

State of California  
Air Resources Board

**Proposed Amendments to the  
Antiperspirants and Deodorants Regulation;  
Consumer Products Regulation;  
Aerosol Coating Products Regulation;  
Alternative Control Plan Regulation; the  
Tables of Maximum Incremental Reactivity  
Values; and Test Method 310**

Resolution 21-7

March 25, 2021

Agenda Item No.: 21-2-1

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) 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, the California Air Resources Board (CARB or Board) and the United States Environmental Protection Agency (U.S. EPA) have established health-based ambient air quality standards for ozone, and these standards are exceeded in a number of the State's air basins;

Whereas, the Board and U.S. EPA have designated many areas of California as nonattainment for the ambient air quality standards for ozone;

Whereas, ozone is formed in the atmosphere when precursor emissions of reactive organic gas (ROG), including volatile organic compounds (VOC), react in the presence of sunlight with oxides of nitrogen (NO<sub>x</sub>);

Whereas, section 41712 of the Health and Safety Code requires the Board to adopt regulations to achieve the maximum feasible reduction in VOC emitted by consumer products, if the Board determines that adequate data exist to establish that the regulations are necessary to attain State and federal ambient air quality standards, and

that they are technologically and commercially feasible and necessary, and if the regulations do not require the elimination of a product form;

Whereas, pursuant to Health and Safety Code section 41712, the Board last amended:

- the Regulation for Reducing Volatile Organic Compound Emissions from Antiperspirants and Deodorants (Antiperspirants and Deodorants Regulation), (California Code of Regulations, title 17, sections 94500-94506.5) on September 26, 2013,
- the Regulation for Reducing Emissions from Consumer Products (Consumer Products Regulation), (California Code of Regulations, title 17, sections 94507-94517) on May 25, 2018,
- the Alternative Control Plan Regulation for Consumer Products and Aerosol Coating Products (Alternative Control Plan Regulation), (California Code of Regulations, title 17, sections 94540-94555) on November 13, 1997,
- the Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions (Aerosol Coating Products Regulation), (California Code of Regulations, title 17, sections 94520-94528) on September 26, 2013,
- the Tables of Maximum Incremental Reactivity (MIR) Values, (California Code of Regulations, title 17, sections 94700-94701) on September 26, 2013, and
- Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products" on May 25, 2018;

Whereas, CARB adoption and implementation of VOC standards have reduced consumer product emissions by more than 50 percent since 1990;

Whereas, the majority of California residents continue to be exposed to pollutant concentrations that exceed health-based standards for ozone, and reductions in VOC, which reflect the more volatile component of ROG, are necessary to expedite attainment of ambient air quality standards in California, and particularly in the South Coast Air Basin;

Whereas, consumer product emissions are increasing as California's population and product usage continue to grow;

Whereas, in March 2017, CARB approved the 2016 State Strategy for the California State Implementation Plan (2016 State SIP Strategy), which requires CARB, among other commitments, to develop measures to reduce VOC emissions from consumer products by 1-2 tons per day (tpd) by 2023 and 4-5 tpd by 2031 in the South Coast, and by 8-10 tpd by 2031 Statewide;

Whereas, 17 states and the District of Columbia, representing over 40 percent of the national population, have adopted CARB's consumer product VOC standards, which are more stringent than U.S. EPA's consumer product standards;

Whereas, the Legislature enacted the California Global Warming Solutions Act of 2006 (Assembly Bill 32 (AB 32); Stats 2006, ch. 488, Health and Safety Code section 38500 et seq.), which declares that global warming poses a serious threat to the economic well-being, public health, natural resources, and environment of California;

Whereas, in recognition of the devastating impacts of climate change emissions on California, then-Governor Jerry Brown enacted Executive Order B-30-15, which establishes the target of reducing greenhouse gas (GHG) emissions 80 percent below 1990 levels by 2050, and Executive Order B-55-18, which mandates that the State achieve carbon neutrality by 2045 and maintain net negative emissions thereafter;

Whereas, section 38510 of the Health and Safety Code designates CARB as the State agency charged with monitoring and regulating sources of GHG emissions in order to reduce GHG emissions;

Whereas, CARB's existing prohibition on the use of constituents with a global warming potential (GWP) value at or greater than 150 in 19 consumer product categories provides reductions of approximately 0.24 million metric tons of carbon dioxide equivalents (MMT CO<sub>2</sub>e) per year in California, and approximately 2 MMT CO<sub>2</sub>e nationally;

