

State of California
AIR RESOURCES BOARD

Resolution 98-54

November 19, 1998

Agenda Item: 98-13-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (Board or ARB) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the Board by law;

WHEREAS, section 39607(d) of the Health and Safety Code requires the Board to adopt test procedures to measure compliance with its nonvehicular emission standards;

WHEREAS, section 41712 of the Health and Safety Code requires the Board to adopt regulations to achieve the maximum feasible reduction in reactive organic compounds (referred to as "volatile organic compounds" or "VOCs") emitted by consumer products, if the Board determines that adequate data exist for it to adopt the regulations, and if the regulations are technologically and commercially feasible and necessary;

WHEREAS, pursuant to Health and Safety Code section 41712 the Board's staff has adopted regulations to reduce VOC emissions from antiperspirants and deodorants, consumer products, and aerosol coatings (title 17, California Code of Regulations (CCR), sections 94500-94528);

WHEREAS, title 17, CCR, sections 94506, 94515, and 94526 currently specify test methods for determining compliance with the regulatory requirements for antiperspirants and deodorants, consumer products, and aerosol coatings;

WHEREAS, title 17, CCR, section 94508(a)(78) currently specifies a definition for low vapor pressure-volatile organic compounds (LVP-VOC);

WHEREAS, ARB Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products," is designed to accurately determine compliance with the VOC standards for antiperspirants and deodorants, consumer products, and aerosol coatings specified in the regulations;

WHEREAS, the Board's staff has identified modifications to ARB Method 310 that will allow determination of whether compounds or mixtures qualify as LVP-VOCs;

WHEREAS, the Board staff has consulted with the United States Environmental Protection Agency (US EPA) regarding consumer product regulations promulgated by other state and local governments, as provided in section 183(e) of the federal Clean Air Act;

WHEREAS, the California Environmental Quality Act (CEQA) and Board regulations require that no project that may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The adoption of amendments to title 17, CCR, sections 94506, 94506.5, 94508(a)(78), 94515, and 94526, and ARB Method 310 ("the amendments") is authorized by California law, and is necessary and appropriate to satisfy the requirements of Health and Safety Code sections 39607(d) and 41712;

Current ARB Method 310 does not include a test procedure for determining LVP-VOC status;

The amendments will correct limitations in current Method 310 by establishing appropriate steps to determine percent VOC content and the procedure for determining LVP-VOC status;

There is no alternative considered by the Board which would be more effective and less burdensome to public agencies, small businesses, or private persons or businesses, other than small businesses, than the proposed action.

Adequate data exist to support adoption of the amendments, determine the accuracy and precision of the incorporated test methods, and establish that the amendments are both necessary and commercially and technologically feasible;

The amendments are necessary to attain state and federal ambient air quality standards, in that the amendments are needed to effectively enforce the regulatory standards specified in the consumer products regulations;

The amendments are necessary to effectively enforce California's State Implementation Plan (SIP) commitments and to achieve the emission reductions included in the SIP; and

The amendments are commercially and technologically feasible.

WHEREAS, the Board further finds that:

Pursuant to the requirements of CEQA and Board regulations, the amendments approved herein will not result in any significant adverse impacts on the environment;

The economic and cost impacts of the amendments have been analyzed as required by California law, and the Initial Statement of Reasons for this regulatory action sets forth the conclusions that the amendments will not have any significant adverse economic or cost impacts on California business enterprises and individuals; and

The reporting requirements of the amendments which apply to businesses are necessary for the health, safety, and welfare of the people of the State.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendment of title 17, CCR, sections 94506, 94506.5, 94508(a)(78), 94515, and 94526, as set forth in Attachment A hereto, and the amendment of ARB Method 310, as set forth in Attachment B hereto, with the modifications described in Attachment C hereto;

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A and Attachment B, with the modifications set forth in Attachment C and such other conforming modifications as may be appropriate, after making them available to the public for a period of 15 days, as required by Government Code section 11346.8, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the amendments to the Board for further consideration if he determines that this is warranted after review of the comments.

BE IT FURTHER RESOLVED that, following approval of the amendments by the Office of Administrative Law, the Executive Officer is directed to submit the amendments to U.S. EPA for inclusion in the California State Implementation Plan for Ozone (SIP).

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to include in the SIP revision any additional documentation identified as necessary for approvability under the federal Clean Air Act and U.S. EPA regulations, and to work with the U.S. EPA to ensure that the amendments are approved as a SIP revision.

I hereby certify that the above is a true and correct copy of Resolution 98-54, as adopted by the Air Resources Board.



Pat Hutchens, Clerk of the Board

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RESOURCES AGENCY OF CALIFORNIA

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November 19, 1998

Identification of Attachments to the Resolution

Attachment A: Proposed Amendments to the Antiperspirant and Deodorant Regulations, the Consumer Products Regulation, and the Aerosol Coatings Regulation, sections 94506, 94506.5, 94508(a)(78), 94515, and 94526, as set forth in Appendix A to the Initial Statement of Reasons.

Attachment B: Proposed Modifications to ARB Test Method 310, as set forth in Appendix B to the Initial Statement of Reasons.

Attachment C: Staff's Suggested Changes to the Original Proposal (distributed at the Board hearing on November 19, 1998).

Attachment C

FOR CONSIDERATION BY THE AIR RESOURCES BOARD AT THE PUBLIC HEARING
ON THE PROPOSED MODIFICATIONS TO ARB METHOD 310 TO INCLUDE THE
DETERMINATION OF LOW VAPOR PRESSURE-VOLATILE ORGANIC COMPOUNDS
(LVP-VOC) IN CONSUMER PRODUCTS AND AMENDMENTS TO THE DEFINITION AND
TEST METHOD SECTIONS OF THE CALIFORNIA REGULATIONS TO INCLUDE THE
DETERMINATION OF LOW VAPOR PRESSURE-VOLATILE ORGANIC COMPOUNDS
(LVP-VOC) IN ANTIPERSPIRANTS AND DEODORANTS, CONSUMER PRODUCTS, AND
AEROSOL COATING PRODUCTS

PRESENTED AT THE NOVEMBER 19, 1998 BOARD HEARING

Staff's Suggested Modifications to the Original Proposal

The Executive Officer will work with stakeholders to evaluate and develop the necessary regulatory language to include ASTM-E-1719-97, Vapor Pressure of Liquids by Ebulliometry, as an equivalent method for the determination and classification of low vapor pressure-volatile organic compounds (LVP-VOC). The Executive Officer will publish a notice of public availability of modified text and availability of additional documents and information and re-open the record for 15 days for public comment prior to final action.