

**APPLICATION TO ESTABLISH AN ALTERNATIVE CONTROL PLAN, TITLE 17, CCR
SECTION 94540-94555**

INSTRUCTIONS: ESTABLISHING A NEW ACP

This form is for companies wishing to submit an application for an Alternative Control Plan (ACP). In order to ensure the evaluation process proceeds efficiently, please completely fill out the **application form (shown on page 6)** and attach the required documentation. The form and all supporting documentation should be scanned and emailed to csmrprod@arb.ca.gov or mailed to the Consumer Products Implementation Section, Air Quality Planning & Science Division, California Air Resources Board, 1001 I Street, Sacramento, California 95814.

If you have questions regarding the completion of this form, please email csmrprod@arb.ca.gov for assistance. You can download this form from the ARB website at: <https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/alternative-control-plan>

Timeframe for Processing ACP Request

Title 17, California Code of Regulations, under the following sections of the Consumer Products Regulation:

Section 94544(a)

- (a) The Executive Officer shall take appropriate action on an ACP within the following time periods:
- (1) Within 30 working days of receipt of an ACP application, the Executive Officer shall inform the applicant in writing that either:
 - (A) the application is complete and accepted for filing, or
 - (B) the application is deficient, and identify the specific information required to make the application complete.

Section 94544(a)(2)(A-B)

- (2) Within 30 working days of receipt of additional information provided in response to a determination that an ACP application is deficient, the Executive Officer shall inform the applicant in writing that either:
 - (A) the additional information is sufficient to make the application complete, and the application is accepted for filing, or
 - (B) the application is deficient, and identify the specific information required to make the application complete.

Section 94544(a)(3)

- (3) If the Executive Officer finds that an application meets the requirements of section 94543 of this article, then he or she shall issue an Executive Order in accordance with the requirements of this article. The Executive Officer shall act to approve or disapprove a complete application within 90 working days after the application is deemed complete.

Section 94544(b)

- (b) Before the end of each time period specified in this section, the Executive Officer and the responsible ACP party may mutually agree to a longer time period for the Executive Officer to take the appropriate action.

PART I. APPLICANT INFORMATION

Provide General and Enforceable Sales contact information, as applicable, listed below (items 1-11 of this section):

1. **Company Name:** Provide your organization's name as it is to be listed on the Executive Order.
 2. **Mailing Address:** Provide the address, city, state, zip code and country where potential approval documents will be mailed to.
 3. **Contact Name and Title:** Provide your name and title or your authorized contact. Your authorized contact is the person you authorize to represent your organization.
 4. **Contact Email Address:** Provide the contact's email address.
 5. **Contact Telephone Number:** Provide the contact's day-time phone number.
 6. **Business Website Address:** Provide your company's website address.
 - 7-9. **Enforceable Sales Contact Information:** Provide you company's contact for enforceable sales information.
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PART II. COVER LETTER

Submit a signed letter on company letterhead requesting an ACP or modification to an existing ACP. If necessary, provide additional information or clarification not covered by this form.

PART III. APPLICATION REQUIREMENTS (as stated in *section 94543 of the Consumer Products Regulation. Requirements and Process for Approval of an ACP*)

Instructions:

1. **Small or One-product Business:** provide a statement of whether you are a small business or a one-product business, as defined in sections 94542(a)(17) and (25) of the Consumer Products Regulation.
2. **Products to include in the ACP:** List products that you wish to include in your ACP. In the column asking for the product name, please list the complete name for each product. Fill in the following columns to correspond with each appropriate product. For the column labeled 'category', refer to our Consumer Products regulations: <http://www.arb.ca.gov/consprod/regs/regs.htm>. For the dispensing form, please refer to the dispensing form key. For the product size, be sure to include all product sizes that are to be included in the ACP. If the ACP contains more products than the space available, please note that in your application and provide the additional products in the provided excel spreadsheet.

As specified in section 94547(b)(10), in order to generate surplus reductions, a product with a VOC Standard under section 94509(a) that falls within the ranges in Table 94547(b)(10) 'Column A' may not exceed the corresponding percent of that standard identified in Table 94547(b)(10) 'Column B'.

Table 94547(b)(10)

Column A	Column B
20% < VOC Standard < 100%	97%
1% < VOC Standard < 20%	95%
VOC Standard < 1%	90%

3. Full Product Formulation- Please provide full product formulation for each product to be included in the ACP (see example on page 8). Total ingredients weight percent should equal 100 percent. Indicate which ingredients are VOC or LVP/VOC with an X next to the ingredient in the specified column. VOC and LVP/VOC content are defined in section 94542(a) of the Consumer Products Regulation. VOC content can be calculated by using the equation listed in section 94542(a)(29) of the Consumer Products Regulation.

4-5. Four Years of Product Information –Per section 94543(a)(5)(B)2, if either the VOC or LVP contents have varied by more than plus/minus ten percent (+ 10.0%) of the VOC or LVP contents being reported in the application, provide the prior four years (prior to date of submittal of the application) of information for each product to be included in the ACP (include product name, VOC and LVP content).