Whereas, 1,1-Difluoroethane (HFC-152a) is classified as "exempt" by CARB due to its low reactivity, and therefore is not considered a VOC for the purpose of complying with the Consumer Products Regulations;

Whereas, product manufacturers are more likely to utilize HFC-152a to comply with some CARB consumer product standards, because HFC-152a is classified as an "exempt" VOC, and compliance with VOC standards without the use of HFC-152a is currently infeasible for some categories;

Whereas, without further measures, annual HFC-152a and other propellants' GHG emissions from CARB-compliant consumer products are projected to increase from 0.4 MMT CO<sub>2</sub>e today to 0.6 MMT CO<sub>2</sub>e by 2050 in California, and manufacturers may choose to sell CARB-compliant products nationwide, and nationally consumer products are projected to increase over 5 MMT CO<sub>2</sub>e nationwide by 2050

Whereas, CARB is required to identify and control toxic air contaminants (TAC) under Health and Safety Code sections 39650 et seq., and is committed to reducing public exposure to toxic compounds used in consumer products;

Whereas, existing consumer products regulations have reduced TAC emissions by over 13 tpd by prohibiting the use of perchloroethylene, trichloroethylene, and methylene chloride in 83 consumer product categories;

Whereas, "Energized Electrical Cleaner" is comprised of about 90 percent perchloroethylene and trichloroethylene, and CARB regulations permit use of these non-flammable TACs in "Energized Electrical Cleaner" because they are needed to

safely remove heavy soils, such as grease, heavy oil, or grime, from electrical equipment that cannot be turned off, or where a residual electrical current exists, during cleaning, and there is no alternative product available for this use;

Whereas, CARB's Automotive Maintenance and Repair Air Toxic Control Measure (ATCM), adopted on April 27, 2000, prohibits the use of perchloroethylene and trichloroethylene in automotive brake cleaner, carburetor and choke cleaner, engine degreaser, and general purpose automotive degreaser at automotive maintenance and repair facilities, current regulations require "Energized Electrical Cleaner" to be labeled as "not to be used for motorized vehicle maintenance, or their parts...", and "Energized Electrical Cleaner" is not necessary to safely repair or maintain automobiles;

Whereas, staff has determined that off-label use of "Energized Electrical Cleaner" by automotive maintenance and repair facilities results in at least 8.9 tons per year of excess TAC emissions, with potential negative health impacts on automotive maintenance and repair personnel and adjacent communities;

Whereas, existing regulations provide an exemption for fragrance ingredients (the Two Percent Fragrance Exemption), allowing up to two percent of fragrance ingredients, including fragrance VOC ingredients, to be exempt from the applicable VOC standard in most consumer product categories;

Whereas, the Alternative Control Plan (ACP) Regulation and Innovative Product Exemption (IPE) provisions provide regulatory flexibility and encourage manufacturer innovation by recognizing and providing compliance options for lower-emission or more efficient products;

Whereas, compressed air, nitrogen, and carbon dioxide (compressed gas) do not form ozone, are non-toxic, and have negligible GWP, however, existing VOC standards, which are based upon ingredient weight, may deter the use of compressed gas propellants due to their lower weight relative to liquefied propellants, such as HFC-152a;

Whereas, consumer products are comprised of thousands of complex ingredients with a differing propensity to evaporate, participate in atmospheric processes, be ingested, absorbed or inhaled, or impact human health and the environment;

Whereas, detailed and comprehensive consumer product ingredient information is needed for CARB to continue to evaluate and prioritize regulatory strategies that reduce VOC emissions and ozone-forming potential in a way that maximizes public and community health co-benefits, and meets State and federal air quality standards;

Whereas, as part of the seven year-long public rule development process, CARB staff developed and conducted surveys of consumer product manufacturers about consumer products sold in California during the 2013, 2014, and 2015 calendar years, which generated comprehensive California consumer product sales, ingredient,

emissions, and reactivity data for about one million products from 1,500 manufacturers;

Whereas, these three surveys were unprecedented in their scope, extent of data review, and opportunities for stakeholder feedback;

Whereas, on April 2, 2019, CARB staff reviewed, evaluated and published for public feedback the final survey data for the 2015 calendar year (Final 2015 Consumer Products Survey Data), which summarized the emissions, reactivity, and ozone-forming potential of over 400 consumer product categories;

