.5. Polyolefin adhesive: designed to bond polyolefins to substrates.

VI.GGGGGG.6. Laminate repair/edgebanding adhesive: designed for the touch-up or repair (e.g., lifted edges, delaminations) of items laminated with high pressure laminates (i.e., temperatures exceeding 265°F and pressures between 1,000 and 1,400 psi) or for the touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals.

VI.GGGGGG.7. Automotive engine compartment 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.

VI.HHHHHH. "Spot remover" means any product labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing that does not require subsequent laundering to achieve stain removal. Spot remover does not include dry cleaning fluid, laundry prewash, or multi-purpose solvent.

VI.IIIIII. "Spray buff product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

VI.JJJJJJ. "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC.

VI.KKKKKK. "Temporary hair color" means any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed. Temporary hair color includes hair color mousses and products labeled to add texture or thickness to cover thinning/balding areas. Temporary hair color does not include hair spray, hair styling product, or hair mousse.

VI.LLLLLL. "Thermoplastic rubber coating and mastic" means a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to, fillers, pigments, and modifying resins.

VI.MMMMMM. "Tire sealant and inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

VI.NNNNNN. "Toilet/urinal care product" means any product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. Toilet/urinal care product does not include bathroom and tile cleaner or general purpose cleaner.

VI.OOOOOO. “Type A propellant” means a compressed gas such as CO₂, N₂, N₂O, or compressed air which is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product’s packaging.

VI.PPPPPP. “Type B propellant” means any halocarbon which is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

VI.QQQQQQ. “Type C propellant” means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

VI.RRRRRR. “Undercoating” means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound and includes, but is not limited to, rubberized, mastic, or asphaltic products.

VI.SSSSSS. “Usage directions” means the text or graphics on the product label or accompanying literature that describes to the end user how and in what quantity the product is to be used.

VI.TTTTTT. “Vinyl/fabric/leather/polycarbonate coating” means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.

VI.UUUUUU. “Wasp and hornet insecticide” means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.

VI.VVVVVV. “Waterproofer” means a product designed and labeled exclusively to repel water from fabric or leather substrates. Waterproofer does not include fabric protectants.

VI.WWWWWW.“Wax” means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics) and includes, but is not limited to, substances derived from the secretions of plants and animals such as caruba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

VI.XXXXXX. “Web spray adhesive” means any aerosol adhesive that is not a mist spray adhesive or special purpose spray adhesive.

VI.YYYYYY. “Wood cleaner” means a product labeled to clean wooden materials and includes, but is not limited to, decking, fences, flooring, logs, cabinetry, and furniture. Wood cleaner does not include dusting aid, general purpose cleaner, furniture maintenance product, floor wax stripper, floor polish or wax, or products designed and labeled exclusively to preserve or color wood.

VI.ZZZZZZ. “Wood floor wax” means wax-based products for use solely on wood floors.

VI.AAAAAA. “Zinc-rich primer” means a coating that contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids and is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings. Zinc-rich primers must be labeled in accordance with Part B, Section III.D.10.

PART B CONCERNING ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

I. Applicability

I.A. This part applies to any person who supplies, sells, offers for sale, or manufacturers any architectural or industrial maintenance coating and any person who applies or solicits the application of any architectural or industrial maintenance coating in

I.A.1. The 8-hour Ozone Control Area.

I.A.2. (State Only) Colorado. As marked by (State Only), the requirements are not federally enforceable.

I.B. This part does not apply to

I.B.1. Any architectural or industrial maintenance coating that is sold, supplied, offered for sale, or manufactured for use outside Colorado or shipped to other manufacturers for reformulation or repackaging.

I.B.2. Any aerosol coating product.

I.B.3. Any architectural or industrial maintenance coating that is sold in a container with a volume of one liter (1.057 quart) or less, including kits containing containers of different colors, types, or categories of coatings and two component products. This exemption includes multiple containers or one liter or less that are packaged and shipped together with no intent or requirement to ultimately sell as one unit. This exemption does not include bundling of containers one liter or less that are sold together as a unit or any type of marketing that implies that multiple containers one liter or less be combined into one container. This exemption does not include packaging from which the coating cannot be applied.

II. Standards

II.A. On or after May 1, 2020, no person can manufacture or blend for sale in Colorado any architectural or industrial maintenance coating with a VOC content in excess of the VOC limit specified in Table 1.

II.B. No person can supply, sell, offer for sale, repackage for sale, apply, or solicit for application in Colorado any architectural or industrial maintenance coating that is manufactured or blended on or after May 1, 2020, with a VOC content in excess of the VOC limit specified in Table 1.

II.C. If an architectural or industrial maintenance coating is recommended for use for more than one of the coating categories listed in Table 1, then the most restrictive VOC content limit shall apply. This provision does not apply to the following coating categories

II.C.1. Aluminum roof coatings.

II.C.2. Bituminous roof primers.

II.C.3. High temperature coatings.

II.C.4. Industrial maintenance coatings.

II.C.5. Low-solids coatings.

II.C.6. Metallic pigmented coatings.

- II.C.7. Pretreatment wash primers.
- II.C.8. Shellacs.
- II.C.9. Specialty primers, sealers, and undercoaters.
- II.C.10. Wood coatings.
- II.C.11. Wood preservatives.
- II.C.12. Zinc-rich primers.
- II.C.13. Calcimine recoaters.
- II.C.14. Impacted immersion coatings.
- II.C.15. Nuclear coatings.
- II.C.16. Thermoplastic rubber coatings and mastic.
- II.C.17. Concrete surface retarders.

II.D. For any architectural or industrial maintenance coating that is not identified in Table 1, the VOC content limit will be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high gloss coating and the corresponding coating limit of Table 1 applies.

II.E. No person who applies or solicits the application of any architectural or industrial maintenance coating can apply the coating if additional solvent has been added to thin the coating such that the addition causes the coating to exceed the applicable VOC limit specified in Table 1.

II.F. Containers of architectural and industrial maintenance coatings that are applied directly to a surface from the container by pouring, siphoning, brushing, rolling, padding, ragging, or other means must be closed when not in use. These containers include, but are not limited to, drums, buckets, cans, pails, trays, or other application containers. Containers of any VOC-containing materials used for thinning and cleanup must also be closed when not in use.

<u>Table 1 – VOC content limits for architectural and industrial maintenance coatings manufactured on or after May 1, 2020</u>	
<u>Coating category</u>	<u>VOC content limit (grams per liter)*</u>
<u>Flat coatings</u>	<u>50</u>
<u>Nonflat coatings</u>	<u>100</u>
<u>Nonflat – high gloss coatings</u>	<u>150</u>
<u>Specialty coatings</u>	
<u>* Aluminum roof</u>	<u>450</u>

* <u>Basement specialty coatings</u>	<u>400</u>
* <u>Bituminous roof coating</u>	<u>270</u>
* <u>Bituminous roof primers</u>	<u>350</u>
* <u>Bond breakers</u>	<u>350</u>
* <u>Calcimine recoaters</u>	<u>475</u>
<u>Concrete curing compounds</u>	<u>350</u>
<u>Concrete/masonry sealer</u>	<u>100</u>
<u>Concrete surface retarders</u>	<u>780</u>
<u>Conjugated oil varnishes</u>	<u>450</u>
<u>Conversion varnish</u>	<u>725</u>
<u>Driveway sealers</u>	<u>50</u>
<u>Dry fog coatings</u>	<u>150</u>
<u>Faux finishing coatings</u>	<u>350</u>
<u>Fire-resistive coatings</u>	<u>350</u>
<u>Floor coatings</u>	<u>100</u>
<u>Form-release compounds</u>	<u>250</u>
<u>Graphic arts coating (sign paints)</u>	<u>500</u>
<u>High temperature coatings</u>	<u>420</u>
<u>Impacted immersion coatings</u>	<u>780</u>
<u>Industrial maintenance coatings</u>	<u>250</u>
<u>Low-solids coatings</u>	<u>120</u>
<u>Magnesite cement coatings</u>	<u>450</u>
<u>Mastic texture coatings</u>	<u>100</u>
<u>Metallic pigmented coatings</u>	<u>500</u>
<u>Multi-color coating</u>	<u>250</u>
<u>Nuclear coatings</u>	<u>450</u>

<u>Pre-treatment wash primers</u>	<u>420</u>
<u>Primers, sealers, and undercoaters</u>	<u>100</u>
<u>Reactive penetrating sealer</u>	<u>350</u>
<u>Reactive penetrating carbonate stone sealer</u>	<u>500</u>
<u>Recycled coatings</u>	<u>250</u>
<u>Roof coatings</u>	<u>250</u>
<u>Rust preventative coatings</u>	<u>250</u>
Shellacs	
<u>* Clear</u>	<u>730</u>
<u>* Opaque</u>	<u>550</u>
<u>Specialty primers, sealers, and undercoaters</u>	<u>100</u>
<u>Stains</u>	<u>250</u>
<u>Stone consolidant</u>	<u>450</u>
<u>Swimming pool coatings</u>	<u>340</u>
<u>Thermoplastic rubber coatings and mastics</u>	<u>550</u>
<u>Traffic marking coatings</u>	<u>100</u>
<u>Tub and tile refinish</u>	<u>420</u>
<u>Waterproofing membranes</u>	<u>250</u>
<u>Wood coatings</u>	<u>275</u>
<u>Wood preservatives</u>	<u>350</u>
<u>Zinc-rich primer</u>	<u>340</u>

* Limits are expressed as VOC content, as determined in accordance with Section V., thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

III. Container labeling

III.A. The manufacturer of any architectural or industrial maintenance coating subject to a VOC limit in Table 1 must clearly display on the container label, lid, or bottom such that it is readily observable without disassembling the container or package the date the coating was

manufactured or a date code representing the date of manufacture. The date or date code must be displayed on the product such that it is readily observable without removing or disassembling any portion of the product container or packaging.

III.B. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label or lid a statement of the manufacturer's recommendation regarding thinning of the coating. This requirement does not apply to the thinning of coatings with water. If thinning is not necessary prior to use, the recommendation must specify that the coating is to be applied without thinning.

III.C. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label, lid, or bottom the VOC content in grams per liter of coating. If the manufacturer recommends thinning, the container must display the VOC content including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredient that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

III.D. The manufacturer must clearly display on the container label

III.D.1. For any industrial maintenance coating, at least one of the following statements

III.D.1.a. "For industrial use only"

III.D.1.b. "For professional use only"

III.D.1.c. "Not for residential use" or "Not intended for residential use"

III.D.2. For any specialty primer, sealer, or undercoating, at least one of the following statements

III.D.2.a. "For blocking stains"

III.D.2.b. "For fire-damaged substrates"

III.D.2.c. "For smoke-damaged substrates"

III.D.2.d. "For water-damaged substrates"

III.D.3. For any clear topcoat faux finishing coating, "This product can only be sold or used as part of a faux finishing coating system."

III.D.4. For any clear brushing lacquer, "For brush application only" and "This product must not be thinned or sprayed."

III.D.5. For any non-flat high-gloss coating, "High gloss."

III.D.6. For any rust preventative coating, "For metal substrates only."

III.D.7. For any reactive penetrating sealer, "Reactive penetrating sealer."

III.D.8. For any stone consolidant, "Stone consolidant – for professional use only."

III.D.9. For any wood coating, "For wood substrates only."

III.D.10. For any zinc-rich primer, at least one of the following statements

III.D.10.a. "For industrial use only"

III.D.10.b. "For professional use only"

III.D.10.c. "Not for residential use" or "Not intended for residential use"

IV. Reporting

IV.A. Within 180 days of written notice, the Division may require a manufacturer to report any of the following information for any architectural or industrial maintenance coating subject to a VOC limit in Table 1

IV.A.1. The name and mailing address of the manufacturer.

IV.A.2. The name, address, and telephone number of a contact person.

IV.A.3. The name of the coating product as it appears on the label and the application coating category.

IV.A.4. Whether the product is marketed for interior or exterior use or both.

IV.A.5. Whether the product is marketed as solvent-borne, waterborne, or 100% solids.

IV.A.6. Whether the coating is a single-component or multi-component product.

IV.A.7. The description of resin or binder in the product.

IV.A.8. The number of gallons sold in Colorado in containers greater than one liter (1.057 quart) and in containers equal to or less than one liter (1.057 quart).

IV.A.9. The VOC content in grams per liter as determined in accordance with Section V. If thinning is recommended, the VOC content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC Content as mixed or catalyzed.

IV.A.10. The names and CAS numbers of the VOC constituents in the product.

IV.A.11. The names and CAS numbers of the VOC constituents in the product that are exempted from the definition of VOC.

IV.A.12. The density of the product in pounds per gallon.

IV.A.13. The percent by weight of solids, all volatile materials, water, and any compounds in the product that are exempted from the definition of VOC.

IV.A.14. The percent by volume of solids, water, and any compounds in the product that are exempted from the definition of VOC.

IV.A.15. Documentation explaining the date portion of the date code indicating the date of manufacture.

V. Test methods

V.A. Manufacturers of architectural or industrial maintenance coatings must possess documentation that such coating complies with the VOC content limits in Table 1.

V.A.1. The VOC content of a coating will be determined as follows

V.A.1.a. For coatings that are low solids coatings

$$\text{VOC content} = (W_s - W_w - W_{ec})/V_m$$

Where:

VOC content = grams of VOC per liter of coating (must include the maximum amount of thinning solvent recommended by the manufacturer)

W_s = weight of volatiles in grams

W_w = weight of water in grams

W_{ec} = weight of exempt compounds in grams

V_m = volume of coating in liters

V.A.1.b. For coatings that are not low solids coatings

$$\text{VOC content} = (W_s - W_w - W_{ec})/(V_m - V_w - V_{ec})$$

Where:

VOC content = grams of VOC per liter of coating (must include the maximum amount of thinning solvent recommended by the manufacturer)

W_s = weight of volatiles in grams

W_w = weight of water in grams

W_{ec} = weight of exempt compounds in grams

V_m = volume of coating in liters

V_w = volume of water in liters

V_{ec} = volume of exempt compounds in liters

V.A.1.b.(i) The VOC content of multi-component products must be calculated as mixed or catalyzed.

V.A.1.b.(ii) The VOC content of coatings containing silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process must include the VOCs emitting during curing.

V.A.1.c. The VOC content of a tint base must be determined without colorant that is added after the tint base is manufactured.

- V.A.2. The physical properties of a coating must be determined using EPA Method 24 (40 CFR Part 60, Appendix A) (February 27, 2014) or SCAQMD Method 303-91 "Determination of Exempt Compounds" (revised 1993).
- V.A.3. The exempt compounds content of a coating must be determined using ASTM D 3960-05 "Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings" (2018), SCAQMD Method 303-91 "Determination of Exempt Compounds" (revised 1993), BAAQMD Method 43 "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials" (adopted 1996) or BAAQMD Method 41 "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride" (adopted 1995).
- V.A.4. The VOC content of a coating must be determined using EPA Method 24 (40 CFR Part 60, Appendix A) (February 27, 2014), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping). If there are inconsistencies between EPA Method 24 results and other means for determining VOC content, the Method 24 results will govern.
- V.A.5. The analysis of methacrylate multicomponent coatings used as traffic marking coatings will be conducted according to a modification of EPA Method 24 "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings" (40 CFR 59, subpart D, Appendix A) (September 11, 1998).

