

Appendix B

**Oral Comments Received at the Board Hearing
on March 25, 2021**

Final Statement of Reasons

**Proposed Amendments to the California Consumer
Products Regulations**

VIDEOCONFERENCE MEETING
STATE OF CALIFORNIA
AIR RESOURCES BOARD

ZOOM PLATFORM

THURSDAY, MARCH 25, 2021
9:00 A.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

APPEARANCES

BOARD MEMBERS:

Liane Randolph, Chair

Sandra Berg, Vice Chair

John Balmes, MD

Hector De La Torre

John Eisenhut

Supervisor Nathan Fletcher

Senator Dean Florez

Davina Hurt

Gideon Kracov

Tania Pacheco-Werner, PhD

Barbara Riordan

Supervisor Phil Serna

Professor Dan Sperling

Diane Takvorian

STAFF:

Richard Corey, Executive Officer

Edie Chang, Deputy Executive Officer

Chanell Fletcher, Deputy Executive Officer

Ellen Peter, Chief Counsel

Annette Hebert, Assistant Executive Officer

APPEARANCES CONTINUED

STAFF:

Michael Benjamin, Division Chief, Air Quality Planning and Science Division (AQPSD)

Josh Berghouse, Air Pollution Specialist, Implementation Section, AQPSD

Joe Calavita, Manager, Implementation Section, AQPSD

Sonya Collier, PhD, Climate Action and Research Planning Section, Research Division (RD)

Catherine Dunwoody, Division Chief, Monitoring and Laboratory Division (MLD)

Dave Edwards, Assistant Division Chief, AQPSD

Jorn Herner, Branch Chief, Research Planning and Emission Mitigation Branch, RD

Bonnie Holmes-Gen, Branch Chief, Health and Exposure Assessment Branch, RD

Alexandra Kamel, Senior Attorney, Legal Office

Keith Kennedy, Manager, Special Analysis Section, MLD

Deborah Kerns, Senior Attorney, Legal Office

Toshihiro Kuwayama, Supervisor, Atmospheric Science and Climate Strategies Branch, RD

Sarah Pittiglio, Section Lead, Climate Action and Research Planning Section, RD

Ravi Ramalingam, Branch Chief, Consumer Products Air Quality Assessment Branch, AQPSD

Elizabeth Scheehle, Division Chief, RD

Michael Werst, Branch Chief, Northern Laboratory Branch, MLD

APPEARANCES CONTINUED

ALSO PRESENT:

Will Barrett, American Lung Association

Christopher Chavez, Coalition for Clean Air

Harvey Eder, Public Solar Power Coalition

Sean Edgar, Clean Fleets

Ranji George, Coalition for Advanced ZEV

Narcisco Gonzalez

Amy Kyle, PhD, MPH

Tom Myers, Personal Care Products Council

Amanda Nguyen, Fragrance Creators Association

Luis Olmedo, Comite Civico del Valle

Jessica Olson, Honeywell

Christopher Pearce, SC Johnson

Doug Raymond, Raymond Regulatory Resources

Laura Rosenberger

Sarah Rees, South Coast Air Quality Management District

Jose Saldana

Megan Schwarzman, MD, MPH, University of California,
Berkeley

Lisette van Vliet, Breast Cancer Prevention Partners

LaDonna Williams, All Positives Possible

Joseph Yost, Household and Commercial Products Association

INDEX

	<u>PAGE</u>
Call to Order	1
Roll Call	1
Opening Remarks	2
Item 21-2-1	
Chair Randolph	5
Executive Officer Corey	6
Staff Presentation	7
Megan Schwarzman	26
Doug Raymond	29
Joseph Yost	32
Jessica Olson	35
Narcisco Gonzalez	38
Sarah Rees	40
Lisette van Vliet	41
Tom Myers	44
Christopher Chavez	45
Will Barrett	47
Amanda Nguyen	49
Laura Rosenberger	52
Christopher Pearce	53
Staff Response	56
Board Discussion and Q&A	58
Motion	68
Vote	68
Item 21-2-2	
Chair Randolph	69
Executive Officer Corey	70
Staff Presentation	72
Amy Kyle	93
Harvey Eder	95
Ranji George	98
Luis Olmedo	100
Staff Response	103
Board Discussion and Q&A	104
Motion	133
Vote	133
Public Comment	
Jose Saldana	135
Ranji George	138
Sean Edgar	140

INDEX CONTINUED

	<u>PAGE</u>
Public Comment (continued)	
LaDonna Williams	143
Harvey Eder	146
Closed Session	149
Adjournment	150
Reporter's Certificate	151

PROCEEDINGS

1
2 CHAIR RANDOLPH: Good morning. The March 25th,
3 2021 public meeting of the California Air Resources Board
4 will come to order.