Whereas, staff has proposed amendments to the Antiperspirants and Deodorants Regulation; Consumer Products Regulation; Aerosol Coating Products Regulation; Alternative Control Plan Regulation; the Tables of Maximum Incremental Reactivity Values; and Test Method 310 (Proposed Amendments), as set forth in Appendix A to the Initial Statement of Reasons (ISOR or Staff Report), released to the public on February 2, 2021, and will be proposing in a 15-day change modified regulatory language developed in response to comments received since the ISOR was released, as set forth in Attachment A to this resolution;

Whereas, CARB's regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans, has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; see also California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

Whereas, the Proposed Amendments implement a measure previously included in CARB's 2016 State SIP Strategy, "Consumer Products." The environmental impacts of the Proposed Amendments were already examined as part of the Environmental Analysis prepared under CARB's certified regulatory program for the 2016 State SIP Strategy. The environmental impacts of the Proposed Amendments are considered to fall within the scope of that prior EA, entitled Final Environmental Analysis for the Revised Proposed 2016 State Strategy for the State Implementation Plan. CARB staff included a brief Environmental Analysis chapter in the Staff Report for these Proposed Amendments. This analysis, set forth in Chapter VII of the Staff Report, examined whether any aspect of the Proposed Amendments could result in any of the circumstances set forth in CEQA Guidelines, California Code of Regulations, title 14, section 15162. No additional environmental review is required because the record evidence shows that the amendments would not result in any such circumstances;

Whereas, the Board finds that:

1. The Proposed Amendments meet the statutory requirements to adopt regulations to achieve the maximum feasible reduction in VOC emissions from consumer products, identified in section 41712 of the Health and Safety Code,

including having adequate data to establish that the Proposed Amendments are necessary to attain State and federal ambient air quality standards, and that the Proposed Amendments are commercially and technologically feasible and necessary, and do not require the elimination of a product form;

2. CARB is authorized to address TAC and GHG emissions from consumer products by Health and Safety Code sections 38500 et seq. and Health and Safety Code sections 39650 et seq., as needed to meet California's air quality mandates, including the protection of public health;
3. The Proposed Amendments were developed in an open public process, in consultation with affected industry stakeholders, through numerous public workshops, individual meetings, and other outreach efforts, and these efforts are expected to continue;
4. The Proposed Amendments are necessary for expeditious attainment and maintenance of the State and federal ambient air quality standards, and help fulfill California's SIP commitments to achieve emission reductions statewide and in the South Coast Air Basin;
5. The proposed VOC standards are expected to result in VOC emission reductions of 3.00 tons per day in 2023 and 9.80 tons per day in 2031 statewide, and VOC reductions of 1.25 tpd in 2023 and 4.03 tpd in 2031 in the South Coast Air Basin;
6. The prohibitions on the use of methylene chloride, perchloroethylene, trichloroethylene, and PCBTF, and on the use of compounds with a GWP value of 150 or above are necessary to prevent their use in products reformulated to comply with the proposed VOC standards, to control GHG emissions, and to protect public health;
7. Elimination of the Two Percent Fragrance Exemption will help achieve and maintain needed VOC reductions and enhance regulatory clarity and effectiveness;
8. Updating Alternative Control Plan and Innovative Product Exemption eligibility criteria will help ensure the two provisions continue to generate real air quality and public health benefits, while continuing to provide regulatory compliance flexibility and encouraging product manufacturers to develop and market innovative products that utilize compressed gas propellants;
9. The proposed new and modified definitions are necessary to clarify and implement the Antiperspirants and Deodorants Regulation, the Consumer Products Regulation, the Aerosol Coating Products Regulation, the Alternative Control Plan Regulation, and Method 310;