VI. Definitions

- VI.A. "8-Hour Ozone Control Area" means the Counties of Adams, Arapahoe, Boulder (includes part of Rocky Mountain National Park), Douglas, and Jefferson; the Cities and Counties of Denver and Broomfield; and the following portions of the Counties of Larimer and Weld:
- VI.A.1. For Larimer County (includes part of Rocky Mountain National Park), that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.
- VI.A.2. For Weld County, that portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.
- VI.B. "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

- VI.C. "Aerosol coating product" means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- VI.D. "Aluminum roof coating" means a coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996).
- VI.E. "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways; fixed ladders; catwalks and fire escapes; and window screens.
- VI.F. "Architectural coating" means a coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Architectural coating does not include coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, as well as adhesives.
- VI.G. "Basement specialty coating" means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement specialty coatings must be capable of withstanding at least 10 psi of hydrostatic pressure as determined in accordance with ASTM D7088-04 "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry" (2017) and must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more as determined in accordance with ASTM D3273-00 "Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber" (2016) and ASTM D3274-95 "Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation" (2017).
- VI.H. "Bitumens" means black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- VI.I. "Bituminous roof coating" means a coating which incorporates bitumens that is labeled and formulated exclusively for roofing for the primary purpose of preventing water penetration.
- VI.J. "Bituminous roof primer" means a primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.
- VI.K. "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

- VI.L. "Calcimine recoaters" means a flat solvent borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.
- VI.M. "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- VI.N. "Colorant" means a concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- VI.O. "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water or harden or dustproof the surface of freshly poured concrete.
- VI.P. "Concrete/masonry sealer" means a clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to prevent penetration of water; provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or harden or dustproof the surface of aged or cured concrete.
- VI.Q. "Concrete surface retarders" means a mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.
- VI.R. "Conjugated oil varnish" means a clear or semi-transparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (Tung oil) and modified with other natural or synthetic resins; a minimum of fifty percent of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.
- VI.S. "Conversion varnish" means a clear acid curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. This film formation is the result of an acid-catalyzed condensation reaction, affecting transesterification at the reactive ethers of the amino resins.
- VI.T. "Driveway sealer" means a coating labeled and formulated for application to worn asphalt driveway surfaces to fill cracks, seal the surface to provide protection, or restore or preserve the appearance.
- VI.U. "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- VI.V. "Faux finishing coating" means a coating labeled and formulated to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain; a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); a metallic appearance that contains greater than

48 grams of elemental metallic pigment (determined in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996)) per liter of coating as applied (0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions; or a clear topcoat to seal and protect a faux finishing coating. These clear topcoats must be sold and used solely as part of a faux finishing coating system.

- VI.W. "Fire-resistive coating" means a coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials and includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating must be tested in accordance with ASTM Designation E 119-08 "Standard Test Methods for Fire Tests of Building Construction and Materials" (2018).
- VI.X. "Flat coating" means a coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than five on a 60-degree meter according to ASTM D 523-89 "Standard Test Method for Specular Gloss" (1999).
- VI.Y. "Floor coating" means an opaque coating that is labeled and designed for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- VI.Z. "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.
- VI.AA. "Graphic arts coating or sign paint" means a coating labeled and formulated for hand application by artists using brush, airbrush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.
- VI.BB. "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204 degrees C (400 degrees F).
- VI.CC. "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water.
- VI.DD. "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, and exposed to one or more of the following extreme environmental conditions: immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation; acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; frequent exposure to temperatures above 121°C (250°F); frequent heavy abrasion, including mechanical wear and scrubbing with industrial solvents, cleansers, or scouring agents; or exterior exposure of metal structures and structural components. Industrial maintenance coatings must be labeled as specified in Part B, Section III. D.1.

- VI.EE. "Low-solids coating" means a coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer.
- VI.FF. "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- VI.GG. "Manufacturer's maximum thinning recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.
- VI.HH. "Mastic texture coating" means a coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.
- VI.II. "Medium density fiberboard (MDF)" means a composite wood product, panel, molding, or other building material composed of cellulosic fibers made by dry forming and pressing of resonated fiber mat.
- VI.JJ. "Metallic pigmented coating" means a coating that is labeled and formulated to provide a metallic appearance. Metallic pigmented coatings must contain containing at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996). The Metallic pigmented coating category does not include coatings applied to roofs or zinc rich primers.
- VI.KK. "Multi-color coating" means a coating that is packaged in a single container and that is labeled and formulated to exhibits more than one color when applied in a single coat.
- VI.LL. "Non-flat coating" means a coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D 523-89 "Standard Test Method for Specular Gloss" (1999).
- VI.MM. "Non-flat - high gloss coating" means a non-flat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D 523-89 "Standard Test Method for Specular Gloss" (1999).
- VI.NN. "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long term (service life) cumulative radiation exposure according to ASTM Method 4082-02 "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants" (2017), relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed according to ASTM Method D 3912-95 "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants" (2001).
- VI.OO. "Particleboard" means a composite wood product panel, molding, or other building material composed of cellulosic material in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.
- VI.PP. "Pearlescent" means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

- VI.QQ. "Plywood" means a panel product consisting of layers of wood veneers or composite core pressed together with resin.
- VI.RR. "Post-consumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.
- VI.SS. "Pre-treatment wash primer" means a primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D 1613-06 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products" (2017), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.
- VI.TT. "Primer, sealer, and undercoater" means a coating labeled and formulated to provide a firm bond between the substrate and the subsequent coatings; prevent subsequent coatings from being absorbed by the substrate; prevent harm to subsequent coatings by materials in the substrate; provide a smooth surface for the subsequent application of coatings; provide a clear finish coat to seal the substrate; or block materials from penetrating into or leaching out of a substrate.
- VI.UU. "Reactive penetrating sealer" means a clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including but not limited to, alkalis, acids, and salts. Reactive penetrating sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive penetrating sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive penetrating sealers must improve water repellency at least 80 percent after application on a concrete or masonry substrate, as verified on standardized test specimens in accordance with one or more of ASTM C67-07 "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile" (2018), ASTM C97-02 "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone" (2018), or ASTM C140-06 "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units" (2018); must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate, as verified on standardized test specimens in accordance with ASTM E96/E96M-05 "Standard Test Method for Water Vapor Transmission of Materials" (2016); and products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 "Concrete Sealers for the Protection of Bridge Structures" (1981).
- VI.VV. "Reactive penetrating carbonate stone sealer" means a clear or pigmented coating that is labeled and formulated for application to above-grade carbonate stone substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive penetrating carbonate stone sealers must penetrate into carbonate stone substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrates. Reactive penetrating carbonate stone sealers line the pores of carbonate stone substrates with a hydrophobic coating but do not form a surface film. Reactive penetrating carbonate stone sealers must improve water repellency at least 80 percent after application on a carbonate stone substrate, as verified in accordance with ASTM C67-07 "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile" (2018), ASTM C97-02 "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone" (2018), or ASTM C140-06 "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units" (2018), and must not reduce the water vapor transmission rate by more than 10

percent after application on a carbonate stone substrate, as verified in accordance with ASTM E96/E96M-05 "Standard Test Method for Water Vapor Transmission of Materials" (2016).

VI.WW. "Recycled coating" means an architectural coating formulated such that it contains a minimum of 50% by volume post-consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.

VI.XX. "Residential" means areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

VI.YY. "Roof coating" means a non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration of the substrate by water, reflecting heat and ultraviolet light, or reflecting solar radiation. Metallic pigmented roof coatings, which qualify as metallic pigmented coatings, are considered to be in the metallic pigmented coatings category.

VI.ZZ. "Rust preventive coating" means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces for direct-to-metal coating or application over rusty, previously coated surfaces. The rust preventative category does not include coatings that are required to be applied as a topcoat over a primer or coatings that are intended for use on wood or any other nonmetallic surface.

VI.AAA. "Secondary industrial materials" means a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value including products or byproducts of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended use, but does not include excess virgin resources of the manufacturing process.

VI.BBB. "Semi-transparent coating" means a coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

VI.CCC. "Shellac" means a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

VI.DDD. "Shop application" means application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process.

VI.EEE. "Solicit" means to require for use or to specify, by written or oral contract.

VI.FFF. "Specialty primer, sealer, and undercoater" means a coating that is formulated for application to a substrate to block water-soluble stains resulting from: fire damage, smoke damage, or water damage.

VI.GGG. "Stain" means a semi-transparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

VI.HHH. "Stone consolidant" means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material and

be specified and used in accordance with ASTM E2167-01 "Standard Guide for Selection and Use of Stone Consolidants" (2008).

VI.III. "Swimming pool coating" means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals and includes coatings used for swimming pool repair and maintenance.

VI.JJJ. "Thermoplastic rubber coating and mastic" means a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to, fillers, pigments, and modifying resins.

VI.KKK. "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

VI.LLL. "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

VI.MMM. "Tub and tile refinish coating" means a clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and tile refinish coatings must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder, as determined on bonderite 1000 in accordance with ASTM D3363-05 "Standard Test Method for Film Hardness by Pencil Test" (2011); a weight loss of 20 milligrams or less after 1000 cycles, as determined with CD-17 wheels on bonderite 1000 in accordance with ASTM D4060-07 "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser" (2014); withstand 1000 hours or more of exposure with few or no #8 blisters, as determined on unscribed bonderite in accordance with ASTM D4585-99 "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" (2018) and ASTM D714-02e1 "Standard Test Method for Evaluating Degree of Blistering of Paints" (2017); and have an adhesion rating of 4B or better after 24 hours of recovery, as determined on inscribed bonderite in accordance with ASTM D4585-99 "Standard Test Methods for Abrasion Resistance of Coatings Using Controlled Condensation" (2018) and ASTM D3359-02 "Standard Test Methods for Measuring Adhesion by Tape Test" (2017).

VI.NNN. "Veneer" means thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

VI.OOO. "Virgin materials" means materials that contain no post-consumer coatings or secondary industrial coatings.

VI.PPP. "Waterproofing membrane" means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate and does not include topcoats in the concrete/masonry sealer category. Waterproofing membranes are intended for below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing membranes must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness and meet or exceed the requirements contained in ASTM C836-06 "Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course" (2018). Waterproofing membranes do not include topcoats that are included in the concrete/masonry sealer category (e.g., parking deck topcoats, pedestrian topcoats, etc.)

VI.QQQ. “Wood coatings” means coatings labeled and formulated for application to wood substrates only. The wood coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The wood coatings category includes the following opaque wood coatings; opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. Wood coatings does not include clear sealers that are labeled and formulated for use on concrete/masonry surfaces or coatings intended for substrates other than wood.

VI.RRR. “Wood preservative” means a coating labeled and formulated to protect exposed wood from decay or insect attack that is registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136, et. seq. (1996)).

VI.SSS. “Wood substrate” means a substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

VI.TTT. “Zinc-rich primer” means a coating that contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids and is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings. Zinc-rich primers must be labeled in accordance with Section III.D.10.

PART C STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

I. Adopted: July 18, 2019

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedure Act §24-4-103, the Colorado Air Pollution Prevention and Control Act §§25-7-110 and 25-7-110.5, and the Air Quality Control Commission’s (Commission) Procedural Rules.

Basis

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado’s Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Commission adopted a new Regulation Number 21 to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado. The Ozone Transport Commission (OTC) model rules, which are the basis for this rule, achieve additional VOC reductions over EPA’s national rules in 40 CFR Part 59, Subparts C and D (1998). Therefore, these standards will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQS in Colorado.

Specific Statutory Authority

The Colorado Air Pollution Prevention and Control Act, §§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., authorize the Commission to promulgate a comprehensive State Implementation Plan (SIP) to assure attainment and maintenance of national ambient air quality standards in conformance with the Federal and Colorado Acts. Sections 105(1)(b) and 109 authorize the

Commission to establish emission control regulations, including pertaining to hydrocarbons. Section 106(1) authorizes the Commission to establish emission control regulations applicable to the entire state or only within specified areas of the state. Section 106(6) authorizes the Commission to require owners or operators of any air pollution source to establish and maintain reports and record, monitor, and sample emissions. Section 109(2) authorizes the Commission to adopt emission control regulations to reduce emissions of various pollutants, including chemical substances.

Purpose

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Commission adopted VOC standards in the OTC model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Commission adopted VOC standards in the OTC AIM coatings model rule phase II (2014) and VOC standards in the OTC consumer products model rule phase IV (2013). The OTC model rules are based on the California Air Resources Board (CARB) standards. CARB develops standards based on technical information and extensive survey data, which is also used to determine compliance with the standards. The Commission adopted definitions, exemptions, labeling, and recordkeeping provisions based on the OTC model rules. The Commission intends that the adopted definitions have the same meanings as in the OTC model rules.

Consumer Products

The Commission adopted VOC content limits, labeling, and reporting provisions for consumer products based on the OTC model rule phase IV. The OTC has also published consumer products models rules phases I, II, III, and V. The OTC model rule phase V was only published in 2018. The Commission adopted Regulation Number 21 based on the OTC model rule phase IV due to the current implementation of this phase by some states, notably by Utah, and the potential increase in VOC emission reductions over EPA's national rule.

The OTC model rule includes provisions to regulate two chemical substances – methylene chloride and perchloroethylene – which are defined as “negligibly reactive volatile organic compounds.” Therefore, these chemicals would not achieve VOC, thus ozone, reductions as part of Colorado's ozone SIP. The provisions that regulate these chemicals are considered optional in the OTC Model rules and the Commission decided not to adopt the provisions for methylene chloride and perchloroethylene at this time. The Commission directs the division to investigate the costs and benefits of these additional provisions from a health perspective, and to brief the Commission on their findings as soon as practicable.

AIM Coatings

The Commission adopted VOC content limits, labeling, and reporting provisions for AIM coatings based on the OTC model rule phase II. The OTC has also published an AIM coatings model rule phase I. As with consumer products, Regulation Number 21 is based on the OTC model rule phase II due to the potential increase in VOC emission reductions over EPA's national rule. Further, the OTC model rule phase II is based on California's 2006 standards, which are also being implemented by other states.

Given the need for ozone precursor reductions in the 2020 summer ozone months, the Commission adopted ambitious, but achievable, implementation schedules for the consumer products and AIM coatings VOC content limits. This schedule combined with the sell-through opportunities allows adequate time to reformulate, relabel, and/or redistribute products in order to comply.