5 Board Clerk Estabrook, please call the roll.

6 BOARD CLERK ESTABROOK: Thank you, Chair.

7 Dr. Balmes?

8 BOARD MEMBER BALMES: Here.

9 BOARD CLERK ESTABROOK: Mr. De La Torre?

10 Mr. Eisenhut?

11 BOARD MEMBER EISENHUT: Here.

12 BOARD CLERK ESTABROOK: Supervisor Fletcher?

13 BOARD MEMBER FLETCHER: Fletcher here.

14 BOARD CLERK ESTABROOK: Senator Florez?

15 BOARD MEMBER FLOREZ: Here.

16 BOARD CLERK ESTABROOK: Assemblymember Garcia?

17 Ms. Hurt?

18 BOARD MEMBER HURT: Present.

19 BOARD CLERK ESTABROOK: Mr. Kracov?

20 BOARD MEMBER KRACOV: Here.

21 BOARD CLERK ESTABROOK: Dr. Pacheco-Werner?

22 Mrs. Riordan?

23 BOARD MEMBER RIORDAN: Here.

24 BOARD CLERK ESTABROOK: Supervisor Serna?

25 BOARD MEMBER SERNA: Here.

1 BOARD CLERK ESTABROOK: Professor Sperling?

2 BOARD MEMBER SPERLING: Here.

3 BOARD CLERK ESTABROOK: Ms. Takvorian?

4 BOARD MEMBER TAKVORIAN: Here.

5 BOARD CLERK ESTABROOK: Vice Chair Berg?

6 VICE CHAIR BERG: Here.

7 BOARD CLERK ESTABROOK: Chair Randolph?

8 CHAIR RANDOLPH: Here.

9 CHAIR RANDOLPH: Madam Chair, we have a quorum.

10 Thank you. We are conducting today's meeting
11 with Zoom and have organized the proceedings to mirror our
12 normal Board meeting as close as possible, but
13 understandably there will be some differences. We request
14 your patience and understanding, if any technical problems
15 arise.

16 Interpretation services will be provided today in
17 Spanish. If you are joining us via many zoom, there is a
18 button labeled interpretation on the Zoom screen. Click
19 on that interpretation button and select Spanish to hear
20 the meeting in Spanish.

21 (Interpreter translated in Spanish)

22 CHAIR RANDOLPH: Thank you.

23 I will now ask the Board Clerk to provide more
24 details on today's procedures.

25 BOARD CLERK ESTABROOK: Thank you, Chair

1 Randolph.

2 Good morning, everyone. My name is Katie
3 Estabrook and I am one of the Board clerks here. I will
4 provide some information on how public participation will
5 be organized for today's meeting. If you wish to make a
6 verbal comment on one of the Board items or if you want to
7 make a comment during the open comment period at the end
8 of today's meeting, you must be using Zoom webinar or
9 calling in by telephone. If you are currently watching
10 the webcast on CAL-SPAN but you wish to comment, please
11 register for the Zoom webinar or call in. Information for
12 both can be found on the public agenda.

13 To make a verbal comment, we will be using the
14 raise hand feature in Zoom. If you wish to speak on a
15 Board item, please virtually raise your hand as soon as
16 the item has begun to let us know you wish to speak. To
17 do this, if you are using a computer or tablet, there is a
18 raise hand button. If you are calling in on the
19 telephone, dial star nine to raise your hand. Even if
20 you've previously registered and indicated which item you
21 wish to speak on, please raise your hand at the beginning
22 of the item, if you wish to speak. If you do not raised
23 your hand, the chance to speak will be skipped.

24 If you're giving your verbal comment in Spanish,
25 please indicate so at the beginning of your testimony and

1 our translator will assist you. During your comment,
2 please pause after each sentence to allow for the
3 interpreter to translate your comment into English.

4 When the comment period starts, the order of
5 commenters will be determined by who raises their hands
6 first. I will call each commenter by name and then
7 activate each commenter when it is their turn to speak.
8 For those calling in, I will identify you by the last
9 three digits of your phone number. We will not show the
10 list of commenters. However, I will be announcing the
11 next three or so commenters in the queue, so you are ready
12 to testify and know who is coming up next. Please note
13 that you will not appear by video during your testimony.

14 I would also like to remind everyone, commenters,
15 Board Members, and CARB staff, please state your name for
16 the record before you speak. This is important in the
17 remote setting. It is especially important for those
18 calling in to testify on an item. We will have a time
19 limit for each commenter. The normal time limit is three
20 minutes, though this could change based on the Chair's
21 discretion. During public testimony, you will see a timer
22 on the screen. For those calling in by phone, we will run
23 the timer and let you know when you have 30 seconds left
24 and when your time is up.

25 If you wish to submit written comments today,

1 please visit CARB's send-us-your-comments page or look at
2 the public agenda on our webpage for links to send those
3 documents electronically. Comments will be accepted on
4 each item until the Chair closes the record for that item.

5 I would like to give a friendly reminder to our
6 Board members and CARB staff to please mute yourself when
7 you are not speaking to avoid background noise. Also,
8 when you do speak, please speak from a quiet location.

9 If you experience any technical difficulties,
10 please call -- please call (805)772-2715, so an IT person
11 can assist you. That number is located on the public
12 agenda.

13 Thank you. I'll turn the chair -- turn the
14 microphone back to your Chair Randolph.

15 CHAIR RANDOLPH: Thank you. The first item on
16 the agenda is Item number 21-2-1, proposed amendments to
17 the antiperspirants and deodorants regulations; consumer
18 products regulation; aerosol coating products regulation;
19 alternative control plan regulation; the tables of maximum
20 incremental reactivity values; and Test Method 310.

21 If you wish to comment on this item, please click
22 the raise hand button or dial star nine now. We will call
23 on you when we get to the public comment portion of this
24 item.

