Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman
2020 L Street • P.O. Box 2815 • Sacramento, California 95812 • www.arb.ca.gov

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

March 10, 1999

Dear Sir or Madam:

I am writing to let you know that lower volatile organic compound (VOC) limits for personal fragrance products sold in California became effective on January 1, 1999. It is important to note that these limits apply only to new products introduced on or after this date. Working in conjunction with the Cosmetic, Toiletry, and Fragrance Association (CTFA), we are requesting that you help us by providing information that will distinguish between existing fragrance products and those that appear on the California market on or after January 1, 1999.

As background, the consumer products regulation (Title 17, California Code of Regulations (CCR), section 94508(a) defines personal fragrance products as: "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: (A) products exclusively for human axillae; (B) medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; (C) mouthwashes, breath fresheners and deodorizers; (D) lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; (E) products designed exclusively for use on human genitalia; (F) soaps, shampoos, and products primarily used to clean the human body; and (G) fragrance products designed to be used exclusively on non-human animals."

As shown in the table below, in 1990 the Air Resources Board (ARB) adopted two tiers of VOC limits for personal fragrance products:

VOC Standards for Personal Fragrance Products (percent VOC by weight)

Fragrance Content	TIER 1 (effective 1/1/95)	TIER 2 (effective 1/1/99)
Products with 20% or less fragrance	80	75
Products with more than 20% fragrance	70	65

Personal fragrance products that were sold in California prior to January 6, 1993, and that were registered with ARB by July 1, 1993, are exempt from compliance with both the tier 1 and tier 2 VOC limits. Personal fragrance products that did not meet the tier 1 exemption criteria, but were sold in California market prior to January 1, 1999, are required to meet the tier 1 limits, but are exempt from compliance with the tier 2 VOC limits.

Because it will be very difficult to distinguish products introduced prior to January 1, 1999, from those introduced after this date, for compliance purposes we are requesting that you provide this information to us. To assist you, we have included a reporting form as Enclosure 1 to this letter. If you have already reported personal fragrance products in our 1997 Consumer and Commercial Products Survey, it will only be necessary to include fragrance products introduced into the California market between the date you submitted your survey and the end of 1998. If you have no additional fragrance products to report, please return the form and indicate this in the box provided. We are requesting that you provide us with this information by May 1, 1999.

It is not mandatory that you fill out the reporting form to sell fragrance products in California. Our goal through this reporting is to streamline enforcement of the regulation by developing a list of products that are not subject to the tier 2 VOC limits. We want to insure that ARB inspectors do not cause problems by inadvertently initiating enforcement action for exempt products.

The ARB will treat ALL information that you provide as Confidential. Title 17, California Code of Regulations (CCR), section 91000 to 91100 describes the handling of Confidential Information. To ensure confidentiality, please review and complete the Confidential Information Submittal Form found in Enclosure 1, and submit it with your completed reporting form. The ARB takes extreme measures to ensure that all Confidential Information remains confidential pursuant to Title 17, CCR.

To further assist you, Enclosure 2 contains answers to some recently asked questions about personal fragrance products. Thank you in advance for your cooperation. If you have any questions about this request or the reporting forms, please call me at (916) 322-7072, or Dr. Daryn Dodge, of my staff, at (916) 322-5911.

Sincerely,

Genevieve Shiroma

Genevieve A. Shiroma
Chief, Air Quality Measures Branch

Enclosures

ENCLOSURE 1
PERSONAL FRAGRANCE PRODUCT REPORTING FORM

Company Name:_____
Address:_____
_____
Contact Person:_____ Fax Number (optional):_____
Phone Number:_____ E-mail (optional):_____

Do you currently sell personal fragrance products in California?- (mark one box) **YES** ☐ **NO** ☐

If no, stop here, and submit this form to ARB. If yes, continue below:

INSTRUCTIONS

List below products subject to Tier 1 VOC limits that were sold in California prior to 1/1/99. Do not include products you have previously reported in the 1997 Consumer and Commercial Products Survey. If you have any questions regarding which products to report, please call Daryn Dodge at (916) 322-5911.

Full Product Name: Please provide the name of the product as shown on the *principal display panel.* It is not necessary to report product unit size.

Product Form: Indicate the product form (liquid, pump spray, aerosol, or other). If the product occurs in more than one form, indicate all forms on the same line.

Fragrance: Indicate with an 'x' in the appropriate box whether the fragrance content of the product, by percent weight, is equal to or less than 20% fragrance (≤20%) or more than 20% fragrance (>20%).