Additional Considerations

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. The CAA does not expressly address all of the provisions adopted by the Commission. Rather, federal law establishes the 8-hour ozone NAAQS and requires Colorado to develop a SIP adequate to attain the NAAQS. Therefore, the Commission adopted Regulation Number 21 to make progress towards attainment of the 2008 and 2015 8-hour ozone NAAQS. These revisions do not exceed or differ from the federal act due to state flexibility in developing nonattainment area SIPs. In addition, EPA's national rules, promulgated in 1998, do not limit states from developing more stringent levels of control to attain the ozone standard. However, in accordance with C.R.S. § 25-7-110.5(5)(b), the Commission nonetheless determines:

- (I) In 1998, EPA established national standards to reduce VOC emissions from architectural coatings and consumer products. EPA's national rules do not limit states from developing more stringent levels of control to attain the ozone standard. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D.
- (II) The federal rules discussed in (I) are primarily technology-based in that the rules largely prescribe the use of specific VOC contents in order to comply. The federal rules provide flexibility by allowing reformulation to meet the VOC content limits. The federal rules also provide some product and quantity exemptions.
- (III) The CAA establishes the 8-hour ozone NAAQS and requires Colorado to develop SIP revisions that will ensure attainment of the NAAQS. The ozone NAAQS was not determined taking into account concerns unique to Colorado. EPA's 1998 federal consumer products and architectural coatings rules also do not take into account concerns unique to Colorado or limit Colorado from adopting more stringent standards. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules.
- (IV) Colorado must attain the 2008 ozone NAAQS as well as the lower 2015 ozone NAAQS. The adopted VOC standards, based on the OTC consumer products model rule phase four and AIM coatings model rule phase two rather than less stringent OTC model rules, may prevent or reduce the need for the regulated community to meet more stringent requirements later.
- (V) Colorado's attainment date under the 2008 ozone NAAQS, as a Moderate ozone nonattainment area, was July 2018, and if reclassified to Serious, Colorado's attainment date will be July 2021. Colorado's attainment date under the 2015 ozone NAAQS is August 2021. There are no timing issues that might justify changing these time frames.
- (VI) The requirements in Regulation Number 21 address VOC emissions from consumer products and AIM coatings in a cost-effective manner, allowing for continued economic growth in Colorado.
- (VII) The requirements in Regulation Number 21 establish reasonable equity for sources of VOC by providing the same categorical standards for the various consumer product and AIM coatings categories.
- (VIII) Because Colorado did not attain the 2008 ozone NAAQS by July 2018, EPA will likely reclassify Colorado as a Serious ozone nonattainment area, which automatically reduces the major source thresholds from 100 tons per year of VOC and NOx to 50 tons per year; thus subjecting more sources to permitting and categorical RACT requirements. If Colorado does not attain the 2015 ozone NAAQS by August 2021, EPA will likely

reclassify Colorado as a Moderate ozone nonattainment area under the 2015 ozone NAAQS. If EPA does not approve Colorado's SIP, EPA may promulgate a Federal Implementation Plan for Colorado. These potential outcomes may subject others to increased costs.

- (IX) The requirements in Regulation Number 21 include minimal monitoring, recordkeeping, and procedural requirements that correlate to requirements in the OTC model rules.
- (X) Demonstrated technology is available to comply with the standards in Regulation Number 21. These standards are being implemented in other states and/or ozone nonattainment areas.
- (XI) As set forth in the Economic Impact Analysis, the requirements in Regulation Number 21 contribute to the prevention of ozone in a cost-effective manner.
- (XII) Although alternative rules could also provide reductions in ozone and help to attain the NAAQS, the Commission determined that the division's proposal was reasonable and cost-effective.

As part of adopting Regulation Number 21, the Commission has taken into consideration each of the factors set forth in C.R.S. § 25-7-109(1)(b).

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. However, to the extent that C.R.S. § 25-7-110.8 requirements apply to this rulemaking, and after considering all the information in the record, the Commission hereby makes the determination that:

- (I) These rules are based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties.
- (II) Evidence in the record supports the finding that the rules shall result in a demonstrable reduction of the ozone precursor VOC.
- (III) Evidence in the record supports the finding that the rules shall bring about reductions in risks to human health and the environment that justify the costs to implement and comply with the rules.
- (IV) The rules are the most cost-effective to achieve the necessary and desired results, provide the regulated community flexibility, and achieve the necessary reduction in air pollution.
- (V) The rule will maximize the air quality benefits of regulation in the most cost-effective manner.



Meeting Minutes

July 18, 2019

Location: Colorado Department of Public Health & Environment
4300 Cherry Creek Drive South, Sabin Room
Denver, CO 80246

Members Present: Peter Butler Tony Gerber (*arrive 9:08*) Tom Gonzales
Chuck Grobe Elise Jones (*arrive 9:05*) Jana Milford
Curtis Rueter Auden Schendler Tony Williams

Members Absent: None

Commission Staff: Trisha Oeth Jeremy Neustifter Theresa Martin

Division Staff: Garry Kaufman Dena Wojtach Leah Martland
Lisa Devore

Attorney General's Office: Tom Roan Laura Mehew

CALL TO ORDER AND DETERMINATION OF A QUORUM

Chair Grobe called the meeting to order at 9:00 AM and determined that a quorum of Commissioners was present with seven Commissioners.

PUBLIC COMMENT

Chair Grobe asked if there were any members of the public who wished to make a comment on any air pollution issue not on the agenda. Public comment was provided by America Sherwood with the Colorado League of Women Voters (handout provided), Susan Noble of the North Range Concerned Citizens, Jeremy Nichols and Rebecca Fischer of Wildearth Guardians, citizen Jan Rose, citizen Gary Norton, and Micah Parkin of 350 Colorado (handout provided).

CONSENT AGENDA

APPROVAL OF MINUTES

May 9, 2019, May 10, 2019 and June 20, 2019 Meeting Minutes

Review and approval of the May 9, 2019, May 10, 2019 and June 20, 2019 meeting minutes of the Commission.

WRITTEN COMMENT ONLY RULEMAKING HEARINGS

Regulation Number 6, Part A

To consider a proposal to revise Regulation Number 6, Part A (NSPS) to incorporate by reference changes the EPA made to its New Source Performance Standards rules.

Regulation Number 8, Parts A & E

To consider revisions Regulation Number 8, Parts A and E (MACT Standards) to incorporate by reference changes the EPA made to its National Emission Standards for Hazardous Air Pollutants rules.

Motion: To adopt the Consent Agenda items without modification
Moved: Commissioner Butler
Second: Commissioner Jones
Discussion: none
Carried: 9-0

REGULAR AGENDA

RULEMAKING HEARING

Regulation Number 21

Hearing Officer Curtis Rueter provided an overview of the hearing procedures. Leah Martland of the Division and Laura Mehew representing the division provided a presentation and requested that the Commission consider establishing a new regulation to limit the VOC content in architectural coatings and consumer products, similar to Ozone Transport Commission (OTC) model rules. Commissioner questions were addressed. Parties to the hearing provided presentations to the commission and answered commissioner questions. Hearing Officer Rueter asked if there were any members of the public who wished to make a comment. No public comment was offered.

Motion: To adopt the new Regulation Number 21 and the statement of basis and purpose as proposed by the Division in the final hearing packet with one modification to delete “/pump sprays” from the line below “Oven or grill cleaners” on page 9 of the proposed regulation.
Moved: Commissioner Butler
Second: Commissioner Grobe
Discussion: Commissioner Milford offered a friendly amendment to the motion to add an additional sentence to the end of the statement of basis and purpose language under the “Consumer Products” heading to read: “The Commission directs the Division to investigate the costs and benefits of these additional provisions from a health perspective, and to brief the Commission on their findings as soon as practicable.” Commissioner Butler moved to incorporate this amendment into his motion, and Commissioner Grobe seconded. There was no additional discussion.
Carried: 9-0

BRIEFINGS, DISCUSSIONS AND REPORTS

Rocky Mountain National Park Initiative

The Air Pollution Control Division, National Park Service, and Environmental Protection Agency are working collaboratively to reduce nitrogen deposition in Rocky Mountain National Park (RMNP). Lisa Devore of the Division updated the Commission regarding the history of the RMNP Initiative, data trends and the progress in achieving milestones, with a highlight on the release of the 2017 Milestone Report and stakeholder involvement. Commissioner questions were addressed. Chair Grobe asked if there were any members of the public who wished to make a comment. Public comments were provided by Cindy Copeland of Boulder County Public Health. Commissioner Milford proposed that the Commission consider adopting a resolution urging additional action on this issue. The Commission requested that Commission staff and Division staff work on a resolution and that consideration of the resolution be added to the Commission's September agenda.

Legislative Session

Dena Wojtach of the division briefed the Commission regarding the 2019 Colorado legislative session, specifically with respect to those bills most heavily impacting Commission activities and authority. Commissioner questions were addressed.

Commissioner Informational Items

Commissioners were invited to discuss activities that they have participated in over the past month and any issues relevant to Commission business. Commissioner Jones noted that she would forward to the Administrator information regarding an upcoming presentation by Dr. Helmig in case Commissioners are interested in attending. Commissioner Jones also noted she had heard an interesting presentation by Ball Aerospace regarding new technology for detecting methane leaks.

Division Director's Report - Garry Kaufman

- Addressed the public comments that had been provided, including in response to Wild Earth Guardians that the Division has determined that minor source permits are legally appropriate and consistent with federal guidelines, and also in response to Susan Noble Garry agreed that smoking flares are a concern and noted that the APCD followed up on the incident.
- Noted that PPACG won a national skills competition regarding mobile sources.
- Fiscal year ended June 30.

Attorney General's Report - Tom Roan

- Colorado district court dismissed Colorado Automobile Dealers Association's appeal of the AQCC's adoption of the Low Emission Vehicle regulation.
- Colorado district court dismissed Defend Colorado's appeal of the AQCC's denial of a public hearing.
- KP Koffman: enforcement case jointly filed with EPA, judge denied KP Koffman's motion to dismiss; settlement discussions are ongoing.

Administrator's Report - Trisha Oeth

- Review of August meeting agenda and informed the commissioners that one of the parties had asked for translation services.
- Overview of September to December agendas. Discussed the possibility of moving the December meeting up by a week. Once we had definitive information from the Board of Health, Theresa would poll the commissioners, division staff and AG office about the two time frames.

Adjourn at 3:14 p.m.

ANNOUNCEMENTS

Next Executive Committee Meeting: July 25, 2019 at 8:00 a.m.

The meeting will be held at the Colorado Department of Public Health and Environment, located at 4300 Cherry Creek Drive South, in the Carson conference room.

Philip J. Weiser
Attorney General

Natalie Hanlon Leh
Chief Deputy Attorney General

Eric R. Olson
Solicitor General

June Taylor
Chief Operating Officer



STATE OF COLORADO
DEPARTMENT OF LAW

Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

Office of the Attorney General

Tracking Number: 2019-00175

**OPINION OF THE ATTORNEY GENERAL RENDERED IN
CONNECTION WITH THE RULES ADOPTED BY THE
Air Quality Control Commission
ON 07/18/2019**

5 CCR 1001-25

**Control of Volatile Organic Compounds from Consumer Products and Architectural and
Industrial Maintenance Coatings**

The above-referenced rules were submitted to this office on 07/19/2019 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 05, 2019 15:45:20 MST

A handwritten signature in blue ink, appearing to read "P. J. Weiser".

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General



Colorado
Secretary of State
Jana Griswold



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Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Details of Tracking Number 2019-00175

CCR details

Tracking Number	2019-00175
Type of Filing	Permanent Rule
Department	1000 Department of Public Health and Environment
Agency	1001 Air Quality Control Commission
CCR Number	5 CCR 1001-25
CCR Title	Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings

Proposed rule

Notice Filed with SOS	04/19/2019
Rule	ProposedRuleAttach2019-00175.doc
Additional Information	AddInfoAttach2019-00175.doc
Statutory Authority	Sections 25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, 105(1)(b) and 109, 24-4-103 and 25-7-110, 110.5 and 110.8 C.R.S., as applicable and amended.
Description of Subjects/Issues	To consider a new Regulation Number 21 to limit the volatile organic compound (VOC) content in consumer products and architectural and industrial maintenance (AIM) coatings manufactured or sold in Colorado.
Purpose/Objective of Rule	Adopt a new Regulation Number 21 to limit the volatile organic compound (VOC) content in consumer products and architectural and industrial maintenance (AIM) coatings manufactured or sold in Colorado.
Submitted in response to issues raised by COLS/OLLS?	No
Is this rule adopted in response to recent legislation?	No
Hearing Date	07/18/2019
Hearing Time	09:00 AM
Hearing Location	Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Sabin Conference Room
Contact Name	Leah Martland
Contact Title	Rule Writer
Contact Telephone	303-692-6269
Contact email	leah.martland@state.co.us

Adopted rule

Adopted Rules	AdoptedRules02019-00175.doc
Redline	Redline2019-00175.doc
Adopted Date	07/18/2019
AGO requested date	07/19/2019
Attorney General Opinion	08/05/2019
Colorado Register publication date	08/25/2019
Effective Date	09/14/2019
Inserted into CCR	09/04/2019

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DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 21 CONTROL OF VOLATILE ORGANIC COMPOUNDS FROM CONSUMER PRODUCTS AND ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

5 CCR 1001-25

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Outline of Regulation

PART A CONCERNING CONSUMER PRODUCTS

PART B CONCERNING ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

PART C STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE

Pursuant to Colorado Revised Statutes Section 24-4-103(12.5), materials incorporated by reference are available for public inspection during normal business hours or copies may be obtained at a reasonable cost from the Air Quality Control Commission (Commission), 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. The material incorporated by reference may also be available through the United States Government Printing Office, online at www.govinfo.gov. Materials incorporated by reference are those editions in existence as of the date indicated and do not include any later amendments.

PART A CONCERNING CONSUMER PRODUCTS

I. Applicability

I.A. This part applies to any person who sells, supplies, offers for sale, distributes for sale, or manufactures for sale consumer products in

I.A.1. The 8-hour Ozone Control Area.

I.A.2. (State Only) Colorado. As marked by (State Only), the requirements are not federally enforceable.

I.B. This part does not apply to

I.B.1. Consumer products manufactured in Colorado solely for shipment and use outside of Colorado.

I.B.2. Consumer products that do not comply with the VOC limits in Table 1 as long as the manufacturer or distributor can demonstrate both that the consumer product is intended for shipment and use outside of Colorado and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed to Colorado. Section I.B.2. does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in Colorado.

- I.B.3. Consumer products that have been granted an Innovative Product exemption by the California Air Resources Board (CARB) under the Innovative Products provisions in Subchapter 8.5, Article 2, Section 94511 (January 2019) or Subchapter 8.5, Article 1, Section 94503.5 (January 2019) of Title 17 of the California Code of Regulations are exempt from the VOC content limits in Table 1 for the period of time during which the CARB Innovative Products exemption remains in effect.
 - I.B.4. Consumer products that have been granted an Alternative Control Plan (ACP) by the CARB under the provisions in Subchapter 8.5, Article 4, Sections 94540-94555 (January 2019) of Title 17 of the California Code of Regulations are exempt from the VOC content limits in Table 1 for the period of time during which the CARB ACP agreement remains in effect. Aerosol adhesives, adhesive removers, electronic cleaners, electrical cleaners, energized electrical cleaners, and contact adhesives granted an ACP must be labeled with the term “ACP” or “ACP product” if the product exceeds the applicable VOC limit specified in Table 1. Any manufacturer claiming an ACP agreement must make a copy of the ACP decision available to the Division upon request.
 - I.B.5. Consumer products that have been granted a variance by CARB under the Variances provisions in Subchapter 8.5, Article 2, Section 94514 (January 2019) of Title 17 are exempt from complying with the VOC limits established in Table 1 for the period of time during which the variance remains in effect. Any person claiming a variance must make a copy of the variance available to the Division upon request.
- II. Standards
- II.A. On or after May 1, 2020, no person can manufacture for sale in Colorado any consumer product with a VOC content in excess of the VOC limit specified in Table 1.
 - II.B. No person can sell, supply, offer for sale, or distribute for sale in Colorado any consumer product that is manufactured on or after May 1, 2020, with a VOC content in excess of the VOC limit specified in Table 1.
 - II.C. On or after May 1, 2021, no person can manufacture for sale in Colorado any consumer product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC Section 136-136y (1996)) in excess of the VOC limits in Table 1.
 - II.D. No person can sell, supply, offer for sale, or distribute for sale in Colorado any consumer product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC Section 136-136y (1996)) and manufactured on or after May 1, 2021, with a VOC content in excess of the VOC limits in Table 1.
 - II.E. Effective May 1, 2020, and until May 1, 2021, no person can manufacture for sale, sell, supply, or offer for sale any flammable or extremely flammable, as labeled or meeting the criteria in Title 16 CFR Section 1500.3(c)(6) (February 27, 2018), paint thinner or multi-purpose solvent labeled as a clean-up solvent or paint clean-up product unless the product is clearly and prominently labeled with
 - II.E.1. “DANGER,” “WARNING,” or “CAUTION” and “Formulated to meet California VOC limits; see warnings on label”; or
 - II.E.2. 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.

