

Attachment A

Proposed 15-Day Changes to the Proposed Amendments to the Antiperspirants and Deodorants Regulation; Consumer Products Regulation; Aerosol Coating Products Regulation; Alternative Control Plan Regulation; the Tables of Maximum Incremental Reactivity Values; and Test Method 310

August 19, 2021

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Note: This attachment to the "Notice of Public Availability of Modified Text and Availability of Additional Documents and Information" regarding the "Proposed Amendments to the Antiperspirants and Deodorants Regulation; Consumer Products Regulation; Aerosol Coating Products Regulation; Alternative Control Plan Regulation; the Tables of Maximum Incremental Reactivity Values; and Test Method 310" shows the proposed modifications to the originally-proposed regulatory language released to the public on February 2, 2021. This attachment includes "Staff's Suggested Modifications to the Original Proposal," which was shared at the March 25, 2021, Board hearing. The originally-proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. New proposed additions and deletions to the originally-proposed language that are made public with this notice are shown in double underline and ~~double strikeout~~ format, respectively. [Bracketed text] is not part of the proposed modified regulatory text, but is, instead, language from the existing regulation that is not proposed to change but is provided for context. The symbol "*****" means that intervening text not proposed to be modified, either from the existing regulation or from the originally-proposed amendments, is not shown.

Amend sections 94508, 94509, 94510, 94511, 94513, 94515, and 94542, title 17, California Code of Regulations, to read as follows:

§ 94508. Definitions.

(a) For the purpose of this article, the following definitions apply:

(19) "Automotive Windshield Washer Fluid" means any liquid dilutable or premixed product that is designed or labeled for use in a motor vehicle windshield washer fluid system either as an anti-freeze or for the purpose of cleaning, washing, bug removal, or wetting the windshield(s). "Automotive Windshield Washer Fluid" does not include any fluid which is placed in a new motor vehicle at the time the vehicle is manufactured.

For the purpose of complying with the requirements for "Automotive Windshield Washer Fluid," the following definitions (A-D) apply:

(D) "Type "A" area" means:

(1) Before July 1, 2013, the following regions of California: Del Norte, Shasta, and Trinity Counties; the Great Basin Valley, Lake Tahoe, Mountain Counties and Northeast Plateau Air Basins, as defined in title 17, California Code of Regulations, sections 60105, 60108, 60111, and 60113.

- (2) On and after July 1, 2013, the counties listed in Table 94508(a)(2019)(A), and areas defined by ZIP codes listed in Table 94508(a)(2019)(B) below:

Table 94508(a)(2019)(A) Counties that are Type "A" Areas

Air Basin	Counties
Great Basin Valleys	Alpine, Inyo, Mono
Lake Tahoe	El Dorado
Mountain Counties	Amador, Calaveras, El Dorado, Mariposa, Nevada, Plumas, Sierra, Tuolumne
Northeast Plateau	Lassen, Modoc, Siskiyou
North Coast	Del Norte, Trinity
Sacramento Valley	Shasta

Table 94508(a)(2019)(B) Type "A" Areas Identified by ZIP Code

County*	ZIP Code	County*	ZIP Code	County*	ZIP Code
Butte	95954	Placer	95703	San Bernardino	92315
Butte/Tehama	95942	Placer	95713	San Bernardino	92317
Fresno	00017	Placer	95714	San Bernardino	92321
Fresno	93621	Placer	95715	San Bernardino	92325
Fresno	93628	Placer	95717	San Bernardino	92339
Fresno	93664	Placer	95722	San Bernardino	92352
Fresno/Tulare	93633	Placer	95724	San Bernardino	92358
Glenn	00047	Placer	96140	San Bernardino	92382
Humboldt	00050	Placer	96141	San Bernardino	92385
Kern	00016	Placer	96142	San Bernardino	92397
Kern	93255	Placer	96143	San Diego	91962
Kern	93285	Placer	96145	Santa Barbara	00032
Kern/Ventura	93225	Placer	96146	Tehama	00037
Kern	93226	Placer	96148	Tehama	00038
Kern/Ventura/ Santa Barbara/ San Luis Obispo	93252	Placer	96161	Tehama	96063
Madera	00020	Placer	96162	Tulare	00026
Madera	93643	Riverside	92549	Tulare	93260
Madera	93644	Riverside	92561	Tulare	93262
Placer	95602 (portion)**	San Bernardino	91759	Tulare	93265
Placer	95603 (portion)**	San Bernardino	92256	Tulare	93271
Placer	95631 (portion)**	San Bernardino	92305		
Placer	95701	San Bernardino	92314		

