STATE OF CALIFORNIA

PETE WILSON, Governor

AIR RESOURCES BOARD
2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812

Notice of Decision and Response to Significant Environmental Issues

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ALTERNATIVE CONTROL PLAN (ACP) FOR CONSUMER PRODUCTS

Adopted by: Executive Order G-94-059
Signed: May 18, 1995

Approved by: Resolution 94-54

Agenda Item No.: 94-9-2

Public Hearing Date: September 22, 1994

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The Staff Report identified no adverse environmental effects.

Response: N/A

Certified: Artavia M. Edwards
Regulations Coordinator

Date: 18 May 1995

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 94-54

September 22, 1994

Agenda Item No.: 94-9-2

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, 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, following an October 11, 1990, public hearing, the Board approved a regulation to reduce volatile organic compound (VOC) emissions from consumer products in California [the "consumer products regulation"] (Title 17, California Code of Regulations, sections 94507-94517);

WHEREAS, following a January 9, 1992, public hearing, the Board approved amendments to the consumer products regulation to reduce VOC emissions from 10 additional consumer product categories ("the Phase II amendments");

WHEREAS, the consumer product regulation reduces VOC emissions primarily through a "command-and-control" approach, in which maximum allowable VOC content limits are specified for individual product categories;

WHEREAS, to improve the efficiency of the ARB consumer products program and provide additional flexibility to manufacturers and marketers, the staff has proposed the Alternative Control Plan regulation for consumer products ("the ACP regulation"; Title 17, California Code of Regulations, sections 94540-54555);

WHEREAS, the ACP regulation is designed to achieve VOC emission reductions that are equivalent to the emission reductions achieved by the existing consumer products regulation at lower overall cost;

WHEREAS, the ACP regulation is a voluntary, market-based regulation which employs the concept of placing an aggregate emissions cap, or "bubble", over a group of products selected by participating manufacturers and marketers instead of specifying VOC content limits for individual product categories;

WHEREAS, manufacturers who voluntarily choose to enter the ACP program will select the products and formulate a detailed bubble program for these products which will be approved by the Executive Officer if the program meets the criteria specified in the ACP regulation;

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, Board staff has consulted with the United States Environmental Protection Agency (U.S. EPA) regarding consumer product regulations promulgated by other state and local governments, as provided in section 183(e)(9) of the federal Clean Air Act;

WHEREAS, the Board finds that:

Consumer products have not been as extensively controlled as other significant emission sources, and control of emissions from consumer products is necessary in order to attain and maintain national and state ambient air quality standards;

Emissions from all forms of consumer products are expected to increase steadily in the future unless they are controlled effectively;

VOC emissions from consumer products contribute to ambient concentrations of ozone and PM_{10} in the state;

The existing consumer products regulation will result in significant reductions in VOC emissions from consumer products, and corresponding reductions in ambient ozone and PM_{10} levels;

It is appropriate to approve the ACP regulation in order to provide additional flexibility and lower compliance costs for manufacturers and marketers subject to the consumer products regulation;

The ACP regulation will have beneficial overall economic impacts as compared to the existing consumer products regulation, as described in the detailed assessment of economic impacts contained in the staff report;

There exists adequate data to support the adoption of the ACP regulation;

The ACP regulation is necessary to attain and maintain the state and national ambient air quality standards with maximum flexibility and less cost;

The ACP regulation is technologically and commercially feasible;

The reporting requirements of the ACP regulation which apply to businesses that voluntarily participate in the ACP program are necessary for the health, safety, and welfare of the people of the state;

The ACP regulation is authorized by California law;

The ACP regulation is consistent with the U.S. EPA's Economic Incentives Program rules (59 FR 16690; April 7, 1994);

WHEREAS, the Board further finds that:

The Board has determined, pursuant to the requirements of the California Environmental Quality Act 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 adopts new Article 4, sections 94540 to 94555, 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 the ACP regulation set forth in Attachment A after making it 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.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to: (1) monitor the implementation of the ACP regulation, (2) determine the ACP's effectiveness in reducing compliance costs, (3) determine the ACP's effectiveness in limiting VOC emissions from consumer products to a level equivalent to the existing consumer products regulation, and (4) identify any significant problems in the implementation of the ACP regulation and propose any future regulatory modifications that may be appropriate.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work with the U.S. EPA to ensure that the ACP regulation is approved as a revision to the State Implementation Plan (SIP), and to provide in the SIP revision any additional documentation identified as necessary for approvability of the SIP revision under the federal Clean Air Act and U.S. EPA regulations.

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I hereby certify that the above is a true and correct copy of Resolution 94-54 as adopted by the Air Resources Board

Pat Hutchens

Pat Hutchens
Board Secretary

State of California
AIR RESOURCES BOARD

Executive Order G-94-059

WHEREAS, on September 22, 1994, the Air Resources Board (the "Board") conducted a public hearing to consider the amendments to its regulations regarding adoption of the alternative control plan for consumer products;

WHEREAS, following the public hearing on September 22, 1994, the Board adopted Resolution 94-54, in which the Board approved adoption of sections 94540 to 94555, Title 17, California Code of Regulations, as set forth in Attachment A thereto, as modified in accordance with the Board's direction;

WHEREAS, the approved regulations were available for public comment for a period of 15 days in accordance with the provisions of Title 1, California code of Regulations, section 44, with the changes to the originally proposed text clearly indicated; and

WHEREAS, the written comment received during this 15-day period has been considered by the Executive Officer and does not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 94-54 are incorporated herein.

IT IS FURTHER ORDERED that sections 94540 to 94555, Title 17, California Code of Regulations, are hereby adopted as set forth in Attachment A to Resolution 94-54.

Executed this 18 day of May, 1995, at Sacramento, California.

James D. Boyd
Executive Officer

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