State of California
AIR RESOURCES BOARD

Resolution 90-42

June 15, 1990

Agenda Item No.: 90-7-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature in 1988 enacted the California Clean Air Act of 1988 (Stats. 1988, ch. 1568) to address the problem of air pollution in California;

WHEREAS, in the California Clean Air Act the Legislature declared that attainment of the Board's health-based ambient air quality standards is necessary to protect public health, particularly of children, older people, and those with respiratory diseases, and directed that these standards be attained at the earliest practicable date;

WHEREAS, Section 41712 of the Health and Safety Code directs the Board to adopt regulations to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products, if the Board determines that adequate data exists for it to adopt the regulations, and if the regulations are technologically and commercially feasible and necessary;

WHEREAS, on January 10, 1990, the United States District Court for the Northern District of California issued an order in the consolidated cases of Citizens For A Better Environment and Jean Siri v. George Deukmejian, California Air Resources Board, et al. and Sierra Club v. Metropolitan Transportation Commission, et. al. (the "Court Order");

WHEREAS, the Court Order directs the Board and the Bay Area Air Quality Management District (BAAQMD) to adopt by July 1, 1990, control measures designed to achieve volatile organic compound (VOC) emission reductions from consumer products in the BAAQMD of at least one ton per day by February 1, 1991, and a total of at least four tons per day by February 1, 1993;

WHEREAS, to implement the Court Order, the Board and the BAAQMD have entered into an agreement under which the BAAQMD has agreed to adopt a control measure to achieve a one ton per day reduction in VOC emissions by February 1, 1991, and the Board has agreed to adopt a control measure to achieve the remaining 3 tons per day reduction in VOC emissions by February 1, 1993;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

Consumer products represent one of the few remaining emission sources that have not been controlled in order to attain and maintain national and state ambient air quality standards;

Consumer products contribute to concentrations of ozone and PM10 in the BAAQMD;

The national and state ambient air quality standards for these pollutants are violated in the BAAQMD;

Reducing the VOC content of consumer products will reduce the ambient concentrations of ozone and PM10 in the BAAQMD;

There exists adequate data to adopt the proposed regulations;

The proposed regulations will achieve at least a 3 tons per day reduction in emissions from consumer products in the BAAQMD;

The proposed regulations will result in a significant reduction in VOC emissions, and concomitant reductions in ozone and PM10 levels;

The proposed regulations will comply with the the requirements of the Court Order and the Board's agreement with the BAAQMD;

The cost-effectiveness ratios for reducing emissions from consumer products through the proposed VOC limits are within the range of other control measures adopted to reduce emissions of these pollutants;

The proposed regulations are necessary to attain and maintain the state and national ambient air quality standards, to comply with the Court Order, and to fulfill the Board's agreement with the BAAQMD;

The proposed regulations are technologically and commercially feasible.

WHEREAS, the Board further finds that:

The Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 94520-94527, Title 17, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt Sections 94520-94527, Title 17, California Code of Regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 90-42, as adopted by the Air Resources Board.

Judith M. Lounsbury

Judith M. Lounsbury, Board Secretary