10. The proposed modifications are necessary to streamline and clarify various regulatory provisions and improve program effectiveness, transparency and enforceability;
11. The addition of MIR values for 1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd), Alkane Mixed - Minimally 90% C13 and higher carbon number, and Diethyl Carbonate low-reactive substances will provide manufacturers additional reformulation flexibility;
12. The reporting requirements of the Proposed Amendments, which apply to businesses, are necessary to ensure that the Proposed Amendments achieve their air quality goals, and for the health, safety, and welfare of the people of the State;
13. The Proposed Amendments to Method 310 are necessary to improve the clarity, transparency and effectiveness of the Antiperspirants and Deodorants Regulation, the Consumer Products Regulation, and the Aerosol Coating Products Regulation;
14. The economic impacts of the Proposed Amendments have been analyzed as required by California law, and the conclusions and supporting documentation for this analysis are set forth in the Initial Statement of Reasons;
15. The cost-effectiveness of the Proposed Amendments has been considered, and the benefits to human health, public safety, public welfare, or the environment justify the costs of the Proposed Amendments;
16. The Proposed Amendments reduce human health, safety, or environmental risks;
17. No reasonable alternatives to the Proposed Amendments considered to date, or that have otherwise been identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the Proposed Amendments are proposed, or would be as effective and less burdensome to affected entities than the Proposed Amendments;
18. The Proposed Amendments are consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, income, or national origin; and
19. The Proposed Amendments are covered by the prior environmental analysis prepared to comply with CEQA, and no additional environmental review or revisions to the prior environmental analysis are required, because substantial evidence in the records shows there are no changes that will result in new significant adverse environmental impacts.

Now, therefore, be it resolved that the Board hereby approves for adoption amendments to sections 94501, 94502, 94506, 94508, 94509, 94510, 94511, 94513, 94515, 94521, 94522, 94524, 94526, 94540, 94541, 94542, 94543, 94544, 94545, 94546, 94547, 94548, 94549, 94550, 94551, 94552, 94553, 94554, 94555, 94700, Title 17, California Code of Regulations, as set forth in Appendix A of the Initial Statement of Reasons, released to the public on February 2, 2021.

Be it further resolved that if there is a possibility that any modifications to the regulation made available for one or more 15-day public comment periods may affect the conclusion of the environmental analysis, the Executive Officer shall prepare and circulate any additional environmental analysis to the extent required by CARB's regulations at California Code of Regulations, title 17, section 60004.

Be it further resolved that the Board directs the Executive Officer to make the modified regulatory language in Attachment A, and any additional conforming modifications that are appropriate, available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer shall consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days. The Executive Officer may present the regulation to the Board for further consideration if he determines it is warranted, and if not, the Executive Officer shall take final action to adopt the regulation after addressing all appropriate modifications.

Be it further resolved that the Executive Officer shall, upon adoption, submit the proposed regulatory action to the U.S. EPA for approval as a revision to the California State Implementation Plan (SIP) as required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intending to reduce emissions of air pollutants to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA under the CAA.

Be it further resolved that the Board directs the Executive Officer to:

1. Conduct targeted surveys of consumer products to determine the extent to which changes in consumer behavior may have impacted demand for products, such as hand sanitizer and personal care products, and the resulting near-term and long-term impact on emissions and air quality;
2. Continue to collaborate with the Department of Toxic Substances Control Safer Consumer Products Program to identify and prioritize strategies that most effectively reduce emissions from consumer products and protect public health, including in disadvantaged communities and in occupations potentially at risk from toxic emissions from consumer products;
3. Evaluate opportunities, in coordination with the Office of Environmental Health Hazard Assessment, to exempt substances with negligible reactivity, GWP, and



human health and environmental impacts, from the VOC classification, in order to provide greater product formulation flexibility;

4. Monitor the progress of manufacturers toward meeting the proposed January 1, 2031, VOC standard for "Personal Fragrance Product," conduct a technical assessment at least three years prior to the January 1, 2031, effective date to identify any significant problems in achievement of the standard and whether it continues to be technologically and commercially feasible, consistent with the Proposed Amendments;
5. Identify in CARB's Climate Change Scoping Plan Update technologically and commercially feasible actions to reduce GHG emissions from consumer products, while maintaining or improving upon regional air quality progress;
6. Evaluate and consider strategies to continue to reduce consumer product emissions as California's population and economy continue to grow, including, but not limited to, strategies that reduce the ozone-forming potential of categories in which further VOC reductions are infeasible, and measures that reduce TAC or GHG emissions, while ensuring no increase in the category's ozone-forming potential;
7. Ensure that the consumer products regulation continues to be implemented and enforced in a way that is equitable and transparent, and does not disproportionately impact disadvantaged communities.

I hereby certify that the above is a true and correct copy of Resolution 21-7 as adopted by the California Air Resources Board.