- II.F. Charcoal lighter material products must be issued a certification in accordance with Subchapter 8.5, Article 2, Section 94509(h) (January 1, 2019) of Title 17 of the California Code of Regulations.
- II.G. 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 use, the limits specified in Table 1 apply to the product only after the minimum recommended dilution has taken place. For purposes of this part, “minimum recommended dilution” does not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard to remove soils or stains.
- II.H. 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 Table 1 apply to the product only after the maximum recommended dilution has taken place.
- II.I. For consumer products for which the label, packaging, or accompanying literature indicates that the product may be used, or is suitable for use, as a consumer product for which a lower VOC limit is specified in Table 1, then the lowest VOC limit applies. This requirement does not apply to general purpose cleaners, antiperspirant/deodorant products, insecticide foggers, or aerosol lawn and garden insecticides claiming to kill insects or other arthropods.
- II.J. Consumer products specified in Table 1 cannot contain any of the following
 - II.J.1. CFC-11 (trichlorofluoromethane).
 - II.J.2. CFC-12 (dichlorodifluoromethane).
 - II.J.3. CFC-113 (1,1,1-trichloro-2,2,2-trifluoroethane).
 - II.J.4. CFC-114 (1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane).
 - II.J.5. CFC-115 (chloropentafluoroethane).
 - II.J.6. Halon 1211 (bromochlorodifluoromethane).
 - II.J.7. Halon 1301 (bromotrifluoromethane).
 - II.J.8. Halon 2402 (dibromotetrafluoroethane).
 - II.J.9. HCFC-22 (chlorodifluoromethane).
 - II.J.10. HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane).
 - II.J.11. HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane).
 - II.J.12. HCFC-141b (1,1-dichloro-1-fluoroethane).
 - II.J.13. HCFC-142b (1-chloro-1,1-difluoroethane).
 - II.J.14. 1,1,1-trichloroethane.
 - II.J.15. Carbon tetrachloride.

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- II.K. The following consumer products cannot contain trichloroethylene in a combined amount greater than 0.01 percent by weight (i.e., an impurity)
 - II.K.1. Adhesive removers.
 - II.K.2. Aerosol adhesives.
 - II.K.3. Bathroom and tile cleaners.
 - II.K.4. Contact adhesives.
 - II.K.5. Construction, panel, floor covering adhesives.
 - II.K.6. Electrical cleaners.
 - II.K.7. Electronic cleaners.
 - II.K.8. Electronic cleaners labeled as energized electronic equipment use only.
 - II.K.9. Footwear or leather care products.
 - II.K.10. General purpose cleaners.
 - II.K.11. General purpose degreasers.
 - II.K.12. Graffiti removers.
 - II.K.13. Multi-purpose solvent.
 - II.K.14. Oven or grill cleaners.
 - II.K.15. Paint thinners.
 - II.L. The medium volatility organic compound (MVOC) content specified for antiperspirants or deodorants does not apply to ethanol.
 - II.M. Paint thinners and multi-purpose solvents cannot contain greater than one percent (1%) aromatic compound content by weight.
 - II.N. The VOC content limits in Table 1 do not apply to
 - II.N.1. Any LVP-VOC.
 - II.N.2. Fragrances up to a combined level of 2 percent by weight.
 - II.N.3. Colorants up to a combined level of 2 percent by weight in any antiperspirant or deodorant.
 - II.N.4. VOCs in antiperspirants or deodorants that contain more than 10 carbon atoms per molecule and for which the vapor pressure is unknown or 2 mm Hg or less at 20°C.
 - II.N.5. Air fresheners that are comprised entirely of fragrance, less compounds exempt from the definition of VOC.
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- II.N.6. Adhesives sold in containers of 1 fluid ounce or less.
- II.N.7. Bait station insecticides designed to be ingested by insects, composed of solid material feeding stimulants with less than 5 percent active ingredients, and in containers less than or equal to 0.5 ounce by weight.
- II.N.8. Solid air fresheners, insecticides, and toilet/urinal care products containing at least 98% para-dichlorobenzene.

Table 1 – VOC content limits for consumer products manufactured on or after May 1, 2020	
Product category	VOC content limit (percent VOCs by weight)
Adhesive removers	
* Floor or wall covering	5
* Gasket or thread locking	50
* General purpose	20
* Specialty	70
Adhesives	
* Aerosol mist spray	65
* Aerosol web spray	55
* Specialty purpose spray adhesive – mounting, automotive engine compartment, and flexible vinyl	70
* Specialty purpose spray adhesive – polystyrene foam and automotive headliner	65
* Specialty purpose spray adhesive – polyolefin and laminate repair/edgebanding	60
* Construction, panel, and floor covering contact	7
* Contact general purpose	55
* Contact special purpose	80
* General purpose	10
* Structural waterproof	15
Air fresheners	
* Single-phase aerosol	30
* Double-phase aerosol	25
* Dual purpose air freshener/disinfectant aerosol	60
* Liquid/pump sprays	18
* Solids/semisolids	3

Antiperspirants	
* Aerosol	40 HVOC, 10 MVOC
* Non-aerosol	0 HVOC, 0 MVOC
Anti-static product	
* Aerosol	80
* Non-aerosol	11
Automotive rubbing or polishing compound	17
Automotive wax, polish, sealant, or glaze	
* Hard paste waxes	45
* Instant detailers	3
* All other forms	15
Automotive windshield cleaner	35
Automotive windshield washer fluids	35
Bathroom and tile cleaners	
* Aerosol	7
* Non-aerosol	1
Brake cleaner	10
Bug and tar remover	40
Carburetor or fuel-injection air intake cleaners	10
Carpet and upholstery cleaners	
* Aerosol	7
* Non-aerosol (dilutables)	0.1
* Non-aerosol (ready-to-use)	3
Charcoal lighter material	See Section II.F.
Cooking spray, aerosol	18
Deodorants	
* Aerosol	0 HVOC, 10 MVOC
* Non-aerosol	0 HVOC, 0 MVOC
Disinfectant	
* Aerosol	70
* Non-aerosol	1
Dusting aids	
* Aerosol	25
* Non-aerosol	7
Electrical cleaner	45

Electronic cleaner	75
Engine degreasers	
* Aerosol	10
* Non-aerosol	5
Fabric protectants	60
Fabric refresher	
* Aerosol	15
* Non-aerosol	6
Floor polishes or waxes	
* Resilient flooring materials	1
* Non-resilient flooring materials	1
* Wood floor wax	90
Footwear or leather care products	
* Aerosol	75
* Solid	55
* Other forms	15
Furniture maintenance products	
* Aerosol	17
* Non-aerosol (except solid or paste)	3
General purpose cleaners	
* Aerosol	8
* Non-aerosol	4
General purpose degreasers	
* Aerosol	10
* Non-aerosol	4
Glass cleaners	
* Aerosol	12
* Non-aerosol	4
Graffiti remover	
* Aerosol	50
* Non-aerosol	30
Hair mousses	6
Hairshines	55
Hairsprays	55
Hair styling products	

* Aerosol and pump sprays	6
* All other forms	2
Heavy-duty hand cleaner or soap	8
Insecticides	
* Crawling bug, aerosol	15
* Crawling bug, all other forms	20
* Flea and tick	25
* Flying bug, aerosol	25
* Flying bug, all other forms	35
* Foggers	45
* Lawn and garden, non-aerosol	3
* Lawn and garden, all other forms	20
* Wasp and hornet	40
Laundry prewash	
* Aerosols/solids	22
* All other forms	5
Laundry starch/sizing/fabric finish products	4.5
Metal polishes/cleansers	30
Multi-purpose lubricant (excluding solid or semi-solid products)	50
Multi-purpose solvent	3
Nail polish remover	1
Non-selective terrestrial herbicide, non-aerosols	3
Oven or grill cleaners	
* Aerosol	8
* Non-aerosol	4
Paint remover or strippers	50
Paint thinner	3
Penetrants	50
Rubber/vinyl protectants	
* Aerosol	10
* Non-aerosol	3
Sanitizer	
* Aerosol	70
* Non-aerosol	1

Sealants and caulking compounds	4
Shaving creams	5
Shaving gel	4
Silicone-based multi-purpose lubricants (excluding solid or semi-solid products)	60
Spot removers	
* Aerosol	25
* Non-aerosol	8
Temporary hair color, aerosol	55
Tire sealants and inflators	20
Toilet/urinal care	
* Aerosol	10
* Non-aerosol	3
Undercoatings, aerosol	40
Wood cleaner	
* Aerosol	17
* Non-aerosol	4

III. Container labeling

- III.A. The manufacturer of any consumer product subject to a VOC limit in Table 1, except products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. Section 136-136y) (1996) and products containing VOCs at 0.10 percent by weight or less, must clearly display on the container or package the date the product was manufactured or a date code representing the date of manufacture. The date or date code must be displayed on the container such that it is readily observable without removing or disassembling any portion of the product container or packaging.
- III.B. If the label on a special purpose spray adhesive indicates that the product is suitable for use on any substrate or application not listed in the definition for special purpose spray adhesive, the product must be classified as either a web spray adhesive or mist spray adhesive and meet the associated limit in Table 1.
- III.C. The label on non-aerosol floor wax strippers 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. The label on a non-aerosol floor wax stripper that is also intended to be used for removal of heavy build-up of polish that results 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.
- III.D. The label on energized electrical cleaners must clearly display "Energized equipment use only. Not to be used for motorized vehicle maintenance or their parts."
- III.E. The label on zinc rich primers must clearly display "for professional use only," "for industrial use only," or "not for residential use" or "not intended for residential use."

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- III.F. The label on aerosol adhesives, adhesive removers, electronic cleaners, electrical cleaners, energized electrical cleaners, and contact adhesive products must clearly display
 - III.F.1. The product category.
 - III.F.2. The applicable VOC standard for the product, except energized electrical cleaners, as a percentage by weight.
 - III.F.3. For special purpose spray adhesives, the applicable substrate and/or application that qualifies the product as special purpose.
 - IV. Reporting
 - IV.A. Manufacturers of a solid air freshener, insecticide, or toilet/urinal care consumer product that contains at least 98% para-dichlorobenzene must maintain records necessary to demonstrate the para-dichlorobenzene content. These records must be maintained for a minimum of three (3) years and made available to the Division within 90 days after written notice.
 - IV.B. Manufacturers of consumer products that have been granted an Innovative Product exemption must maintain records necessary to demonstrate that the exemption applies and remains in effect. These records must be maintained for a minimum of three (3) years and made available to the Division within 90 days after written notice.
 - IV.C. Manufacturers of consumer products that have been granted an Alternative Control Plan agreement must maintain records necessary to demonstrate that the agreement applies and during what time period the agreement was in effect. These records must be maintained for a minimum of three (3) years and made available to the Division within 90 days after written notice.
 - IV.D. Upon 90 days written notice, the Division may require any responsible party to report any of the following information for any consumer product subject to a VOC limit in Table 1. If the responsible party does not have or does not provide the information requested by the Division, the Division 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.
 - IV.D.1. The company name of the responsible party, address, telephone number, and designated contact person.
 - IV.D.2. Any claim of confidentiality made pursuant to Colorado requirements.
 - IV.D.3. The consumer product brand name for each consumer product, product label, and product category to which the consumer product belongs.
 - IV.D.4. The applicable product form(s) listed separately.
 - IV.D.5. An identification of each product brand name and form as a "Household Product," "I&I Product," or both.
 - IV.D.6. Colorado sales in pounds per year, to the nearest pound, and the method used to calculate Colorado sales for each consumer product.

- IV.D.7. For information submitted by multiple companies, an identification of each company which is submitting relevant data separate from that submitted by the responsible party.
- IV.D.8. For each consumer product brand name, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of
 - IV.D.8.a. Each Table B compound.
 - IV.D.8.b. Each LVP-VOC that is not a fragrance.
- IV.D.9. For each consumer product brand name, the net percent by weight of the total product, less container and packaging, rounded to the nearest one-tenth of a percent, for each of the following
 - IV.D.9.a. Total Table B compounds.
 - IV.D.9.b. Total LVP-VOCs that are not fragrances.
 - IV.D.9.c. Total all other carbon-containing compounds that are not fragrances.
 - IV.D.9.d. Total fragrance.
 - IV.D.9.e. For consumer products containing greater than two percent by weight fragrance, the percent of fragrance that are LVP-VOCs and the percent of fragrance that are all other carbon-containing compounds.
 - IV.D.9.f. Total all non-carbon-containing compounds.
 - IV.D.9.g. Total para-dichlorobenzene.
- IV.D.10. The type of propellant (e.g., Type A, Type B, or a blend of the different types) and weight percent comprised of propellant for each consumer product, if applicable.
- IV.D.11. The net percent by weight of each ozone-depleting compound listed in Section II.J. and contained in any amount greater than 0.1 percent by weight, if applicable.
- IV.D.12. Documentation that the consumer product meets the applicable VOC content limit specified in Table 1.
- IV.D.13. Documentation explaining the date portion of the date code indicating the date of manufacture.

V. Test methods

- V.A. Testing to determine compliance with the requirements of this part, except for charcoal lighter material products (see Section II.F.), may be performed using CARB Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997, and as last amended on December 31, 2018, or through calculation of the VOC content from records of the amounts of constituents used to make the product if

V.A.1. The manufacturer keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. Records must be maintained for three (3) years and made available to the Division upon request; and

V.A.2. VOC content is calculated according to the following equation:

$$\text{VOC content} = ((B-C)/A) \times 100$$

Where

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs, per unit

C = total weight of VOCs exempted under Section II.N., per unit

V.A.3. If product records are contradicted by product testing performed using CARB Method 310, the results of CARB Method 310 take precedence.

V.B. Testing to determine whether a product is a liquid or solid must be performed using ASTM D4359-90(2000)e1 "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid" (2012).

VI. Definitions

VI.A. "8-Hour Ozone Control Area" means the Counties of Adams, Arapahoe, Boulder (includes part of Rocky Mountain National Park), Douglas, and Jefferson; the Cities and Counties of Denver and Broomfield; and the following portions of the Counties of Larimer and Weld:

VI.A.1. For Larimer County (includes part of Rocky Mountain National Park), that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.

VI.A.2. For Weld County, that portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.

VI.B. "Adhesive" means any product that is used to bond one surface to another by attachment. Adhesive does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate.

