

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ANTIPERSPIRANTS AND DEODORANTS REGULATION; CONSUMER PRODUCTS REGULATION; AEROSOL COATING PRODUCTS REGULATION; THE TABLES OF MAXIMUM INCREMENTAL REACTIVITY VALUES; TEST METHOD 310; AND PROPOSED REPEAL OF THE HAIRSPRAY CREDIT PROGRAM

Public Hearing Date: September 26, 2013
Public Availability Date: April 3, 2014
Deadline for Public Comment: April 18, 2014

At its September 26, 2013, public hearing, the Air Resources Board (ARB or Board) adopted Board Resolution 13-36 approving for adoption the proposed amendments to the Regulation for Reducing Volatile Organic Compound Emissions from Antiperspirants and Deodorants; the Regulation for Reducing Emissions from Consumer Products; the Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions; the Tables of Maximum Incremental Reactivity (MIR) Values; and Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products." The Board also approved the proposed repeal of the Hairspray Credit Program.

The amendments affect the following sections of the above-referenced regulations and incorporated documents: title 17, California Code of Regulations (CCR), sections 94501, 94506, 94508, 94509, 94512, 94513, 94515, 94520, 94521, 94522, 94523, 94524, 94525, 94526, 94528, 94560, 94561, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94569, 94570, 94571, 94572, 94573, 94574, 94575, and 94700; sections 1, 2, 3, 4, 5, and Appendices A and B of Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (September 29, 2011)," which is incorporated by reference in title 17, CCR, sections 94506, 94515, and 94526.

In the Staff Report released on August 7, 2013, staff initially proposed amendments that set new or lower VOC limits for aerosol adhesives, multi-purpose solvents, paint thinners, and aerosol coatings, establish requirements for paint thinners and multi-purpose solvents sold in the South Coast Air Quality Management District that mirror the requirements in their Rule 1143, "Consumer Paint Thinners & Multi-purpose Solvents," and clarify various regulatory provisions by adding or modifying numerous definitions and streamline the regulations by deleting expired provisions.

At the hearing, the staff presented modifications to the initially proposed amendments to the Board in response to comments received since the Staff Report was published.

These modifications to the Consumer Products Regulation and Method 310 clarify how final VOC content will be determined for Multi-purpose Solvent and Paint Thinner products sold in the South Coast Air Quality Management District.

The Board approved the proposed amendments, as modified, and further directed staff to determine if additional conforming modifications to the regulations were appropriate. In light of comments received, staff is proposing to further clarify the definition of "General Purpose Cleaner" to specify that "General Purpose Cleaner" does not include "Furniture Maintenance Product." Additionally, staff is proposing minor clarifying modifications to the "Single Purpose Cleaner" and "Single Purpose Degreaser" definitions. We also modified the definition of "Multi-purpose Solvent" to clarify the scope of the definition.

Board Resolution 13-36 approving the amendments, as set forth in Attachments A-F, and as modified in Attachment G, and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2013/cp2013/cp2013.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt the approved amendments after making modifications to the amendments available to the public for comment for a period of at least fifteen days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

The modifications to the initially proposed text are set forth in Attachment 1 and Attachment 2 to this notice, which contains relevant portions of title 17 California Code of Regulations and the documents incorporated by reference that are affected by the modifications being proposed with this notice. The amendments proposed with the 45-day notice are shown in single underline to indicate additions and ~~single strikeout~~ to indicate deletions from the existing regulatory text, while amendments proposed with this 15-day notice are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions from the existing regulatory text. Portions of the regulation that are nonsubstantively changed with renumbering are indicated by [Nonsubstantive changes to indicate renumbering]. The symbol "*****" means that intervening text not proposed for modification is not shown.

Summary of Proposed Modifications

1. In section 94515(j), the language was modified to clarify that only the amount of methyl esters with 17 or more carbon atoms that volatilize during analytical testing will be excluded from the total volatile material prior to calculating VOC content.

2. In section 3.3.5 of Method 310, the language was modified to clarify that the analysis of exempt compounds shall include analysis of methyl esters with 17 or more carbon atoms. Additionally, the reference to “palmitate” was deleted.
3. In section 4.2.4 of Method 310, the language was modified to clarify that only the amount of methyl esters with 17 or more carbon atoms that volatilize during analytical testing will be excluded from the total volatile material prior to calculating VOC content. Additionally, the reference to “palmitate” was deleted.
4. In section 94508(a)(58)(B), the definition was modified to clarify that the “General Purpose Cleaner” category does not include “Furniture Maintenance Product.”
5. In section 94508(a)(88)(B) the definition of “Multi-purpose Solvent” was modified to clarify that products that do not display specific use instructions on the product container or packaging and products that do not display an end-use function or application on the product container or packaging are “Multi-purpose Solvent” products.
6. In section 94508(a)(122) and section 94508(a)(123), the definitions of “Single Purpose Cleaner” and “Single Purpose Degreaser” were modified to clarify that products must be designed and labeled as single purpose products. Additionally, language has been added to clarify that products subject to an existing regulated category are not single purpose products.

Agency Contact Persons

Inquiries concerning the substance of the proposed amendments to the regulations may be directed to the designated agency contact persons, Mr. Jose Gomez, Manager, Technical Development Section, at (916) 324-8033.

Submittal of Public Comments

Written comments will only be accepted on the modifications identified in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at www.arb.ca.gov.