

**COALITION FOR CLEAN AIR * COMMONWEAL *
LONG BEACH ALLIANCE FOR CHILDREN WITH ASTHMA
* COALITION FOR A SAFE ENVIRONMENT *
HEALTHY CHILDREN ORGANIZING PROJECT *
REGIONAL ASTHMA MANAGEMENT AND PREVENTION
(RAMP) INITIATIVE * SIERRA CLUB CALIFORNIA *
WOMEN'S VOICES FOR THE EARTH *
NATURAL RESOURCES DEFENSE COUNCIL *
ENVIRONMENT CALIFORNIA * CLEAN WATER ACTION *
BAY AREA HEALTHY 880 COMMUNITIES-SL *
CENTER FOR PUBLIC ENVIRONMENTAL OVERSIGHT *
NATIONAL TOXIC ENCEPHALOPATHY FOUNDATION *
WORKSAFE, INC. * INSTITUTE FOR CHILDREN'S
ENVIRONMENTAL HEALTH * CONSEJO DE
FEDERACIONES MEXICANAS EN NORTEAMÉRICA *
CALIFORNIA RURAL LEGAL ASSISTANCE
FOUNDATION * BOYLE HEIGHTS RESIDENT
HOMEOWNERS ASSOCIATION * RESIDENTS OF PICO
RIVERA FOR ENVIRONMENTAL JUSTICE *
SOUTHERN CALIFORNIA COALITION FOR
OCCUPATIONAL SAFETY & HEALTH *
PHYSICIANS FOR SOCIAL RESPONSIBILITY-LOS
ANGELES * GREEN SCHOOLS INITIATIVE *
CLEAN AIR NOW * PLANNING AND CONSERVATION
LEAGUE * GREENACTION FOR HEALTH AND
ENVIRONMENTAL JUSTICE *
MERCED/MARIPOSA COUNTY ASTHMA COALITION *
COMITE CIVICO DEL VALLE *
SOUTHERN CALIFORNIA WATERSHEDALLIANCE *
URBAN SEMILLAS * ASIAN HEALTH SERVICES *
LABOR/COMMUNITY STRATEGY CENTER**

June 25, 2008

Mary Nichols
Chairman
California Air Resources Board
1001 "T" Street
P.O. Box 2815
Sacramento, CA 95812

Via e-mail

Re: 2008 Consumer Products Regulation Amendments

Dear Chairman Nichols:

We the cosigners are writing to comment on the revised proposal for categories to be considered in the 2008 Consumer Products Regulation Amendments. We applaud CARB's efforts to reduce emissions of volatile organic compounds (VOCs) in consumer products. However, we encourage you to direct staff to protect the health of California residents, consumers and workers.

According to your staff's own estimates, after SIP measures are implemented, 2010 VOC emissions from consumer products will be approximately 220 to 235 tons per day (tpd¹). Additionally, consumer products will be the second largest source category of VOC emissions in 2010 (tied with trucks and buses), and in 2020 these products will be the leading source of VOC emissions. Unfortunately, the current version of the Consumer Products Regulation will reduce VOCs by just **1.7 tpd in 2010**, less than one percent of total expected emissions. Yielding to industry demands, staff has suggested numerous delays in deadlines associated with emission reductions for different consumer product categories, such that full benefits associated with the 2008 proposal will not be achieved until 2015.

We would like to start by highlighting staff's improvements on this proposal and commend them for their foresight in addressing the following issues:

REDEFINITION OF DILUTABLE PRODUCTS

We are very pleased that staff included language redefining dilutable products (*pg. ES-13*) in spray bottles. Dilutable products bottled in containers that appear to be for immediate use should be required to reduce their VOC limits.

We want to use this opportunity to encourage CARB to also pay attention to other products designed to be diluted. It is very important that we assume that not all consumers follow diluting instructions to the letter. Therefore, in an effort to continue identifying emissions reductions alternatives, CARB should account for the potential emissions of other consumer products that should be diluted.

¹ California Air Resources Board. 2004 SIP Summit: Consumer Products. January 14, 2004.

GLOBAL WARMING EMISSIONS FROM CONSUMER PRODUCTS

We are very supportive of staff's efforts to start looking at global warming emissions from consumer products. Many consumer products and their ingredients contribute directly and indirectly to the GHG emissions. We want to encourage this agency to think about the possibility of addressing those products and or their ingredients and make California the first State that officially takes steps to reduce our Global Warming foot print.

The following is a list of concerns, which we discuss in detail bellow, we have identified on the most recent draft staff proposal, released May 9, 2008:

JANITORIAL PRODUCTS

PAINT AND LACQUER THINNER AND MULTIPURPOSE SOLVENT

PROHIBITION OF TOXICS FROM SPECIFIC CATEGORIES

- **DRY-CLEANING "SPOT REMOVERS"**
- **PAINT STRIPPER METHYLENE CHLORIDE**

INCREASED VOC LIMITS AND COMPLIANCE DATES FOR SEVERAL CATEGORIES

- **ODOR REMOVER (LIQUID/NON-AEROSOL)**
- **ASTRINGENT/TONER**
- **FABRIC SOFTENER-SINGLE USE DRYER PRODUCT**
- **GLASS CLEANERS (AEROSOL FORM)**
- **MULTI-PURPOSE LUBRICANTS**
- **PENETRANT**
- **PERSONAL FRAGRANCE NON-CHEMICALLY CURING SEALANT**

CATEGORIES DELETED FROM THE DRAFT LANGUAGE

- **LIQUID AIR FRESHENERS**
- **POST-SHAVE PRODUCTS**

The first three categories we list in this letter will help CARB more than triple the calculated emissions reductions expected by staff from ALL the categories in their proposal. We encourage you to review this list and adopt our suggestions.

JANITORIAL PRODUCTS (Not in current draft)

The SCAQMD has joined us in this request that you direct staff to include janitorial cleaning products in the regulation draft staff will prepare for a vote in November. Staff has mentioned they are in the process of compiling data from previous surveys about possible VOC limits in cleaning products; we want this Board to encourage staff to look at the data available and to work closely with SCAQMD staff and advocates when setting VOC limits on cleaning products.

SCAQMD has been researching possible VOC reductions in a broad category of janitorial cleaning products. SCAQMD tested 21 "environmentally preferable" cleaning products from six different manufacturers. Of the 21 products tested, 12 were General Purpose Cleaners, General Purpose Degreasers and/or Glass Cleaners, and all met the VOC content standard. To date, 17 products have been certified under SCAQMD's

Voluntary Clean Air Choices Cleaner Certification Program. When calculating the VOC content, no exemptions were made for fragrance or low vapor pressure (LVP) solvents.

SCAQMD staff calculates the state would achieve a reduction of 4.5 tons per day of VOC emissions if CARB agreed to set VOC content of institutional and industrial janitorial products to one percent by weight (10 g/l).

CARB staff has indicated that it is likely that several categories originally delayed for the November hearing will not be ready to be included in draft after all. If this is the case, we ask that you to direct staff to gather data and prepare language to regulate VOC emissions, toxics and other environmentally "unfriendly" ingredients from cleaning products. If adopted, these reductions will further benefit water quality, workers' safety and consumers' health. In addition, the extra emissions reductions will help out-of-compliance districts to fill in the void left by the 2007 SIP "Black Box."

PAINT AND LACQUER THINNER AND MULTIPURPOSE SOLVENT (Categories delayed for future consideration)

CARB staff had informed us it was going to coordinate a work group to discuss ideas to implement reductions from this category. However, staff has now indicated it is unlikely this process will take place soon enough to ensure this category is included in the November hearing. We ask CARB to commit to setting a health-focused emissions limit from those products and set a timeline to regulate this category.

A VOC limit of 3% for these products will result in a huge emissions reduction of 13.85 tpd; more than two times the emissions reduction expected by staff from the current proposal.

The Institute for Research and Technical Assistance (IRTA) conducted a project sponsored by Cal/EPA's Department of Toxic Substances Control. This project involved working with wood furniture refinishers, auto body shops, architectural contractors and various manufacturers of metal parts. Low-VOC safer alternatives were tested for cleaning up coating application equipment like spray guns, brushes and rollers and for thinning the coatings. Alternatives that performed well and were cost-effective included acetone, water-based cleaners and soy-based cleaners².