25 CARB's Consumer Products Program is a critical

1 part of our effort to reduce-smog forming volatile organic
2 compounds, or VOCs, in the state and to attain federal
3 health-based air quality standards.

4 Since 1989, the Consumer Products Program has
5 reduced VOC emissions from household, commercial, and
6 industrial products by over 50 percent by regulating the
7 VOC content of over 100 consumer product categories. In
8 addition, the program has reduced toxic emissions by 13
9 tons per day, reducing occupational and personal health
10 risk.

11 However, emissions from consumer products
12 continue to increase as California's population and
13 associated consumer product usage continue to grow. So
14 we're here today because additional emission reductions
15 are needed to support attaining the federal ozone
16 standard, particularly in the South Coast Air Basin.

17 Mr. Corey, would you please introduce this item?

18 EXECUTIVE OFFICER COREY: Yes. Thanks, Chair.

19 While emissions have declined and air quality has
20 improved significantly since the first consumer product
21 VOC standards were adopted over 30 years ago, California
22 continues, as you noted, to experience the worst air
23 quality in the nation and South Coast continues to be in
24 non-attainment with the U.S. EPA's ozone standards.

25 More stringent consumer product VOC standards are

1 necessary to help attain federal air quality standards and
2 protect the health of Californians. Without additional
3 measures, consumer products are projected to become
4 California's number one source of reactive organic gas
5 emissions by 2040. To address these emissions, the 2016
6 State SIP Strategy requires that CARB develop measures to
7 reduce VOC emissions from consumer products in the South
8 Coast by one to two tons per day in 2023, and four to five
9 tons per day in 2031, and reduce VOC emissions by eight to
10 ten tons per day by 2031.

11 Today's, proposed amendments would meet this
12 commitment. I'll now ask Josh Berghouse of the Air
13 Quality Planning and Science Division to give staff the
14 presentation.

15 Josh.

16 (Thereupon a slide presentation.)

17 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: Thank
18 you, Richard. Good morning, chair Randolph and members of
19 the Board. My name is Josh Berghouse and I an Air
20 Pollution Specialist in CARB's Consumer Products Program.
21 Today, I will be presenting staff's proposed amendments to
22 the consumer products regulations.

23 --o0o--

24 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: First,
25 some background. Consumer products are a diverse group of

1 chemically formulated products used by household and
2 institutional consumers, including personal care products
3 like hair spray or perfume, household cleaners, adhesives,
4 sealants, disinfectants, air fresheners, spray paints, car
5 polish and other vehicle care products, and household
6 pesticides.

7 While each of the products on their own are
8 responsible for relatively low evaporative emissions,
9 millions of products are used, each one contributing
10 ozone-forming compounds to the air. The individual
11 product con -- the individual product contributions add up
12 quickly, and consumer products are collectively one of
13 California's biggest sources of volatile organic compounds
14 or VOCs. Fortunately, the VOC content reductions we seek
15 from individual products add up and are fundamental to our
16 air quality strategy.

17 --o0o--

18 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE:

19 Reducing emissions from consumer products poses
20 some unique challenges. Unlike motor vehicle evaporative
21 emissions, where design improvements can reduce
22 evaporation from fuel tanks and hoses, consumer products
23 are designed to be emitted. They are not combusted, so
24 combustion optimization and aftertreatment are not viable
25 options. For this reason, the primary mechanism to reduce

1 emissions from consumer products is by product ingredient
2 modifications.

3 However, the same ingredients that contribute to
4 smog formation are often the VOCs that make the products
5 work. The challenge in reducing smog-forming VOC from
6 these products is to replace functional ingredients that
7 are VOCs with non-VOCs, while ensuring replacement
8 ingredients retain product efficacy and do not form more
9 ozone or have other negative health or environmental
10 impacts.

11 --o0o--

12 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: The
13 California Clean Air Act, adopted by the California
14 Legislature 1988, requires CARB to achieve maximum
15 feasible VOC reductions from consumer products necessary
16 to meet ambient air quality standards and further
17 stipulates that CARB consumer products standards must be
18 commercially feasible and may not prohibit form.

19 To meet this legislative mandate, CARB first
20 adopted antiperspirant and deodorant product standards in
21 1989 and, over the past 30 years, CARB has progressively
22 added new product categories, lowered existing VOC
23 standards, and added new mechanisms for compliance. This
24 amounts to 24 unique rulemakings over that time period
25 covering over 150 product categories and resulting in over

1 Program reduces criteria pollutants, air toxics, and
2 greenhouse gas emissions. This slide illustrates our
3 program's innovative regulatory approach. CARB's
4 progressively declining VOC standards and reactivity
5 limits have reduced VOC emissions by 250 tons per day.
6 Prohibitions on compounds with a high global warming
7 potential have achieved 0.24 million metric tons of CO2
8 equivalent greenhouse gas reductions, and prohibitions on
9 methylene chloride, trichloroethylene, and
10 perchloroethylene in certain product categories have
11 reduced toxic air contaminant emissions by 13 tons per
12 day.

13 CARB's Consumer Product Regulations also have
14 category prohibitions on the use of para-dichlorobenzene
15 and alkylphenol ethoxylate surfactants.

16 --o0o--

17 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE:

18 Consumers drive the sale and use of consumer
19 products, so as California's population and associated
20 product use continue to grow, emission reductions achieved
21 from previous rulemakings are being outpaced by increased
22 product usage.

23 This slide illustrates California emission trends
24 for reactive organic gas, or ROG, which is the typical
25 emissions metric for our mobile source programs. ROG

1 includes the more reactive VOCs controlled by Consumer
2 Product Regulations, plus low vapor pressure VOCs that
3 evaporate more slowly.

4 As evaporative controls and fleet turnover drive
5 down mobile source emissions, consumer products are
6 projected to become California's number one emission's
7 source by 2040, responsible for over 300 tons per day of
8 ROG.

9 --o0o--

10 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE:

11 Additional emissions reductions are also needed
12 to help attain State and federal ozone standards
13 especially in the South Coast in 2023 and 2031.
14 California's State strategy for attaining federal air
15 quality standards adopted by CARB in 2016, provides the
16 consumer product VOC reduction commitments identified on
17 this slide are needed to help attain these ozone
18 standards. The proposed amendments that you are
19 considering today would fulfill these commitments. Let's
20 now move on to a discussion of how we develop the proposed
21 amendments.

22 --o0o--

23 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: As
24 with other CARB rulemakings over the past 30 years, we
25 began with mandatory reporting of product sales and

1 formulation data by consumer product manufacturers and
2 formulators, more commonly known as the Consumer Products
3 Survey.

4 Our proposed amendments are based upon the most
5 comprehensive consumer product reporting ever required by
6 CARB with over 1,500 product manufacturers reporting total
7 California sales and ingredient information for over one
8 million products sold in 491 Consumer Product Survey
9 categories.

10 As with previous rulemakings, this 2013 through
11 2015 calendar year data is referred to as the Consumer
12 Products Survey. We held numerous public webinars to
13 facilitate comprehensive manufacturer reporting of this
14 confidential information and then embarked on a five-year
15 public process with multiple iterations of published draft
16 data summaries and reporting documentation to solicit
17 public feedback and ensure data accuracy.

18 The resulting Consumer Products Survey data
19 includes sales, ingredients, emissions, and reactivity
20 data summaries that inform CARB's emission inventories,
21 air quality modeling, and attainment demonstration, and
22 provides the technical foundation for the proposed
23 amendments.

24 --o0o--

25 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: At our

1 first public workshop to develop the proposed amendments,
2 staff proposed further evaluation of 47 product
3 categories, each responsible for greater than one half ton
4 per day or more of VOC emissions. We held 12 public
5 technical work group meetings in spring through fall 2019
6 to share our evaluation of and receive stakeholder
7 feedback on the technical feasibility of reducing
8 emissions from these 47 highest emitting categories.

9 At our second public workshop, we made our
10 initial proposals for VOC standards from the seven
11 priority product categories identified during these first
12 12 public work group meetings and held three additional
13 public workshops, and seven more work group meetings in
14 2020 to refine the proposals to those before you today.

15 Throughout this process, we also met regularly
16 with individual stakeholders, such as product
17 manufacturers, fragrance formulator, trade organizations,
18 and non-governmental organizations to inform this
19 proposal.

20 --o0o--

21 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: This
22 slide summarizes the seven categories proposed for new or
23 more stringent VOC standards, their emission contribution,
24 and their rank relative to other categories. During the
25 rulemaking process, we focused more -- most closely on the

1 categories with the greatest VOC contribution as having
2 the greatest VOC reduction potential.

3 However, some high VOC categories posed some
4 unique challenges. Disinfectants and sanitizers have some
5 of the highest VOC emissions of any product category. But
6 our technical evaluation determined that lower VO -- a
7 lower VOC standard might reduce the efficacy of these
8 products. For other high VOC categories, we determined
9 that lowering the product's VOC content could have
10 unintended consequences, such as the use of substitute
11 ingredients that form more ozone or have other negative
12 environmental impacts. The proposal before you today has
13 been crafted with extensive public participation to most
14 effectively meet our legal and SIP commitments and to
15 protect public health.

16 The bottom of this slide provides a timeline of
17 when CARB most recently adopted standards for each
18 category. As you can see, all of the categories proposed
19 today, with the exception of dry shampoo, are already
20 subject to VOC content standards which we are proposing to
21 strengthen. And the personal fragrance product and hair
22 care categories responsible for the greatest VOC emissions
23 have not been subject to lower VOC standards for over 20
24 years.

25 With that background, let's move on to discuss

1 the proposed amendments.

2 --o0o--

3 AQPST AIR POLLUTION SPECIALIST BERGHOUSE: The
4 first category for which we are proposing lower VOC
5 standards is manual aerosol air freshener. These products
6 are manually operated aerosol products labeled to mask
7 odors or scent the air. Current CARB regulations
8 subdivide the category into two subforms: double phase,
9 which is the kind you shake before use; and single phase,
10 the kind you do not need to shake.

11 Staff's proposal would maximize emission
12 reductions by combining the two subcategories into a
13 single manual aerosol air freshener category. We propose
14 to lower the VOC standard in two phases beginning with a
15 ten percent standard in 2023 and then a five percent
16 standard in 2027.

17 We are also proposing to create three new aerosol
18 air freshener subcategories, which face technical
19 challenges in meeting the proposed lower VOC standards.
20 Staff's proposal would achieve the VOC reductions
21 identified on this slide and reductions from the proposed
22 five percent standard would go toward achieving
23 California's 2031 SIP commitments, but they would take
24 effect in 2027, providing early emission reductions in the
25 South Coast and the rest of California.