* County name is provided as a point of reference only. Except as specified for ZIP codes 95602, 95603, and 95631, all portions of the identified ZIP codes are Type "A" areas.

** Only the portion of ZIP codes 95602, 95603, and 95631 that lie to the east of Range 9 east, Mount Diablo Baseline and Meridian.

~~(6970)~~ "Hair Styling Product" means a consumer product that is designed or labeled for application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. "Hair Styling Product" includes, but is not limited to, hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hair style, and leave-in volumizers, detanglers and/or conditioners that make styling claims. "Hair Styling Product" does not include "No-Rinse Dry Shampoo," "Thermal Protectant," "Hair Mousse," "Hair Shine," "Hair Finishing Spray," or shampoos or conditioners that are rinsed from the hair prior to styling.

For the purposes of this ~~category~~ subchapter, "finish" or "finishing" means the maintaining and/or holding of ~~previously styled hair for a period of time~~ a hairstyle once all styling is complete.

For the purposes of this ~~category~~ subchapter, "styling" means ~~the~~ forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

~~(7576)~~ "Insecticide" means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are: for agricultural use, or for a use which requires a structural pest control license under Chapter 14 (commencing with Section 8500) of the Business and Professions Code, or restricted materials that require a permit for use and possession.

"Insecticide" includes the following subcategories (A-~~FG~~):

§ 94509. Standards for Consumer Products.

- (a) Except as provided in sections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), and 94540 through 94555 (Alternative Control Plan), title 17, California Code of Regulations, no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which, at the time of

sale or manufacture, contains volatile organic compounds in excess of the limits specified in the following Table of Standards after the specified effective dates.

Table of Standards
Percent Volatile Organic Compound by Weight

<p>Air Freshener (<u>manufactured before January 1, 2023</u>):</p> <p>Double Phase Aerosol**</p>	<p>1/1/93 12/31/2004 12/31/2012</p>	<p>30 25 20</p>
<p>Single Phase Aerosol</p>	<p>1/1/93 1/1/96</p>	<p>70 30</p>
<p><u>Air Freshener</u> (<u>manufactured on or after January 1, 2023</u>):</p> <p><u>Automatic Aerosol Air Freshener</u></p>	<p><u>1/1/2023</u></p>	<p><u>30</u></p>
<p><u>Manual Aerosol Air Freshener**</u></p>	<p><u>1/1/2023</u> <u>1/1/2027</u></p>	<p><u>10</u> <u>5</u></p>
<p><u>Concentrated Aerosol Air Freshener**</u></p>	<p><u>1/1/2023</u> <u>1/1/2027</u></p>	<p><u>15</u> <u>10</u></p>
<p><u>Total Release Aerosol Air Freshener**</u></p>	<p><u>1/1/2023</u></p>	<p><u>25</u></p>
<p><u>Air Freshener*</u> Dual Purpose Air Freshener/Disinfectant aerosol</p>	<p>1/1/94</p>	<p>60</p>
<p>Liquid/pump spray</p>	<p>1/1/93</p>	<p>18</p>
<p>Solid/semisolid[#]</p>	<p>1/1/93</p>	<p>3</p>
<p>[*See sections 94510(f) for an exemption that applies to Air Freshener.]</p> <p>[**See section 94509(n) for additional requirements that apply to Double Phase Aerosol Air Freshener, and sections 94509(m)(1)(B) and 94509(n) for additional requirements that apply to Manual Aerosol Air Freshener, Concentrated Aerosol Air Freshener, and Total Release Aerosol Air Freshener.]</p> <p>[#See subsections 94509(m)(2) and 94510(g)(2) for additional provisions that apply to Air Freshener (solid).]</p>		

Automotive Windshield Washer Fluid*: Type "A" areas	1/1/93 12/31/2008	35 25
Nontype "A" areas	1/1/93 12/31/2002	10 1
*See section 94508(a)(2019), section 94509(b)(3), and section 94509(l) for provisions that apply to Automotive Windshield Washer Fluid.		

