



WOMEN'S VOICES FOR THE EARTH

OUR HEALTH. OUR FUTURE. TOXIC FREE.

March 17, 2021

Clerks' Office,
California Air Resources Board
1001 I Street
Sacramento, California 95814

Re: Comments on Consumer Products Regulation amendments – Public Hearing March 25, 2021

To the California Air Resources Board:

I am writing on behalf of Women's Voices for the Earth, a national environmental health advocacy organization whose mission is to eliminate the toxic chemicals that harm our health and communities. We represent thousands of people in the state of California, interested in protecting environmental and human health from toxic chemical exposure.

Again, we are writing **to strongly support the proposal to sunset the 2% fragrance exemption in the CARB regulations.** We continue to be concerned about the impact fragrances in products have on public health. For example, fragrance exposure has been linked to exacerbations of asthma and COPD.^{1,2,3} Neurological impacts such as migraines have also been associated with fragrance exposure.^{4,5} Skin allergies to fragrance are well documented in the scientific literature. Between 2-11% of the general population experience skin allergies to

¹ Sama SR, Kriebel D, Gore RJ, DeVries R and Rosiello R. (2015) Environmental triggers of COPD symptoms: a cross sectional survey. *COPD Research and Practice* (2015) 1:12

² Ritz, T.R., Steptoe, A., Bobb, C., Harris, A.H., and Edwards, M. (2006) The Asthma Trigger Inventory: validation of a questionnaire for perceived triggers of asthma. *Psychosomatic Medicine*. Vol. 68. pp: 956-965. 2006.

³ Kumar, P., Caradonna-Graham, V.M., Gupta, S, Cai, X, Rao, P.N. and Thompson, J. (1995) Inhalation challenge effects of perfume scent strips in patients with asthma. *Annals of Allergy, Asthma and Immunology*. Vol. 75, pp: 429-433. November 1995.

⁴ Peris F, Donoghue S, Torres F, Mian A and Wöber C. (2017) Towards improved migraine management: Determining potential trigger factors in individual patients. *Cephalalgia*. 2017 Apr;37(5):452-463.

⁵ Silva-Neto RP, Peres MP and Valenca MM (2014) Odorant substances that trigger headaches in migraine patients. *Cephalalgia*, Vol. 34 (1) pp 14-21. (2014)

fragrance.^{6,7} A 2020 study found that contact dermatitis from personal care products in the U.S. has doubled in the last two decades, with fragrance identified as the allergen responsible for largest percentage of skin reactions.⁸

We believe fragrance components should not be given special treatment in regulation compared to any other types of ingredients in products. Fragrances are not necessary to the function of a product – but are merely an aesthetic choice that impacts marketing and sales. CARB has already established a need for reductions in VOCs from consumer products - and this should be applicable across the board for all types of ingredients in products.

We believe that the 2% fragrance exemption gives manufacturers of fragranced products an unfair (and unnecessary) advantage by allowing them to continue to be ignorant of the specific VOC contributions of each of the fragrances they use.⁹ VOC contributions from fragrances can vary widely depending on their ingredients. Manufacturers need to be held responsible for understanding those variations – and the environmental impacts they have – just as is required for any other VOC-contributing ingredient in any other consumer product subject to these regulations. There is no valid reason for fragrance to be treated differently than any other VOC-contributing ingredient to a product.

⁶ Schnuch, A., Lessmann, H., Geier, J., Frosch, P.J. and Uter, W. (2004) Contact allergy to fragrances: Frequencies of sensitization from 1996 to 2002. Results of the IVDK. Contact Dermatitis. Vol. 50. pp. 65-76. 2004.

⁷ Schafer, T., Bohler, E., Ruhdorfer, S., Weigl, L., Wessner, D., Filipiak, B., Wichmann, H.E. and Ring, J. (2001) Epidemiology of contact allergy in adults. Allergy. Vol. 56. pp: 1992-1996. 2001.