PART IV. Operational Plan

Operational Plan- For new ACPs, please select a compliance reporting period and date to submit the compliance report. It is recommended that the maximum allowable time be selected (January 1st through December 31st).

PART V. Enforceable Sales

1. Enforceable Sales- Table A is designed to determine which ACP products have enforceable sales that are 75% or more of the Gross California Sales. Per section 94543(a)(4)(E), only ACP products which are 75% or more of the Gross California Sales shall be allowed to be sold in California under an ACP. Per section 94542(a)(13), "Gross California Sales" means the estimated total California sales of an ACP product during a specific compliance period (expressed to the nearest pound), Based on either of the following methods, whichever the responsible ACP party demonstrates to the satisfaction of the Executive Officer will provide an accurate California sales estimate:

(A) apportionment of national or regional sales of the ACP product to California sales, determined by multiplying the average national or regional sales of the product by the fraction of the national or regional population, respectively, that is represented by California's current population; or (B) any other documented method which provides an accurate estimate of the total current California sales of the ACP product. Please provide product name and category, description, product form, enforceable and gross sales information for each product to be included in the ACP, and then calculate percentage of sales as indicated. Please note that as defined in section 94542(a)(7), "compliance period" means the period of time, not to exceed one year, for which the ACP limit and ACP emissions are calculated, and for which compliance with the ACP limit is determined, as specified in the Executive Order approving an ACP. Additionally, please attach documentation for enforceable sales and methodology used to calculate California sales.

2. Reformulation information and credit/shortfall projection- Provide information as indicated. During the time the ACP is in effect, products may undergo reformulation. This table should not be confused with the table Part III, number 4 that asks for VOC content information; while this table asks for reformulation information. Table B is for new ACP products that were reformulated prior to applying for an ACP. Table C provides a credit or shortfall projection. This helps to alert ARB staff and the company of potential changes in the ACP. Please see section 94542(a) of the Consumer

Products Regulation for complete definitions of 'reformulation' and 'credit/shortfall' as it applies to the ACP.

3. **Computer Query-** this information assists staff in understanding how sales information is generated. Please provide a separate screen shot for each instruction that is used to query the data used in the ACP request.
4. **Labels-** provide an electronic label for each ACP product.
5. **Distribution of Product-** Indicate the basic flow pattern of your ACP products (e.g. actual quantity of product that gets sold in California). This can be done in a descriptive document or flow diagram. Additionally, some questions to consider are: "What percentage of products listed in the enforceable sales information goes into and out of California?" or "Is all that enters California, sold in California, or is a certain percentage exported out of state?"
6. **Annual Report Sales Verification Methodology:** Provide information and example of how you intend to verify annual sales for each product as part of your ACP Annual Compliance Report. This could include compilations made by independent marketing services, mill assessment records, or detailed California retailer distribution records and/or invoices, per 94542(a)(11).

PART VI. Operational Plan to Reconcile Shortfall

1. **Operational Shortfall Reconciliation Plan-** This plan is to be provided, so that in the event of a shortfall in the ACP, it can become effective, thereby immediately mitigating a shortfall.

Sample Reconciliation Shortfall Plan:

Shortfalls Reconciliation Steps	Effective No Later Than
1) In accordance with the conditions specified in section 94548, title 17, CCR, any shortfall must be offset with valid surplus emission reduction certificates issued by the Executive Officer.	1) Implement within 30 working days of shortfall determination.
2) Provide accurate records and documentation to verify that any shortfall is reconciled or eliminated.	2) Implement within 30 working days of shortfall determination.
3) Provide any record that is requested by the Executive Officer, to verify that any potential shortfall has been completely reconciled or eliminated.	3) Provide within 30 days of written request.
4) If shortfall remains, ACP is void.	4) Immediately cease both direct and indirect sales of non-complying ACP product in California to consumers and suppliers, and recall any remaining non-complying ACP product from distributors and retailers intended for sale within California.

PART VII. Certification

Certification- By signing and dating this section of the ACP application, you are agreeing to a date-code commitment, and certifying that all reductions in the VOC Content of a product will be real, actual reductions that do not result from changing product names, mischaracterizing ACP product reformulations that have occurred in the past, or any other attempts to circumvent the provisions of the ACP regulation. If you agree to these statements, please sign and date the application.

PART VIII. Attachments

Documents: Attach all documents pertinent to this application.

1. Enforceable Sales Information.
2. Methodology for CA Gross Sales.
3. Computer Query Printouts.
4. Electronic copies of Labels.
5. Product Distribution Summary.

CONFIDENTIAL INFORMATION

Information regarding confidential information is found in Title 17, California Code of Regulations (CCR), sections 91000 to 91022, and the California Public Records Act (Government Code Sections 6250 et seq.).

For additional information refer to the following links:

Alternative Control Plan Regulation and definitions can be found at:

<http://www.arb.ca.gov/consprod/regs/regs.htm>

All regulatory category definitions are located in Article 2.