- (m) *Requirements limiting the use of specific toxic compounds in specific consumer products categories.*

- (4) *Sell-through of Products.* Consumer products listed in Table 94509(m)(1)(A), (m)(1)(B), (m)(2), or (m)(3) that were manufactured before the specified effective date listed in Table 94509(m)(1)(A), (m)(1)(B), (m)(2), or (m)(3), may be sold, supplied, or offered for sale until the corresponding "sell-through" date listed in Table 94509(m)(1)(A), (m)(1)(B), (m)(2), or (m)(3), so long as the product complies with the product dating requirements in section 94512(b).
- (5) *Notification for products sold during the sell-through period.* Any person who sells or supplies a consumer product identified listed in section 94509(m)(1)(A), (m)(1)(B), (m)(2), or (m)(3) must notify the purchaser of the product of the sell-through period dates, provided, however, that this notification must be given only if both of the following conditions are met:
- (A) the product is sold or supplied to a distributor or retailer; and
 - (B) the product is sold or supplied within 6 months of the specified effective date.
- (6) *Impurities.* The requirements of section 94509(m)(1)(A), (m)(1)(B), and (m)(5) shall not apply to any consumer product listed in Table 94509(m)(1)(A) or (m)(1)(B), containing parachlorobenzotrifluoride, methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

- (7) The requirements of section 94509(m)(1)(A), shall not apply to "Penetrant" products used on equipment when electrical current exists; residual electrical potential from a component exists; or an open flame exists, as long as the "Principal Display Panel" clearly displays the statement: "Nonflammable: For use on energized equipment only."

§ 94510. Exemptions

- (c) Except for Pressurized Gas Duster, the VOC limits specified in Section 94509(a) shall not apply to fragrances up to a combined level of 2 percent by weight contained in any consumer product. the following:
- (1) For "General Purpose Cleaner" (nonaerosol) and "General Purpose Degreaser" (nonaerosol) products manufactured ~~between January 1, 2023, and December 31, 2030~~ before January 1, 2031, fragrances up to a combined 2 percent by weight and monoterpenes up to a combined 0.25 percent by weight, not to exceed a combined total of 2 percent fragrances and monoterpenes by weight.
 - (2) For products, other than "General Purpose Cleaner" (nonaerosol) and "General Purpose Degreaser" (nonaerosol), manufactured before January 1, 2031, fragrances up to a combined level of 2 percent by weight.
 - (3) For "General Purpose Cleaner" (nonaerosol) and "General Purpose Degreaser" (nonaerosol) products manufactured on or after January 1, 2031, fragrances and/or monoterpenes up to a combined 0.25 percent by weight.
 - (4) For "Air Freshener," "Disinfectant," and "Sanitizer" products manufactured on or after January 1, 2031, fragrances up to a combined level of 0.25 percent by weight.

For the purposes of subsections (c)(1) and (c)(3), "Monoterpene" means one or more chemical compounds listed by the specific chemical name or associated Chemical Abstracts Service (CAS) number in Table 94510(c).

**Table 94510(c)
Specified Monoterpenes**

<u>Chemical Name</u>	<u>CAS #</u>
<u>limonene (d isomer)</u>	<u>5989-27-5</u>
<u>limonene (l isomer)</u>	<u>5989-54-8</u>
<u>dipentene (dl-limonene)</u>	<u>138-86-3</u>
<u>α-pinene</u>	<u>80-56-8</u>
<u>α-pinene (d isomer)</u>	<u>7785-70-8</u>
<u>α-pinene (l isomer)</u>	<u>7785-26-4</u>
<u>β-pinene</u>	<u>127-91-3</u>
<u>β-pinene (l isomer)</u>	<u>18172-67-3</u>

§ 94511. Innovative Products.