⁸ Warshaw EM, Schlarbaum JP, Silverberg JI, DeKoven JG, Fransway AF, Taylor JS, Maibach HI, Fowler JF Jr, Atwater AR, Reeder MJ, Zug KA, Belsito DV, Sasseville D, DeLeo VA, Pratt MD. Contact Dermatitis to Personal Care Products is Increasing (but Different!) in Males and Females: North American Contact Dermatitis Group (NACDG) Data, 1996-2016. J Am Acad Dermatol. 2020 Oct 8:S0190-9622(20)32754-7.

⁹ Specifically, the HCPA's comments of March 12, 2021 state this clearly:

“Currently, manufacturers typically do not need to speciate the fragrance ingredients since the fragrance houses communicate that the supplied fragrance ingredients comply with the requirements of the current two percent exemption in Section 94510(c). However, if this exemption is eliminated, product manufacturers will require detailed speciation for the VOC and LVP-VOC content for each of the different fragrance compounds when formulating a product to determine whether each individually scented variant of that product complies with the applicable VOC limit.”

We believe there is no reason that manufacturers should not be responsible for knowing the specific VOC contributions for each product they manufacture. Each individually scented variant is a different product which can have different VOC emissions. Clearly, manufacturers should have this information both to make informed decisions and to be transparent to their customers about the environmental impacts of their products.

Also, we cannot understand the logic of various industry commenters who both agree with CARB that eliminating the 2% exemption would result in a very small additional VOC reduction (which is based on the estimation that few manufacturers are actually using the exemption) AND claim that the sunset of the exemption would result in significant burdens on product manufacturers. You simply cannot have it both ways. If few manufacturers are using the exemption, then clearly few manufacturers will be affected by the sunset. If the CARB estimations are incorrect and a significant number of manufacturers are in fact using the exemption, then the additional VOC reduction the sunset achieves must be significantly greater than estimated – and therefore justified for the health of the environment.

In addition, we were appalled to see that when CARB specifically surveyed 1,300 manufacturers asking for input on what it might potentially cost to comply with the sunset, only 41 manufacturers responded (and of that, only 15 identified specific technical challenges with compliance). This weak response to a request for input, and the paucity of data supplied simply does not support the claim that a significant number of manufacturers would be unduly burdened.

Given the lack of data to support a claim that numerous products would need to be reformulated¹⁰ in order to comply with the sunset of the exemption, it appears the only work that would need to be done by most manufacturers, would be to obtain from their fragrance suppliers the detailed speciation for the VOC and LVP-VOC content for each of the different fragrance compounds in order to confirm compliance. While this may be cumbersome paperwork in the short term for manufacturers with products marketed in numerous scents, we do not understand the need to extend the sunset deadline to 2031, simply to accomplish this task. **For the sake of our health and the environment, which needs VOC reductions now, we do not support the proposal to extend the deadline for sunseting the exemption until 2031.**

¹⁰ The Fragrance Creators Association comments submitted to CARB on June 29, 2020 specifically make this claim: *“The Two Percent Exemption thus enables product manufacturers to deliver efficacious products to the market that meet consumers’ needs; without it, it is likely that some products and scents would no longer be technologically and/or commercially feasible. At a minimum, many product manufacturers—across a wide range of product categories and products—would have to expend a significant amount of time, money, and effort to reformulate products that were developed with the reasonable expectation that the long-standing exemption for fragrance would remain in effect.”*

No documentation or data to support this claim has ever been provided to CARB. As mentioned above, CARB’s 2020 survey of manufacturers specifically asking for information on potential compliance costs associated with sunseting the 2% fragrance exemption resulted in less than a 3% response rate.

Lastly, we appreciate the data supplied by CARB that both consumer product usage (and consumer product emissions) have increased in the last few years. Given this fact, it is all the more important to continue restricting VOC emissions from consumer products which comprise such a significant proportion of statewide emissions. **For the sake of our health and the environment we support CARB's efforts to reduce VOC emissions as soon as possible.**

Thank you for your consideration of these comments.

Alexandra Scranton

A handwritten signature in black ink, reading "Alexandra Scranton". The signature is written in a cursive style and is contained within a light gray rectangular box.

Director of Science and Research
Women's Voices for the Earth