

July 18, 2016

Via Electronic Mail

Clerk of the Board

California Air Resources Board

1001 I Street

Sacramento, CA 95814

<http://www.arbca.gov.lispub/comm/bclist.php>

Re: Proposed 2016 State Strategy for the State Implementation Plan for Federal Ozone and PM_{2.5} Standards (May 17, 2016)

Dear Sir or Madam:

The Personal Care Products Council (PCPC)¹ is pleased to submit the following comments on the California Air Resources Board (ARB) Proposed 2016 State Strategy for the State Implementation Plan (SIP) for Federal Ozone and PM_{2.5} Standards (State SIP Strategy).² We recognize that the State SIP Strategy describes ARB's proposed approach to attain health-based federal air quality standards over the next fifteen years as part of SIPs due to the U.S. Environmental Protection Agency in 2016.

Over the years, PCPC has been an active stakeholder in ARB efforts to regulate VOCs emissions from consumer products. The proposed State SIP Strategy includes control measures for further reductions of VOCs from consumer products, which is why we have prepared these comments. In addition, PCPC has collaborated with other trade associations in developing these comments, and we support the thoughtful comments already filed by the Consumer Specialty Products Association in connection with the proposed 2016 State SIP Strategy.

I. GENERAL COMMENTS

The State SIP Strategy focuses primarily on nitrogen oxides (NO_x) as a way to achieve significant reductions in ambient ozone and PM_{2.5}, and ARB has proposed several measures in its recent Mobile Source Strategy to accomplish this. PCPC strongly agrees with this focus – particularly given the relatively low photochemical reactivity of consumer product VOCs in comparison to mobile and

¹ Based in Washington, D.C., PCPC is the leading national trade association representing the global cosmetic and personal care products industry. Founded in 1894, PCPC'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.

² Accessible through the ARB website at: <http://www.arb.ca.gov/planning/sip/2016sip/2016statesip.pdf>.

stationary sources – and notes that compelling scientific evidence supports addressing NOx emissions to maximize reductions in ozone, PM_{2.5} and greenhouse gas emissions in California.

Unfortunately, the State SIP Strategy also contains a control measure to further reduce VOCs from consumer products. While PCPC recognizes the need to examine all emission sources in addressing air quality impacts, including consumer product VOCs, we believe that additional reductions in consumer product VOCs will not result in significant reductions nor help achieve future standards. Consequently, the 2016 State SIP Strategy should not include a VOC reduction commitment for VOC emissions from consumer products.

II. SPECIFIC COMMENTS

a. Control Measures

In the State SIP Strategy, ARB noted that it will evaluate the data reported to the Consumer Products Program through its 2013-2015 survey to identify strategies to achieve emission reductions from consumer products. It also has stated that reductions will be achieved by reducing existing VOC emission limits in consumer product categories, setting new limits for other categories, and revisiting chemical-specific exemptions in existing product categories. Importantly, ARB notes that it could seek to establish alternative compliance options for industry, including a mandatory emission cap, or a multi-media labeling program.³

PCPC member companies have complied with the 2013-2015 consumer product survey and reported accordingly; consequently, we do not object to the use of this data, providing it is corrected to remove non-volatiles and any VOCs or LVP-VOCs that have alternative non-air environmental fates.

We do, however, have the following concerns:

- We object to targeting product categories that have already been regulated extensively – often several times – for further VOC reductions. Such an approach has diminishing returns; it would not result in significant reductions, nor would it be “technologically and economically feasible”, as required by law.
- We object to any efforts to revisit chemical-specific exemptions in existing product categories. All of the exemptions and exclusions related to regulated product categories were created because they are essential to the feasibility of these stringent regulatory standards, and our member companies have relied on those exclusions and exemptions in formulating their products.

³ Proposed 2016 State Strategy, page 108 and 110.

- We object to the use of mandatory emissions caps.
- We object to any mandatory labeling program. As with most consumer products, ours are marketed nationally (and often internationally), and state-specific labeling requirements create onerous compliance challenges that are both costly and, ultimately, offer no real benefit to consumers.
- PCPC objects to ARB implementing any control measure for consumer products until the “necessity” of such a measure can be demonstrated, as required by law.⁴

b. Scientific and Agency Support Against Further VOC Reductions

There are a host of scientific studies that suggest that the low reactivity and low ozone impact of VOC emissions from consumer products make further reductions unnecessary for attaining future standards.