(c) The Executive Officer shall exempt an “Innovative Compressed Gas Propellant Product” or “Innovative Liquefied Propellant Product” in the aerosol “Hair Finishing Spray,” “Dry Shampoo,” or “Personal Fragrance Product” product categories from the VOC standards adopted on [DATE OF ADOPTION OF PROPOSED AMENDMENTS} and specified in section 94509(a) if the product manufacturer demonstrates by clear and convincing evidence at the time of the IPE application that ~~all four of the following criteria are met:~~ an “Innovative Compressed Gas Propellant Product” meets the criteria in sections (c)(1) and (c)(3) through (c)(6) and an “Innovative Liquefied Propellant Product” meets the criteria in sections (c)(2) through (c)(6).

(1) “Innovative Compressed Gas Propellant Product” means a product which meets all of the following criteria:

(A) For a product manufactured before January 1, 2029, the HFC-152a propellant is replaced with a propellant comprised of compressed air, compressed nitrogen, and/or compressed carbon dioxide, and use of the replacement propellant will result in the Innovative Compressed Gas Propellant Product achieving a 50 percent or greater reduction in greenhouse gas (GHG) emissions compared to the Representative HFC-152a Product.

(B) For a product manufactured on or after January 1, 2029, the Innovative Compressed Gas Propellant Product includes only ingredients with a GWP less than 10, or achieves a 90 percent or greater reduction in GHG emissions compared to the Representative HFC-152a Product;

- (C) The weight of the Innovative Compressed Gas Propellant Product propellant or propellants does not exceed 50 percent of the weight of the Representative HFC-152a Product propellant or propellants; and
 - (D) The ozone-forming potential of the Innovative Compressed Gas Propellant Product does not exceed that of the Representative HFC-152a Product.
- (2) “Innovative Liquefied Propellant Product” means a product which meets all of the following criteria:
- (A) For a product manufactured before January 1, 2029, the Innovative Liquefied Propellant Product achieves a 50 percent or greater reduction in GHG emissions compared to the Representative HFC-152a Product;
 - (B) For a product manufactured on or after January 1, 2029, the Innovative Liquefied Propellant Product includes only ingredients with a GWP less than 10, or achieves a 90 percent or greater reduction in GHG emissions compared to the Representative HFC-152a Product; and
 - (C) The ozone-forming potential of the Innovative Liquefied Propellant Product does not exceed that of the Representative HFC-152a Product.
- (3) “Representative HFC-152a Product” means a product that meets either (A) or (B) below:
- (A) A consumer product that has the product formulation identified in Table 94511(c)(3) for the applicable product category; or
 - (B) A compliant consumer product that meets (i) through (v) below:
 - i) is in the same product category as the innovative product,
 - ii) is available for purchase in California at the time of the IPE application,
 - iii) has a PWMIR no greater than (5.0) percent above the applicable product formulation in Table 94511(c)(3),
 - iv) has a GHG composition that is no lower than five (5.0) ingredient weight percent below the applicable product formulation in Table 94511(c)(3), and
 - v) has a fragrance content that is representative of products on the California market in the applicable category at the time of the IPE application.

Table 94511(c)(3): Representative HFC-152a Product Formulations

<u>Product Category and Applicable VOC Standard</u>	<u>Ingredient Weight Percent</u>				
	<u>Ethanol</u>	<u>HFC-152a</u>	<u>Fragrance</u>	<u>Other VOC or LVP-VOC*</u>	<u>Non-Volatiles and Exempt VOCs**</u>
<u>Hair Finishing Spray: 50% VOC</u>	<u>45</u>	<u>45</u>	<u>0.1</u>	<u>3.9</u>	<u>6</u>
<u>Dry Shampoo: 55% VOC</u>	<u>30</u>	<u>29</u>	<u>0.2</u>	<u>30.8</u>	<u>10</u>
<u>Dry Shampoo: 50% VOC</u>	<u>30</u>	<u>33</u>	<u>0.2</u>	<u>26.8</u>	<u>10</u>
<u>Personal Fragrance Product: 70% VOC</u>	<u>40</u>	<u>15</u>	<u>2</u>	<u>30</u>	<u>13</u>
<u>Personal Fragrance Product: 50% VOC</u>	<u>30</u>	<u>30</u>	<u>2</u>	<u>22</u>	<u>16</u>

* Ingredients in this column are assumed to have an average MIR of 0.9. The Executive Officer may approve an alternate average MIR for "Other VOC or LVP-VOC" ingredients in the "Personal Fragrance Product: 70% VOC" category based upon product category sales and ingredient information submitted by the applicant.

