

# Public Webinar for Proposed Amendments to the Consumer Products Regulations

November 10, 2020 9:00am-12:00pm PDT



# Today's Meeting

## Webinar Registration

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# Presentation Outline

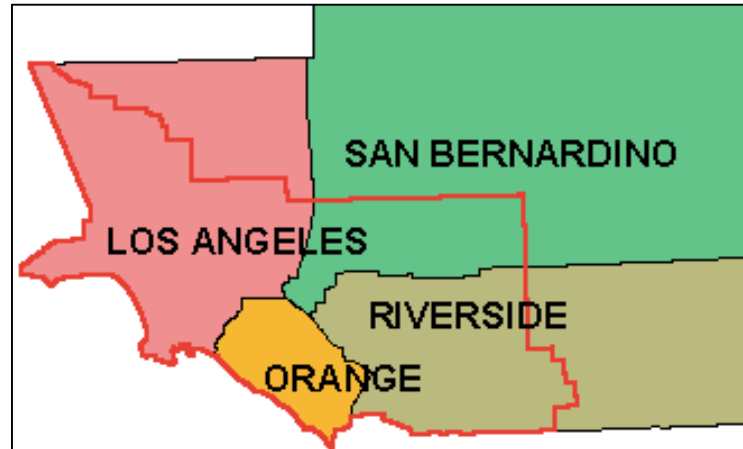
- ❖ Overview and Background
- ❖ Review and Update of Draft Regulatory Proposals for VOC Reductions
- ❖ Updates to Other Draft Regulatory Proposals
  - ❖ Today's presentation focuses on proposed updates since July 28<sup>th</sup> public workshop
- ❖ Next Steps
- ❖ Adjourn
  
- Proposed Amendment ~~underlined~~ language
  - Available at: <https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/regulatory-activity-workshops-meetings>

# Overview and Background

- ❖ California Clean Air Act requires CARB to regulate consumer products
  - ❖ Achieve the maximum feasible volatile organic compound (VOC) reduction from consumer products
  - ❖ Regulations must be technologically and commercially feasible
  - ❖ Must not eliminate a product form
- ❖ Manufacturer innovation has enabled low-emission products
- ❖ More needed to meet federal air quality standards

# VOC Reduction Commitments

By 2023:  
1-2 tpd in South Coast



By 2031:  
4-5 tpd in South Coast  
8-10 tpd Statewide

# Draft Regulatory Proposal for VOC Reductions

- ❖ Manual Aerosol Air Fresheners
- ❖ Crawling Bug Insecticide
- ❖ Hair Care Products
  - ❖ Hair Finishing Spray
  - ❖ Dry Shampoo
  - ❖ Hair Shine
  - ❖ Temporary Hair Color
- ❖ Personal Fragrance Products
- ❖ Sunset Fragrance Exemption

# Revised Proposal Summary

Category	Existing Standard	Proposed Standard <sup>2</sup>	VOC Reductions (tpd)				
			2023 Reductions		Proposed Standard <sup>3</sup>	2031 Reductions	
			CA	SCAB		CA	SCAB
Manual Aerosol Air Freshener <sup>1</sup>	20% or 30%	10%	1.07	0.45	5%	1.73	0.72
Hair Finishing Spray	55%	50%	0.94	0.39	50%	1.11	0.45
No Rinse Shampoo	NA	55%	0.58	0.24	50%	0.81	0.32
Hair Shine	55%	55%	NA	NA	50%	0.01	0.00
Temporary Hair Color	55%	55%	NA	NA	50%	0.02	0.01
Personal Fragrance Products (fragrance threshold = 7% in 2023, 10% in 2031)	75%	70%	0.41	0.17	50% <sup>4</sup>	5.05	2.07
Aerosol Crawling Bug Insecticide	15%	15%	NA	NA	8%	0.81	0.34
2% Fragrance Exemption	2% of product mass exempted	NA	NA	NA	Sunset Exemption	0.30	0.12
		<b>Total</b>	<b>3.00</b>	<b>1.24</b>		<b>9.84</b>	<b>4.03</b>

1 – ‘Concentrated Aerosol Air Freshener’ and ‘Total Release Air Freshener’ subject to standards described on slide 8.