If you require a special accommodation or need this information in an alternate format or language, please email csmrprod@arb.ca.gov as soon as possible. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

APPLICATION FORM: ESTABLISHING A NEW ACP

PART I. APPLICANT INFORMATION:

General Contact Information:

1. Company Name:

2. Mailing Address:

City:

State:

Zip Code:

Country:

3. Contact Name and Title:

4. Contact Email Address:

5. Contact Telephone Number:

6. Company Website Address:

Enforceable Sales Contact Information: if the same as above, check here ☐

7. Contact Name and Title:

8. Contact Email Address:

9. Contact Telephone Number:

Part II. COVER LETTER:

Submit a signed letter on company letterhead requesting to establish an ACP.

Part III. APPLICATION REQUIREMENTS:

1. Is your company a small business or one-product business?

☐ Yes

☐ No

2. List all products which will be included in the ACP. If more room is needed use the attached excel spreadsheet (double click the paper clip in the upper right)

TABLE I: Proposed New ACP Product Information

	Product Name	SKU or UPC	Product Label Weight	Actual Product Fill (if different from label weight)	Regulatory Category	Dispensing Form (use key below)	Dilution	Description
1								
2								
3								
4								
5								

The product dispensing form should be one of the following:

A = Aerosol Product

S = Solid

P = Pump Spray

L = Liquid

G = Gel

O = Other (Please provide brief description):

3. Provide full product formulation for each ACP product listed in #2. Indicate if an ingredient is a VOC or LVP/VOC by placing an X in the specified column next to each ingredient. (see example on next page). Please use the attached excel spreadsheet (double click the paper clip in the upper right).

4. Has the product been sold in California in the last 4 years? Yes No

If No move on to part IV.

5. List the VOC and LVP content **for each ACP product** within four years prior to application submission. Please use the attached excel spreadsheet (double click paper clip on previous page).

	Year	Product Name	Ingredients	Weight Percent (%)	VOC	LVP/VOC
1	2014	ABC	Ethanol	15	X	
1	2014	ABC	Fragrance	3	X	
1	2014	ABC	Dipropylene glycol	10		X
				Total	18	10
	Year	Product Name	Ingredients	Weight Percent (%)	VOC	LVP/VOC
2						
2						
				Total		

Part IV. OPERATIONAL PLAN:

Select a compliance reporting period. It is recommended that the January 1st through December 31st time period is selected.

1. Compliance Period (Date Range):

to

or

Date of Compliance Report Submission:

Part V. PROJECTED ENFORCEABLE SALES

1. *Table A-Enforceable Sales (provide sales information below for products listed in Part III, Section 2.

*Provide documentation for Enforceable Sales and methodology used to calculate California sales.

	Product Name	Category	Enforceable Sales	Gross CA Sales	(Enforceable Sales/Gross CA Sales)	Is % $\geq 75\%$?
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

2. Please provide the following information:

Table B- Reformulation Information (for ACP products that were reformulated prior to applying for an ACP)

	Product Name	Reformulation Date	Initial VOC	Reformulated VOC
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Table C- Credit/Shortfall Projection

	VOC Limit	VOC Emission	VOC Difference	Projected CA Sales (lbs.)	Credit or Shortfall
1					
2					
3					
4					
5					
6					
7					
8					

- 3. Computer Query:** Include a screen shot of the computer query that generates sales information (provide a separate screen shot for each instruction used in the query).
- 4. Labels:** Provide an electronic label for all products listed in the ACP.
- 5. Distribution of Product:** Please use the space below to describe basic flow pattern of ACP products going in and out of California (use a separate sheet if necessary and include with application submission).
- 6. Annual Report Sales Verification Methodology:** Provide information and example of how you intend to verify annual sales for each product as part of your ACP Annual Compliance Report. This could include compilations made by independent marketing services, mill assessment records, or detailed California retailer distribution records and/or invoices, per 94542(a)(11).

Part VI. OPERATIONAL PLAN TO RECONCILE SHORTFALL

1. Explain in detail the operational plan to reconcile shortfall(s), if necessary. Include dates, tables, and any other necessary information or documentation with this application. If credit trading is needed for reconciliation, please include a written commitment from the party or parties that will provide the credits. See sample Operational Reconciliation Shortfall Plan in, Part VI, number 12, *Operational Plan to Reconcile Shortfall under the Instructions Application for ACP*, section on page 11 of this form.

Part VII. CERTIFICATION

I certify that, as a representative of, _____, I accept obligation, as the Responsible Party, to date-code every unit of each ACP product approved for inclusion in the ACP. The commitment shall require the responsible ACP party to display the date-code on each ACP product container or package no later than five (5) working days after the date an Executive Order approving an ACP is signed by the Executive Officer.

Name:

Date:

Title:

I certify that all reductions in the VOC Content of a product will be real, actual reductions that do not result from changing product names, mischaracterizing ACP product reformulations that have occurred in the past, or any other attempts to circumvent the provisions of the ACP regulation.

All information and operational plans submitted with this ACP application are true and correct to the best of my knowledge.

Name:

Date:

Title:

Part VIII. ATTACHMENTS

1. Attach all documents pertinent to this application. For a listing of specific documents, refer to *ACP Application Instructions, Part VIII. Attachments*, at the end of this application.