** Ingredients in this column are assumed to have an average MIR of 0.0.

(4) An "Innovative Compressed Gas Propellant Product" or an "Innovative Liquefied Propellant Product" shall have at least similar efficacy as other consumer products in the same category, based upon consumer or scientific testing generally accepted for that product category by the consumer products industry, demonstrated product spray rate, percent or efficacy of active ingredients, or information that the applicant may provide or that CARB may request. Application of a greater quantity of innovative product shall not be needed to achieve the same efficacy as the representative product.

~~(1) At least 50 percent by volume of the proposed innovative product's propellant ingredients are compressed air, compressed nitrogen, and/or compressed carbon dioxide, and the weight of the proposed innovative product's propellant or propellants does not exceed 50 percent of the weight of the representative product's propellant or propellants;~~

~~(2) The replacement of HFC-152a propellant with compressed air, compressed nitrogen, and/or compressed gas propellant will result in the proposed innovative product having a lower global warming potential (GWP) compared to the representative HFC-152a product.~~

(5) GHG emissions shall be calculated as follows:

(A) The GHG emissions for an "Innovative Compressed Gas Propellant Product," "Innovative Liquefied Propellant Product," or Representative HFC-152a Product shall be calculated using the following equation for the purposes of determining compliance with section 94511(c):

$$\underline{GHG_{PRODUCT} = (GWP_{INGREDIENT} \times Wt)_1 + (GWP_{INGREDIENT} \times Wt)_2 + \dots + (GWP_{INGREDIENT} \times Wt)_n}$$

where:

GHG_{PRODUCT} = the GHG emissions from the Innovative Compressed Gas Propellant Product, Innovative Liquefied Propellant Product, or Representative HFC-152a Product;

GWP_{INGREDIENT} = ingredient GWP, as specified in 94511(c)(5)(B-D);

Wt = ingredient weight;

1,2,3,...,n = each ingredient in the Innovative Compressed Gas Propellant Product, Innovative Liquefied Propellant Product, or Representative HFC-152a Product, up to the total n ingredients in the Innovative Compressed Gas Propellant Product, Innovative Liquefied Propellant Product, or Representative HFC-152a Product.

~~(AB) The global warming potential of the proposed innovative product~~Innovative Compressed Gas Propellant Product, Innovative Liquefied Propellant Product, or Representative HFC-152a Product shall be determined by using the 100-Year GWP values from the Intergovernmental Panel on Climate Change's (IPCC) Fourth Assessment Report (Forster, P., V. Ramaswamy, P. Artaxo, T. Berntsen, R. Betts, D.W. Fahey, J. Haywood, J. Lean, D.C. Lowe, G. Myhre, J. Nganga, R. Prinn, G. Raga, M. Schulz and R. Van Dorland, 2007: Changes in Atmospheric Constituents and in Radiative Forcing. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.), incorporated by reference herein.

