

Request for an Early Effective Date

Pursuant to Government Code Section 11343.4, subdivision (b)(3)

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

The California Air Resources Board (CARB or Board) requests, pursuant to Government Code section 11343.4(b)(3), that the Office of Administrative Law (OAL) prescribe an early effective date for 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 (collectively, the “Proposed Amendments”) that were approved by the Board on March 25, 2021. Specifically, CARB requests that the Proposed Amendments become effective upon filing with the Secretary of State. The following demonstrates “good cause” for OAL to grant CARB’s request.

Demonstration of Good Cause

This rulemaking action primarily establishes new and lower volatile organic compound (VOC) standards for categories of commonly-used consumer products such as hair spray and personal fragrances. These new standards are part of CARB’s suite of regulatory programs designed to help California achieve the required emission reductions to meet federal air quality standards for ozone, as set forth in CARB’s 2016 State Strategy for the State Implementation Plan and required by Health and Safety Code section 41712, and to protect public health. The 2016 State Strategy requires CARB to develop measures to reduce VOC emissions from consumer products by 1-2 tons per day (tpd) by 2023 and by 4-5 tpd by 2031 in the South Coast Air Basin (South Coast), and by 8-10 tpd by 2031 Statewide.

CARB is requesting that the Amendments become effective on the date of OAL’s filing of the Amendments with the Secretary of State. The early effective date is critical, since several new standards in the Amendments begin to be applicable on January 1, 2023. The proposed compliance deadlines, including the January 1, 2023, deadline, are necessary to meet CARB’s SIP commitments, the NAAQS deadlines, and federal and State legal requirements. The regulated community has requested assurance that the Amendments will be in effect before they begin the costly processes of adjusting their product formulations and supply chains in response to the Amendments. CARB notes that throughout our informal and formal rulemaking process, we relayed specific timelines to the regulated community, so that they were aware of these dates and have been expecting them, but that the regulated community has expressed to CARB that it cannot make any capital expenditures

toward compliance with the new standards until they are in effect. Further, the regulated community has informed CARB that a delay in the effective date of the Amendments may result in interruptions of the supply of the products. Further, these compliance efforts are needed to reduce emissions from consumer products and meet CARB's SIP commitments, the NAAQS deadlines, and protect public health, so any delay in making the compliance efforts will negatively impact air quality and public health in the State. Granting CARB's request for an early effective date will provide the regulated community with the certainty needed for them to make any advance adjustments necessary to come into compliance by the dates set forth in the Amendments, and will enable CARB to meet its State and federal legal mandates and protect public health.

Date: June 24, 2022

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