

# **Discussion of CARB Proposals for 2% Fragrance Exemption Sunset, Web-Based Product Claims, and 'Energized Electrical Cleaner' Definition**

**Public Webinar**

**July 9, 2020**

**9:00am - noon (Pacific Time)**



**CALIFORNIA**  
AIR RESOURCES BOARD

# Today's Meeting

## Webinar Registration

(<https://attendee.gotowebinar.com/register/4791858998482693387>)

## **To participate by phone:**

**TELEPHONE: (415) 655-0060**

**ACCESS CODE: 646-291-410**

# Outline

- ❖ Sunset of the 2% Fragrance Exemption
- ❖ Web-Based Product Claims ('Labeling' Definition)
- ❖ 'Energized Electrical Cleaner' Definition
- ❖ CARB Contact Information and Next Steps

Break for Q&A after each topic

Please type in questions or comments using the 'Questions' tab on the webinar sidebar.



# Sunset of the 2% Fragrance Exemption

# What is CARB proposing?

- ❖ Eliminate the 2% fragrance exemption in 2031
  - ❖ Excludes antiperspirant and deodorant products
  - ❖ CARB evaluating other categories to retain exemption
- ❖ Additional flexibility for nonaerosol General Purpose Cleaners and General Purpose Degreasers (GPC/GPD)
  - ❖ 0.25% of monoterpenes in GPC/GPD would be allowed as part of 2% fragrance exemption beginning in 2023
  - ❖ GPC/GPD retain 0.25% fragrance exemption in 2031 (inclusive of terpenes)

# Why is CARB proposing to sunset the 2% fragrance exemption?

- ❖ Reduced Need
- ❖ Lock In Emission Reductions
- ❖ Enhance Program Clarity
- ❖ Simplify Compliance Determinations
- ❖ Program Equity
- ❖ Encourage Ingredient Transparency
- ❖ Consider Public Health Impacts

# How much fragrance is present in select consumer product categories?

Category Name	Formulation Average Fragrance Content	Sales-Weighted Average Fragrance Content	Sales-Weighted Average Fragrance Content* - VOC Portion
Manual Aerosol Air Freshener	1.37%	0.31%	0.08%
Hair Finishing Spray	0.27%	0.21%	0.05%
Dry Shampoo	0.29%	0.27%	0.07%
Hair Shine	0.37%	0.30%	0.08%
Temporary Hair Color	0.11%	0.05%	0.01%
Crawling Bug Insecticide (aerosol)	0.19%	0.08%	0.02%

\* Assumes fragrance is comprised of 25% VOC content.

# How much of the 2% fragrance exemption is currently utilized?

Refined Fragrance Speciation Assumption (100% VOC for cleaning, 25% others)								
Regulated Category Group	Zero Fragrance Products		Fragranced Products Not Using 2%		Fragranced Products Using 2% Exemption		% Products Not Using Exemption	% Mass Not Using Exemption
	Count	Mass (tpd)	Count	Mass (tpd)	Count	Mass (tpd)		
Household	6391	347.7	19056	411.5	1161	138.5	95.6%	84.6%
Personal Care*	904	9.8	4287	44.9	432	6.8	92.3%	89.0%
Insecticide, Solvents, and Automotive	2575	198.1	710	22.1	103	2.3	97.0%	99.0%
Total	9870	555.6	24053	478.5	1696	147.6	95.2%	87.5%
* Excluding Personal Fragrance Products								

# What was the response to CARB's 2% fragrance exemption survey?

- ❖ Survey sent to 1000+ product manufacturers (May 2020)
  - ❖ 40 survey responses received by June 30, 2020 deadline
- ❖ Use of 2% fragrance exemption?
  - ❖ 21 “no”, 15 “yes”, 4 “not sure” or no response
- ❖ CARB staff reviewing submitted cost data
- ❖ Respondents identified 16 categories with possible technical challenges, including:
  - ❖ General Purpose Cleaners, General Purpose Degreasers, Air Fresheners, Shaving Cream/Gel
  - ❖ CARB continuing discussions with interested manufacturers