*Katie Estabrook*

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Katie Estabrook, Board Clerk

Resolution 21-7

March 25, 2021

Identification of Attachments to the Board Resolution

Attachment A: Staff's Suggested Modifications to the Original Proposal  
(Distributed at the March 25, 2021, CARB hearing)

## Resolution 21-7 Attachment A

Staff's Suggested Modifications to the Proposed Amendments to the Antiperspirants and Deodorants Regulation; Consumer Products Regulation; Aerosol Coating Products Regulation; Alternative Control Plan Regulation; the Tables of Maximum Incremental Reactivity Values; and Test Method 310  
(Distributed at the March 25, 2021, Board hearing)

This attachment shows the modifications to the originally proposed regulatory language. The originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The suggested modifications to the proposed regulation are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions from existing text. [Bracketed text] is not part of the modified proposed regulatory text. Portions of the regulation that are not substantively changed, but are just renumbered are indicated by [Non-substantive changes to indicate renumbering]. The symbol "\*\*\*\*\*" means that intervening text not proposed for modification is not shown.

Shown below are only those portions of the originally proposed regulation that have been modified. The modified language will be made available to the public for a fifteen-day comment period prior to final adoption.

**Amend sections 94508, 94509, 94510, 94511, and 94515, title 17, California Code of Regulations, to read as follows:**

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§ 94508. Definitions.

(a) For the purpose of this article, the following definitions apply:

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(~~6970~~) "Hair Styling Product" means a consumer product that is designed or labeled for application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. "Hair Styling Product" includes, but is not limited to, hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hair style, and leave-in volumizers, detanglers and/or conditioners that make styling claims. "Hair Styling Product" does not include "~~No Rinse~~ Dry Shampoo," "Thermal Protectant," "Hair Mousse," "Hair Shine," "Hair Finishing Spray," or shampoos or conditioners that are rinsed from the hair prior to styling.

For the purposes of this ~~category~~subchapter, "finish" or "finishing" means the maintaining and/or holding of ~~previously styled hair for a period of time~~ a hairstyle once all styling is complete.

For the purposes of this ~~category~~subchapter, "styling" means ~~the~~forming, sculpting, or manipulating the hair to ~~temporarily~~ alter the hair's shape.

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(~~7576~~) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are: for agricultural use, or for a use which requires a structural pest control license under Chapter 14 (commencing with Section 8500) of the Business and Professions Code, or restricted materials that require a permit for use and possession.

"Insecticide" includes the following subcategories (~~A-FG~~):

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§ 94509. Standards for Consumer Products.

- (a) Except as provided in sections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), and 94540 through 94555 (Alternative Control Plan), title 17, California Code of Regulations, no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which, at the time of sale or manufacture, contains volatile organic compounds in excess of the limits specified in the following Table of Standards after the specified effective dates.

[see next page for modified table and remaining proposed modifications to text]

Table of Standards  
Percent Volatile Organic Compound by Weight

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Air Freshener (manufactured before January 1, 2023)*:	Blank cell	Blank cell
Double Phase Aerosol**	1/1/93 12/31/2004 12/31/2012	30 25 20
Single Phase Aerosol	1/1/93 1/1/96	70 30
<u>Air Freshener</u> (manufactured on or after January 1, 2023)*		
Automatic Aerosol Air Freshener	<u>1/1/2023</u>	<u>30</u>
<u>Manual Aerosol Air Freshener**</u>	<u>1/1/2023</u> <u>1/1/2027</u>	<u>10</u> <u>5</u>
<u>Concentrated Aerosol Air Freshener**</u>	<u>1/1/2023</u> <u>1/1/2027</u>	<u>15</u> <u>10</u>
<u>Total Release Aerosol Air Freshener**</u>	<u>1/1/2023</u>	<u>25</u>
<u>Air Freshener*</u> Dual Purpose Air Freshener/Disinfectant aerosol	1/1/94	60
Liquid/pump spray	1/1/93	18
Solid/semisolid <sup>#</sup>	1/1/93	3
[*See sections 94510(f) for an exemption that applies to Air Freshener.]	Blank cell	Blank cell
[**See section 94509(n) for additional requirements that apply to Double Phase Aerosol Air Freshener, and sections 945091(m)(1)(B) and 94509(n) for additional requirements that apply to Manual Aerosol Air Freshener, Concentrated Aerosol Air Freshener, and Total Release Aerosol Air Freshener.]	Blank cell	Blank cell
[#See subsections 94509(m)(2) and 94510(g)(2) for additional provisions that apply to Air Freshener (solid).]	Blank cell	Blank cell