Furthermore, SCAQMD's Rule 1171 established a 2.5% VOC requirement for cleaning solvents in many applications, including general cleaning during manufacturing, maintenance and repair cleaning, and coating equipment clean-up. Every related industry has met this regulation in the South Coast Air Basin. Unfortunately, hobbyists and home-based businesses do not have to comply with SCAQMD's rule because they have access to high VOC-emitting products at their neighborhood superstores.

We urge CARB to ensure the Paint and Lacquer Thinners work group takes into account IRTA's research, which has been backed by SCAQMD and that the category is included in the November 2008 board meeting agenda. Additionally, CARB staff should work closely with the SCAQMD to create and implement statewide health protective standards with a limit of 3% or lower for Paint and Lacquer Thinner and Multipurpose Solvent, which are already in use in Southern California.

² Wolf and Morris. Low-VOC, Low Toxicity Alternatives for Consumer Product Cleanup and Thinning Solvents. IRTA, 2007.

PROHIBITION OF TOXICS FROM SPECIFIC CATEGORIES

We are pleased that staff included language for the regulation of toxics in specific categories, the proposal asks for a prohibition of methylene chloride, perchloroethylene, and trichloroethylene in Carpet/Upholstery Cleaner,” “Fabric Protectant,” “Multi-purpose Lubricant,” “Penetrants,” “Sealant or Caulking Compound,” and “Spot Removers.” We support staff’s decision to prohibit those toxics.

- **DRY-CLEANING “SPOT REMOVERS”:**

It is very unfortunate, however, that the language staff drafted does not address “Spot Removers” used in dry-cleaners. In January 2007, CARB approved a regulation to ban PERC dry cleaners. CARB staff informed us that they are considering removing the exemptions that prevent them from regulating spot removers used at dry cleaning facilities. However, this category is not yet on the draft and staff has not indicated if the category will be included in the November board hearing.

According to Dr. Katy Wolf, IRTA director, there are a number of cleaners—including those dry cleaning businesses that have adopted safer alternatives—that use trichloroethylene (TCE) and PERC spotting chemicals. These chemicals are carcinogens and TCE, the most commonly used, is a VOC.

IRTA conducted a project sponsored by Cal/EPA's Department of Toxic Substances Control and US EPA to identify, develop, test and demonstrate alternative spotting agents for the dry cleaning industry. This project involved working with seven textile cleaning facilities that have adopted alternatives to PERC in dry cleaning. IRTA identified safer, water-based and soy-based alternatives that performed as well as the TCE and PERC alternatives currently used by dry cleaners. The cost analysis indicates that the alternatives are less costly than the spotting agents used today³.

We ask that CARB accelerate the process to remove the exemptions that prevent them from regulating spot removers so they can be regulated during the November rulemaking processes.

- **PAINT STRIPPER METHYLENE CHLORIDE:**

Despite our requests, staff did not include language for a prohibition of methylene chloride (METH or MECL) in Paint Strippers.

According to CARB’s own survey, annual reporting of METH tonnage in Paint Strippers for 2006 was about 1.9 tpd. A known carcinogen, METH is not a VOC and, thus, the challenge is finding alternatives to this chemical that are not VOCs.

DTSC contracted with IRTA to identify, test, develop and demonstrate alternative non-METH stripping formulations in consumer product applications. The aim of the project was to find safer alternative non-METH strippers that minimized the increase in VOC emissions.

³ Wolf and Morris. Spotting Chemicals: Alternatives to Perchloroethylene and Trichloroethylene in the Textile Cleaning Industry. IRTA, 2007.

The project involved testing alternative non-METH stripping formulations in four sectors including:

- Large furniture stripping companies that use equipment to apply stripper;
- Small furniture stripping companies that apply stripper by hand;
- Contract stripping companies that strip on-site and apply stripper by hand; and
- Consumer stripping where consumers apply the stripper by hand.

This research found effective alternatives that will be classified as Low Vapor Pressure (LVP) materials, which CARB classifies as non-VOC emitting materials⁴.

We want to encourage CARB to ban METH as a toxic and set a low VOC limit.