Make more copies of this form as needed

Full Product Name	Product Form (liquid, pump spray, aerosol, or other)	Fragrance ≤ 20%	>20%

Check the box below if you have no fragrance products to report: ☐

Please return by May 1, 1999.
Once completed, please send to:

California Air Resources Board
Stationary Source Division
2020 L Street
Sacramento, CA 95814
Attn: Implementation Section, Daryn Dodge

Mail: P.O. Box 2815
Sacramento, CA 95812

ENCLOSURE 1
CONFIDENTIAL INFORMATION SUBMITTAL FORM

If you wish to designate any information contained in your survey data as **CONFIDENTIAL INFORMATION**, please provide the data requested below and return it with your completed survey form.

In accordance with Title 17, California Code of Regulations (CCR), Section 91000 to 91022, and the California Public Records Act (Government Code Section 6250 et seq.), the information that a company provides to the Air Resources Board (ARB) may be released (1) to the public upon request, except trade secrets which are not emissions data or other information which is exempt from disclosure or the disclosure of which is prohibited by law, and (2) to the Federal Environmental Protection Agency (EPA), which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulation, and (3) to other public agencies provided that those agencies preserve the protections afforded information which is identified as a trade secret, or otherwise exempt from disclosure by law (Section 39660(e)).

Trade secrets as defined in Government Code Section 6254.7 are not public records and therefore will not be released to the public. However, the California Public Records Act provides that air pollution emission data are always public records, even if the data comes within the definition of trade secrets. On the other hand, the information used to calculate information is a trade secret.

If any company believes that any of the information it may provide is a trade secret or otherwise exempt from disclosure under any other provision of law, **it must identify the confidential information as such at the time of submission to the ARB and must provide the name address, and telephone number of the individual to be consulted**, if the ARB receives a request for disclosure or seeks to disclose the data claimed to be confidential. The ARB may ask the company to provide documentation of its claim of trade secret or exemption at a later date. Data identified as confidential will not be disclosed unless the ARB determines, in accordance with the above referenced regulations, that the data do not qualify for a legal exemption from disclosure. The regulations establish substantial safeguards before any such disclosure.

In accordance with the provisions of Title 17, California Code of Regulations, Section 91000 to 91022, and the California Public Records Act (Government Code Sections 6250 et seq.),

Company Name: _____ declares that all the information submitted in response to the California Air Resources Board's information request on this survey is confidential "trade secret" information, and request that it be protected as such from public disclosure. All inquiries pertaining to the confidentiality of this information should be directed to the following person:

Date:_____ Mailing Address:

_____ (Signature) _____

_____ (Printed Name) _____

_____ (Title) _____

_____ (Telephone Number) _____

ENCLOSURE 2

The following are answers to frequently asked questions regarding personal fragrance products:

Q: What types of volatile organic compounds (VOC) are found in personal fragrance products?

A: Denatured alcohol, or ethanol, is usually the only VOC found in fragrance products. Aerosol body sprays may also contain VOC propellants such as propane, butane, and isobutane. Note that denatured alcohol often contains 5-7 percent water (water is not a VOC), and that any VOC which is a fragrance in a personal fragrance product is exempt from the VOC limits.

Q: What does "sold in California" mean?

A: A personal fragrance product is "sold in California" if an actual sale of the product takes place within the borders of California, or if the product is physically available on store shelves in California for purchase by a consumer.

Q: Is it necessary to report a fragrance product if it meets the upcoming January 1, 1999, VOC limits?

A: While reporting is not legally required, we strongly encourage companies to do so. Reporting all personal fragrance products that comply with Tier 2 limits (effective January 1, 1999) will streamline enforcement of the regulation. Note that it is not necessary to report personal fragrance products that were already registered with the California Air Resources Board in 1993 for exemption from the first tier standards.

Q: If the fragrance formulation or fragrance name of an existing product changes, would it be subject to the 1/1/99 limits?

A: Existing fragrance products currently exempt from Tier 1 or Tier 2 VOC limits, would be subject to the 1/1/99 limits if any change, however minor, is made to the fragrance formulation. However, the name of the fragrance could be changed without losing the exemption, so long as the product formulation stayed the same.

Q: Our company recently purchased another company that sells personal fragrance products. Will the fragrance products originally sold by this company, prior to the January 1, 1999, VOC limits, now have to meet the current VOC limits for personal fragrance products?

A: No. As long as the fragrance product formulation remains the same, there is no need to reformulate to meet the 1/1/99 VOC limits.