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Automotive Windshield Washer Fluid*: Type "A" areas	Blank cell 1/1/93 12/31/2008	Blank cell 35 25
Nontype "A" areas	1/1/93 12/31/2002	10 1
*See section 94508(a)(2)(19), section 94509(b)(3), and section 94509(l) for provisions that apply to Automotive Windshield Washer Fluid.	Blank cell	Blank cell

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- (m) *Requirements limiting the use of specific toxic compounds in specific consumer products categories.*

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- (4) *Sell-through of Products.* Consumer products listed in Table 94509(m)(1)(A), (m)(1)(B), (m)(2), or (m)(3) that were manufactured before the specified effective date listed in Table 94509(m)(1)(A), (m)(1)(B), (m)(2), or (m)(3), may be sold, supplied, or offered for sale until the corresponding "sell-through" date listed in Table 94509(m)(1)(A), (m)(1)(B), (m)(2), or (m)(3), so long as the product complies with the product dating requirements in section 94512(b).
- (5) *Notification for products sold during the sell-through period.* Any person who sells or supplies a consumer product identified listed in section 94509(m)(1)(A), (m)(1)(B), (m)(2), or (m)(3) must notify the purchaser of the product of the sell-through period dates, provided, however, that this notification must be given only if both of the following conditions are met:
- (A) the product is sold or supplied to a distributor or retailer; and
  - (B) the product is sold or supplied within 6 months of the specified effective date.
- (6) *Impurities.* The requirements of section 94509(m)(1)(A), (m)(1)(B), and (m)(5) shall not apply to any consumer product listed in Table 94509(m)(1)(A) or (m)(1)(B), containing parachlorobenzotrifluoride, methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

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## § 94510. Exemptions

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(c) Except for Pressurized Gas Duster, the VOC limits specified in Section 94509(a) shall not apply to fragrances up to a combined level of 2 percent by weight contained in any consumer product. the following:

- (1) For "General Purpose Cleaner" (nonaerosol) and "General Purpose Degreaser" (nonaerosol) products manufactured between January 1, 2023, and December 31, 2030, fragrances up to a combined 2 percent by weight and monoterpenes up to a combined 0.25 percent by weight, not to exceed a combined total of 2 percent fragrances and monoterpenes by weight.
- (2) For products, other than "General Purpose Cleaner" (nonaerosol) and "General Purpose Degreaser" (nonaerosol), manufactured before January 1, 2031, fragrances up to a combined level of 2 percent by weight.
- (3) For "General Purpose Cleaner" (nonaerosol) and "General Purpose Degreaser" (nonaerosol) products manufactured on or after January 1, 2031, fragrances and/or monoterpenes up to a combined 0.25 percent by weight.
- (4) For "Air Freshener," "Disinfectant," and "Sanitizer" products manufactured on or after January 1, 2031, fragrances up to a combined level of 0.25 percent by weight.

For the purposes of this subchapter, "monoterpenes" means: d-limonene, l-limonene, dipentene,  $\alpha$ -pinene, and  $\beta$ -pinene.

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## § 94511. Innovative Products.

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(c) The Executive Officer shall exempt an aerosol "Hair Finishing Spray," "Dry Shampoo," or "Personal Fragrance Product" product from the VOC standards specified in section 94509(a) if the product manufacturer demonstrates by clear and convincing evidence at the time of the IPE application that all four of the following criteria are met:

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- (4) The ozone-forming potential of the proposed innovative product does not exceed that of the representative HFC-152a product.

(A) Assignment of an substance's ROC's Maximum Incremental Reactivity (MIR) value for the purpose of determining a product's ozone forming potential shall be conducted pursuant to subsections 94509(r)(5)(A)-(D) and (F)-(I).

(B) For fragrance, the MIR value for terpinolene listed in section 94700 shall be used to calculate the product's ozone-forming potential.

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§ 94515. Test Methods.

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3.4 *Initial Determination of VOC Content.* ~~The~~ If the Executive Officer makes a will determine the VOC content determination, they shall do so pursuant to sections 3.2 and 3.3. Only those components with concentrations equal to or greater than 0.1 percent by weight ~~shall~~ will be reported.