

July 6, 2020

Via Electronic Mail

Mr. Joe Calavita
Manager, Consumer Products Implementation Division
California Air Resources Board
Sacramento, CA 95812-0806
joe.calavita@arb.ca.gov
csmrprod@arb.ca.gov

Re: Additional Comments on the Draft Proposed Sunset of the 2% Fragrance Exemption from the Consumer Products Regulations Article 2

Dear Mr. Calavita:

The Personal Care Products Council (PCPC) is submitting additional comments on the California Air Resources Board (CARB) draft proposed rule for sunseting the 2% Fragrance Exemption from products covered by Article 2 of its Consumer Products Regulation. PCPC has previously (February 10, 2020 and May 10, 2020) provided comments on the proposal to eliminate the fragrance exemption; in both, PCPC provided its rationale for asking that CARB withdraw the proposal to eliminate the fragrance exemption.

We appreciate that CARB has proposed the extension of the sunset date by four years, to 2031, and to conduct a survey to more fully analyze the current usage of the fragrance exemption. PCPC will continue to engage with CARB to agree mutually acceptable conclusions.

While PCPC's position is still that the proposal to eliminate the fragrance exemption should be withdrawn, for the reasons provided in the earlier comments, industry has subsequently been asked to consider whether a viable compromise is possible. PCPC thereby offers the following proposals for personal care products not covered by either (a) Article 1 of the Consumer Product Regulations or (b) by the Personal Fragrance Product definitions.

a. For Personal Care Product Categories with VOC Standards >10%

In polling members of PCPC's Air Quality Committee, lowering the fragrance exemption from 2% to 0.5% for products with VOC standards greater than 10% would potentially be acceptable, as long as the 0.5% exemption is maintained beyond the 2031 target. We would also agree to start the 0.5% exemption in 2027.

b. For Personal Care Product Categories with VOC Standards <10%

For products with VOC standards less than 10%, elimination of the current exemption represents a significant reduction in the allowable VOC for each product category, for reasons outlined in previous notes. Companies would either need to (a) reformulate the products to a lower VOC or (b) eliminate much, if not all, the fragrance present in the formulation. Either proposition involves significant formula changes and thus is unduly costly, with minimal to no benefit in VOC reductions, and would impact small and medium size companies as well as larger ones. PCPC thus has concluded that the fragrance exemption be maintained at the current 2% level.

Recommendation

PCPC and its members welcome the opportunity to discuss these proposals with CARB, at which time the full impact on both industry and the state of California can be assessed.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Myers". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas F. Myers
EVP-Legal & General Counsel
Personal Care Products Council

Cc: Ravi Ramalingam, CARB (Ravi.Ramalingam@arb.ca.gov)
Josh Berghouse, CARB (josh.berghouse@arb.ca.gov)