

Executive Order R-21-010

Relating to 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

Whereas, on March 25, 2021, the California Air Resources Board (CARB or Board) conducted a public hearing to consider 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), as set forth in Appendix A to the Initial Statement of Reasons released to the public on February 2, 2021;

Whereas, the environmental analysis prepared under CARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Staff Report concluded that the Proposed Amendments are within the scope of the State Implementation Plan (SIP) Strategy's Final Environmental Assessment (Final EA). The Proposed Amendments do not involve any changes that result in any new significant adverse environmental impacts or a substantial increase in the severity of the significant adverse impacts previously disclosed in the Final EA. Further, there are no changes in circumstances or new information that would otherwise warrant any subsequent or supplemental environmental review. The Final EA adequately addresses the implementation of the Consumer Products Program, as modified by the Proposed Amendments, and no additional environmental analysis is required;

Whereas, following the public hearing, the Board adopted Resolution 21-7, in which the Board approved 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, and directed the Executive Officer to make the proposed changes in Attachment A to Resolution 21-7, with any necessary modifications, after the required 15-day public comment period;

Whereas, Resolution 21-7 directed the Executive Officer to make the modified regulatory language in Attachment A to that resolution and any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications, or present the regulation to the Board for further consideration, if warranted;

Whereas, modified regulatory language and supporting documentation were circulated for two 15-day public comment periods, from August 19, 2021 to September 3, 2021, for the first comment period, and from May 23, 2022, through June 7, 2022, for the second comment period, with the changes to the originally-proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44, and Government Code section 11340.85;

Whereas, a number of written comments were received during the initial 45-day comment period and the supplemental 15-day comment periods, and those comments were considered by the Executive Officer;

Whereas, based on substantial evidence in the record, there is no possibility the modifications to the regulation made available for the 15-day public comment periods after the Board hearing could affect the conclusion of the environmental analysis included in the Staff Report, and no additional comments raising significant environmental issues were received, so no additional environmental analysis was required;

Now, Therefore, It Is Ordered that the recitals and findings contained in Resolution 21-7 are incorporated herein.

It Is Further Ordered that 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, which incorporate by reference amendments to Method 310, are adopted as set forth in Attachment 1 to this Order.

It Is Further Ordered that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 24th day of June at Sacramento, California.



Edie Chang
Deputy Executive Officer

Attachment 1: Final Regulation Order: 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, California Code of Regulations, title 17, 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