2 – Proposed standards apply January 1, 2023.

3 – Proposed standards apply between January 1, 2027 and January 1, 2031, depending upon category.

Emission reductions for 2031.

4 – Includes technology assessment in 2026-27.

# Manual Aerosol Air Freshener Draft Proposal

- ❖ Combine single and double phase aerosol air freshener into “Manual Aerosol Air Freshener”
  - ❖ 10% VOC Standard by 2023, 5% VOC Standard by 2027
- ❖ Create three new aerosol air freshener categories:
  - ❖ ‘Automatic Aerosol Air Freshener’ retains 30% standard
  - ❖ ‘Concentrated Aerosol Air Freshener’: 15% VOC by 2023, 10% by 2027
  - ❖ ‘Total Release Air Freshener’: 25% VOC by 2023
- ❖ Draft definitions in Section 94508(a)(6) of draft Proposed Amendment handout



# Manual Aerosol Air Freshener

## Draft Proposed Definitions

- ❖ (B) For products manufactured on or after January 1, 2023, “Air Freshener” includes the following subcategories (1-5):
- ❖ 1. “Automatic Aerosol Air Freshener” is an aerosol “Air Freshener” that is labeled to be used in an “Automatic Air Freshening Dispenser.”
- ❖ For the purposes of this subsection, “Automatic Air Freshening Dispenser” is a device that is designed or labeled to be handheld and/or manually activated to dispense product at a pre-determined time or interval of time, under preset conditions, or due to sensor-activation.
- ❖ 2. “Concentrated Aerosol Air Freshener” is a “Manual Aerosol Air Freshener” enclosed under pressure which (1) contains 15 percent or more fragrance, (2) is designed with a valve that permits the dispensing of no more than 185 microliters of product upon each activation, and (3) is sold in aerosol containers of two ounces or less by weight.

# Manual Aerosol Air Freshener

## Draft Proposed Definitions (cont.)

- ❖ “Dual Purpose Air Freshener/Disinfectant” means an aerosol “Air Freshener” that is designed or labeled for use as both a “Disinfectant” and an “Air Freshener,” or is so represented on any sticker, label, packaging, or literature attached to the product container.
- ❖ ~~(D)~~4. “Manual Aerosol Air Freshener” means an aerosol “Air Freshener” that is designed or labeled to be handheld and/or manually activated. A “Manual Aerosol Air Freshener” is not a “Concentrated Aerosol Air Freshener” or a “Total Release Aerosol Air Freshener” or a “Dual Purpose Air Freshener/Disinfectant”.
- ❖ ~~(E)~~5. “Total Release Air Freshener” is an aerosol air freshener product enclosed under pressure which (1) dispenses all or most of its contents during a single application, and (2) is sold in containers of five ounces or less by weight.

# Hair Care Products

## Draft Proposal

- ❖ Tier 1 (January 1, 2023):

- ❖ 50% VOC standard for “Hair Finishing Spray” and 55% VOC standard for “Dry Shampoo”

- ❖ Tier 2 (January 1, 2029):

- ❖ 50% VOC standard for “Dry Shampoo,” “Hair Shine,” and Temporary Hair Color

- ❖ Proposed definition updates in Section 94508(a) of draft Proposed Amendment handout

- ❖ Proposal unchanged since last workshop

# Personal Fragrance Product Draft Proposal

- ❖ 70% VOC Standard by January 1, 2023 for:
  - ❖ Aerosol Personal Fragrance Products  
(regardless of fragrance content)
  - ❖ Non-aerosol products less than or equal to 7% fragrance
- ❖ 50% VOC Standard by January 1, 2031 for:
  - ❖ Aerosol Personal Fragrance Products  
(regardless of fragrance content)
  - ❖ Non-aerosol products with less than or equal to 10% fragrance
- ❖ No definition changes proposed at this time

