

State of California  
AIR RESOURCES BOARD

Resolution 92-1

January 9, 1992

Agenda Item No.: 92-1-1

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, the Legislature in 1988 enacted the California Clean Air Act of 1988 (Stats. 1988, ch. 1568) to address the problem of air pollution in California;

WHEREAS, in the California Clean Air Act the Legislature declared that attainment of the Board's health-based ambient air quality standards is necessary to protect public health, particularly of children, older people, and those with respiratory diseases, and directed that these standards be attained at the earliest practicable date;

WHEREAS, section 41712 of the Health and Safety Code directs the Board to adopt by January 1, 1992 regulations to achieve the maximum feasible reduction in reactive organic compounds 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, following a November 8, 1989, public hearing, the Board approved a regulation to reduce volatile organic compound (VOC) emissions from antiperspirants and deodorants (Title 17, California Code of Regulations, sections 94500-94506.5; the "antiperspirant regulation");

WHEREAS, following an October 11, 1990, public hearing, the Board approved a regulation to reduce VOC emissions from consumer products in California (Title 17, California Code of Regulations, sections 94507-94517; the "consumer products regulation"), and also approved amendments to the antiperspirant regulation to achieve consistency with the provisions of the consumer products regulation;

WHEREAS, to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products, staff has proposed amendments to the consumer products regulation;

WHEREAS, to provide consistency with the proposed amendments to the consumer products regulation, staff has also proposed amendments to the antiperspirant regulation.

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, Board staff has consulted with the federal Environmental Protection Agency regarding consumer product regulations promulgated by other state and local governments, as provided in section 183(e)(9) of the federal Clean Air Act;

WHEREAS, the Board finds that:

Consumer products represent one of the few remaining emission sources that have not been extensively controlled, and control of these emissions is necessary in order to attain and maintain national and state ambient air quality standards;

Emissions from all forms of consumer products are expected to increase steadily in the future unless they are controlled effectively;

VOC emissions from consumer products contribute to ambient concentrations of ozone and PM10 in the state;

The national and state ambient air quality standards for these pollutants are violated in many areas of the state, and over 90 per cent of the state's population currently lives in areas that are nonattainment for these pollutants;

The regulations will result in a significant reduction in VOC emissions from consumer products, and concomitant reductions in ambient ozone and PM10 levels;

The proposed amendments to the consumer products regulation will achieve additional emissions reduction of approximately 8 tons per day in California by 1999;

It is appropriate to amend the consumer products regulation in order to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products;

It is appropriate to amend the antiperspirant regulation in order to provide consistency with the proposed amendments to the consumer products regulation;

The cost-effectiveness ratios for reducing emissions from consumer products through the proposed VOC limits are within the range of other control measures adopted to reduce emissions of these pollutants;

There exists adequate data to support the adoption of the emission limits and other requirements contained in the proposed amendments;

The proposed amendments are necessary to attain and maintain the state and national ambient air quality standards;

The reporting requirements of the proposed amendments which apply to small businesses are necessary for the health, safety, and welfare of the people of the state;

For each new product category, consumer products currently exist which meet the standards in the proposed amendments;

The proposed amendments are technologically and commercially feasible.

WHEREAS, the Board further finds that:

The Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Title 17, California Code of Regulations, sections 94503.5, 94506, 94507-94513, and 94515, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to consult with the consumer product manufacturers who must achieve the future effective VOC limits specified in the Table of Standards for automotive brake cleaners, carburetor-choke cleaners, aerosol dusting aids, fabric protectants, aerosol household adhesives, crawling bug insecticides, and personal fragrance products; to provide biennial reports (beginning in 1994) on their progress to the Board, and in these reports to identify any significant problems, and propose any regulatory modifications that may be appropriate; the regulated public and other interested parties shall be consulted in the preparation of such reports and shall be provided with an opportunity to make oral and written comments to the Board in conjunction with the reports.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work with industry and other interested parties to evaluate alternative approaches to traditional "command and control" measures for further control of consumer products (such as market-based alternative compliance plans and environmental labeling), to pursue the development of approaches that are determined to be both feasible and enforceable, and to report to the Board by December 1992 on the progress made regarding these alternative approaches.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to work with the Department of Health Services and other appropriate parties to undertake an independent study on marketable disinfectant formulations, with the goal of determining an appropriate VOC standard that will provide for efficacious disinfectants and will achieve emission reductions.

I hereby certify that the above is a true and correct copy of Resolution 92-1, as adopted by the Air Resources Board.

*Pat Hutchens*  
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Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA