



June 20, 2008

Submitted Electronically
Mary Nichols, Chair
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

Dear Chairman Nichols:

The Soap and Detergent Association (SDA) appreciates this opportunity to comment on the California Air Resources Board's (ARB) proposed volatile organic compound (VOC) limit related to the category, "Fabric Softener – Single Use Dryer Product". The SDA is the national trade association representing manufacturers of household, industrial and institutional cleaning products; their ingredients; and finished packaging. SDA members produce more than 90% of the cleaning products marketed in the U.S. SDA membership includes companies with operations both inside and outside California. SDA members produce the products that are the subject of the proposed regulation, as well as their ingredients, which would be impacted by any provisions regulating the VOC content of these products. Therefore, SDA members have a significant interest in ARB's proposal affecting this product category.

We recommend that no regulatory action relating to this product category be taken. We remain concerned with setting a VOC limit for this category, and the possible consequences that this limit could have on VOCs and other potential air emissions. Recognizing that the VOCs present in these products are essentially all fragrance materials, we expect consumers to respond to decreased fragrance levels in dryer sheet products by using multiple sheets. That would lead to increased product use, offsetting ARB's projected reductions in VOC emissions from these products. Further, increased product consumption will create unintended air emissions over the life cycle of the products (i.e., increased green house gas emissions from increased transportation) that run counter to ARB's overarching air quality goals.

We respectfully disagree with ARB's staff assessment that "no data were provided to support this claim" (Staff Report: Initial Statement of Reasons (ISOR), pages 83 and 84). Contrary to the staff's report concluding that industry did not provide any data to support our position, SDA and its members made numerous submissions and presentations to the ARB on this category (see list of SDA submissions and presentations enclosed, as well as documented in ISOR). We recommend that ARB staff amend their statement on pages 83 and 84 by replacing the noted sentence in the "Response" sections as follows: "Industry submitted data based on consumer studies to support the claim, but it is the opinion of the staff that the data submitted were insufficient."

The conclusions contained in the presentations offered by SDA and its member companies were supported by market research data. These data demonstrate that fragrance quality and strength are very important product attributes for this category. Further, the data support SDA's

conclusion that consumers are likely to use additional fabric softener sheets if they determine the fragrance delivery of a single sheet is inadequate. The SDA and its member companies believe that it is likely that reductions proposed in the ISOR will result in an increase in the number of multi-sheet uses in dryer loads. This could produce the unintended consequence of increased VOC emissions. There is also the possibility that increased shipments of dryer softener sheets might result in an increase in mobile source emissions. Since these data were not developed directly in response to the ISOR proposals, we recognize the right of the ARB staff to disagree with industry conclusions. However, we would like to point out that interpretations of these types of data are the basis for significant business investment indicating confidence in our conclusions.

SDA and its members have appreciated the efforts of staff to understand industry concerns and their efforts to develop a meaningful standard for this category. We will continue to work together with ARB staff to clarify to both industry and consumers the application of this regulation to the fabric softener – dryer sheet category. While we are concerned about the consequences this regulation may have on VOC and other emissions, we remain committed to promoting the safe use of our products.

Sincerely,

Kathleen Stanton
Associate Director, Scientific Affairs

Enclosure

Submissions and Presentations

July 24, 2006 – Meeting with ARB staff to discuss fabric softener categories

August 9, 2006 – SDA letter to ARB staff (David Mallory) referring to the “Proposed Regulatory Categories & Definitions, Second Staff Proposals for Category Standards”

August 11, 2006 – Conference call with ARB staff to discuss data presented in letter

September 12, 2006 – Meeting with David Mallory: presented information from consumer studies that built the case that fragrances are performance ingredients in dryer products, with the focus being on "freshening" laundry, and that consumers will adjust their use habits to compensate for lower VOC levels in the product by using more product. Consumption of more product would offset the VOC emission reductions they are projecting and lead to more product to be transported, leading to higher emissions of VOCs and global warming constituents.

February 1, 2007 – SDA letter to ARB staff (Judy Yee) referencing “Fabric softeners – Liquid & Dryer Sheets”

September 14, 2007 – SDA letter to ARB staff (Judy Yee) referencing “Fabric softeners – Dryer Sheets”

February 11, 2008 – Meeting with ARB staff to discuss “Fabric Softeners – Dryer Sheets”

April 10, 2008 – Conference call with ARB staff to discuss Fabric Softeners – Dryer Sheets”