# Discussion & Questions

For webinar attendees: Please type in questions or comments using the Questions tab on the sidebar



# **Consideration of Manufacturer Web-Based Claims in Product Regulatory Classification**

# Why is CARB concerned about a manufacturer's internet product claims?

- ❖ Consumer products are increasingly marketed and sold over the internet
  - ❖ Physical product label may not be primary information source
  - ❖ Inconsistencies between product label and internet claims appear to be increasing
- ❖ Product instructions, claims, or recommended uses that are inconsistent with the product label can result in increased emissions
- ❖ Few bad actors result in unlevel playing field

# What is CARB's proposal for web-based product claims?

- ❖ CARB staff is proposing to add a new regulatory definition for 'Labeled', below:

“Labeled” means all labels and other written, printed, video, graphic, or other materials: 1) that accompanies or is referenced by or on the product, 2) that is part of or connected with the product’s marketing, and controlled, directly or indirectly, by the manufacturer, and 3) that is referenced on the label or in literature with or on the product, including but not limited to any reference whatsoever to a website.

# What is CARB's proposal for web-based product claims (cont.)?

- ❖ Additional regulatory language is proposed to address “Most Restrictive Limit’ and product exemption criteria:

## Consumer Product Regulation, Section 94512(a):

(3) Where a manufacturer's claims regarding a product differ across different materials, such as between the label and the website, the product shall fall into the product category with the most stringent limit for the claims made in any of the materials.

(4) Product claims or other information must be found on the physical product label to exempt a product from a regulated category with a more stringent VOC limit.

# What additional issues is CARB evaluating?

- ❖ Considering language to specify that independent product reviews and social media influencers are not considered controlled by the manufacturer for the purposes of this proposal
- ❖ Discussing additional issues with stakeholders
  - ❖ California-only product claims on a manufacturer's website?
  - ❖ Regulatory intent to address significant and/or persistent noncompliance



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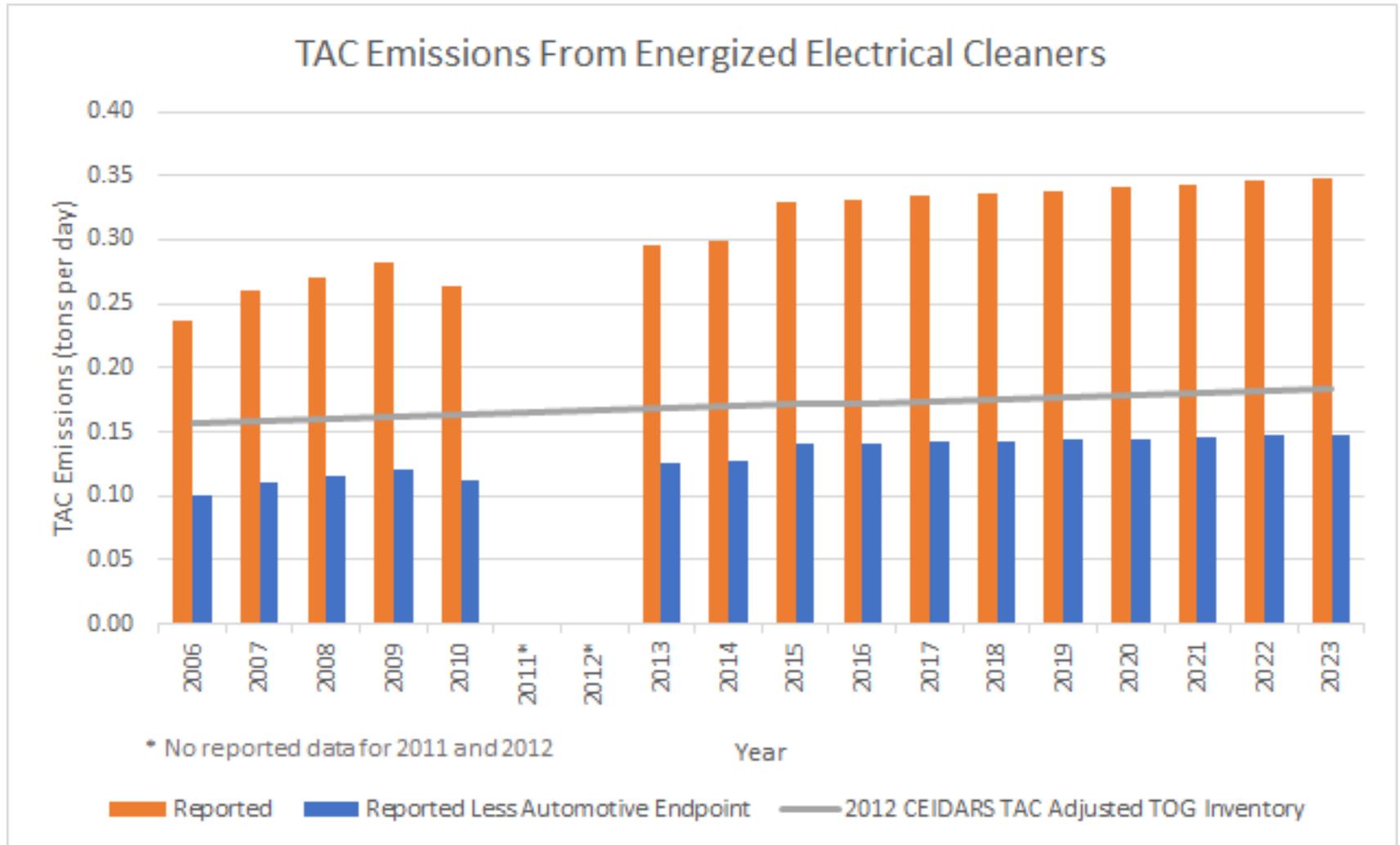