- VI.C. “Adhesive remover” means a product designed to remove adhesive from either a specific substrate or a variety of substrates but does not include products that remove adhesives intended exclusively for use on humans or animals. For the purposes of this definition, adhesive means a substance used to bond one or more materials including, but not limited to, caulks, sealants, glues, or similar substances used for the purpose of forming a bond.
- VI.C.1. “Floor and wall covering adhesive remover” means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.
- VI.C.2. “Gasket or thread locking adhesive remover” means a product designed or labeled to remove gaskets or thread locking adhesives. Gasket or thread locking adhesive remover includes products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover.
- VI.C.3. “General purpose adhesive remover” means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive adhesives or residues from a variety of substrates. General purpose adhesive remover includes, but is not limited to, products that remove thermoplastic adhesives; pressure sensitive adhesives; dextrin or starch based adhesives; casein glues; rubber or latex-based adhesives; and stickers, decals, stencils, or similar materials. General purpose adhesive remover does not include floor or wall covering adhesive remover.
- VI.C.4. “Specialty adhesive remover” means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur such as, but not limited to, epoxies, urethanes, and silicones. Specialty adhesive remover does not include gasket or thread locking adhesive remover.
- VI.D. “Aerosol adhesive” means an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for hand-held application of adhesive without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesive, mist spray adhesives, and web spray adhesives.
- VI.E. “Aerosol cooking spray” means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.
- VI.F. “Aerosol product” means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container or a mechanically induced force but does not include pump spray.
- VI.G. “Agricultural use” means the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop. Agricultural use does not include the sale or use of pesticides in properly labeled packages or containers which are intended for home use (use in a household or its immediate environment), use in structural pest control (use requiring a license), industrial use (use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites), or institutional use (use within or on property necessary for the operation of buildings such as hospital, schools, libraries, auditorium, and office complexes).

- VI.H. "Air freshener" means any product including, but not limited to, sprays, wicks, wipes, diffusers, powders, and crystals, designed or labeled for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. Air fresheners includes dual purpose air freshener/disinfectant products, which are aerosol products represented on the product container, label, packaging, or attached literature for use as both a disinfectant and an air freshener. Air freshener does not include products that are used on the human body, products that function primarily as cleaning products as indicated on the product label, odor remover/eliminator, toilet/urinal care products, or disinfectants when offered for sale solely through institutional and industrial channels of distribution.
- VI.I. "All other carbon-containing compounds" means other compounds which contain at least one carbon atom and are not a table B compound or a LVP-VOC.
- VI.J. "All other forms" means all consumer product forms for which no form-specific VOC standard is specified and include, but are not limited to, solids, liquids (including the liquid containing or liquid impregnated portion of the cloth or paper wipes), wicks, powders, and crystals.
- VI.K. "Antimicrobial hand or body cleaner or soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity and includes, but is not limited to, antimicrobial hand or body washes/cleaners, food handler hand washes, healthcare personnel hand washes, preoperative skin preparations, and surgical scrubs. Antimicrobial hand or body cleaner or soap does not include prescription drug products, antiperspirants, astringent/toner, deodorant, facial cleaner or soap, general-use hand or body cleaner or soap, hand dishwashing detergent (including antimicrobial), heavy-duty hand cleaner or soap, medicated astringent/medicated toner, and rubbing alcohol.
- VI.L. "Antiperspirant" means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.
- VI.M. "Anti-static product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. Anti-static product does not include electronic cleaner, floor polish or wax, floor coating, aerosol coating products, or architectural coatings.
- VI.N. "Architectural coating" means a coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.
- VI.O. "Aromatic compound" means a carbon containing compound, except compounds exempt from the definition of VOC, that contains one or more benzene or equivalent heterocyclic rings and has an initial boiling point less than or equal to 280 degrees C.
- VI.P. "Artist solvent/thinner" means any liquid product, labeled to meet ASTM D4236 – 94 (March 1, 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, and packaged in a container equal to or less than 34 fluid ounces, labeled to reduce the viscosity of, and or remove, art coating compositions or components.
- VI.Q. "Astringent/toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores including clarifiers and substrate-impregnated products. Astringent/toner does not include medicated astringent/medicated toner, cold cream, lotion, or antiperspirant.

- VI.R. “Automotive hard paste wax” means an automotive wax or polish that is designed to protect and improve the appearance of automotive paint surfaces, is solid at room temperature, and contains zero percent (0%) water by formulation.
- VI.S. “Automotive instant detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.
- VI.T. “Automotive rubbing or polishing compound” means a product designed primarily to remove oxidation, old paint, scratches or “swirl marks”, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.
- VI.U. “Automotive wax, polish, sealant, or glaze” means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle’s painted surfaces and includes, but is not limited to, products designed for use in auto body repair shops, drive-through car washes, and products designed for the general public. Automotive wax, polish, sealant, or glaze does not include automotive rubbing or polishing compounds, automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.
- VI.V. “Automotive windshield cleaner” means a product labeled for automotive use only, packaged as an automotive windshield cleaner in the form of a moistened towelette, and designed to be used on automotive windshields, automotive mirrors, and automotive headlights. Automotive windshield cleaner does not include automotive windshield washer fluid.
- VI.W. “Automotive windshield washer fluid” means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. Automotive windshield washer fluid does not include fluids placed by the manufacturer in a new vehicle.
- VI.X. “Bathroom and tile cleaner” means a product designed or labeled to clean tile or surfaces in bathrooms. Bathroom and tile cleaner does not include toilet/urinal care product.
- VI.Y. “Brake cleaner” means a cleaning product designed to remove oil, grease, brake fluid, brake pad material, or dirt from motor vehicle brake mechanisms.
- VI.Z. “Bug and tar remover” means a product labeled to remove biological-type residues, such as insect carcasses and tree sap, and/or road grime, such as road tar, roadway paint markings, and asphalt, from painted motor vehicle surfaces without causing damage to the finish.
- VI.AA. “Carburetor or fuel-injection air intake cleaners” means a product designed or labeled to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages. Carburetor or fuel-injection air intake cleaner does not include products designed or labeled exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors or products designed or labeled exclusively to be introduced during engine operation directly into air vacuum lines by using a pressurized sprayer wand.

- VI.BB. "Carpet and upholstery cleaner" means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. Carpet and upholstery cleaner includes, but is not limited to, products that make fabric protectant claims. Carpet and upholstery cleaner does not include general purpose cleaners, spot removers, vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.
- VI.CC. "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. Charcoal lighter material does not include electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.
- VI.DD. "Colorant" means any pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.
- VI.EE. "Construction, panel, and floor covering adhesive" means any non-aerosol, one-component adhesive that is designed or labeled for the installation, remodeling, maintenance, or repair of structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring or floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. Construction, panel, and floor covering adhesive does not include floor seam sealer. Construction, panel and floor covering adhesive, does not include units of non-aerosol adhesive, less packaging, which weigh more than one pound and consists of more than 16 fluid ounces.
- VI.FF. "Consumer" means any person who purchases or acquires any consumer product for personal, family, household, or institutional use. Consumer does not include persons acquiring a consumer product for resale.
- VI.GG. "Consumer product" means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; automotive specialty products; and aerosol adhesives. Consumer product does not include other paint products, furniture coatings, or architectural coatings.
- VI.HH. "Contact adhesive" means a non-aerosol adhesive that is designed for application to both surfaces to be bonded together, is allowed to dry before the two surfaces are placed in contact with each other, forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact adhesive does not include rubber cements that are primarily intended for use on paper substrates or vulcanizing fluids that are designed and labeled for tire repair only. Contact adhesive does not include units of adhesive, less packaging, which consist of more than one gallon.
- VI.II. "Contact adhesive – general purpose" means any contact adhesive that is not a contact adhesive – special purpose.

- VI.JJ. "Contact adhesive – special purpose" means a contact adhesive that: is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces; or is used in automotive applications that are automotive under-the-hood applications requiring heat, oil or gasoline resistance, or are body-side molding, automotive weatherstrip or decorative trim.
- VI.KK. "Container/packaging" means the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. Container/packaging includes any article onto or into which the principle display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.
- VI.LL. "Crawling bug insecticide" means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish, or spiders. Crawling bug insecticide does not include products designed to be used exclusively on humans or animals or any house dust mite product. A house dust mite product means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods. House dust mite means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.
- VI.MM. "Date-code" means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.
- VI.NN. "Deodorant" means any product including, but not limited to, aerosol, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent and/or minimize odor. Deodorant includes deodorant body sprays that indicate or depict on the container, packaging, or label that it can be used on or applied to the human axilla.
- VI.OO. "Deodorant body spray" means a personal fragrance product with 20 percent or less fragrance that is designed for application all over the human body to provide a scent.
- VI.PP. "Device" means any instrument or contrivance (other than a firearm) that is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and bacterium, virus, other microorganism on or in living man or other living animals). Device does not include equipment used for the application of pesticides when sold separately therefrom.

- VI.QQ. "Disinfectant" means a product labeled as a disinfectant or a product registered as a disinfectant under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq. (1996)) to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects. Disinfectant includes products labeled as both sanitizer and disinfectant. Disinfectant does not include products labeled solely for use on humans or animals; agricultural use; use in swimming pools, therapeutic tubs, or hot tubs; to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces; to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent, or veterinary establishments; or 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 or anti-microbial claims on the label.
- VI.RR. "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.
- VI.SS. "Double phase aerosol air freshener" means an aerosol air freshener with the liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.
- VI.TT. "Dry cleaning fluid" means any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled "for dry clean only," such as clothing or drapery, or "S-coded" fabrics. S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee. Dry cleaning fluid does not include spot removers or carpet and upholstery cleaners.
- VI.UU. "Dusting aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. Dusting aid does not include pressurized gas duster.
- VI.VV. "Electrical cleaner" means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors, armatures, relays, electric panels, or generators. Electrical cleaner does not include general purpose cleaner, general purpose degreaser, dusting aid, electronic cleaner, energized electrical cleaner, pressurized gas duster, engine degreaser, anti-static product, or products labeled to clean the casings or housings of electrical equipment.
- VI.WW. "Electronic cleaner" means a product labeled for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment such as circuit boards and the internal components of electronic devices, including but not limited to, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. Electronic cleaner does not include general purpose cleaner, general purpose degreaser, dusting aid, pressurized gas duster, engine degreaser, electrical cleaner, energized electrical cleaner, anti-static product, or products labeled to clean the casings or housings of electronic equipment or energized electrical cleaners. Electronic cleaner does not include products labeled to clean and/or degrease electronic equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component and clearly displaying "energized electronic equipment use only."

- VI.XX. “Energized electrical cleaner” means a product labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component, such as a capacitor. Energized electrical cleaner does not include electronic cleaner.
- VI.YY. “Engine degreaser” means a cleaning product designed or labeled to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.
- VI.ZZ. “Fabric protectant” means a product labeled to be applied to fabric substrates to protect the surface from soiling from dirt or other impurities or to reduce absorption of liquid into the fabric fibers. Fabric protectant does not include waterproofers; products labeled for use solely on leather; pigmented products that are designed to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates; or products that renew or restore fabric and qualify as either clear coating or vinyl/fabric/leather/polycarbonate coating.
- VI.AAA. “Fabric refresher” means a product labeled to neutralize or eliminate odors on nonlaundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, clothing and/or on household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. Fabric refresher does not include anti-static product, carpet and upholstery cleaner, footwear or leather care product, spot remover, disinfectant, or products labeled for application to both fabric and human skin.
- VI.BBB. “Facial cleaner or soap” means a cleaner or soap designed primarily to clean the face and includes, but is not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. Facial cleaner or soap does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.
- VI.CCC. “Fat wood” means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling but does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.
- VI.DDD. “Flea and tick insecticide” means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs but does not include products that are designed to be used exclusively on humans or animals and their bedding.
- VI.EEE. “Floor coating” means an opaque coating that is labeled and designed for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- VI.FFF. “Floor polish or wax” means a product designed or labeled to polish, wax, condition, protect, temporarily seal, or otherwise enhance floor surfaces by leaving a protective finish that is designed or labeled to be periodically replenished. Floor polish or wax includes products for resilient flooring materials (including, but not limited to, asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, vinyl composite flooring), non-resilient flooring materials (including, but not limited to, terrazzo, marble, slate, granite, brick, stone, ceramic tile, concrete), and wood floor wax (i.e., wax-based products for use solely on wood floors). Floor polish or wax does not include spray buff products, floor wax strippers, or products designed or labeled for unfinished wood floors or coatings subject to architectural coatings regulations.

- VI.GGG. "Floor seam sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.
- VI.HHH. "Floor wax stripper" means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers or by dissolving or emulsifying the polish or wax. Floor wax stripper does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.
- VI.III. "Flying bug insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods, including, but not limited to, flies, mosquitoes, moths, or gnats. Flying bug insecticide does not include wasp and hornet insecticide, products designed to be used exclusively on humans or , or products designed and labeled to protect fabrics from damage by moths where the label does not also indicate the product is suitable for use against flying insects or other flying arthropods.
- VI.JJJ. "Footwear or leather care product" means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear or leather care product does not include fabric protectant, general purpose adhesive, contact adhesive, vinyl/fabric/leather/polycarbonate coating, rubber/vinyl protectant, fabric refresher, or products solely for deodorizing or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.
- VI.KKK. "Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 millimeters of Mercury (mm Hg) at 20 degrees C, the sole purpose of which is to impart an odor or scent or to counteract a malodor.
- VI.LLL. "Furniture maintenance product" means a wax, polish, conditioner, or any other product labeled for the purpose of polishing, protecting or enhancing finished wood surfaces, other than floors, and other furniture surfaces including, but not limited to, acrylics, ceramic, plastics, stone surfaces, metal surfaces, and fiberglass. Furniture maintenance product does not include dusting aids, wood cleaners, and products designed solely for the purpose of cleaning or products designed to leave a permanent finish such as stains, sanding sealers, and lacquers.
- VI.MMM. "Furniture coating" means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath, and vanity), tables, chairs, beds, and sofas.
- VI.NNNN. "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.
- VI.OOO. "General purpose adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. General purpose adhesive does not include contact adhesives; construction, panel, and floor covering adhesives; adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls); or adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weatherstripping, or carpets). General purpose adhesive, does not include units of non-aerosol adhesive, less packaging, which weigh more than one pound and consists of more than 16 fluid ounces.

- VI.PPP. "General purpose cleaner" means a product labeled to clean a variety of hard surfaces, including, but not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves.
- VI.QQQ. "General purpose degreaser" means any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. General purpose degreaser does not include engine degreaser, general purpose cleaner, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, metal polish or cleanser, oven or grill cleaner, or products used exclusively in solvent cleaning tanks or related equipment (including, but not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, products designed to clean miscellaneous metallic parts by immersion in a container) or products that are exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities and labeled exclusively for "use in the manufacturing process only."
- VI.RRR. "General-use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils and includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. General-use hand or body cleaner or soap does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, hand dishwashing detergent (including antimicrobial), heavy-duty hand cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.
- VI.SSS. "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment, and photocopying machines.
- VI.TTT. "Graffiti remover" means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish from a variety of non-cloth or nonfabric substrates and products labeled for dual use as both a paint stripper and graffiti remover. Graffiti remover does not include paint remover or stripper, nail polish remover, or spot remover.
- VI.UUU. "Hair mousse" means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.
- VI.VVV. "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair and includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. Hair shine does not include hair spray, hair mousse, hair styling product, hair styling gel, or products whose primary purpose is to condition or hold the hair.
- VI.WWW. "Hair spray" means a consumer product that is applied to styled hair and is designed or labeled to provide sufficient rigidity, to hold, retain, and/or finish the style of the hair for a period of time. Hair spray includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling (i.e., forming, sculpting, or manipulating the hair for a period of time) and finishing (i.e., maintain and/or hold the styled hair for a period of time) product. Hair spray does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.

- VI.XXX. "Hair styling product" means a consumer product designed or labeled for the application to wet, damp, or dry hair to aid in defining, shaping, lifting, styling, and/or sculpting of the hair. Hair styling product includes, but is not limited, to hair balm, clay, cream, crème, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers, and/or conditioners that make styling claims. Hair styling product does not include hair mousse, hair shine, hair spray, or shampoos and/or conditioners that are rinsed from the hair prior to styling.
- VI.YYY. "Heavy-duty hand cleaner or soap" means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. Heavy-duty hand cleaner or soap does not include prescription drug products, antimicrobial hand or body cleaner or soap, astringent/toner, facial cleaner or soap, general-use hand or body cleaner or soap, medicated astringent/medicated toner, or rubbing alcohol.
- VI.ZZZ. "Herbicide" means a pesticide product designed to kill or retard a plant's growth, but excludes products that are for agricultural use or restricted materials that require a permit for use and possession.
- VI.AAAA. "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204 degrees C (400 degrees F).
- VI.BBBB. "High volatility organic compound (HVOC)" means any volatile organic compound that exerts a vapor pressure greater than 80 mm Hg when measured at 20 degrees C.
- VI.CCCC. "Household product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.
- VI.DDDD. "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, and exposed to one or more of the following extreme environmental conditions: immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation; acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; frequent exposure to temperatures above 121°C (250°F); frequent heavy abrasion, including mechanical wear and scrubbing with industrial solvents, cleansers, or scouring agents; or exterior exposure of metal structures and structural components. Industrial maintenance coatings must be labeled as specified in Part B, Section III.D.1.
- VI.EEEE. "Insecticide" means a pesticide product that is designed for use against insects or other arthropods. Insecticide does not include products that are for agricultural use, for a use which requires a structural pest control license, or restricted materials that require a permit for use and possession.
- VI.FFFF. "Insecticide fogger" means any insecticide product designed to release all or most of its content as a fog or mist into indoor areas during a single application.

- VI.GGGG. “Institutional product” or “industrial and institutional (I&I) product” means a consumer product that is designed for use in the maintenance or operation of an establishment (e.g., government agencies, factories, schools, hospitals, restaurants, hotels, stores) that manufactures, transports, or sells goods or commodities or provides services for profit or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. Institutional product does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.
- VI.HHHH. “Label” means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.
- VI.IIII. “Laundry prewash” means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.
- VI.JJJJ. “Laundry starch/sizing/fabric finish product” means a product that is labeled for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric.
- VI.KKKK. “Lawn and garden insecticide” means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Lawn and garden insecticides may claim to kill insects or other arthropods.
- VI.LLLL. “Liquid” means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1 (2012) but does not include powders or other materials that are composed entirely of solid particles.
- VI.MMMM. “Lubricant” means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. Lubricant does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals or products that are exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities and labeled exclusively for “use in the manufacturing process only.”
- VI.NNNN. “LVP content” means the total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product’s total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.
- VI.OOOO. “LVP-VOC” means a chemical compound or mixture that contains at least one carbon atom and meets one of the following: has a vapor pressure less than 0.1 mm Hg at 20 degrees C, as determined by CARB Method 310 (December 31, 2018); is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown; is a chemical compound with a boiling point greater than 216 degrees C, as determined by CARB Method 310 (December 31, 2018); or is the weight percent of a chemical mixture that boils above 216 degrees C, as determined by CARB Method 310 (December 31, 2018). Chemical compound means a molecule of definite chemical formula and isomeric structure. Chemical mixture means a substrate comprised of two or more chemical compounds.

- VI.PPPP. "Manufacturer," for consumer product, means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.
- VI.QQQQ. "Medicated astringent/medicated toner" means any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores and includes, but is not limited to, clarifiers and substrate-impregnated products. Medicated astringent/medicated toner does not include hand, face, or body cleaner or soap products; cold cream; lotion; antiperspirants; or products that must be purchased with a doctor's prescription.
- VI.RRRR. "Medium volatility organic compound (MVOC)" means any volatile organic compound that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20 degrees C.
- VI.SSSS. "Metal polish/cleanser" means any product designed primarily to improve the appearance (e.g., remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny) of finished metal, metallic, or metallized surfaces by physical or chemical action and includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel, and other ornamental metals. Metal polish/cleanser does not include automotive wax, polish, sealant or glaze; wheel cleaner; paint remover or stripper; or products designed and labeled exclusively for automotive and marine detailing or products designed for use in degreasing tanks.
- VI.TTTT. "Mist spray adhesive" means any aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.
- VI.UUUU. "Multi-purpose dry lubricant" means any lubricant which is designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (Teflon) on surfaces and is designed for general purpose lubrication or for use in a wide variety of applications.
- VI.VVVV. "Multi-purpose lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. Multi-purpose lubricant does not include multi-purpose dry lubricants, penetrants, or silicone-based multi-purpose lubricants.
- VI.WWWW. "Multi-purpose solvent" means any liquid product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials. Multi-purpose solvent includes products that do not display specific use instructions on the product container or packaging; products that do not specify an end-use function or application on the product container or packaging; solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories; paint clean-up products (i.e., liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, related coatings from, but not limited to, painting equipment or tools, plastics, or metals); and products labeled to prepare surfaces for painting. Multi-purpose solvent does not include solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines; solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings; solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment; products that are labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; or any product making any representation that the product may be used as or is suitable for use as a consumer product which qualifies under another definition.

- VI.XXXX. "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails and including, but not limited to, lacquers, enamels, acrylics, base coats and top coats.
- VI.YYYY. "Nail polish remover" means a product designed to remove nail polish and coatings from fingernails or toenails.
- VI.ZZZZ. "Non-aerosol product" means any consumer product that is not dispensed by a pressurized spray system.
- VI.AAAAA. "Non-carbon containing compound" means any compound which does not contain any carbon atoms.
- VI.BBBBB. "Non-resilient flooring" means flooring of a mineral content which is not flexible and includes terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete.
- VI.CCCCC. "Non-selective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
- VI.DDDDD. "Oven or grill cleaner" means a product labeled exclusively to remove baked on greases and/or deposits from food preparation and/or food cooking surfaces. A product that is labeled as an oven or grill cleaner that makes claims that it is suitable for degreasing other hard surfaces is a general purpose degreaser. A product that is labeled as an oven or grill cleaner that makes claims that it is suitable for cleaning other hard surfaces is a general purpose cleaner.
- VI.EEEEE. "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration, or identification or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.
- VI.FFFFF. "Paint remover or stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. Paint remover or stripper does not include multi-purpose solvents, paint brush cleaners, products designed and labeled exclusively as graffiti removers, and hand cleaner products that claim to remove paints and other related coatings from skin.
- VI.GGGGG. "Paint thinner" means any liquid product that prominently displays the term paint thinner, lacquer thinner, thinner, or reducer and used for reducing the viscosity of coating compositions or components. Paint thinner does not include artist's solvent/thinner; products that are sold in containers with a capacity of five (5) gallons or more and are labeled exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings; and products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient. Paint thinner does not include a product with a principle display panel displaying language, in a font as large as or larger than the font size of the other words on the panel (not including the font size used for the company name, brand name, or logo), that the product is used exclusively for the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings and that makes no representation that the product is suitable for use or may be used for any other purpose except the thinning of industrial maintenance coatings, zinc-rich primers, or high temperature coatings.

- VI.HHHHH. "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Penetrant does not include multi-purpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.
- VI.IIIII. "Personal fragrance product" means any product which is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, aftershave, and toilet water. Personal fragrance product does not include deodorant; medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes, breath fresheners and deodorizers; lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos, and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals.
- VI.JJJJJ. "Pesticide" means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term "pesticide" will not include any substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.
- VI.KKKKK. "Pressurized gas duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents. Pressurized gas duster does not include dusting aid.
- VI.LLLLL. "Principal display panel or panels" means that part, or those parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all such principal display panels.
- VI.MMMMM. "Product brand name" means the name of the product exactly as it appears on the principal display panel of the product.
- VI.NNNNN. "Product category" means the applicable category which best describes the product as listed in the definitions and Table 1.
- VI.OOOOO. "Product form" means the applicable form that most accurately describes the product's dispensing form:
- A = aerosol product
 - S = solid
 - P = pump spray
 - L = liquid
 - SS = semi-solid
 - O = other

- VI.PPPPP. "Product line" means a group of products of identical form and function belonging to the same product category(ies).
- VI.QQQQQ. "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.
- VI.RRRRR. "Pump spray" means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger, or other actuator.
- VI.SSSSS. "Responsible party" means the company, firm, or establishment which is listed on the product's label. If the label lists two companies, firms, or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by," as noted on the label.
- VI.TTTTT. "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.
- VI.UUUUU. "Retail outlet" means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.
- VI.VVVVV. "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.
- VI.WWWWW. "Rubber/vinyl protectant" means any product labeled to protect, preserve or renew vinyl, or rubber on vehicles, tires, luggage, furniture, and/or household products such as vinyl covers, clothing, or accessories. Rubber/vinyl protectant does not include products labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners; tire cleaners that do not leave an appearance-enhancing or protective substance on the tire; pigmented products designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, or structural maintenance or repair of rubber or vinyl substrates; or products, other than those labeled to be used on vehicle tires, qualifying as either clear coating or vinyl/fabric/leather/polycarbonate coating.
- VI.XXXXX. "Rubbing alcohol" means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.
- VI.YYYYY. "Sanitizer" means a product labeled as a sanitizer or a product registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.) to reduce, but not necessary eliminate, microorganisms in the air, on surfaces, or on inanimate objects. Products that are labeled both sanitizer and disinfectant are considered disinfectants. Sanitizer does not include disinfectant; products labeled solely for use on humans or animals; products labeled solely for agricultural use; products labeled solely for use in swimming, therapeutic tubs, or hot tubs; products which are labeled to be used on heat sensitive critical or semi-critical medical devices or medical equipment surfaces; products which are pre-moistened wipes or towelettes sold exclusively to medical, convalescent or veterinary establishments; products which are labeled to be applied to food-contact surfaces and are not required to be rinsed prior to contact with food; or other products labeled bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet/urinal care products, metal polishers, carpet cleaners, or fabric refreshers that may also make sanitizing or anti-microbial claims on the label.

- VI.ZZZZZ. “Sealant and caulking compound” means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. Sealant and caulking compound does not include roof cements and roof sealants; insulating foams; removable caulking compounds (i.e., provides a three to six month temporary seal); clear/paintable/water resistant caulking compounds (i.e., contains no appreciable level of opaque fillers or pigments, transmits most or all visible light when cured, and is immediately resistant to precipitation upon application); floor seam sealers; products designed exclusively for automotive uses; sealers that are applied as continuous coatings; or units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces.
- VI.AAAAAA. “Semi-solid” means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.
- VI.BBBBBB. “Shaving cream” means an aerosol product which dispenses a foam lather intended to be used with a blade, cartridge razor, or other wet-shaving system in the removal of facial or other bodily hair. Shaving cream does not include shaving gel.
- VI.CCCCCC. “Shaving gel” means an aerosol product which dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. Shaving gel does not include shaving cream.
- VI.DDDDDD. “Silicone-based multi-purpose lubricant” means any lubricant that is designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane and is designed and labeled for general purpose lubrication or for use in a wide variety of applications. Silicone-based multi-purpose lubricant does not include products designed and labeled exclusively to release manufactured products from molds.
- VI.EEEEE. “Single phase aerosol air freshener” means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.
- VI.FFFFFFF. “Solid” means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1 (2012).
- VI.GGGGGG. “Special purpose spray adhesive” means an aerosol adhesive that meets any of the following definitions:
- VI.GGGGGG.1. Mounting adhesive: designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (e.g., paper, board, cloth) without causing discoloration to the artwork.
- VI.GGGGGG.2. Flexible vinyl 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 to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 (2011) or from product formulation data.
- VI.GGGGGG.3. Polystyrene foam adhesive: designed to bond polystyrene foam to substrates.

- VI.GGGGGG.4. Automobile headliner adhesive: designed to bond together layers in motor vehicle headliners.
- VI.GGGGGG.5. Polyolefin adhesive: designed to bond polyolefins to substrates.
- VI.GGGGGG.6. Laminate repair/edgebanding adhesive: designed for the touch-up or repair (e.g., lifted edges, delaminations) of items laminated with high pressure laminates (i.e., temperatures exceeding 265°F and pressures between 1,000 and 1,400 psi) or for the touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals.
- VI.GGGGGG.7. Automotive engine compartment 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.
- VI.HHHHHH. "Spot remover" means any product labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing that does not require subsequent laundering to achieve stain removal. Spot remover does not include dry cleaning fluid, laundry prewash, or multi-purpose solvent.
- VI.IIIIII. "Spray buff product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.
- VI.JJJJJJ. "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC.
- VI.KKKKKK. "Temporary hair color" means any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed. Temporary hair color includes hair color mousses and products labeled to add texture or thickness to cover thinning/balding areas. Temporary hair color does not include hair spray, hair styling product, or hair mousse.
- VI.LLLLLL. "Thermoplastic rubber coating and mastic" means a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to, fillers, pigments, and modifying resins.
- VI.MMMMMM. "Tire sealant and inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
- VI.NNNNNN. "Toilet/urinal care product" means any product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote locations, and toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. Toilet/urinal care product does not include bathroom and tile cleaner or general purpose cleaner.
- VI.OOOOOO. "Type A propellant" means a compressed gas such as CO₂, N₂, N₂O, or compressed air which is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.

- VI.PPPPPP. "Type B propellant" means any halocarbon which is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).
- VI.QQQQQQ. "Type C propellant" means any propellant which is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).
- VI.RRRRRR. "Undercoating" means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound and includes, but is not limited to, rubberized, mastic, or asphaltic products.
- VI.SSSSSS. "Usage directions" means the text or graphics on the product label or accompanying literature that describes to the end user how and in what quantity the product is to be used.
- VI.TTTTTT. "Vinyl/fabric/leather/polycarbonate coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.
- VI.UUUUUU. "Wasp and hornet insecticide" means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.
- VI.VVVVVV. "Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. Waterproofer does not include fabric protectants.
- VI.WWWWWW. "Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics) and includes, but is not limited to, substances derived from the secretions of plants and animals such as carnuba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.
- VI.XXXXXX. "Web spray adhesive" means any aerosol adhesive that is not a mist spray adhesive or special purpose spray adhesive.
- VI.YYYYYY. "Wood cleaner" means a product labeled to clean wooden materials and includes, but is not limited to, decking, fences, flooring, logs, cabinetry, and furniture. Wood cleaner does not include dusting aid, general purpose cleaner, furniture maintenance product, floor wax stripper, floor polish or wax, or products designed and labeled exclusively to preserve or color wood.
- VI.ZZZZZZ. "Wood floor wax" means wax-based products for use solely on wood floors.
- VI.AAAAAA. "Zinc-rich primer" means a coating that contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids and is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings. Zinc-rich primers must be labeled in accordance with Part B, Section III.D.10.

PART B CONCERNING ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

I. Applicability

I.A. This part applies to any person who supplies, sells, offers for sale, or manufacturers any architectural or industrial maintenance coating and any person who applies or solicits the application of any architectural or industrial maintenance coating in

I.A.1. The 8-hour Ozone Control Area.

I.A.2. (State Only) Colorado. As marked by (State Only), the requirements are not federally enforceable.