- ~~(B)~~ For an ~~substance~~ ingredient for which no GWP value exists in the IPCC's Fourth Assessment Report, but for which a GWP value does exist in the IPCC's Fifth Assessment Report (Myhre, G., D. Shindell, F.-M. Bréon, W. Collins, J. Fuglestedt, J. Huang, D. Koch, J.-F. Lamarque, D. Lee, B. Mendoza, T. Nakajima, A. Robock, G. Stephens, T. Takemura and H. Zhang, 2013: Anthropogenic and Natural Radiative Forcing. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.) incorporated by reference herein, the GWP of the ingredient shall be determined by using the 100-Year Global Warming Potential value from the IPCC's Fifth Assessment Report.
- ~~(C)~~ For a ~~substance~~ ingredient for which no GWP value exists in the IPCC's Fourth Assessment Report or the IPCC's Fifth Assessment Report, the GWP value of the ingredient shall be zero.
- ~~(3)~~ The amount of product dispensed by the innovative product is equal to or greater than the amount of product dispensed by the representative product; and
- ~~(46)~~ The Ozone-forming potential shall be calculated as follows of the proposed innovative product does not exceed that of the representative HFC-152a product:
- (A) Assignment of an ~~substance's~~ ROC's Maximum Incremental Reactivity (MIR) value for the purpose of determining an ~~product's~~ Innovative Compressed Gas Propellant Product, Innovative Liquefied Propellant Product, or Representative HFC-152a Product ozone-forming potential shall be conducted pursuant to subsections 94509(r)(5)(A)-(D) and (F)-(I).
- (B) For fragrance, the MIR value for terpinolene listed in section 94700 shall be used to calculate the ~~product's~~ Innovative Compressed Gas Propellant Product, Innovative Liquefied Propellant Product, or Representative HFC-152a Product ozone-forming potential.
- ~~(d)~~ For the purposes of subsections (c) and (f) of this section, "representative HFC-152a product" means a consumer product that meets either of the following criteria:
- ~~(1)~~ A consumer product that has the product formulation identified in Table 94511(d)(1) for the applicable product category; or
- ~~(2)~~ A consumer product that is in the same product category as the innovative product; with a propellant that is at least 50 percent HFC-

~~152a, by weight, and with a fragrance content that is representative of products on the California market in the applicable category at the time of the IPE application.~~

~~Table 94511(d)(1): Representative HFC 152a Product Formulations~~

Product Category and Applicable VOC Standard	Ingredient Weight Percent				
	Ethanol	HFC-152a	Fragrance	Other VOC or LVP VOC*	Non-Volatiles and Exempt VOCs**
Hair Finishing Spray: 50% VOC	45	45	0.1	3.9	6
Dry Shampoo: 55% VOC	30	29	0.2	30.8	10
Dry Shampoo: 50% VOC	30	33	0.2	26.8	10
Personal Fragrance Product: 70% VOC	40	15	2	30	13
Personal Fragrance Product: 50% VOC	30	30	2	22	16

~~* Ingredients in this column are assumed to have an average MIR of 0.9.~~

~~** Ingredients in this column are assumed to have an average MIR of 0.0.~~

~~(ced) A manufacturer shall apply in writing to the Executive Officer for any exemption claimed under this subsection (a). The application shall include the supporting documentation that demonstrates the reduction of emissions from the innovative product, including the actual physical test methods used to generate the data and, if necessary, the consumer testing undertaken to document product usage. In addition, the applicant must provide any information necessary to enable the Executive Officer to establish enforceable conditions for granting the exemption including the VOC content for the innovative product and test methods for determining the VOC content. All information submitted by a manufacturer pursuant to this section shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, Sections 91000-91022.~~

~~(1) For products that meet the criteria identified in subsections 94511(a) and (b), the application shall include the supporting~~

documentation that demonstrates the reduction of emissions from the innovative product, including the actual physical test methods used to generate the data and, if necessary, the consumer testing undertaken to document product usage. In addition, the applicant must provide any information necessary to enable the Executive Officer to establish enforceable conditions for granting the exemption, including the VOC content for the innovative product and test methods for determining the VOC content.

(2) For products that meet the criteria identified in subsections 94511(c) and (d), the application shall include the supporting documentation that demonstrates the criteria identified in subsections (c)(1) through (4) are met, including the name, weight percent, density, MIR, and GWP for all ingredients present in an amount greater than or equal to 0.1 percent by weight of the product formulation, and all supporting calculations or analytical measurements. In addition, the applicant must provide any information necessary, upon request of the Executive Officer, to enable the Executive Officer to establish enforceable conditions for granting the exemption, including the VOC content and ozone forming potential of the innovative product.