# **‘Energized Electrical Cleaner’ Definition**

# Why is CARB concerned about Energized Electrical Cleaner Toxic Air Contaminant (TAC) emissions?

- ❖ Responsible for over 75% of perchloroethylene and 50% of trichloroethylene emissions from consumer products
- ❖ Market data shows that, notwithstanding the labeling requirement in the regulation, a substantial fraction of EEC product sales had automotive endpoints
- ❖ Revised definition would prohibit sales to automotive repair establishments and limit sales to establishments that perform maintenance on energized electrical equipment

# Energized Electrical Cleaner TAC Emissions



CARB stakeholder discussion. Data is preliminary.

# What definition changes has CARB proposed to address this issue?

“Energized Electrical Cleaner” means an “Electrical Cleaner” product that meets ~~both~~ all three of the following criteria:

- 1) the product is labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing ~~is accomplished~~ can only be performed when electrical current exists, or when there is a residual electrical potential from a component such as a capacitor;
- 2) the product label clearly displays the statements: “Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts.”
- 3) the product is exclusively sold directly or through distributors to establishments which operate or maintain energized electrical equipment. Sales to automotive repair establishments are prohibited.

# Is CARB considering modifications to its proposal?

- ❖ Staff is considering whether to continue with the proposal for Energized Electronic Cleaner
- ❖ Staff is considering a more expansive definition of the term ‘establishment’ for ‘Energized Electrical Cleaner’ to include businesses that work with energized electrical equipment but may perform that work other than their business’s physical location. Staff is considering the following:

For the purposes of this subsection, “establishment” includes licensed electrical contractors and businesses that maintain energized electrical equipment.



# Discussion & Questions

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# Next Steps

- ❖ Ongoing: Meet with Interested Stakeholders
- ❖ July 28, 2020 Webinar: Final Public Workshop/Webinar
  - [Register for Webinar](https://attendee.gotowebinar.com/register/7625908493173862667)  
(<https://attendee.gotowebinar.com/register/7625908493173862667>)
- ❖ November 24, 2020: Final Proposal Regulatory Support Documents Publicly Available
- ❖ January 28, 2021: Proposed Regulatory Amendments for Board Consideration

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