

California State Regulation

The California Air Resources Board (CARB) is the "clean air agency" of California and is a part of the California EPA. On September 24, 2009, CARB approved a Paint Thinner and Multipurpose Solvent rule that limits the level of volatile organic compounds (VOC) in these chemicals sold in the State of California. The rule covers paint thinning and paint-application equipment cleaning solvents sold at hardware stores, home improvement centers, and paint supply stores. It has a three-year sell-through period, a limited small quantity exemption, and most importantly, **an artists' paint thinner exemption**.

In the exemption, "Artist's Solvent/Thinner" was originally defined as "any liquid product, labeled to meet ASTM D4236 – 95 (March 1, 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, which is incorporated by reference herein, and packaged in a container equal to or less than 32 fluid ounces, labeled to reduce the viscosity of, and or remove, art coating compositions or components." The issue for ColArt and other manufacturers was that our size is one liter or 33.8 fl. oz., which is just over the 32 fl. oz. stated in the law. This was purely an oversight on the part of lawmakers.

On November 18, 2010, CARB adopted an amendment to modify the definition of Artist's Solvent/Thinner to specify that "an Artist's Solvent/Thinner is a product packaged in a container of 34 ounces or less." In the final ruling, they further stated their rationale for adoption of the change: "At present, Artist's Solvents/Thinners are defined as products packaged in containers equal to or less than 32 ounces. This change was made because some Artist's Solvents/Thinners are commonly packaged in metric units, (e.g. a liter, which is 33.8 ounces), rather than English units (e.g. a quart, which is 32 ounces)."

While adopted by CARB, this modified amendment has not been formally published yet in the California Code of Regulations (CCCR), the official record of regulations adopted by state agencies such as CARB. Prior to publication there is a procedural review process by the California Office of Administrative Law (OAL). They have until November 11, 2011, to make their final determination. The modification is very likely to be approved, since it is not a substantive change to the rule, and would then be added to the CCCR approximately thirty days after approval.

Note that the provisions of the rule do not apply to a distributor who sells in California a non-compliant product that is intended for shipment and use outside of California.

District Regulation

The South Coast Air Quality Management District (SCAQMD) is the air pollution agency responsible for regulating stationary sources of air pollution for most of Los Angeles, San Bernardino, Riverside County, and all of Orange County. On March 6, 2009, the South Coast Air Quality Management District had enacted a similar VOC rule.

However, as in the state rule, an exemption was included for artists' solvents/thinners, which was also later amended specific to container size, "Artist solvents/thinners provided that they are labeled and designated exclusively to reduce the viscosity of, or remove, art coating compositions or components and are individually packaged in containers having a total capacity equal to or less than 1 liter."

Note also that the provisions of this rule do not apply to solvents sold in this District for shipment outside of this District.

For information on the November 2010 CARB amendment, see the text of the Board ruling here under "Description of Adopted Regulatory Action" <http://www.arb.ca.gov/regact/2010/cp2010/cpuid.pdf>

For the text of the SCAQMD rule, see <http://www.aqmd.gov/rules/reg/reg11/r1143.pdf>

ColArt Products

ColArt products within the scope of the California state and South Coast District VOC rules include Winsor & Newton Turpentine, Sansodor, and Artists' White Spirit. Based on the size exemption for Artist's Solvents/Thinners, one liter sizes are restricted until the amendment that increases the limit to 34 fluid ounces is officially added to the CCCR, most likely in December 2011.

Following the published amendment, all sku's are exempt from these rules with the exception of Sansodor 2.5L. This product is labeled "Not for sale in California" to notify distributors and retailers that Sansodor 2.5L cannot be sold in California because it is not in compliance with the law. "Not for sale in California" means not for retail sale, because the product can be sold in California and SCAQMD for shipment and sale outside of California.

Winsor & Newton Solvents compliant with California rules

		Yes	Pending*	No
Distilled Turpentine				
3221744	75ml	X		
3239744	250ml	X		
3249744	500ml	X		
3253744	1L		X	

Sansodor				
3221757	75ml	X		
3239757	250ml	X		
3249757	500ml	X		
3253757	1L		X	
3256757	2.5L			X

Artists' White Spirit				
3221738	75ml	X		
3239738	250ml	X		
3249738	500ml	X		
3253738	1L		X	

**amendment increasing size from 32 fl oz to 34 fl oz approved by CARB, pending procedural review to be written into California State law*