1 --o0o--

2 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: Our
3 next set of proposals cover four hair care product
4 categories, hair finishing spray, dry shampoo, hair shine,
5 and temporary hair color.

6 Hair finishing spray is the third largest source
7 of VOC from consumer products in California. Dry shampoo
8 has not yet been regulated by CARB, but CARB's product
9 surveys indicate that this category, which was not a
10 significant source of emissions 20 years ago, is growing
11 quickly.

12 Staff proposes to bring in the smaller hair shine
13 and temporary hair color categories and align standards
14 for all four hair care product types in 2029 in order to
15 ensure emission reductions by preventing backsliding from
16 labeling and marketing loopholes.

17 Staff's proposal for this category is an
18 important near-term measure as it provides the bulk of the
19 emission reductions needed in 2023 from the proposed
20 amendments and would achieve the VOC reductions identified
21 here statewide and in the South Coast.

22 --o0o--

23 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: The
24 personal fragrance product category encompasses a wide
25 variety of product types, including perfumes, aftershaves,

1 lotions, powders, body mists and body sprays. This
2 category is the second largest source of VOC emissions
3 from consumer products. Products containing 20 percent or
4 less fragrance are currently subject to a 75 percent VOC
5 standard, which became effective in 1999.

6 Staff has worked closely with public stakeholders
7 to craft a proposal that effectively maximizes category
8 emission reductions, drives product innovation, and
9 considers potential technical challenges from the
10 diversity of product types.

11 We are proposing a two-tier reduction strategy
12 for this category with the first tier VOC standard of 70
13 percent becoming effective in 2023 and a second lower-tier
14 standard of 50 percent becoming effective in 2031. Staff
15 is also proposing to adjust the fragrance content that
16 determines which VOC standard applies from products with
17 less than 20 percent fragrance to a lower seven percent
18 fragrance threshold in 2023 and then a ten percent
19 threshold in 2031.

20 This is designed to maximize the VOC reductions
21 achieved by our proposal while addressing potential
22 feasibility challenges for products with higher fragrance
23 content. Staff is proposing a technical assessment for
24 this category by 2027 to monitor industry progress and
25 ensure the required emission reductions are achieved.

1 This proposal is our most important measure for 2031 and
2 would be responsible for achieving the bulk of our
3 proposed long-term emission reductions.

4 --o0o--

5 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: The
6 final category for which we propose lower VOC standards is
7 aerosol crawling bug insecticide. This category includes
8 products designed to kill non-flying household pests, such
9 as ants, cockroaches, spiders, bed bugs, and other
10 crawling bugs. These products are currently subject to a
11 15 percent VOC standard. In identifying a technically
12 feasible lower VOC standard, we worked to strike the
13 appropriate balance between meeting our emission reduction
14 targets and ensuring product efficacy against a diversity
15 of crawling bugs. The proposed 2030 date, by which a new
16 VOC standard would be applicable, provides time for
17 manufacturers to reformulate products and to ensure their
18 products meet the Federal Insecticide, Fungicide, and
19 Rodenticide Act or FIFRA. These are safety and efficacy
20 requirements the products must also meet at the federal
21 level to stay on the market.

22 Staff is proposing that bed bug insecticide
23 products retain the current 15 percent VOC standard due to
24 concerns regarding potential reduced effectiveness of
25 lower VOC products on bed bugs.

1 The proposed crawling ball insecticide standard
2 would achieve the VOC reductions identified here.

3 --o0o--

4 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: Next,
5 staff are proposing to sunset the two percent fragrance
6 exemption. This exemption adopted in 1990 allows up to
7 two percent of fragrance ingredients to not be counted
8 toward a category's applicable VOC standard.

9 When the two percent fragrance exemption was set
10 in place 30 years ago, a two percent VOC level in
11 fragrance was considered de minimis in comparison with VOC
12 levels in consumer products. In early rulemakings VOC
13 standards were set at relatively high levels compared to
14 those adopted in subsequent rulemaking. For example,
15 after iterative amendments over the years, today's VOC
16 standards for non-aerosol general purpose cleaners and
17 degreasers now stand at one half of one percent. A two
18 percent fragrance exemption sets a de facto standard of
19 two and a half percent VOC and is clearly not de minimis.

20 Our proposal is also intended to address
21 implementation concerns, including discussions over the
22 years regarding, which ingredients meet the fragrance
23 definition and therefore should qualify for the exemption.
24 We conducted a survey last summer of over 1,000 product
25 manufacturers to identify potential feasibility challenges

1 of sunseting the exemption, and met with interested
2 product manufacturers to discuss the potential feasibility
3 challenges.

4 Our proposal to retain some exemption for certain
5 categories addresses the technical feasibility concerns
6 raised during rulemaking. The proposed amendments would
7 clarify that up to one quarter one percent monoterpene
8 ingredients such as certain citrus or pine essential oils
9 may be included as part of the existing two percent
10 fragrance exemption in 2023 for non-aerosol general
11 purpose cleaners or degreasers.

12 And we're proposing that in 2031 when the
13 fragrance exemption would be eliminated for all other
14 categories, that air fresheners, disinfectants,
15 sanitizers, and non-aerosol general purpose cleaners and
16 degreasers retain a one-quarter of one percent fragrance
17 exemption.