I.B. This part does not apply to

I.B.1. Any architectural or industrial maintenance coating that is sold, supplied, offered for sale, or manufactured for use outside Colorado or shipped to other manufacturers for reformulation or repackaging.

I.B.2. Any aerosol coating product.

I.B.3. Any architectural or industrial maintenance coating that is sold in a container with a volume of one liter (1.057 quart) or less, including kits containing containers of different colors, types, or categories of coatings and two component products. This exemption includes multiple containers or one liter or less that are packaged and shipped together with no intent or requirement to ultimately sell as one unit. This exemption does not include bundling of containers one liter or less that are sold together as a unit or any type of marketing that implies that multiple containers one liter or less be combined into one container. This exemption does not include packaging from which the coating cannot be applied.

II. Standards

II.A. On or after May 1, 2020, no person can manufacture or blend for sale in Colorado any architectural or industrial maintenance coating with a VOC content in excess of the VOC limit specified in Table 1.

II.B. No person can supply, sell, offer for sale, repackage for sale, apply, or solicit for application in Colorado any architectural or industrial maintenance coating that is manufactured or blended on or after May 1, 2020, with a VOC content in excess of the VOC limit specified in Table 1.

II.C. If an architectural or industrial maintenance coating is recommended for use for more than one of the coating categories listed in Table 1, then the most restrictive VOC content limit shall apply. This provision does not apply to the following coating categories

II.C.1. Aluminum roof coatings.

II.C.2. Bituminous roof primers.

II.C.3. High temperature coatings.

II.C.4. Industrial maintenance coatings.

- II.C.5. Low-solids coatings.
- II.C.6. Metallic pigmented coatings.
- II.C.7. Pretreatment wash primers.
- II.C.8. Shellacs.
- II.C.9. Specialty primers, sealers, and undercoaters.
- II.C.10. Wood coatings.
- II.C.11. Wood preservatives.
- II.C.12. Zinc-rich primers.
- II.C.13. Calcimine recoaters.
- II.C.14. Impacted immersion coatings.
- II.C.15. Nuclear coatings.
- II.C.16. Thermoplastic rubber coatings and mastic.
- II.C.17. Concrete surface retarders.
- II.D. For any architectural or industrial maintenance coating that is not identified in Table 1, the VOC content limit will be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high gloss coating and the corresponding coating limit of Table 1 applies.
- II.E. No person who applies or solicits the application of any architectural or industrial maintenance coating can apply the coating if additional solvent has been added to thin the coating such that the addition causes the coating to exceed the applicable VOC limit specified in Table 1.
- II.F. Containers of architectural and industrial maintenance coatings that are applied directly to a surface from the container by pouring, siphoning, brushing, rolling, padding, ragging, or other means must be closed when not in use. These containers include, but are not limited to, drums, buckets, cans, pails, trays, or other application containers. Containers of any VOC-containing materials used for thinning and cleanup must also be closed when not in use.

Table 1 – VOC content limits for architectural and industrial maintenance coatings manufactured on or after May 1, 2020	
Coating category	VOC content limit (grams per liter)*
Flat coatings	50
Nonflat coatings	100
Nonflat – high gloss coatings	150
Specialty coatings	
* Aluminum roof	450

* Basement specialty coatings	400
* Bituminous roof coating	270
* Bituminous roof primers	350
* Bond breakers	350
* Calcimine recoaters	475
Concrete curing compounds	350
Concrete/masonry sealer	100
Concrete surface retarders	780
Conjugated oil varnishes	450
Conversion varnish	725
Driveway sealers	50
Dry fog coatings	150
Faux finishing coatings	350
Fire-resistive coatings	350
Floor coatings	100
Form-release compounds	250
Graphic arts coating (sign paints)	500
High temperature coatings	420
Impacted immersion coatings	780
Industrial maintenance coatings	250
Low-solids coatings	120
Magnesite cement coatings	450
Mastic texture coatings	100
Metallic pigmented coatings	500
Multi-color coating	250
Nuclear coatings	450
Pre-treatment wash primers	420
Primers, sealers, and undercoaters	100
Reactive penetrating sealer	350
Reactive penetrating carbonate stone sealer	500
Recycled coatings	250
Roof coatings	250
Rust preventative coatings	250
Shellacs	
* Clear	730

* Opaque	550
Specialty primers, sealers, and undercoaters	100
Stains	250
Stone consolidant	450
Swimming pool coatings	340
Thermoplastic rubber coatings and mastics	550
Traffic marking coatings	100
Tub and tile refinish	420
Waterproofing membranes	250
Wood coatings	275
Wood preservatives	350
Zinc-rich primer	340

* Limits are expressed as VOC content, as determined in accordance with Section V., thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

III. Container labeling

- III.A. The manufacturer of any architectural or industrial maintenance coating subject to a VOC limit in Table 1 must clearly display on the container label, lid, or bottom such that it is readily observable without disassembling the container or package the date the coating was manufactured or a date code representing the date of manufacture. The date or date code must be displayed on the product such that it is readily observable without removing or disassembling any portion of the product container or packaging.
- III.B. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label or lid a statement of the manufacturer's recommendation regarding thinning of the coating. This requirement does not apply to the thinning of coatings with water. If thinning is not necessary prior to use, the recommendation must specify that the coating is to be applied without thinning.
- III.C. The manufacturer of any architectural or industrial maintenance coating must clearly display on the container label, lid, or bottom the VOC content in grams per liter of coating. If the manufacturer recommends thinning, the container must display the VOC content including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredient that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.
- III.D. The manufacturer must clearly display on the container label
 - III.D.1. For any industrial maintenance coating, at least one of the following statements
 - III.D.1.a. "For industrial use only"
 - III.D.1.b. "For professional use only"

- III.D.1.c. "Not for residential use" or "Not intended for residential use"
- III.D.2. For any specialty primer, sealer, or undercoating, at least one of the following statements
 - III.D.2.a. "For blocking stains"
 - III.D.2.b. "For fire-damaged substrates"
 - III.D.2.c. "For smoke-damaged substrates"
 - III.D.2.d. "For water-damaged substrates"
- III.D.3. For any clear topcoat faux finishing coating, "This product can only be sold or used as part of a faux finishing coating system."
- III.D.4. For any clear brushing lacquer, "For brush application only" and "This product must not be thinned or sprayed."
- III.D.5. For any non-flat high-gloss coating, "High gloss."
- III.D.6. For any rust preventative coating, "For metal substrates only."
- III.D.7. For any reactive penetrating sealer, "Reactive penetrating sealer."
- III.D.8. For any stone consolidant, "Stone consolidant – for professional use only."
- III.D.9. For any wood coating, "For wood substrates only."
- III.D.10. For any zinc-rich primer, at least one of the following statements
 - III.D.10.a. "For industrial use only"
 - III.D.10.b. "For professional use only"
 - III.D.10.c. "Not for residential use" or "Not intended for residential use"

IV. Reporting

- IV.A. Within 180 days of written notice, the Division may require a manufacturer to report any of the following information for any architectural or industrial maintenance coating subject to a VOC limit in Table 1
 - IV.A.1. The name and mailing address of the manufacturer.
 - IV.A.2. The name, address, and telephone number of a contact person.
 - IV.A.3. The name of the coating product as it appears on the label and the application coating category.
 - IV.A.4. Whether the product is marketed for interior or exterior use or both.
 - IV.A.5. Whether the product is marketed as solvent-borne, waterborne, or 100% solids.
 - IV.A.6. Whether the coating is a single-component or multi-component product.

- IV.A.7. The description of resin or binder in the product.
- IV.A.8. The number of gallons sold in Colorado in containers greater than one liter (1.057 quart) and in containers equal to or less than one liter (1.057 quart).
- IV.A.9. The VOC content in grams per liter as determined in accordance with Section V. If thinning is recommended, the VOC content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC Content as mixed or catalyzed.
- IV.A.10. The names and CAS numbers of the VOC constituents in the product.
- IV.A.11. The names and CAS numbers of the VOC constituents in the product that are exempted from the definition of VOC.
- IV.A.12. The density of the product in pounds per gallon.
- IV.A.13. The percent by weight of solids, all volatile materials, water, and any compounds in the product that are exempted from the definition of VOC.
- IV.A.14. The percent by volume of solids, water, and any compounds in the product that are exempted from the definition of VOC.
- IV.A.15. Documentation explaining the date portion of the date code indicating the date of manufacture.

V. Test methods

V.A. Manufacturers of architectural or industrial maintenance coatings must possess documentation that such coating complies with the VOC content limits in Table 1.

V.A.1. The VOC content of a coating will be determined as follows

V.A.1.a. For coatings that are low solids coatings

$$\text{VOC content} = (W_s - W_w - W_{ec})/V_m$$

Where:

VOC content = grams of VOC per liter of coating (must include the maximum amount of thinning solvent recommended by the manufacturer)

W_s = weight of volatiles in grams

W_w = weight of water in grams

W_{ec} = weight of exempt compounds in grams

V_m = volume of coating in liters

V.A.1.b. For coatings that are not low solids coatings

$$\text{VOC content} = (W_s - W_w - W_{ec})/(V_m - V_w - V_{ec})$$

Where:

VOC content = grams of VOC per liter of coating (must include the maximum amount of thinning solvent recommended by the manufacturer)

Ws = weight of volatiles in grams

Ww = weight of water in grams

Wec = weight of exempt compounds in grams

Vm = volume of coating in liters

Vw = volume of water in liters

Vec = volume of exempt compounds in liters

V.A.1.b.(i) The VOC content of multi-component products must be calculated as mixed or catalyzed.

V.A.1.b.(ii) The VOC content of coatings containing silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process must include the VOCs emitting during curing.

V.A.1.c. The VOC content of a tint base must be determined without colorant that is added after the tint base is manufactured.

V.A.2. The physical properties of a coating must be determined using EPA Method 24 (40 CFR Part 60, Appendix A) (February 27, 2014) or SCAQMD Method 303-91 "Determination of Exempt Compounds" (revised 1993).

V.A.3. The exempt compounds content of a coating must be determined using ASTM D 3960-05 "Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings" (2018), SCAQMD Method 303-91 "Determination of Exempt Compounds" (revised 1993), BAAQMD Method 43 "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials" (adopted 1996) or BAAQMD Method 41 "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride" (adopted 1995).

V.A.4. The VOC content of a coating must be determined using EPA Method 24 (40 CFR Part 60, Appendix A) (February 27, 2014), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping). If there are inconsistencies between EPA Method 24 results and other means for determining VOC content, the Method 24 results will govern.

V.A.5. The analysis of methacrylate multicomponent coatings used as traffic marking coatings will be conducted according to a modification of EPA Method 24 "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings" (40 CFR 59, subpart D, Appendix A) (September 11, 1998).

VI. Definitions

- VI.A. "8-Hour Ozone Control Area" means the Counties of Adams, Arapahoe, Boulder (includes part of Rocky Mountain National Park), Douglas, and Jefferson; the Cities and Counties of Denver and Broomfield; and the following portions of the Counties of Larimer and Weld:
- VI.A.1. For Larimer County (includes part of Rocky Mountain National Park), that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.
- VI.A.2. For Weld County, that portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.
- VI.B. "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.
- VI.C. "Aerosol coating product" means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- VI.D. "Aluminum roof coating" means a coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996).
- VI.E. "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways; fixed ladders; catwalks and fire escapes; and window screens.
- VI.F. "Architectural coating" means a coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Architectural coating does not include coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, as well as adhesives.

- VI.G. “Basement specialty coating” means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement specialty coatings must be capable of withstanding at least 10 psi of hydrostatic pressure as determined in accordance with ASTM D7088-04 “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry” (2017) and must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more as determined in accordance with ASTM D3273-00 “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber” (2016) and ASTM D3274-95 “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation” (2017).
- VI.H. “Bitumens” means black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- VI.I. “Bituminous roof coating” means a coating which incorporates bitumens that is labeled and formulated exclusively for roofing for the primary purpose of preventing water penetration.
- VI.J. “Bituminous roof primer” means a primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.
- VI.K. “Bond breaker” means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- VI.L. “Calcimine recoaters” means a flat solvent borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.
- VI.M. “Coating” means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- VI.N. “Colorant” means a concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- VI.O. “Concrete curing compound” means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water or harden or dustproof the surface of freshly poured concrete.
- VI.P. “Concrete/masonry sealer” means a clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to prevent penetration of water; provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or harden or dustproof the surface of aged or cured concrete.

- VI.Q. "Concrete surface retarders" means a mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.
- VI.R. "Conjugated oil varnish" means a clear or semi-transparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (Tung oil) and modified with other natural or synthetic resins; a minimum of fifty percent of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.
- VI.S. "Conversion varnish" means a clear acid curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. This film formation is the result of an acid-catalyzed condensation reaction, affecting transesterification at the reactive ethers of the amino resins.
- VI.T. "Driveway sealer" means a coating labeled and formulated for application to worn asphalt driveway surfaces to fill cracks, seal the surface to provide protection, or restore or preserve the appearance.
- VI.U. "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- VI.V. "Faux finishing coating" means a coating labeled and formulated to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain; a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); a metallic appearance that contains greater than 48 grams of elemental metallic pigment (determined in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996)) per liter of coating as applied (0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions; or a clear topcoat to seal and protect a faux finishing coating. These clear topcoats must be sold and used solely as part of a faux finishing coating system.
- VI.W. "Fire-resistive coating" means a coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials and includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating must be tested in accordance with ASTM Designation E 119-08 "Standard Test Methods for Fire Tests of Building Construction and Materials" (2018).
- VI.X. "Flat coating" means a coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than five on a 60-degree meter according to ASTM D 523-89 "Standard Test Method for Specular Gloss" (1999).

- VI.Y. "Floor coating" means an opaque coating that is labeled and designed for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- VI.Z. "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.
- VI.AA. "Graphic arts coating or sign paint" means a coating labeled and formulated for hand application by artists using brush, airbrush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.
- VI.BB. "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204 degrees C (400 degrees F).
- VI.CC. "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water.
- VI.DD. "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, and exposed to one or more of the following extreme environmental conditions: immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation; acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; frequent exposure to temperatures above 121°C (250°F); frequent heavy abrasion, including mechanical wear and scrubbing with industrial solvents, cleansers, or scouring agents; or exterior exposure of metal structures and structural components. Industrial maintenance coatings must be labeled as specified in Part B, Section III. D.1.
- VI.EE. "Low-solids coating" means a coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer.
- VI.FF. "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- VI.GG. "Manufacturer's maximum thinning recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.
- VI.HH. "Mastic texture coating" means a coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.
- VI.II. "Medium density fiberboard (MDF)" means a composite wood product, panel, molding, or other building material composed of cellulosic fibers made by dry forming and pressing of resonated fiber mat.