For example, in 2002, PCPC and other industry trade associations funded Sierra Research, Inc. to conduct a research project to create a reactivity-weighted VOC emissions inventory for the South Coast. The findings indicated that there were significant differences between the total mass emissions and the ozone formation potential of those emissions, and these differences were due solely to the differing weighted MIR. In other words, some emissions sources had a much higher ozone formation potential than their mass emissions suggest, while other emissions categories have a much lower ozone formation potential than suggested by their mass emissions. Consumer products were among the emissions categories with below average reactivity, and therefore lower ozone impact than would be expected based on mass of emissions alone.

The Sierra Research report noted that VOCs from consumer products had a weighted-average MIR of 1.5, which was well below the average for all emissions sources. Aerosol consumer products exhibit especially low reactivity, since aerosol propellants tend to be among the least reactive of all VOCs in the emissions inventory. Mobile sources of VOCs, however, had very high reactivity, with three to five times as much ozone formation as consumer product VOCs.

The report is still relevant today. Arguably, given the continued implementation of mass-based and reactivity-based standards for consumer products, consumer product VOC reactivity is likely even lower now than it was when the study was conducted.

⁴ Cal. Health & Safety Code §§ 41712(b)(1) and (2): “The state board shall adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products, if the state board determines that adequate data exists to establish both of the following: (1) The regulations are necessary to attain state and federal ambient air quality standards; [and] (2) The regulations are commercially and technologically feasible and necessary.” [Emphasis added.]

c. Support ARB's Commitment to Examine Alternative Compliance Options

In describing the Consumer Products Program control measure description, the proposed State SIP Strategy commits ARB to "investigate opportunities to establish alternative compliance options to provide flexibility to industry."⁵ We applaud this commitment and would recommend clarifying the description to specifically mention the Innovative Products⁶ and Alternative Control Plan (ACP)⁷ provisions of the state's Consumer Product Regulation.

The Innovative Product and ACP provisions permit companies to develop innovative ways to make products more efficient and maintain products critical to public health and safety by making the VOC reductions in other products where it is more technologically and commercially feasible.

While intended to ensure and encourage flexibility and innovation, the provisions are, in fact, not often utilized by industry given they relate to mass emissions only, and do not take into account the wide range of VOC reactivity and potential ozone impacts between various products and formulations. ARB would be well served to update these provisions to ease their application, limit the associated paperwork burden and make them less resource-intensive.

III. CONCLUSION

Based on the foregoing, PCPC respectfully requests that ARB modify the proposed 2016 State SIP Strategy in the following ways:

1. Given the relatively low photochemical reactivity of consumer product VOCs in comparison to mobile and stationary sources, ARB should focus on reducing NO_x to improve the state's air quality and remove any commitment for a specific level of VOC reductions from consumer products.
2. If ARB does not remove the commitment for specific VOC reductions from consumer products, then ARB should demonstrate that any proposed control measure meets the "necessity" requirement mandated by law.⁸

⁵ Proposed 2016 State SIP Strategy, page 110.

⁶ 17 CCR § 94511. The Innovative Products provision allows companies to demonstrate that the non-complying product would nonetheless result in less VOC emissions when compared to a representative complying product.

⁷ 17 CCR §§ 94540-94555. ACP allows companies to group products into a plan that assures that total VOC emissions for those products are less than the amount that would occur if all were compliant with their respective standards.

⁸ Health and Safety Code Section 41712(b).

3. Acknowledge that the consumer products VOC emissions inventory must be corrected to reflect alternative, non-air, environmental fates and limited photochemical availability of some VOCs and LVP-VOCs used in consumer products.
4. Remove any reference to (a) reassessing chemical-specific exemptions for already-regulated categories of consumer products, (b) obligatory emissions caps, and (3) mandatory consumer product labeling.
5. Update the Innovative Product and ACP provisions to ease their application, limit the associated paperwork burden and make them less resource-intensive, which would provide flexibility for industry in attaining existing standards.

PCPC appreciates the opportunity to comment on the proposed State SIP Strategy and welcomes the opportunity to work collaboratively with ARB in achieving air quality standards.

Respectfully submitted,



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