18 Our survey data has also enabled us to determine
19 that more than 90 percent of products do not currently
20 utilize the fragrance exemption and that those that do are
21 less than the allowable two percent.

22 Staff's proposal would achieve the direct VOC
23 reductions identified here. But more importantly would
24 ensure that up to three tons per day of potential future
25 VOC emissions are prevented from occurring due to future

1 increases in fragrance use.

2 To clarify, our proposal would not ban or
3 otherwise restrict the use of fragrance in consumer
4 products. However, staff's proposal would eliminate for
5 most categories this special treatment of fragrance in the
6 regulation, which could provide public health co-benefits.

7 --o0o--

8 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: We
9 realize that some of our proposed lower VOC standards will
10 be challenging and are also proposing voluntary
11 flexibility provisions through our existing Innovative
12 Product Exemption, or IPE, Regulatory Framework. The
13 Consumer Product Regulation's IPE provisions allow
14 manufacturers to propose an innovative product type that
15 may exceed the allowable VOC standard, but reduces
16 real-world emissions due to some product innovation, such
17 as more effective ingredients that reduce product usage or
18 advanced valve design.

19 Our proposal would expand our existing IPE
20 provisions to encourage the development of innovative
21 compressed gas propellants for aerosol hair finishing
22 spray, dry shampoo, and personal fragrance products, if
23 they demonstrate they don't increase the amount of ozone
24 formed and replace the use of HFC-152a.

25 HFC-152a is a greenhouse gas with a global

1 warming potential of 124 that is commonly used to meet
2 consumer product VOC standards since it does not count as
3 a VOC under the regulation.

4 Compressed gas is also not considered a VOC, but
5 has virtually no greenhouse gas footprint. The existing
6 Consumer Product Regulation standards, which are based
7 upon each ingredient's relative product weight, pose an
8 unintended disincentive for the use of low density
9 compressed gas propellants in consumer products. This
10 voluntary provision is intended to provide compliance
11 flexibility for what we hope may become the next
12 generation of more Environmentally friendly aerosol
13 products.

14 --o0o--

15 AQPSD AIR POLLUTION SPECIALIST BERGHUSE:

16 Finally, our proposal includes several other
17 provisions, including prohibitions on certain toxic
18 compounds and substances with high global warming
19 potential in the seven categories proposed for regulation,
20 updates to the energized electrical cleaner definition to
21 align it with the intent of CARB's Automotive Maintenance
22 and Repair Air Toxic Control Measure, helping to reduce
23 air toxic emissions, the addition of three substances to
24 the table of Maximum Incremental Reactivity Values, minor
25 adjustments to the Alternative Control Plan and Innovative

1 Product Exemption eligibility criteria, updates to our
2 laboratory's Test Method 310, and other modifications to
3 improve program clarity, transparency, and effectiveness.

4 --o0o--

5 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: The
6 cost effectiveness of the proposed amendments at a little
7 over \$4 per pound of VOC reduced is similar to that of
8 previously adopted Consumer Product Regulation amendments,
9 as well as suggested control measures for architectural
10 coatings, enhanced vapor recovery, portable fuel
11 containers, and other CARB regulations adopted over the
12 past 20 years.

13 Overall, these costs equate to a sales weighted
14 cost increase of about \$0.01 per container in the
15 regulated categories with potential cost savings for --
16 per container in some categories, and up to \$0.16 increase
17 per container in others, which is similar to our findings
18 in previous consumer product rulemakings.

19 --o0o--

20 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: This
21 slide summarizes the benefits of staff's proposal. It
22 would fulfill our State Implementation Plan commitments
23 for consumer products by achieving the VOC reductions
24 identified on this slide and would help attain federal
25 ozone standards particularly in the South Coast.

1 It would prohibit the use of certain toxics and
2 greenhouse gases with a high global warming potential in
3 the seven proposed regulated categories, and it would
4 facilitate a transition away from HFC-152a propellant,
5 which is a greenhouse gas, to more environmentally
6 friendly compressed gas.

7 --o0o--

8 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: We do
9 anticipate 15-day changes to address stakeholder comments.
10 Public stakeholders have requested that we add a
11 regulatory definition for monoterpene to the regulation to
12 provide regulatory certainty to our proposal to sunset the
13 two percent fragrance exemption. We would also like to
14 work with public stakeholders to make other minor
15 modifications and clarifications to our regulatory
16 proposal and supporting technical document through 15-day
17 changes. All of these proposed changes will be put out
18 for 15-day public comment as required by law.

19 --o0o--

20 AQPSD AIR POLLUTION SPECIALIST BERGHOUSE: In
21 conclusion, staff recommend that the Board approve the
22 resolution adopting the proposed amendments to the
23 Consumer Product Regulations, including Test Method 310,
24 and direct the Executive Officer to make 15-day changes to
25 address stakeholder comments and make minor corrections to

1 staff's proposal and supporting documents.

2 This concludes our presentation and we are happy
3 to address any questions. Thank you.

4 CHAIR RANDOLPH: Thank you.

5 We will now hear from the public, who have raised
6 their hand to speak on this item. Will the Board Clerk
7 please call the first few commenters.

