



December 14, 2020

Joe Calavita, Manager  
Consumer Products Implementation Section  
Air Resources Board  
California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

*Via email to: [Joe.calavita@arb.ca.gov](mailto:Joe.calavita@arb.ca.gov)*

**Subject: California ARB's Draft Proposed Amendments to the Consumer Products Regulation**

Dear Mr. Calavita:

S. C. Johnson & Son, Inc. (SC Johnson) is pleased to submit these informal comments in response to CARB's latest proposed amendments to the Consumer Products Regulation, as presented via webinar on November 10, 2020. As a consumer products manufacturer, we share CARB's goal of improving air quality for all California residents by reducing VOC emissions in a manner that is both technologically and commercially feasible. We greatly appreciate the open, transparent, and collaborative manner in which CARB staff has conducted this complex rulemaking, despite the logistical and other challenges posed by the pandemic, and we look forward to continued dialogue with your team as you move towards finalizing these regulatory amendments.

About SC Johnson

SC Johnson is a family company dedicated to innovative, high-quality products, excellence in the workplace and a long-term commitment to the environment and the communities in which it operates. Based in the United States, the company is one of the world's leading manufacturers of household cleaning products and products for home storage, air care, pest control and shoe care, as well as professional products. It markets such well-known brands as GLADE®, KIWI®, OFF!®, PLEDGE®, RAID®, SCRUBBING BUBBLES®, SHOUT®, WINDEX® and ZIPLOC® in the U.S. and beyond, with brands marketed outside the U.S. including AUTAN®, BAYGON®, BRISE®, KABIKILLER®, KLEAR®, MR MUSCLE® and RIDSECT®. The 134-year-old company, which generates \$10 billion in sales, employs approximately 13,000 people globally and sells products in virtually every country around the world.

Our comments on a few specific elements of the November 10 presentation are as follows. We plan to make a formal submission during the 45-day comment period following publication of the final draft proposal.

Crawling Bug Insecticide

These aerosol products play a critical role in helping consumers in California and across the country mitigate pests that are recognized by the U.S. Environmental Protection Agency (EPA) as "pests of significant public health importance," particularly cockroaches that can spread asthma, allergy, and food contamination. As such, it is equally important that these products are able to meet the

rigorous efficacy testing requirements of EPA's product registration process, as well as registration by the California Department of Pesticide Regulation. While we appreciate that CARB has amended its previous 6% VOC limit proposal to address feasibility concerns, the proposed 8% VOC limit applicable on January 1, 2030 will still require significant reformulation to ensure optimal product efficacy and delivery of product to the target pest. We are committed to achieving this reduction and look forward to keeping in touch with CARB staff to share progress toward meeting the significantly lower VOC limit proposed for this product category.

Additionally, because the proposed 8% VOC limit represents a significant reduction from the current 15% VOC limit, we would ask that CARB also provide a 0.25% fragrance exemption in 2031 for this product category. CARB's consumer products survey data shows that the fragrance exemption was utilized by some reporting companies at the 15% VOC limit, so we would respectfully urge CARB to consider allowing a minimal amount of fragrance exemption for this category to give formulators added flexibility to comply with the reduced 8% VOC limit without making changes to the formulation that could affect product performance or efficacy.

#### Bed Bug Insecticide

SC Johnson supports the draft proposed definition for "Bed Bug Insecticide" and the proposed 15% VOC limit for the aerosol form, as well as the proposed 20% VOC limit for all forms. To provide additional clarity, however, we would ask CARB to clearly state an effective date of January 1, 2030 for aerosol and "all forms" of Bed Bug Insecticide in the Table of Standards.

#### Dry Shampoo

SC Johnson can support the proposed two-tiered VOC limit for dry shampoo products of 55% by January 1, 2023 and 50% by January 1 2029, and the draft proposed definition. Consistent with comments submitted by the Personal Care Products Council, we request that CARB add wording to the definition that recognizes the product's ability to make a "volumizing" claim in addition to a cleansing claim. Because the purpose of dry shampoo is to remove oil from the hair, which results in making the hair fuller in body and volume, we believe it's reasonable for CARB to affirmatively recognize that dry shampoos can make this claim.

#### Product Label Definition / Web-Based Claims

SC Johnson supports CARB's decision to defer consideration of this issue for a future rulemaking. This is a complex matter and we look forward to continued engagement with you to determine a regulatory response that appropriately addresses the agency's concerns about excess VOC emissions and ensuring greater consistency between a manufacturer's product label and internet claims. Because of this issue's complexity, it's vital that the "solution" fit the "problem" that CARB seeks to solve.

#### Loss of the 2% Fragrance Exemption

We continue to have concerns about CARB's proposal to eliminate the 2% fragrance exemption in 2031. Fragrance is an important component of many consumer products and serves multiple functions – by encouraging proper use of a product by the consumer (helping to avoid over-use of a specific product); helping to mask base malodors; and enabling manufacturers to differentiate between products and brands in a highly competitive marketplace.

CARB recognized these functions when it established the exemption in 1990, explaining in a technical support document that the exemption was established “to allow manufacturers a de minimis level of these substances in various products such that the products may be marketed in an appealing manner to consumers.” As a result, the exemption has provided product manufacturers with much-needed flexibility to achieve VOC limits that have become increasingly more stringent over the past thirty years. Put simply, the exemption has become a familiar and critical tool in the formulation toolkit that has helped manufacturers bring effective products to market that meet CARB standards and consumers’ expectations.

The loss of the current exemption will impact almost every product category regulated under Article 2 of the Consumer Product Regulations, triggering significant and costly reformulation efforts. Yet, CARB’s own calculations show that doing away with the exemption will result in a relatively small reduction in VOC emissions – only 0.3 TPD of additional VOC reductions to meet California’s SIP commitment.

For these and other reasons that have been described by the Household and Commercial Products Association (HCPA) and Fragrance Creators Association (FCA), of which SC Johnson is an active member, we urge CARB to reconsider its proposal to “sunset” the 2% fragrance exemption.

If, however, CARB proceeds with plans to eliminate the 2% fragrance exemption as of January 1, 2031, SC Johnson would support CARB’s proposal to provide a much-needed 0.25% fragrance exemption for General Purpose Cleaners, Air Fresheners, Disinfectants, and Sanitizers to assist with reformulation concerns – specifically, product performance and customer acceptance. We appreciate that CARB is willing to consider retaining at least a small portion of the exemption for these product categories.

### Conclusion

The proposals presented by CARB staff on November 10 represent significant progress toward balancing the goal of reducing VOC emissions from consumer products sold in California with the need to ensure that regulatory solutions are both technologically and commercially feasible. SC Johnson greatly appreciates CARB staff’s willingness and interest in working with all stakeholders to further refine these proposals, and we look forward to continued engagement with you throughout the final stages of this rulemaking.

Please do not hesitate to contact me if you have any questions about issues addressed in these comments.

Respectfully,



Christopher P. Pearce  
Director – Government Relations

cc: Ravi Ramalingam, P.E., Branch Chief  
Josh Berghouse, Rulemaking Lead Staff  
Jose Gomez, Manager, Technical Development Section