

Attachment A

Proposed Second 15-Day Changes 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

May 23, 2022

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Note: This attachment to the “Second Notice of Public Availability of Modified Text” regarding 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” shows the proposed modifications to the originally-proposed regulatory language released to the public on February 2, 2021, and to the first 15-day change language released to the public on August 19, 2021. This attachment includes “Staff’s Suggested Modifications to the Original Proposal,” which was shared at the March 25, 2021, Board hearing, and some proposed modifications to the first proposed 15-day changes, released to the public on August 19, 2021.

The originally-proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Proposed changes in the First 15-day notice (which had a comment period from August 19, 2021 through September 3, 2021) are shown, with additions and deletions to the originally-proposed language that were made public with the First 15-Day Notice, in double underline and ~~double strikeout~~ format, respectively. New changes being proposed with this Second 15-Day Notice are shown with additions and deletions in **bold italicized double underline** and ~~**bold italicized double strikethrough**~~, respectively. The symbol “*****” means that intervening text not proposed to be modified, either from the existing regulation, the originally-proposed amendments, or the first proposed 15-day changes, is not shown.

Amend sections 94506 and 94515, title 17, California Code of Regulations, to read as follows:

§ 94506. Test Methods.

- 3.4.2 If the results obtained under section 3.4.1 show that the product does not meet the applicable VOC standards, the Executive Officer ~~may~~will request the responsible party ~~to~~ supply product formulation ~~data~~ **to confirm compliance with the applicable VOC standard**. The responsible party shall supply the requested information within 25 working days of the request. Information submitted to the ~~ARB~~ Executive Officer may be claimed as confidential; ~~The Executive Officer shall handle confidential~~ such information will be handled in accordance with the confidentiality procedures specified in Title 17, CCR, Division 3, Chapter 1, Subchapter 4 (Disclosure of Public Records), sections 91000 to 91022. Failure to respond to an Executive Officer request for this information is a violation.
- 3.4.3 ~~If the information supplied by the responsible party shows that the product does not meet the applicable VOC standards,~~ If the Executive Officer determines, based on testing, information they may receive from the responsible party, and any other applicable evidence, that the product does not

comply with the applicable VOC standard, then the Executive Officer ~~may~~will take appropriate enforcement action.

NOTE: Authority cited: sections 39515, 39516, 39600, 39601, 39607, 41503.5, 41511, 41700, and 41712, Health and Safety Code. Reference: sections 39000, 39002, 39003, 39600, 39607, 39701, 40000, 41511, 41700, and 41712, Health and Safety Code.

§ 94515. Test Methods.

- 3.4.2. If the results obtained under section 3.4.1 show that the product does not meet the applicable VOC standards, the Executive Officer ~~may~~will request the responsible party ~~to~~ supply product formulation data to confirm compliance with the applicable VOC standard. The responsible party shall supply the requested information within 25 working days of the request. Information submitted to the ~~ARB~~ Executive Officer may be claimed as confidential; The Executive Officer shall handle confidential such information will be handled in accordance with the confidentiality procedures specified in Title 17, CCR, Division 3, Chapter 1, Subchapter 4 (Disclosure of Public Records), sections 91000 to 91022. Failure to respond to an Executive Officer request for this information is a violation.
- 3.4.3. ~~If the information supplied by the responsible party shows that the product does not meet the applicable VOC standards,~~ If the Executive Officer determines, based on testing, information they may receive from the responsible party, and any other applicable evidence, that the product does not comply with the applicable VOC standard, then the Executive Officer ~~may~~will take appropriate enforcement action.

NOTE: Authority cited: sections 39515, 39516, 39600, 39601, 39607, 41503.5, 41511, 41700, and 41712, Health and Safety Code. Reference: sections 39000, 39002, 39003, 39600, 39602, 39607, 40000, 41503.5, 41511, 41700, and 41712, Health and Safety Code.

Amend sections 3.4.2, 3.4.3, 5.4.2, and 5.4.3 of Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products to read as follows:

3. TESTING TO DETERMINE VOC

3.4.2 If the results obtained under section 3.4.1 show that the product does not meet the applicable VOC standards, the Executive Officer ~~may~~will request the responsible party ~~to~~ supply product formulation data to confirm compliance with the applicable VOC standard. The responsible party shall supply the requested information within 25 working days of the request. Information submitted to the ~~CARB~~ Executive Officer may be claimed as confidential. ~~The Executive Officer shall handle confidential~~ such information ~~will be handled~~ in accordance with ~~the confidentiality~~ procedures specified in Regulations, Title 17, CCR, ~~Division 3, Chapter 1, Subchapter 4 (Disclosure of Public Records), sections 91000 to 91022.~~ Failure to respond to an Executive Officer request for this information is a violation.

3.4.3 ~~If the information supplied by the responsible party shows that the product does not meet the applicable VOC standards, If the Executive Officer determines, based on testing, information they may receive from the responsible party, and any other applicable evidence, that the product does not comply with the applicable VOC standard, then the Executive Officer~~ ~~may~~will take appropriate enforcement action.

5. TESTING TO DETERMINE ROC

5.4.2 If the results obtained under section 5.4.1 show that the product does not meet the applicable reactivity limits set forth in the CARB regulations, the Executive Officer may ask the responsible party to supply the product formulation data specified in section 94526 to confirm compliance with the applicable reactivity limit. The responsible party shall supply the requested information within 25 working days of the request. Information submitted to the Executive Officer may be claimed as confidential. The Executive Officer shall handle confidential information in accordance with

Title 17, CCR, sections 91000 to 91022. Failure to respond to an Executive Officer request for this information is a violation.

5.4.3 If the Executive Officer determines, based on testing, information they may receive from the responsible party, and any other applicable evidence, that the product does not comply with the applicable Reactivity Limit, the Executive Officer ~~may~~**will** take appropriate enforcement action.