8 BOARD CLERK ESTABROOK: Yes. Thanks, Chair.

9 We currently have ten people that have their
10 hands raised to speak. If you wish to comment verbally on
11 this item, please remember to raise your hand now or dial
12 star nine if you're on the phone. And I apologize in
13 advance if I mispronounce any of your names.

14 Our first three commenters are Megan Schwarzman,
15 Doug Raymond, and Joseph Yost.

16 Megan, I have activated your microphone. You may
17 unmute yourself and begin.

18 MEGAN SCHWARZMAN: Thanks so much. Good morning,
19 Chair Randolph and Board members. My name is Dr. Meg
20 Schwarzman, and my background briefly. I'm a family
21 physician and an environmental health scientist in UC
22 Berkeley's School of Public Health. My clinical practice
23 is primarily in reproductive health care and my research
24 and teaching focuses on the health effects of chemical
25 exposures, as well as public policy governing toxics and

1 air pollution.

2 I've worked on California chemicals policy for
3 just about 15 years. I served on California EPA's Green
4 Ribbon Science Panel. And I currently Chair the
5 Biomonitoring Scientific Guidance Panel.

6 I want to say just a few words this morning in
7 support of the CARB proposals that you're considering
8 today, sunseting the two percent fragrance exemption and
9 also successfully -- successively, sorry, lowering the
10 allowable VOC limits for the categories you listed hair
11 care hair products, personal fragrance, and some air
12 fresheners.

13 I think the more recent proposals that extend
14 compliance timelines for VOC content are a little
15 unfortunate. The earlier ones -- I was in favor of the
16 earlier ones, but the VOC limits themselves are critical
17 and I want to support that.

18 CARB reported earlier this morning that personal
19 fragrance product -- products emit almost 15 tons a day of
20 VOCs. And my own analysis of the 2015 consumer products
21 survey data showed that emissions of VOCs from fragrances
22 in personal care products totaled about six tons a day.
23 So this obviously isn't news to the Board and the staff,
24 but I think it's important to keep in mind a sense of the
25 volume of these chemicals in commerce and in our air.

1 While CARB's mandate is obviously curbing air
2 pollution and cleaning up the air, I want to note the
3 public health significance of exposure to some of the
4 chemicals that these rules would target. Among the
5 hazardous chemicals most frequently frown -- found in
6 fragrances are various phthalates linked to reproductive
7 toxicity, acid aldehyde, which is a Prop 65 carcinogen,
8 and styrene, which has both carcinogenic and endocrine
9 disrupting effects. And, of course, as staff has already
10 noted, we're not exposed to these chemicals in isolation.
11 We're exposed to complex mixtures from multiple products
12 and sources.

13 Of the 3,000 fragrance chemicals that are
14 identified by the International Fragrance Association as
15 of 2015, fully a third of them have been flagged as known
16 or potential chemicals of concern, because they appear on
17 one or more authoritative lists of hazardous chemicals.

18 So I agree that by reducing VOC content in
19 variety of fragranced consumer products, we also have the
20 chance to reduce Californians' exposure to a subset of
21 these chemicals that really are truly hazardous. I
22 support today's proposals and I want to thank you for all
23 the tremendous work that you do for Californians.

24 Thanks.

25 BOARD CLERK ESTABROOK: Thank you. Our next

1 speaker is Dug Raymond. Doug, I have activated your
2 microphone. You may unmute yourself and begin.

3 CHAIR RANDOLPH: Dr. Balmes wanted to say
4 something, I think.

5 BOARD MEMBER BALMES: Yes. Thank you, Chair
6 Randolph. I just want to take a moment to acknowledge
7 that Dr. Schwarzman, a close colleague of mine at UC
8 Berkeley, is the lead author of a paper, in collaboration
9 with CARB staff -- former staff member Alvaro Alvarado and
10 Meg -- I'm going to murder her name -- Bhetraratana -- May
11 Bhetraratana, we -- and I'm a senior author of that paper.
12 It is coming out in Science tomorrow showing that
13 California's efforts to reduce diesel emissions far
14 outpace the rest of the country. It was really a nice
15 collaborative study between UC Berkeley folks and CARB
16 staff. And I just want to highlight that. I'm very proud
17 of the publication, but it's a -- it's a feather in the
18 cap for all our work to reduce diesel emissions over the
19 last few decades.

20 Thank you.

21 CHAIR RANDOLPH: Yeah. Thanks for highlighting
22 that, Dr. Balmes.

23 BOARD CLERK ESTABROOK: Okay. Doug, you may
24 unmute yourself and begin

25 DOUG RAYMOND: Okay. Good morning, Madam Chair

1 and members of the Board. My name is Doug Raymond from
2 Raymond Regulatory Resources. I'm here today representing
3 12 different entities. All have submitted written
4 comments which I hope to summarize.

5 Church and Dwight is a marketer of dry shampoos
6 and personal care products, which supports the VOC limit
7 for dry shampoos and requests the addition of the term
8 "volumizing" in the definition, which is a very important
9 characteristic of this product.

10 WD-40 is a California consumer product company,
11 Diversified CPC International, and Aeropres Corporation
12 are both propellant suppliers with plants in California,
13 and the National Aerosol Association representing aerosol
14 manufacturers and marketers all support the resolution
15 number three and number six to continue working on the VOC
16 exemption for the HFO-1233zd, and continuing work on the
17 Innovative Product Exemption for reactivity.