INCREASED VOC LIMITS AND COMPLIANCE DATES FOR SEVERAL CATEGORIES

We are very disappointed that staff increased VOC limits and compliance dates for several categories, most of which we believe could comply with more health-focused limits and shorter deadlines. During the development of this regulation, our preliminary conversations with staff indicated it would establish more health-focused limits and shorter deadlines for the following categories.

- **ODOR REMOVER (LIQUID/NON-AEROSOL):** VOC limits increased from 0.1% to 6% for non-aerosol, and 25% for aerosol; compliance dates increased from 2012 to 2013.

In addition to increasing the VOC limits and compliance dates for this category, CARB staff does not want to disclose the total amount of 2008 VOC emissions created by ALL the aerosol odor removers/eliminators in the market arguing possible damage “confidentiality”. It is important that CARB staff finds a way to inform the public about the amount of emissions created by this industry.

Failing to release generic statistics on releases of VOC’S or toxins into the air because of patent issues isn’t really a valid argument, although it is used in the food industry as well as the various chemicals industries. (That’s why foods can say “natural flavors” and have in it any ingredient with a primary purpose of only adding flavor.) Please note: any of these products can be deformed by a laboratory in Florida which specializes in deconstructing fragrance formulae for the industry. The claim that a patent might be at risk is therefore invalid. Releasing the total pounds of emissions no more reveals the exact formula than does deformation by gas chromatography.

- **ASTRINGENT/TONER:** VOC limits increased from 10% to 35%. Although we support staff’s efforts to reduce the VOC limits for this category, we would like to

⁴ Wolf and Morris. Methylene Chloride Consumer Product Paint Strippers: Low-VOC, Low Toxicity Alternatives. IRTA, 2006

see a standardization of this industry. Many manufacturers of non-medicinal, non-FDA regulated astringent/toners already manufacture 10% VOC limit products.

- **FABRIC SOFTENER-SINGLE USE DRYER PRODUCT:** VOC limits increased from .05% to .1%.
- **GLASS CLEANERS (AEROSOL FORM):** VOC limit increased from 8% to 10%; compliance dates increased from 2010 to 2012.
- **MULTI-PURPOSE LUBRICANTS:** Compliance date moved from 2012 to 2013. We are very pleased and supportive, however, that staff added a new VOC limit of 10% to be met in 2015 - one positive improvement we support.
- **PENETRANT:** Compliance dates increased from 2012 to 2013. Additionally, we feel that technology allows and staff could have set this category's limit at 10%, instead of the 25% VOC limit suggested.
- **PERSONAL FRAGRANCE:** Compliance dates increased from 2010 to 2014. Personal fragrances are a large emitter of VOCs in the consumer products category (10.77 tpd), thus we are pleased staff will remove grandfather clauses from all products with 20% or less fragrance. However, staff should increase the scope of products whose grandfather clause will be removed and strengthen the VOC limits suggested—currently at 25%.
- **NON-CHEMICALLY CURING SEALANT:** VOC limit increased from 0.5% to 1.5%.

CATEGORIES DELETED FROM THE DRAFT LANGUAGE

We have informed staff that we are concerned about removing the following categories from the regulation draft. We ask CARB to commit to reduce emissions from those products and set a reasonable timeline to bring this category back.

- **LIQUID AIR FRESHENERS:** It is our understanding that CARB learned about a patent problem that might prevent them from demanding a lower VOC limit. In addition to setting a reasonable timeline for VOC reductions from this category, CARB staff needs to provide stakeholders more details about the stumbling blocks.
- **POST-SHAVE PRODUCTS:** CARB staff was having a hard time coming up with a good way to define post-shave products, such as skin conditioners, as separate from aftershave products like fragrance. CARB staff has indicated they need more time to develop this subcategory, so they have pulled it from the proposed regulation.

As CARB weighs its decision to regulate these chemicals, we urge you to work with other stakeholders and consider the health of those who are most exposed, and to protect the health of the most vulnerable among us. CARB's own Resolution No. 05-28, approved on March 17, 2005, in response to the *Indoor Air Pollution in California* study, "directs staff to promote 'Best Practices' for the... maintenance of school facilities...in conjunction with other State agencies and relevant private sector groups."⁵

⁵ California Air Resources Board Resolution No. 05-28. Approved March 17, 2005. Agenda Item No. 05-3-3.