# Personal Fragrance Products

## Proposed Technology Assessment of 2031 Standard

- ❖ 2026: Survey of 2025 calendar year product sales and formulations
- ❖ 2026-27:
  - ❖ Review and analyze survey results
  - ❖ Industry reports efforts and progress meeting 2031 standard
  - ❖ Assess 2031 standard, including feasibility of subcategories to meet alternate standards
- ❖ 2028: If 2031 standard is infeasible, CARB amends standard, proposes alternate strategies or categories to meet 2031 emission reduction commitment
  - Draft proposed regulatory language in Section 94513

# Personal Fragrance Products Reporting Requirement

## 94513. Reporting Requirements.

- (i) Special Reporting requirements for Personal Fragrance Product with less than or equal to ten percent by weight of combined fragrance ingredient:
  - (1) On or before March 31, 2026, each responsible party for Personal Fragrance Products shall report to the Executive Officer the following information for the responsible party's products sold or offered for sale in California:
    - (A) data regarding product sales and composition for the year 2025, including the information listed in Section 94513(a), the VOC content of fragrance ingredients, the entire product label; 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 written update must include detailed information about the raw materials evaluated for use, MIR values for any VOC or LVP-VOC used or evaluated, the function of the raw material evaluated, hardware used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.

# Aerosol Crawling Bug Insecticide Draft Proposal

- ❖ New: 8% VOC standard applicable January 1, 2030
  - ❖ Amended previous 6% VOC standard proposal to address feasibility concerns
- ❖ New “Bed Bug Insecticide” category
  - ❖ Would retain existing 15% VOC limit
  - ❖ New: Draft definition of “Bed Bug Insecticides” in Section 94508(a)(76) of draft Proposed Amendment handout

# Aerosol Crawling Bug Insecticide

## Draft Proposed Definitions

- ❖ “Bed Bug Insecticide” means any insecticide product that is designed for use against the adult, nymph, or eggs of insects that belong to the family Cimicidae and the genus Cimex, which includes species such as Cimex lectularius (Common Bed Bugs) and Cimex hemipterus (Tropical Bed Bugs.)



# Sunset of the Two Percent Fragrance Exemption

- ❖ Proposal to sunset 2% fragrance exemption in 2031
  - ❖ Fragrance VOC content would count towards compliance with applicable VOC standards
  - ❖ Over 85% of regulated category products and VOC mass do not currently use the exemption
- ❖ Intended to increase transparency and equity, facilitate enforcement, and help address public health concerns
- ❖ Retention of a portion of the exemption in certain categories

# Two-Percent Fragrance Exemption (cont.)

- ❖ Non-aerosol General Purpose Cleaners and General Purpose Degreasers
  - ❖ 0.25% of monoterpenes would be allowed as part of 2% fragrance exemption beginning in 2023
  - ❖ Would retain 0.25% fragrance exemption in 2031 (inclusive of monoterpenes)
- ❖ New: Air Fresheners, Disinfectants and Sanitizers
  - ❖ Would retain 0.25% fragrance exemption in 2031
  - ❖ Intended to address feasibility concerns, potential for unintended consequences

# For More Information

Work Group Meeting	1 <sup>st</sup> Meeting	2 <sup>nd</sup> Meeting	3 <sup>rd</sup> Meeting
Manual Aerosol Air Freshener	5/28/2019	10/17/2019	3/10/2020
Hair Finishing Spray	5/20/2019	10/10/2019	3/10/2020
Dry Shampoo	5/20/2019	10/10/2019	3/10/2020
Temporary Hair Color	3/10/2020	-	-
Hair Shine	3/10/2020	-	-
Personal Fragrance Products	6/25/2019	10/10/2019	3/10/2020
Crawling Bug Insecticide	7/2/2019	10/17/2019	-
Two-Percent Fragrance Exemption	9/20/2019	11/7/2019	3/10/2020

