State of California
AIR RESOURCES BOARD

Resolution 95-12

March 23, 1995

Agenda Item No.: 95-3-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 41712 of the Health and Safety Code directs the Board to adopt regulations to achieve the maximum feasible reduction in reactive organic compounds (referred to as "volatile organic compounds" or "VOCs") emitted by consumer products, if the Board determines that adequate data exists for it to adopt the regulations, and if the regulations are technologically and commercially feasible and necessary;

WHEREAS, to fulfill the requirements of Health and Safety Code section 41712 the Board has approved regulations to reduce VOC emissions from antiperspirants and deodorants (Title 17, California Code of Regulations (CCR) sections 94500-94506.5), regulations to reduce VOC emissions from consumer products (Title 17, CCR, sections 94507-94517), and an Alternative Control Plan (ACP) regulation for consumer products (Title 17, CCR, sections 94540-94555);

WHEREAS, the ACP is a voluntary, market-based regulation designed to provide added flexibility to participating manufacturers by allowing an aggregate emissions cap or "bubble" to be placed over a group of consumer products, instead of specifying VOC content limits for individual product categories;

WHEREAS, in 1992 and 1993 the Legislature amended section 41712 of the Health and Safety Code to include aerosol paints within the definition of "consumer products", and to require that the Board take specific actions to reduce VOC emissions from aerosol paints;

WHEREAS, the legislative amendments added a new section 41712(f) to the Health and Safety Code (section 41712(f)), which directs the Board to adopt regulations for aerosol paints on or before January 1, 1995, requires the regulations to achieve at least a 60 percent reduction in VOC emissions resulting from the use of aerosol paints by December 31, 1999 (calculated with respect to the 1989 baseline year), and also requires the regulations to establish interim VOC limits prior to 1999;

WHEREAS, section 41712(f) further requires the Board to conduct a public hearing on or before December 31, 1998 to determine the technological and commercial feasibility of the final VOC limits, and to grant an extension not to exceed five years if the Board determines that the 60 percent

reduction is not technologically or commercially feasible by December 31, 1999;

WHEREAS, to fulfill the requirements of section 41712(f) the staff has proposed a regulation for reducing VOC emissions from aerosol coating products (the "Aerosol Coatings Regulation"; Title 17, CCR, sections 94520-94528), which specifies VOC limits for 35 categories of aerosol coatings and related products.

WHEREAS, to provide additional flexibility for manufacturers, the staff has also proposed amendments to the ACP regulation to allow aerosol coating products to be included in an ACP;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board staff has consulted with the United States Environmental Protection Agency (U.S. EPA) regarding consumer product regulations promulgated by other state and local governments, as provided in section 183(e) of the federal Clean Air Act;

WHEREAS, the Board finds that:

VOC emissions from aerosol paints contribute to ambient concentrations of ozone and PM10 in the state;

The proposed Aerosol Coatings Regulation will result in significant reductions in VOC emissions from aerosol paint and related products, and corresponding reductions in ambient ozone and PM10 levels;

The proposed amendments to the ACP will provide additional flexibility and lower compliance cost for manufacturers and marketers subject to the Aerosol Coatings Regulation;

The Aerosol Coatings Regulations and the ACP amendments are authorized by California law and satisfy the requirements of section 41712 of the Health and Safety Code;

There exists adequate data to support the adoption of the Aerosol Coatings Regulation and the ACP amendments;

The Aerosol Coatings Regulation and the ACP amendments are technologically and commercially feasible, as discussed in the Initial Statement of Reasons;

It is necessary to adopt the Aerosol Coatings Regulation to attain and maintain state and national ambient air quality standards, to meet the commitments contained in the Consumer Products Element of the California State Implementation Plan (SIP) for Ozone, and to fulfill the requirements of Health and Safety Code section 41712(f);

The proposed ACP amendments are necessary to attain and maintain the state and national ambient air quality standards and fulfill California's SIP commitments with maximum flexibility and less cost;

The reporting requirements of the Aerosol Coatings Regulation and the ACP amendments which apply to businesses are necessary for the health, safety, and welfare of the people of the state;

The economic and cost impacts of the Aerosol Coatings Regulation and the ACP amendments have been analyzed as required by California law, and the conclusions and supporting documentation for this analysis are set forth in the Initial Statement of Reasons for this regulatory action:

WHEREAS, the Board further finds that:

Pursuant to the requirements of the California Environmental Quality Act, this regulatory action will not have any significant adverse impact on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts new Article 3, sections 94520-94528, Title 17, CCR; and the amendments to Article 4, sections 94540-94543, 94547, 94550, 94551, and 94553, Title 17, CCR, as set forth in Attachment A hereto;

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to take the following actions: (1) monitor the progress of manufacturers in meeting the December 31, 1999 VOC standards specified in the Aerosol Coatings Regulation, (2) schedule a Board hearing before December 31, 1998 for the Board to evaluate the technological and commercial feasibility of the December 31, 1999 standards, as specified in section 94522(g), Title 17, CCR, and (3) identify any significant problems in the implementation of the Aerosol Coatings Regulation and the ACP amendments, and propose any future regulatory modifications that may be appropriate;

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the Aerosol Coatings Regulation and the ACP amendments to the U.S. EPA for inclusion in the SIP, provided, however, that the Executive Officer is directed to comply with section 41712(f)(3) of the Health and Safety Code and not submit as a SIP revision that portion of the Aerosol Coatings Regulation which consists of the December 31, 1999 VOC standards;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to include in the SIP revision any additional documentation identified as necessary for approvability under the federal Clean Air Act and U.S. EPA

regulations, and to work with the U.S. EPA to ensure that the Aerosol Coatings Regulation and the ACP amendments are approved as a SIP revision.

I hereby certify that the above is a true and correct copy of Resolution 95-12 as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens
Board Secretary