These protections are critical in the work and home environment, where exposure to emissions from products tends to be more than outdoors. These emissions can be significantly influenced by regulatory decisions. In this regard, spot removers and cleaning/janitorial chemicals are particularly important.

Part of Cal-EPA's mission is to ensure that environmental regulations not only protect the environment but also protect public health, water quality, and worker safety, while minimizing waste generation. The agency has recognized this fact in a variety of ways, most recently in the Green Chemistry Initiative. One of the challenges is to ensure that toxics are not in products, either by design or by accident. We encourage CARB to not only choose the most environmentally friendly VOC limit but also one that is health protective and in line with the laudable goals put forward by the Green Chemistry Initiative.

Again, thank you for your commitment to regulate VOCs in consumer products. We are very hopeful about this regulation's potential to help protect the health of California residents, consumers and workers who deal with these products on a daily basis.

We look forward to continuing working with your staff on this issue and urge you to include us in CARB's decision making process.

Sincerely,

Luis R. Cabrales
Senior Campaign and Outreach Associate
Coalition for Clean Air

Dori Gilels
Executive Director
Women's Voices for the Earth

Charlotte Brody, RN
Executive Director
Commonweal

Adrian Martinez
Project Attorney
Natural Resources Defense Council

Elina Green, MPH
Program Coordinator
Long Beach Alliance for Children with
Asthma

Rachel L. Gibson
Environmental Health Advocate & Staff
Attorney
Environment California

Jesse Marquez
Executive Director
Coalition for a Safe Environment

Andrea Ventura
Program Manager
Clean Water Action

Neil Gendel
Director
Healthy Children Organizing Project

Wafaa Aborashed
Executive Director
Bay Area Healthy 880 Communities-SL

Joel Ervice
Interim Director
Regional Asthma Management and
Prevention (RAMP) Initiative

Lenny Siegel
Executive Director
Center for Public Environmental Oversight

Bill Magavern
Director
Sierra Club California

Angel De Fazio, BSAT
President
National Toxic Encephalopathy Foundation

M. Suzanne Murphy,
Executive Director
Worksafe, Inc.

Elise Miller
Executive Director
Institute for Children's Environmental
Health

Arturo Carmona
Executive Director
Consejo de Federaciones Mexicanas en
Norteamérica
(COFEM)

Anne Katten
Pesticide and Work Safety Specialist
California Rural Legal Assistance
Foundation

Teresa Marquez
Land use Committee Chair
Boyle Heights Resident Homeowners
Association

James Roybal
President
Residents of Pico Rivera for Environmental
Justice

Eden Flynn
Coordinator
Southern California Coalition for
Occupational Safety & Health
(SoCalCOSH)

Martha Dina Arguello
Executive Director
Physicians for Social Responsibility-Los
Angeles

Cc (via electronic mail):

James Goldstene
EO
jgoldste@arb.ca.gov

Carla Takemoto
Manager, Technical Evaluation Section
ctakemoto@arb.ca.gov

Deborah Moore
Executive Director
Green Schools Initiative

James Provenzano
President
Clean Air Now

René L. Guerrero
Legislative Advocate
Planning and Conservation League

David Lighthall, Ph.D.
Senior Scientist for Environmental Health,
Central Valley Health Policy Institute*
(* For identification purposes only)

Bradley Angel
Executive Director
Greenaction for Health and Environmental
Justice

Allyson Holman
Chair
Merced/Mariposa County Asthma Coalition

Jose Luis Olmedo
Executive Director
Comite Civico Del Valle

Conner Everts
Executive Director
Southern California Watershed Alliance

Miguel A. Luna
Urban Semillas

Julia Liou
Planning and Development Manager
Asian Health Services

Manuel Criollo
Lead Organizer
Labor/Community Strategy Center

David Mallory
Measures Development Section Manager
dmallory@arb.ca.gov

Femi Olaluwoye
Regulatory Amendments
folaluwoye@arb.ca.gov