- VI.JJ. "Metallic pigmented coating" means a coating that is labeled and formulated to provide a metallic appearance. Metallic pigmented coatings must contain containing at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction" (July 1996). The Metallic pigmented coating category does not include coatings applied to roofs or zinc rich primers.
- VI.KK. "Multi-color coating" means a coating that is packaged in a single container and that is labeled and formulated to exhibits more than one color when applied in a single coat.
- VI.LL. "Non-flat coating" means a coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D 523-89 "Standard Test Method for Specular Gloss" (1999).
- VI.MM. "Non-flat - high gloss coating" means a non-flat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D 523-89 "Standard Test Method for Specular Gloss" (1999).
- VI.NN. "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long term (service life) cumulative radiation exposure according to ASTM Method 4082-02 "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants" (2017), relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed according to ASTM Method D 3912-95 "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants" (2001).
- VI.OO. "Particleboard" means a composite wood product panel, molding, or other building material composed of cellulosic material in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.
- VI.PP. "Pearlescent" means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.
- VI.QQ. "Plywood" means a panel product consisting of layers of wood veneers or composite core pressed together with resin.
- VI.RR. "Post-consumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.
- VI.SS. "Pre-treatment wash primer" means a primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D 1613-06 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products" (2017), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

- VI.TT. "Primer, sealer, and undercoater" means a coating labeled and formulated to provide a firm bond between the substrate and the subsequent coatings; prevent subsequent coatings from being absorbed by the substrate; prevent harm to subsequent coatings by materials in the substrate; provide a smooth surface for the subsequent application of coatings; provide a clear finish coat to seal the substrate; or block materials from penetrating into or leaching out of a substrate.
- VI.UU. "Reactive penetrating sealer" means a clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including but not limited to, alkalis, acids, and salts. Reactive penetrating sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive penetrating sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive penetrating sealers must improve water repellency at least 80 percent after application on a concrete or masonry substrate, as verified on standardized test specimens in accordance with one or more of ASTM C67-07 "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile" (2018), ASTM C97-02 "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone" (2018), or ASTM C140-06 "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units" (2018); must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate, as verified on standardized test specimens in accordance with ASTM E96/E96M-05 "Standard Test Method for Water Vapor Transmission of Materials" (2016); and products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 "Concrete Sealers for the Protection of Bridge Structures" (1981).
- VI.VV. "Reactive penetrating carbonate stone sealer" means a clear or pigmented coating that is labeled and formulated for application to above-grade carbonate stone substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive penetrating carbonate stone sealers must penetrate into carbonate stone substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrates. Reactive penetrating carbonate stone sealers line the pores of carbonate stone substrates with a hydrophobic coating but do not form a surface film. Reactive penetrating carbonate stone sealers must improve water repellency at least 80 percent after application on a carbonate stone substrate, as verified in accordance with ASTM C67-07 "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile" (2018), ASTM C97-02 "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone" (2018), or ASTM C140-06 "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units" (2018), and must not reduce the water vapor transmission rate by more than 10 percent after application on a carbonate stone substrate, as verified in accordance with ASTM E96/E96M-05 "Standard Test Method for Water Vapor Transmission of Materials" (2016).
- VI.WW. "Recycled coating" means an architectural coating formulated such that it contains a minimum of 50% by volume post-consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.
- VI.XX. "Residential" means areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

- VI.YY. "Roof coating" means a non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration of the substrate by water, reflecting heat and ultraviolet light, or reflecting solar radiation. Metallic pigmented roof coatings, which qualify as metallic pigmented coatings, are considered to be in the metallic pigmented coatings category.
- VI.ZZ. "Rust preventive coating" means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces for direct-to-metal coating or application over rusty, previously coated surfaces. The rust preventative category does not include coatings that are required to be applied as a topcoat over a primer or coatings that are intended for use on wood or any other nonmetallic surface.
- VI.AAA. "Secondary industrial materials" means a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value including products or byproducts of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended use, but does not include excess virgin resources of the manufacturing process.
- VI.BBB. "Semi-transparent coating" means a coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.
- VI.CCC. "Shellac" means a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.
- VI.DDD. "Shop application" means application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process.
- VI.EEE. "Solicit" means to require for use or to specify, by written or oral contract.
- VI.FFF. "Specialty primer, sealer, and undercoater" means a coating that is formulated for application to a substrate to block water-soluble stains resulting from: fire damage, smoke damage, or water damage.
- VI.GGG. "Stain" means a semi-transparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.
- VI.HHH. "Stone consolidant" means a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material and be specified and used in accordance with ASTM E2167-01 "Standard Guide for Selection and Use of Stone Consolidants" (2008).
- VI.III. "Swimming pool coating" means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals and includes coatings used for swimming pool repair and maintenance.
- VI.JJJ. "Thermoplastic rubber coating and mastic" means a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to, fillers, pigments, and modifying resins.

- VI.KKK. "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.
- VI.LLL. "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.
- VI.MMM. "Tub and tile refinish coating" means a clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and tile refinish coatings must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder, as determined on bonderite 1000 in accordance with ASTM D3363-05 "Standard Test Method for Film Hardness by Pencil Test" (2011); a weight loss of 20 milligrams or less after 1000 cycles, as determined with CD-17 wheels on bonderite 1000 in accordance with ASTM D4060-07 "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser" (2014); withstand 1000 hours or more of exposure with few or no #8 blisters, as determined on unscribed bonderite in accordance with ASTM D4585-99 "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" (2018) and ASTM D714-02e1 "Standard Test Method for Evaluating Degree of Blistering of Paints" (2017); and have an adhesion rating of 4B or better after 24 hours of recovery, as determined on inscribed bonderite in accordance with ASTM D4585-99 "Standard Test Methods for Abrasion Resistance of Coatings Using Controlled Condensation" (2018) and ASTM D3359-02 "Standard Test Methods for Measuring Adhesion by Tape Test" (2017).
- VI.NNN. "Veneer" means thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.
- VI.OOO. "Virgin materials" means materials that contain no post-consumer coatings or secondary industrial coatings.
- VI.PPP. "Waterproofing membrane" means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate and does not include topcoats in the concrete/masonry sealer category. Waterproofing membranes are intended for below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing membranes must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness and meet or exceed the requirements contained in ASTM C836-06 "Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course" (2018). Waterproofing membranes do not include topcoats that are included in the concrete/masonry sealer category (e.g., parking deck topcoats, pedestrian topcoats, etc.)
- VI.QQQ. "Wood coatings" means coatings labeled and formulated for application to wood substrates only. The wood coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The wood coatings category includes the following opaque wood coatings; opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. Wood coatings does not include clear sealers that are labeled and formulated for use on concrete/masonry surfaces or coatings intended for substrates other than wood.
- VI.RRR. "Wood preservative" means a coating labeled and formulated to protect exposed wood from decay or insect attack that is registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136, et. seq. (1996)).

VI.SSS. "Wood substrate" means a substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

VI.TTT. "Zinc-rich primer" means a coating that contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids and is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings. Zinc-rich primers must be labeled in accordance with Section III.D.10.

PART C STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

I. Adopted: July 18, 2019

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedure Act §24-4-103, the Colorado Air Pollution Prevention and Control Act §§25-7-110 and 25-7-110.5, and the Air Quality Control Commission's (Commission) Procedural Rules.

Basis

On May 4, 2016, the U.S. Environmental Protection Agency (EPA) published a final rule that determined that Colorado's Marginal ozone nonattainment area failed to attain the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). EPA, therefore, reclassified the Denver Metro North Front Range (DMNFR) area to Moderate and required attainment of the NAAQS no later than July 20, 2018.

In 2015, EPA revised the ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm. On June 4, 2018, EPA published a final rule that classified the DMNFR as a Marginal ozone nonattainment area for the 2015 8-hour ozone NAAQS, with an attainment date of August 3, 2021.

In a continued effort to reduce ozone precursor emissions and achieve the ozone NAAQS, the Commission adopted a new Regulation Number 21 to establish VOC content limits for consumer products and AIM coatings manufactured and/or sold in Colorado. The Ozone Transport Commission (OTC) model rules, which are the basis for this rule, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D (1998). Therefore, these standards will reduce VOC emissions from consumer products and AIM coatings and contribute to attaining and maintaining the ozone NAAQS in Colorado.

Specific Statutory Authority

The Colorado Air Pollution Prevention and Control Act, §§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., authorize the Commission to promulgate a comprehensive State Implementation Plan (SIP) to assure attainment and maintenance of national ambient air quality standards in conformance with the Federal and Colorado Acts. Sections 105(1)(b) and 109 authorize the Commission to establish emission control regulations, including pertaining to hydrocarbons. Section 106(1) authorizes the Commission to establish emission control regulations applicable to the entire state or only within specified areas of the state. Section 106(6) authorizes the Commission to require owners or operators of any air pollution source to establish and maintain reports and record, monitor, and sample emissions. Section 109(2) authorizes the Commission to adopt emission control regulations to reduce emissions of various pollutants, including chemical substances.

Purpose

Consumer products include, for example, adhesives, air-fresheners, cleaners, hair products, and insecticides. AIM coatings include, for example, coatings applied to stationary structures, portable buildings, pavements, or curbs.

The Commission adopted VOC standards in the OTC model rules for consumer products and AIM coatings manufactured, distributed, or sold in Colorado. The standards as applied in the DMNFR are included in Colorado's ozone State Implementation Plan (SIP) and in the remainder of the state as state-only requirements. Specifically, the Commission adopted VOC standards in the OTC AIM coatings model rule phase II (2014) and VOC standards in the OTC consumer products model rule phase IV (2013). The OTC model rules are based on the California Air Resources Board (CARB) standards. CARB develops standards based on technical information and extensive survey data, which is also used to determine compliance with the standards. The Commission adopted definitions, exemptions, labeling, and recordkeeping provisions based on the OTC model rules. The Commission intends that the adopted definitions have the same meanings as in the OTC model rules.

Consumer Products

The Commission adopted VOC content limits, labeling, and reporting provisions for consumer products based on the OTC model rule phase IV. The OTC has also published consumer products models rules phases I, II, III, and V. The OTC model rule phase V was only published in 2018. The Commission adopted Regulation Number 21 based on the OTC model rule phase IV due to the current implementation of this phase by some states, notably by Utah, and the potential increase in VOC emission reductions over EPA's national rule.

The OTC model rule includes provisions to regulate two chemical substances – methylene chloride and perchloroethylene – which are defined as “negligibly reactive volatile organic compounds.” Therefore, these chemicals would not achieve VOC, thus ozone, reductions as part of Colorado's ozone SIP. The provisions that regulate these chemicals are considered optional in the OTC Model rules and the Commission decided not to adopt the provisions for methylene chloride and perchloroethylene at this time. The Commission directs the division to investigate the costs and benefits of these additional provisions from a health perspective, and to brief the Commission on their findings as soon as practicable.

AIM Coatings

The Commission adopted VOC content limits, labeling, and reporting provisions for AIM coatings based on the OTC model rule phase II. The OTC has also published an AIM coatings model rule phase I. As with consumer products, Regulation Number 21 is based on the OTC model rule phase II due to the potential increase in VOC emission reductions over EPA's national rule. Further, the OTC model rule phase II is based on California's 2006 standards, which are also being implemented by other states.

Given the need for ozone precursor reductions in the 2020 summer ozone months, the Commission adopted ambitious, but achievable, implementation schedules for the consumer products and AIM coatings VOC content limits. This schedule combined with the sell-through opportunities allows adequate time to reformulate, relabel, and/or redistribute products in order to comply.

Additional Considerations

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. The CAA does not expressly address all of the provisions adopted by the Commission. Rather, federal law establishes the 8-hour ozone NAAQS and requires Colorado to develop a SIP adequate to attain the NAAQS. Therefore, the Commission adopted Regulation Number 21 to make progress towards attainment of the 2008 and 2015 8-hour ozone NAAQS. These revisions do not exceed or differ from the federal act due to state flexibility in developing nonattainment area SIPs. In addition, EPA's national rules, promulgated in 1998, do not limit states from developing more stringent levels of control to attain the ozone standard. However, in accordance with C.R.S. § 25-7-110.5(5)(b), the Commission nonetheless determines:

- (I) In 1998, EPA established national standards to reduce VOC emissions from architectural coatings and consumer products. EPA's national rules do not limit states from developing more stringent levels of control to attain the ozone standard. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules in 40 CFR Part 59, Subparts C and D.
- (II) The federal rules discussed in (I) are primarily technology-based in that the rules largely prescribe the use of specific VOC contents in order to comply. The federal rules provide flexibility by allowing reformulation to meet the VOC content limits. The federal rules also provide some product and quantity exemptions.
- (III) The CAA establishes the 8-hour ozone NAAQS and requires Colorado to develop SIP revisions that will ensure attainment of the NAAQS. The ozone NAAQS was not determined taking into account concerns unique to Colorado. EPA's 1998 federal consumer products and architectural coatings rules also do not take into account concerns unique to Colorado or limit Colorado from adopting more stringent standards. The OTC model rules, which are the basis for the division's proposal, achieve additional VOC reductions over EPA's national rules.
- (IV) Colorado must attain the 2008 ozone NAAQS as well as the lower 2015 ozone NAAQS. The adopted VOC standards, based on the OTC consumer products model rule phase four and AIM coatings model rule phase two rather than less stringent OTC model rules, may prevent or reduce the need for the regulated community to meet more stringent requirements later.
- (V) Colorado's attainment date under the 2008 ozone NAAQS, as a Moderate ozone nonattainment area, was July 2018, and if reclassified to Serious, Colorado's attainment date will be July 2021. Colorado's attainment date under the 2015 ozone NAAQS is August 2021. There are no timing issues that might justify changing these time frames.
- (VI) The requirements in Regulation Number 21 address VOC emissions from consumer products and AIM coatings in a cost-effective manner, allowing for continued economic growth in Colorado.
- (VII) The requirements in Regulation Number 21 establish reasonable equity for sources of VOC by providing the same categorical standards for the various consumer product and AIM coatings categories.
- (VIII) Because Colorado did not attain the 2008 ozone NAAQS by July 2018, EPA will likely reclassify Colorado as a Serious ozone nonattainment area, which automatically reduces the major source thresholds from 100 tons per year of VOC and NOx to 50 tons per year; thus subjecting more sources to permitting and categorical RACT requirements. If Colorado does not attain the 2015 ozone NAAQS by August 2021, EPA will likely reclassify Colorado as a Moderate ozone nonattainment area under the 2015 ozone NAAQS. If EPA does not approve Colorado's SIP, EPA may promulgate a Federal Implementation Plan for Colorado. These potential outcomes may subject others to increased costs.
- (IX) The requirements in Regulation Number 21 include minimal monitoring, recordkeeping, and procedural requirements that correlate to requirements in the OTC model rules.
- (X) Demonstrated technology is available to comply with the standards in Regulation Number 21. These standards are being implemented in other states and/or ozone nonattainment areas.

- (XI) As set forth in the Economic Impact Analysis, the requirements in Regulation Number 21 contribute to the prevention of ozone in a cost-effective manner.
- (XII) Although alternative rules could also provide reductions in ozone and help to attain the NAAQS, the Commission determined that the division's proposal was reasonable and cost-effective.

As part of adopting Regulation Number 21, the Commission has taken into consideration each of the factors set forth in C.R.S. § 25-7-109(1)(b).

Colorado must continue to reduce ozone concentrations to attain both the 2008 ozone NAAQS and the 2015 ozone NAAQS. However, to the extent that C.R.S. § 25-7-110.8 requirements apply to this rulemaking, and after considering all the information in the record, the Commission hereby makes the determination that:

- (I) These rules are based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties.
- (II) Evidence in the record supports the finding that the rules shall result in a demonstrable reduction of the ozone precursor VOC.
- (III) Evidence in the record supports the finding that the rules shall bring about reductions in risks to human health and the environment that justify the costs to implement and comply with the rules.
- (IV) The rules are the most cost-effective to achieve the necessary and desired results, provide the regulated community flexibility, and achieve the necessary reduction in air pollution.
- (V) The rule will maximize the air quality benefits of regulation in the most cost-effective manner.

Editor's Notes

History

New rule eff. 09/14/2019.