~~(f)~~ A consumer product which reduces VOC emissions relative to the representative consumer product due to VOC combustion (including, but not limited to, catalytic combustion) shall be ineligible for any exemption provided in this section.

~~(g)~~ Within 30 days of receipt of the exemption application the Executive Officer shall determine whether an application is complete as provided in section 60030(a), Title 17, California Code of Regulations.

~~(h)~~ Within 90 days after an application has been deemed complete, the Executive Officer shall determine whether, under what conditions, and to what extent, an exemption from the requirements of Section 94509(a) will be permitted. The applicant and the Executive Officer may mutually agree to a longer time period for reaching a decision, and additional supporting documentation may be submitted by the applicant before a decision has been reached. The Executive Officer shall notify the applicant of the decision in writing and specify such terms and conditions that are necessary to ensure that emissions from the product will meet the emissions reductions specified in subsection (a), and that such emissions reductions can be enforced.

~~(i)~~ In granting an exemption for a product the Executive Officer shall establish conditions that are enforceable. These conditions shall include the VOC content of the innovative product, dispensing rates, application rates, and any

other parameters determined by the Executive Officer to be necessary. The Executive Officer shall also specify the test methods for determining conformance to the conditions established. The test methods shall include criteria for reproducibility, accuracy, and sampling and laboratory procedures.

(g) For any product for which an exemption has been granted pursuant to this section, the manufacturer shall notify the Executive Officer in writing within 30 days of any change in the product formulation or recommended product usage directions, and shall also notify the Executive Officer within 30 days if the manufacturer learns of any information which would alter the emissions estimates submitted to the Executive Officer in support of the exemption application.

(k) Modification of Product Ingredients for an Existing Exemption: Where one or more ingredients in a product for which an exemption has been granted based upon the eligibility criteria in subsection (c) has been modified after the exemption has been granted, the product shall be considered a modified product and:

(1) the manufacturer must notify the Executive Officer of an ingredient modification within 30 days, but need not apply for a new exemption for the modified product if all of the following three conditions are met:

(A) The modified ingredient or ingredients meet the definition of fragrance as specified in section 94508(a)(54) and/or do not meet the definition of 'Reactive Organic Compound' as specified in section 94509(r)(1)(l);

(B) The total weight of the modified ingredient or ingredients that meet the criteria in subsection (A) represent no more than 0.5 percent of the total product weight for "Hair Finishing Spray" and "Dry Shampoo," or represent no more than 2.5 percent of the total product weight for "Personal Fragrance Product"; and

(C) the modification does not increase the product's ozone forming potential or GWP.

(2) If the modified product does not meet all of the conditions in subsections 94511(j)(1)(A) through (C), the manufacturer must apply for a new exemption for the modified product pursuant to subsection 94511(e)(2). The modified product must still meet the requirements in subsection (c).

(h) If the VOC limits specified in Section 94509(a) are lowered for a product category through any subsequent rulemaking, all innovative product exemptions granted for products in the product category, except as provided

in this subsection (~~nk~~), shall have no force and effect as of the effective date of the modified VOC standard. This subsection (~~nk~~) shall not apply to innovative product exemptions granted to the following:

- (1) those innovative products which have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the Executive Officer at least 60 days before the effective date of such limits; and
- (2) an 'Automatic Aerosol Air Freshener' product subject to a 30% VOC standard pursuant to Section 94509(a).

(~~ni~~) If the Executive Officer believes that a consumer product for which an exemption has been granted no longer meets the criteria for an innovative product specified in subsection (a), the Executive Officer may modify or revoke the exemption as necessary to assure that the product will meet these criteria. The Executive Officer shall not modify or revoke an exemption without first affording the applicant an opportunity for a public hearing held in accordance with the procedures specified in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 1, Article 4 (commencing with Section 60040), to determine if the exemption should be modified or revoked.

§ 94513. Reporting Requirements.

(a) Upon 90 days written notice, the Executive Officer may require any responsible party to report information for any consumer product or products the Executive Officer may specify including, but not limited to, all or part of the information: specified in the following subsections (a)(1) through (a)(12). If the responsible party does not have or does not provide the information requested by the Executive Officer, the Executive Officer may require the reporting of this information by the person that has the information, including, but not limited to, any formulator, manufacturer, supplier, parent company, private labeler, distributor, or repackager.