[CARB Consumer Products Regulatory Amendments webpage](https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/regulatory-activity-workshops-meetings) (https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/regulatory-activity-workshops-meetings)

# Discussion & Questions

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

# Proposals Unchanged Since Last Workshop

- ❖ Updates to Eligibility Criteria
  - ❖ Alternative Control Plan
  - ❖ Innovative Product Exemption
- ❖ Hair Styling Product Definition Update
- ❖ Additions to the MIR Table in 94700
- ❖ GWP Prohibitions

# Updates to Other Proposals

- ❖ Innovative Product Exemption Updates
  - ❖ Products Using Compressed Gas
  - ❖ Single phase air freshener products
- ❖ Energized Electrical Cleaner
- ❖ Aerosol PVC Pipe Cement
- ❖ Denatured Alcohol Products for Utilities
- ❖ PCBTF Prohibitions
- ❖ Minor language cleanup
- ❖ Web-Based Claims
- ❖ Method 310

# Innovative Product Exemption Updates

## Products Using Compressed Gas

- ❖ Proposal would create a pathway for exempting an aerosol “Hair Finishing Spray,” “Dry Shampoo,” or “Personal Fragrance Product” product using compressed gas propellants from its VOC standard if certain criteria are met
  - ❖ Can convert an existing product or use a representative formulation
  - ❖ Must replace HFC-152a with compressed air, nitrogen, or CO<sub>2</sub>
  - ❖ Must not result in OFP increases
  - ❖ Non-propellant mass must not decrease
- ❖ Complete update can be found in section 94511 of the handout

# Innovative Product Exemption Updates

## Products Using Compressed Gas

### ❖ Example

Representative Product				
Ingredient	Ingredient Mass (g)	VOC Mass Emitted (g)	MIR Value	OFP (g)
Ethanol	45	45	1.53	68.85
HFC-152a	45	0	0.02	0.90
Other VOCs	3.9	3.9	1.10	4.29
Fragrance	0.1	0.1	6.36	0.64
Non-Volatiles and Exempt VOCs	6	0	0.00	0.00
<b>Totals</b>	<b>100</b>	<b>50</b>		<b>74.68</b>
<b>Product Percent VOC</b>		<b>50%</b>		
Innovative Product				
Ingredient	Ingredient Mass (g)	VOC Mass Emitted (g)	MIR Value	OFP (g)
Ethanol	45	45	1.53	68.85
Nitrogen	6	0	0.00	0.00
Other VOCs	3.9	3.9	1.10	4.29
Fragrance	0.1	0.1	6.36	0.64
Non-Volatiles and Exempt VOCs	6	0	0.00	0.00
<b>Totals</b>	<b>61</b>	<b>50</b>		<b>73.78</b>
<b>Product Percent VOC</b>		<b>82%</b>		



# Innovative Product Exemption Updates

## Single Phase Air Freshener Products

- ❖ Update due to the definition changes in the aerosol air freshener categories
- ❖ Clarifying that single phase aerosol products that have previously qualified for an innovative product exemption

94511(l) 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 (h), shall have no force and effect as of the effective date of the modified VOC standard. This subsection (h) 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).

# Energized Electrical Cleaner Proposed Definition Update

- ❖ Prevents the use of Energized Electrical Cleaners containing toxic air contaminants for automotive maintenance and repair activities. Energized Electrical Cleaner definition would not include:
  - Products sold to “Automotive Maintenance Facilities” or “Automotive Repair Facilities”
  - Products sold by establishments identified as an “Automotive Parts and Accessories Store”
- Such excluded products would then be subject to either the “Electrical Cleaner” or “General Purpose Degreaser” definitions where toxics are prohibited

# Energized Electrical Cleaner Proposed Definition Update (Cont.)

“Energized Electrical Cleaner” means a product that meets the following criteria:

(A) the product is labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing can only be performed when electrical current exists, or when there is a residual electrical potential from a component such as a capacitor;

(B) the product label clearly displays the statements: “Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts;” and

(C) “Energized Electrical Cleaner” does not include

1. “Electronic Cleaner;”

2. Products manufactured on or after January 1, 2023 that are sold to “Automotive Maintenance Facilities” or “Automotive Repair Facilities,” as defined in California Code of Regulations, title 17, section 93111(c)(4); or

3. Products manufactured on or after January 1, 2023 that are sold by establishments identified as an “Automotive Parts and Accessories Store” or by code 441310 in NAICS.

