

September 3, 2021

**Via Electronic Mail**

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California Air Resources Board  
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**Comments on California Air Resources Board's "15-Day Changes"**

Dear Mr. Calavita:

The Personal Care Products Council (PCPC)<sup>1</sup> is pleased to submit the following comments in support of the California Air Resources Board's (CARB) "Proposed 15-Day Changes to the Proposed Amendments to the Antiperspirants and Deodorants Regulation; Consumer Products Regulation; Aerosol Coating Products Regulation; Alternative Control Plan Regulation; the Tables of Maximum Incremental Reactivity Values; and Test Method 310", dated August 19, 2021.

PCPC represents more than 600 member companies, ranging from large manufacturers and marketers to independent producers, which are involved in the manufacture and distribution of cosmetics, toiletries, fragrances, over-the-counter (OTC) drug products and ingredients in California and throughout the United States. PCPC members therefore have a strong interest in the scope and applicability of this regulation.

PCPC appreciates that CARB's staff has made significant time available to PCPC and its member companies, and other stakeholders, in developing these proposed changes. This dialogue has been helpful to our member companies in assessing the overall impact of the regulatory proposals on our products and allows the industry to work toward optimum solutions which meet the goals of CARB, the State of California, and the companies which provide personal care products.

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<sup>1</sup>Based in Washington, D.C., the Council is the leading national trade association representing the global cosmetic and personal care products industry. Founded in 1894, the Council's more than 600 member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the United States. As the makers of a diverse range of products that millions of consumers rely on every day, from sunscreens, toothpaste, and shampoo to moisturizer, lipstick, and fragrance, member companies are global leaders committed to product safety, quality, and innovation.

Given our close work with CARB staff over the last two years, and the extensive verbal and written comments provided by PCPC during that time, our comments today pertain only to the modified text of the regulations that are part of the 15-day changes.

PCPC supports the modifications CARB has proposed in its 15-Day Notice. Our comments below are specific to the IPE proposal and intended solely to encourage additional clarity in the proposal.

## **INTRODUCTION**

In its comments dated March 22, 2021, PCPC strongly supported the Innovative Product Exemption (IPE) Proposal for Aerosol Products Using Compressed Gas. The primary reason for modifying the previous IPE regulation was to encourage product formulators to significantly reduce the emission of hydrofluorocarbon (HFC) propellants, primarily HFC-152a, in aerosol products by using compressed gas technology.

This revision of the Innovative Product Exemption regulation was subsequently approved by the CARB Board at its meeting on March 25, 2021.

In subsequent discussions with CARB, it became clear that there are other technical methods to significantly reduce HFC 152a usage by means other than the use of compressed gases. The change currently proposed just extends the potential use of the approved IPE process to include additional technologies that provide similar greenhouse gas reduction benefits, primarily via the reduction in the use of HFC-152a, without increasing the propensity of the product to form ground level ozone.

## **PCPC's POSITION ON PROPOSAL**

PCPC strongly supports CARB's proposal to expand the IPE process beyond that of compressed gases to include other innovative formulation technologies that help CARB to meet both its ozone reduction and greenhouse gas reduction targets.

## **SPECIFIC COMMENTS**

The following comments pertain to proposed changes to section 94511, which could impact stakeholders who market personal care products.

1. PCPC supports the proposed language on "Innovative Compressed Gas Propellant Product" in section 94511(c)(1) and on "Innovative Liquified Propellant Product" in 94511(c)(2).
2. Section 94511(c)(3) provides the definition of a "Representative Product", which is compared to the proposed innovative product to show significant savings in greenhouse gas emissions without an impact on ozone forming potential.

- a. PCPC supports the use of the representative formulations presented in table 94511 (c)(3) for many comparisons, as stated in section 94511(c)(3)(A).
- b. Section 94511(c)(3)(B) provides the criteria that could allow the use of a representative formulation with different product characteristics, and thus formulations, than those in the table 94511 (c)(3). For example, many hair sprays are categorized as low to moderate hold (rather than high hold) and thus have significantly different product formulations than a high hold product, such as that in table 94511 (c)(3). The CARB proposal does provide a route which allows each company to provide a “representative product” formulation which is different than that in table 94511 (c)(3), as part of the overall petition to obtain an IPE for the innovative formulation. PCPC supports the ability to use an alternative representative product as stated in Section 94511(c)(3)(B).
  - i. PCPC continues to support the requirements stated in the following sections:
    - 1. Section 94511(c)(3)(B)(i): each representative product be in the same product category as the innovative product,
    - 2. Section 94511(c)(3)(B)(ii): each representative product should be available for purchase in the state of California at the time of the IPE application, and
    - 3. Section 94511(c)(3)(B)(v): each representative product has a “fragrance content that is representative of products in the California market in the applicable category at the time of the IPE application”
  - ii. CARB, PCPC, and member companies have extensively discussed the need for the requirements proposed in Sections 94511(c)(3)(B)(iii) and Section 94511(c)(3)(B)(iv). We appreciate the time and effort taken by CARB staff to understand and address our members’ concerns. With additional comments stated below, PCPC can now support the current proposals for these two sections, in order to immediately begin to see the greenhouse gas reduction benefits offered by this modification of the current IPE requirements.
    - 1. While members would have liked, in Section 94511(c)(3)(B)(iii), to have the PWMIR of the representative product to be no greater than ten (10.0) percent above the applicable product formulation in table 94511(c)(3), the 5% figure represents an agreeable compromise to use as the basis for future IPE applications.

2. While the term “GHG composition” in Section 94511(c)(3)(B)(iv) is understood by PCPC and its members, it remains important to define the term to avoid confusion in the future as to its meaning.
3. PCPC agrees that the efficacy of the innovative product should be similar to that of the agreed representative product. We support the language proposed in Section 94511(c)(4).

## CONCLUSION

PCPC supports CARB’s efforts to reduce greenhouse gas emissions from aerosol consumer product via the IPE process, in part because it widens the ability of formulators to innovate in ways that regulations would not previously have allowed. PCPC appreciates that CARB’s focus for these IPE discussions has been to significantly reduce greenhouse gas emissions without increasing the propensity of the product to form ground level ozone. The use of Maximum Incremental Reactivity, or MIR, is fundamental to ensuring that there is no additional impact on ozone due to the significant reduction in greenhouse gases.

PCPC will continue to work proactively with CARB and its staff on any regulatory activity which potentially impacts the personal product industry.

Sincerely,



Thomas F. Myers  
EVP-Legal & General Counsel

Cc: Ravi Ramalingam, P.E., Branch Chief, Consumer Products and Air Quality Assessment Branch  
Joe Calavita, Manager, Implementation Section, Consumer Products and Air Quality Assessment Branch  
Jose Gomez, Manager, Technical Development Section, Consumer Products and Air Quality Assessment Branch  
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