(10) for each product brand name and form, the identity, including the specific chemical name and associated ~~Chemical Abstract Services (CAS)~~ number, of the following:

(i) Special Reporting requirements for Personal Fragrance Product with less than or equal to ten percent by weight of combined fragrance ingredients:

- (1) On or before March 31, 2026, each responsible party for Personal Fragrance Products shall report to the Executive Officer the following information:
- (A) data regarding product sales and composition for the year 2025, including the information listed in subsections 94513(a) and (c), the VOC content of the fragrance ingredients, if requested by the Executive Officer, and the entire product label for the responsible party's products sold or offered for sale in California; and
- (B) a written update on the responsible party's research and development efforts undertaken to date to achieve the 50 percent by weight VOC standard specified in section 94509(a). The report shall include the cost of reformulation efforts, and discussion of the past, planned, and ongoing research to meet the 50 percent by weight VOC standard specified in section 94509(a). The report shall provide a detailed description of the steps taken to achieve compliance, and the dates the steps were taken, including, but not limited to, the following:
- i) types of formulations to be tested;
 - ii) formulation data;
 - iii) prototype testing;
 - iv) toxicity testing and research;
 - v) stability testing; ~~and~~
 - vi) expert olfactory odor testing; and
 - vii) consumer acceptance research.

§ 94515. Test Methods.

Sections 3.4, 3.5, and 3.6 of California Air Resources Board Method 310

3.4 Initial Determination of VOC Content. ~~If t~~ The Executive Officer makes a will determine the VOC content determination, they shall do so pursuant to sections 3.2 and 3.3. Only those components with

concentrations equal to or greater than 0.1 percent by weight ~~shall~~ will be reported.

3.6.21 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer ~~may ask~~ will request the ~~of~~ responsible party to supply additional information to explain the discrepancy.

§ 94542. Definitions.

(a) For the purposes of this article, the following definitions shall apply:

(14) "LVP" or "LVP Compound" ~~means a low vapor pressure VOC which shall have the same meaning as "LVP-VOC," as defined in section 94508(a).~~

(18) "Pre-ACP VOC Content" means the lowest VOC content of an ACP product between January 1, 1990 and the date on which the application for a proposed ACP is submitted to the Executive Officer, based on either the data on the product obtained from the March 12, 1991 Air Resources Board Consumer Products Survey, ~~the data on the product obtained from the February 25, 1993 Air Resources Board Aerosol Paint Survey,~~ or other accurate records available to the Executive Officer, whichever yields the lowest VOC content for the product.

METHOD 310

DETERMINATION OF VOLATILE ORGANIC COMPOUNDS (VOC) IN CONSUMER PRODUCTS AND REACTIVE ORGANIC COMPOUNDS (ROC) IN AEROSOL COATING PRODUCTS (Including Appendix A)

4 CALCULATION OF VOC CONTENT

4.2 Article 2. Consumer Products

This section specifies the equations that shall be used to calculate the VOC content of a product.

4.1.24.2.1.2 For aerosol products containing LVP-VOC, the percent VOC content shall be calculated using the following equation:

$$\% \text{VOC} = \frac{\text{WL}[(1-H) \times (1-LVP) - \text{EL}] + (\text{WP} - \text{EP})}{\text{WL} + \text{WP}} \times 100$$

$$\% \text{VOC} = \left[\frac{\text{WL}[(1-H) \times (1-LVP) - \text{EL}] + (\text{WP} - \text{EP})}{\text{WL} + \text{WP}} \right] \times 100$$

Where:

LVP = weight fraction of LVP-VOC compounds and/or mixtures in the non-propellant, non-aqueous portion.

1 - H = weight fraction of the non-propellant portion that does not contain water

1 - LVP = weight fraction of the non-propellant, non-aqueous portion that is volatile.

Volatile compounds, such as ammonia, that do not meet the definition of a VOC in the Consumer Products Regulations will not count toward the total percent VOC content of a product.
