

RULE 1143. CONSUMER PAINT THINNERS AND MULTIPURPOSE SOLVENTS

(a) Purpose

The purpose of this rule is to reduce emissions of Volatile Organic Compounds (VOCs) and toxics from the use, storage, and disposal of Consumer Paint Thinners and Consumer Multipurpose Solvents commonly used in thinning of coating materials, cleaning of coating application equipment, and other Solvent Cleaning operations by limiting their VOC Content.

(b) Applicability

This rule is applicable to any Person who supplies, sells, offers for sale, manufactures, blends, distributes, packages, or repackages Consumer Paint Thinners and Consumer Multipurpose Solvents for use in the South Coast AQMD, as well as any Person who uses or Solicits the use of any Consumer Paint Thinners and Consumer Multipurpose Solvents within the South Coast AQMD.

(c) Definitions

- (1) ARTIST SOLVENTS/THINNERS mean any liquid products that meet and are labeled to meet the requirements of ASTM D4236 Standard Practice for Labeling Art Materials for Chronic Health Hazards, which is incorporated by reference herein, and have been refined to remove impurities for artistic use for the purpose of reducing the viscosity of, or removing, art coating compositions or components. Artist Solvents/Thinners do not include commercial-grade Solvents or thinners.
- (2) CHEMICAL ABSTRACTS SERVICE REGISTRATION NUMBER (CAS RN) means a unique numerical identifier assigned by the Chemical Abstracts Service to a single chemical substance to ensure unambiguous identification.
- (3) CONSUMER MULTIPURPOSE SOLVENTS mean any liquid products designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials, for personal, family, household, or institutional use including, but not limited to, the following:

- (c) (3) (A) Products that do not display specific use instructions on the product container or packaging;
- (B) Products that do not specify an end-use function or application on the product container or packaging;
- (C) Solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories;
- (D) “Paint clean-up” products, which means any liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from substrates, including, but not limited to, painting equipment, painting tools, plastic substrates, or metal substrates; and
- (E) Products labeled to prepare surfaces for painting.
- (4) CONSUMER PAINT THINNERS mean any liquid products used for reducing the viscosity of coatings or components for personal, family, household, or institutional use, including, but not limited to, products that prominently display the term “Paint Thinner,” “Lacquer Thinner,” “Thinner,” or “Reducer” on the front panel of its packaging.
- (5) DISTRIBUTOR means any Person to whom consumer products are sold or supplied for the purposes of resale or distribution in commerce, except that Manufacturers, Retail Outlets, and consumers are not Distributors.
- (6) EXECUTIVE OFFICER is as defined in Rule 102 – Definition of Terms.
- (7) EXEMPT COMPOUND is as defined in Rule 102, including Group I and Group II Exempt Compounds.
- (8) FORMULATION DATA means the actual product recipe which itemizes all of the ingredients and the percent by weight of each ingredient contained in a product, including VOCs. Safety Data Sheets are not considered Formulation Data.

- (c) (9) GRAMS OF VOC PER LITER (g/L) OF MATERIAL or ACTUAL VOC mean the weight of VOC per volume of material and can be calculated by the following equation:

$$\text{Actual VOC (g/L)} = \frac{W_v - W_w - W_{ex}}{V_m}$$

W_v = Weight of volatile compounds in grams

Where:

W_w = Weight of water in grams

W_{ex} = Weight of Exempt Compounds in grams

V_m = Volume of the material in liters

- (10) INDUSTRIAL MAINTENANCE COATINGS mean coatings, including primers, sealers, undercoaters, intermediate coatings, and topcoats, formulated for or applied to substrates, including floors that are exposed to one or more of the following extreme environmental conditions:
- (A) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
 - (B) Acute or chronic exposure to corrosive, caustic or acidic agents, or similar chemicals, chemical fumes, chemical mixtures, or solutions;
 - (C) Repeated exposure to temperatures in excess of 250 degrees Fahrenheit;
 - (D) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial Solvents, cleaners, or scouring agents; or
 - (E) Exterior exposure of metal structures.
- (11) LACQUER THINNERS mean Solvents that are manufactured for the purpose of thinning, diluting, dissolving, and for clean-up of lacquer coatings.
- (12) MANUFACTURER means any Person, company, firm, or establishment who imports, manufactures, blends, assembles, produces, packages, repackages, or re-labels a Consumer Paint Thinner or Consumer Multipurpose Solvent. The Manufacturers listed on the product's label shall be primarily responsible for compliance with applicable provisions of this rule. If the label lists two or more Manufacturers, they may mutually designate in writing a Manufacturer responsible for compliance with this rule. That writing shall be filed with the Executive Officer.

- (c) (13) MAXIMUM INCREMENTAL REACTIVITY (MIR) means the measure of the photochemical reactivity of a VOC, which estimates the weight of ozone produced from a weight of VOC expressed as gram of ozone per gram of VOC (g O₃/g VOC). MIR values for individual VOCs are specified in Title 17, California Code of Regulations, Sections 94700 and 94701.
- (14) PERSON is as defined in Rule 102.
- (15) PRINCIPAL DISPLAY PANEL 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.
- (16) PRODUCT-WEIGHTED MIR (PW-MIR) means the sum of all weighted MIR for all ingredients in a product. The PW-MIR is the total product reactivity expressed to hundredths of a gram of ozone formed per gram of product (excluding container and packaging) and calculated according to the following equations:
Weighted MIR (Wtd-MIR) ingredient = MIR x Weight Fraction ingredient
and
$$PW-MIR = (Wtd-MIR)_1 + (Wtd-MIR)_2 + \dots + (Wtd-MIR)_n$$

Where:
$$MIR = \text{ingredient MIR}; \text{ and}$$

$$1, 2, 3, \dots, n = \text{each ingredient in the product up to the total } n \text{ ingredients in the product.}$$
- (17) RESPONSIBLE PARTY for a corporation means a corporate officer or an authorized representative delegated by a corporate officer. Delegation of an authorized representative must be made in writing to the Executive Officer. A Responsible Party for a partnership or sole proprietorship is the general partner or proprietor, respectively.
- (18) RETAIL OUTLET means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.
- (19) SOLICIT means to require for use or to specify, by written or oral contract.
- (20) SOLVENTS include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.
- (21) SOLVENT CLEANING means the removal of adhesives, inks, coatings, and contaminants which include, but are not limited to, dirt, soil, and grease from parts, products, tools, machinery, equipment, and general work areas.

- (c) (22) SOUTH COAST AQMD TEST METHOD means a test method included in the manual of “Laboratory Methods of Analysis for Enforcement Samples,” which can be found on the South Coast AQMD website and are referenced in subdivision (h).
- (23) VOC CONTENT means the total weight of VOC in a product as a mass-based concentration expressed in grams per liter of material (g/L-Material) or pounds per gallon (lb/Gal) or the PW-MIR VOC content expressed as g O₃/g Product.
- (24) VOLATILE ORGANIC COMPOUND (VOC) is as defined in Rule 102.
- (d) Requirements
- (1) No Person shall supply, sell, offer for sale, manufacture, blend, distribute, package, or repackage any Consumer Paint Thinner or Consumer Multipurpose Solvent for use in the South Coast AQMD, unless the Consumer Paint Thinner or Consumer Multipurpose Solvent complies with the applicable VOC Content limits set forth in Table 1:

Table 1 – VOC Content Limits

CATEGORY	Actual VOC Limits	
	g/L-Material	lb/Gal-Material
Consumer Paint Thinner	25	0.21
Consumer Multipurpose Solvent	25	0.21

- (2) Alternative MIR VOC Limit
- In lieu of complying with the VOC limits in paragraph (d)(1), a Person may elect to supply, sell, offer for sale, manufacture, blend, distribute, package, or repackage Consumer Paint Thinners and Consumer Multipurpose Solvents for use within the South Coast AQMD that comply with a PW-MIR limit of 0.38 g O₃/g Product provided the Consumer Paint Thinners and Consumer Multipurpose Solvents meet the labeling requirements specified in paragraphs (e)(3) and (e)(4).
- (3) No Person shall supply, sell, offer for sale, manufacture, blend, distribute, package, or repackage, any Consumer Paint Thinner or Multipurpose

Solvent for use within the South Coast AQMD that contains any of the following chemicals in concentrations greater than the limits indicated:

- (d) (3) (A) 0.01 percent by weight of Group II Exempt Compound, except for cyclic, branched, or linear, completely methylated siloxanes (VMS); or
 - (B) 0.01 percent by weight of para-Chlorobenzotrifluoride (pCBtF, CAS RN 98-56-6), tert-Butyl Acetate (t-BAc, CAS RN 540-88-5), and VMS manufactured after September 1, 2027.
 - (4) Sell-Through Provision for Products with pCBtF, t-BAc, and VMS
Any Consumer Paint Thinner or Consumer Multipurpose Solvent that is manufactured prior to September 1, 2027, and that contains more than 0.01 percent of pCBtF, t-BAc, or VMS may be sold, supplied, or offered for sale until September 1, 2029.
 - (5) The prohibition of sale specified in paragraphs (d)(1) and (d)(2) shall not apply to any Manufacturer of Consumer Paint Thinners or Consumer Multipurpose Solvents that exceed the VOC limits in Table 1 or if applicable, the alternative PW-MIR limits in paragraph (d)(2), provided that the product was sold to an independent Distributor that was informed in writing by the Manufacturer that the products are not compliant for sale for use within the South Coast AQMD and the Manufacturer complies with the reporting requirement pursuant to subparagraph (f)(3)(B).
 - (6) Any Solvent container in which the contents therein are applied directly to a surface from said container by pouring, siphoning, brushing, rolling, padding, rag application, or other means, shall be closed when not in use. These Solvent containers include, but shall not be limited to: drums, buckets, cans, pails, trays, or other application containers.
- (e) Labeling Requirements
- (1) No Person shall sell, supply, offer for sale, manufacture, blend, distribute, package, or repackage for use in the South Coast AQMD any “Flammable” or “Extremely Flammable” Consumer Paint Thinner or Multipurpose Solvent named on the Principal Display Panel as “Paint Thinner,” “Multipurpose Solvent,” “Clean-up Solvent,” or “Paint Clean-up,” except for products meeting any of the following criteria:

- (e)
 - (1)
 - (A) Products which include an attached “hang tag” or sticker that displays, at a minimum, the following statement: “Formulated to meet low VOC limits: see warnings on label;”
 - (B) Products which include an attached “hang tag” or sticker that displays, at a minimum, the following statement: “Formulated to meet low VOC limits with [the common name of the chemical compound (e.g., “Acetone,” “Methyl Acetate,” etc.) that results in the product meeting the criteria for “Flammable” or “Extremely Flammable”];”
 - (C) Products which include an attached “hang tag” as a second Principal Display Panel that displays, at a minimum, the following statement: “Formulated to meet low VOC limits,” placed adjacent to and associated with the required Consumer Product Safety Commission (CPSC) warning;
 - (D) Products where the Principal Display Panel displays, in a font size as large as, or larger than, the largest font size of any other words on the panel, the following statement: “Formulated to meet low VOC limits,” placed adjacent to and associated with the required CPSC warning;
 - (E) Products where the Principal Display Panel displays, in a font size as large as, or larger than, the largest font size of any other words on the panel, the common name of the chemical compound (e.g., “Acetone,” “Methyl Acetate,” etc.) that results in the product meeting the criteria for “Flammable” or “Extremely Flammable;” or
 - (F) Products that meet the labeling requirements of the California Air Resources Board (CARB) Consumer Product Regulation specified in Title 17, California Code of Regulations, Section 94512(e) as adopted.
 - (2) For the purposes of paragraph (e)(1) a product is “Flammable” or “Extremely Flammable” if it is labeled as “Flammable” or “Extremely Flammable” on the product container, or if the product meets the criteria for these specified in Title 16, Code of Federal Regulations, section 1500.3 (c)(6).
 - (3) No Person shall manufacture, supply, sell, offer for sale, blend, distribute, package, or repackage for use within South Coast AQMD any applicable

Consumer Paint Thinner and Consumer Multipurpose Solvent unless the container:

- (e) (3) (A) Clearly displays the maximum VOC Content, as determined from the actual product Formulation Data, and the maximum VOC Content after any dilution as recommended by the Manufacturer, for Consumer Paint Thinner or Consumer Multipurpose Solvent complying with the VOC limits pursuant to paragraph (d)(1); or
- (B) Clearly displays the maximum PW-MIR VOC Content on the container, and the maximum PW-MIR VOC Content after any dilution as recommended by the Manufacturer, for Consumer Paint Thinner or Consumer Multipurpose Solvent complying with the alternative PW-MIR VOC limit pursuant to paragraph (d)(2).
- (4) No Person shall manufacture, supply, sell, offer for sale, blend, distribute, package, or repackage for use within South Coast AQMD any applicable Consumer Paint Thinner and Consumer Multipurpose Solvent unless the container clearly displays the date of manufacture of the contents or a date code indicating the date of manufacture. The Person shall file with the Executive Officer an explanation of each date code.
- (5) The information required by paragraphs (e)(1) through (e)(4) shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging.
- (6) No Person shall remove, alter, conceal, or deface the information required by paragraphs (e)(1) through (e)(4) prior to final sale of the product.
- (f) Reporting and Recordkeeping Requirements
 - (1) Any Manufacturer that supplies Consumer Paint Thinners and Consumer Multipurpose Solvents with intent to sell in the South Coast AQMD shall:
 - (A) Submit an application for manufacturer identification number on the designated form to the Executive Officer no later than 30 days prior to supplying, selling, offering for sale, manufacturing, blending, distributing, packaging, or repackaging any Consumer Paint Thinner and Consumer Multipurpose Solvent in the South Coast AQMD;

- (f)
 - (1)
 - (B) Have the application form signed by the Responsible Party for the Manufacturer certifying that all information submitted (including electronic submittals) is true and correct; and
 - (C) Notify the Executive Officer in writing within 30 days of any change in the Responsible Party for the Manufacturer.
 - (2) Within 30 days after a change of Consumer Paint Thinner and Consumer Multipurpose Solvent Manufacturer, the new Consumer Paint Thinner and Consumer Multipurpose Solvent Manufacturer shall submit the application for a Manufacturer ID number as required in paragraph (f)(1). That filing shall include the previous Consumer Paint Thinner and Consumer Multipurpose Solvent Manufacturer's ID number.
 - (3) On or before January 31st of each calendar year, all Manufacturers subject to this rule shall provide to the Executive Officer:
 - (A) A list of all their U.S. Distributors to whom they supply products subject to this rule, including but not limited to private label and toll manufactured products and shall include the Distributor's name, address, contact person, and phone number;
 - (B) Details or copies of any written notification provided to an independent Distributor pursuant to paragraph (d)(5); and
 - (C) The information in subparagraphs (f)(3)(A) and (f)(3)(B) shall be in a format determined by the Executive Officer.
 - (4) On or before April 1st of each calendar year, each Manufacturer subject to this rule shall submit an annual Consumer Paint Thinner and Consumer Multipurpose Solvent sales and emissions report to the Executive Officer for the previous calendar year.
 - (5) Manufacturers shall maintain the following records for five years and make the records available upon request by the Executive Officer:
 - (A) A copy of the Manufacturer ID application receipt from the South Coast AQMD.
 - (B) Data necessary to determine annual Consumer Paint Thinner and Consumer Multipurpose Solvent sales subject to this rule and VOC emissions in the South Coast AQMD, and compliance with applicable rules and regulations. Such records shall include but not be limited to:
 - (i) Product formulation records (to include VOC Content):

- (f) (5) (B) (i) (I) Laboratory reports [including percent weight of non-volatiles, water, and exempts (if applicable); density of the product; and raw laboratory data] of test methods conducted as specified in paragraph (h)(1), or
 - (II) Product Formulation Data, including physical properties analyses, as applicable, with a VOC Content or PW-MIR VOC Content calculation demonstration;
 - (ii) Production records including batch tickets with the date of manufacture, batch weight and volume;
 - (iii) Distribution records:
 - (I) Customer lists, store distribution lists, or both (as applicable);
 - (II) Shipping manifests, bills of lading, or both (as applicable); and
 - (iv) Sales records consisting of point-of-sale receipts, invoices to local Distributors, or both (as applicable).
- (g) Information Exempt from Disclosure
- Information submitted to the Executive Officer may be designated as exempt from disclosure consistent with South Coast AQMD guidelines implementing the California Public Records Act (Government Code Section 7920.000 et seq.).
- (h) Test Methods
- For the purpose of this rule, the following test methods shall be used:
- (1) Determination of VOC Content
- The VOC Content of materials subject to the provisions of this rule shall be determined by:
- (A) United States Environmental Protection Agency (U.S. EPA) Reference Test Method 24 – Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, Title 40, Code of Federal Regulations Part 60, Appendix A with the Exempt Compounds' content determined by South Coast AQMD Test Method 303 – Determination of Exempt Compounds;

- (h)
 - (1)
 - (B) South Coast AQMD Test Method 304 – Determination of Volatile Organic Compounds (VOC) in Various Materials; or
 - (C) South Coast AQMD Test Method 313 – Determination of Volatile Organic Compounds (VOC) by Gas Chromatography/Mass Spectrometry/Flame Ionization Detection (GC/MS/FID).
 - (2) Exempt Perfluorocarbon Compounds

The following classes of compounds shall be analyzed as Exempt Compounds for compliance with subdivision (d), only at such time as Manufacturers specify which individual compounds are used in the Consumer Paint Thinner and Consumer Multipurpose Solvent formulation and identify the test methods, which have been approved by the U.S. EPA, CARB and the Executive Officer prior to such analysis, that can be used to quantify amounts of each Exempt Compound:

 - (A) Cyclic, branched, or linear, completely fluorinated alkanes;
 - (B) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (C) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - (D) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
 - (3) Equivalent Test Methods

Other test methods may be used provided they are determined to be equivalent and approved in writing by the U.S. EPA, CARB, and the Executive Officer.
 - (4) Multiple Test Methods

When more than one test method or set of test methods are specified for any testing, a violation of any requirement of this rule may be established by any one of the specified test methods or set of test methods.
 - (5) All test methods referenced in this subdivision shall be the version most recently approved by the appropriate governmental entities.
- (i) Exemptions
 - (1) The provisions of this rule shall not apply to:
 - (A) Solvents sold in the South Coast AQMD for shipment outside of the South Coast AQMD or for shipment to other Manufacturers for repackaging;

- (i) (1) (B) Solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment; or
 - (C) Any products making any representation that the product may be used as, or is suitable for use as, a consumer product which qualifies under another definition in Title 17, California Code of Regulations, Section 94508 as of March 6, 2009, that are sold as such.
 - (2) Paragraph (d)(1) of this rule shall not apply to:
 - (A) Solvents provided that they are labeled and designated exclusively for the clean-up of polyaspartic and polyurea coatings application equipment. This exemption does not apply if there are any additional use claims on the label or any other product literature. This exemption does not apply to any Person selling or using the otherwise exempt Solvent for a non-exempt purpose;
 - (B) Thinners provided that they are labeled and designated exclusively for the thinning of Industrial Maintenance (IM) Coatings, Zinc-Rich IM Primers, and High Temperature IM Coatings. This exemption does not apply if there are any additional use claims on the label or any other product literature. This exemption does not apply to any Person selling or using the otherwise exempt thinner for a non-exempt purpose; or
 - (C) Artist Solvents/Thinners provided that they are labeled and designated exclusively to reduce the viscosity of, or remove, art coating compositions or components and are individually packaged in containers having a total capacity equal to or less than one liter.
- (j) Severability

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