For the purposes of this subchapter, NAICS means the North American Industry Classification System United States, 2017, Executive Office of the President, Office of Management and Budget, which is incorporated by reference herein.

# New Aerosol PVC Pipe Cement Category

## Section 94508(a)(1): 'Aerosol Adhesive'

- ❖ Targeted amendment to 'Special Purpose Spray Adhesive' definition to exclude aerosol adhesives labeled to bond plastic pipe
  - Aerosol PVC pipe cement would be otherwise classified as 'Mist Spray Adhesive' (subject to 30% VOC standard)
  - Category was inadvertently not evaluated when lower Aerosol Adhesive limits were set. Higher VOC standard may be considered.
  - Anticipate low sales, negligible VOC increase
- ❖ "Plastic Pipe Adhesive" means an "Aerosol Adhesive" labeled exclusively to bond segments of acrylonitrile butadiene styrene (ABS), polyvinyl chloride (PVC), or chlorinated polyvinyl chloride (CPVC) pipe together.
- ❖ VOC Content Standard of 60%

# Denatured Alcohol Products For Utilities

- ❖ Section 94508(a)(88)(B): ‘Multi-Purpose Solvent’
- ❖ Exclude denatured alcohol products used exclusively to maintain electrical equipment at public utilities
  - Discussions with utilities indicate that some equipment can only be cleaned with denatured alcohol
  - Critical public and safety and flammability issue
- ❖ “Multi-purpose Solvent” does not include...
  - 7. denatured alcohol products that are sold directly or through distributors to a “Public Utility” as defined by §216 of the Public Utilities Code, and is used to maintain electrical equipment that meet both of the following criteria:
    - a. the equipment is owned by a “Public Utility”; and
    - b. the equipment manufacturer states that maintenance can only be performed with denatured alcohol.

# PCBTF Prohibitions

- ❖ California Office of Environmental Health Hazard Assessment has finalized their Cancer Inhalation Unit Risk Factor for this Exempt VOC
- ❖ Table 94508(m)(1)(B): Propose prohibition on use of PCBTF in Manual Aerosol Air Freshener, Hair Finishing Spray, No Rinse Shampoo, Hair Shine, Temporary Hair Color, Personal Fragrance Product categories, and Aerosol Crawling Bug Insecticide
- Negligible usage in these categories

# Other Proposal Updates

- ❖ Method 310
  - Minor edits to proposed changes since last workshop
- ❖ Minor Language Updates Throughout Regulation
  - Replacing gender-specific terminology
  - Adding authority citations
  - Updating test method sections to align with Method 310
  - Minor changes to Articles 3 and 4
- ❖ Product Label Definition/Web Based Claims
  - No longer considering updates to the definition of “label” and “labeled” for this rulemaking
  - Will revisit in a future rulemaking

**Draft Proposed Amendments are  
available at:**

<https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/consumer-products-regulatory-activity-workshops>



# Discussion & Questions

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# Next Steps

- ❖ Ongoing: Meet with interested stakeholders
- ❖ January 8, 2021: Proposed Consumer Product Regulations Amendments and associated documents published for 45-day public comment period
- ❖ February 25-26, 2021: Proposed regulatory amendments for Board consideration

# CARB Regulatory Development Staff

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**Comments accepted any time, but preferred by  
November 24<sup>th</sup> to: [csmrprod@arb.ca.gov](mailto:csmrprod@arb.ca.gov)**

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**Thank You For  
Attending!**