18 Currently, all oppose the staff's Innovative
19 Products Exemption for compressed gas unless clarified.
20 The compressed gas provisions by the staff was proposed
21 less than 90 days before the development was finished.
22 Staff has failed to prove the provision is technologically
23 and commercially feasible per State law. With reviewing
24 over one million formulas, staff failed to show one
25 formula that complies with this provision. No matter if

1 this is voluntary or not, it still needs to meet State law
2 requirements.

3 Wilsonart Adhesives is an adhesive manufacturer
4 that supports the resolution number three for continuing
5 work on the exemption process for HFO The Western Aerosol
6 Information Bureau is a California based association. PLZ
7 Aeroscience, and California based Shield Packaging are
8 consumer product fillers and marketers. All support the
9 VOC limits for the aerosol air freshener, especially the
10 niche categories for concentrated and total release, as
11 well as supporting the VOC limits for hair spray and dry
12 shampoo. They support the resolution number six for
13 reactivity and currently oppose the compressed gas IPE
14 unless clarified for the reasons stated.

15 EMD Electronics is a manufacturer of automotive
16 products and is requesting a small modification to a test
17 method for Method 310.

18 CRC Industries is a manufacturer of automotive
19 and industrial products. CRC supports the changes to the
20 energized electrical cleaner category. This clarifies the
21 issue and does not require new record keeping.

22 In closing, we commend the staff for always being
23 willing to meet with us ether in person or virtually.
24 Also for their creative thinking in developing solutions
25 to the diverse set of issues.

1 Unfortunately, at this time, we cannot support
2 the compressed gas IPE and are at a loss why staff
3 proposed this complicated provision so late in the
4 process, and why staff fails to clarify the provision with
5 some calculations. We request this clarification in the
6 15-day comment period.

7 Thank you. And I can take any questions that you
8 may have. Thank you.

9 BOARD CLERK ESTABROOK: Thank you, Dug. Our next
10 speaker is Joseph Yost. After Joseph, we will have
11 Jessica Olson, Narcisco Gonzalez, and Sarah Rees.

12 Joseph, I have activated your microphone. You
13 may unmute yourself and begin.

14 JOSEPH YOST: Good morning, Chair Randolph and
15 other distinguished members of the Board. My name is Joe
16 Yost. I represent the Household and Commercial Products
17 Association. HCPA is non-profit national trade
18 association representing approximately 230 companies
19 engaged in the manufacture, formulation, distribution,
20 sale of household, institutional, and commercial products.
21 HCPA member companies have a 30-year history of working
22 with the Board as CARB staff developed VOC regulations
23 that have achieved significant improvements in
24 California's air quality.

25 CARB staff should be commended for their

1 concerted efforts to ensure that all stakeholders had an
2 opportunity to participate in this open and transparent
3 rulemaking process.

4 The proposed regulatory amendments present very
5 serious and costly reformulating challenges. First, CARB
6 staff's proposal to redefine aerosol air fresheners to --
7 required a substantial amount of time and effort by both
8 stakeholders and CARB staff to develop new definitions
9 that more accurately reflect current product technology
10 and use.

11 HCPA member companies commit to expend the
12 resources necessary to research and develop product
13 formulations to meet the stringent proposed VOC standards
14 and challenging compliant states.

15 Second, the efficacy of aerosol crawling bug
16 insecticide products is critically important, since these
17 products kill or control pests of significant public
18 health importance, many of which carry infectious
19 diseases. We will have to resolve significant technical
20 challenges to meet the proposed VOC standard for this
21 product category, which cuts the current limit by more
22 than half. We will maintain an ongoing dialogue with CARB
23 staff to communicate progress in reformulating these
24 products while continuing to comply with the U.S. EPA
25 efficacy requirements.

1 Third, HCPA does not support the proposed sunset
2 of the current two percent fragrance exemption. It will
3 impact almost all regulated products and constitutes a de
4 facto reduction of the VOC standards for currently
5 regulated products. It will not simplify compliance
6 determinations. It is not needed to encourage
7 transparency. Manufacturers of product houses -- of
8 fragrance houses carefully review and assess all
9 ingredients used to formulate products to ensure
10 compliance with all applicable federal and State
11 regulatory requirements.

12 However, if the Board approves the proposed
13 sunset of the fragrance exemption, HCPA member companies
14 support the proposal to exempt a portion of the fragrance
15 and the monoterpene content for the specified product
16 categories. HCPA also requests that the Board direct
17 staff to provide this limited exemption for aerosol
18 crawling bug insecticide products.

19 Finally, we ask the Board to direct staff to
20 consider HCPA's recommended regulatory definition for
21 monoterpenes, which includes CAS numbers. This will
22 ensure that manufacturers and fragrance houses know
23 exactly which monoterpenes are included in the proposed
24 amendment. There's ample precedent in California law for
25 this request.

1 Thank you.

2 BOARD CLERK ESTABROOK: Thank you.

3 Our next speaker is Jessica Olson. Jessica, I
4 have activated your microphone. You may unmute yourself
5 and begin.

6 JESSICA OLSON: Good morning. My name is Jessica
7 Olson --

8 BOARD CLERK ESTABROOK: I'm sorry about that
9 Jessica. Can you unmute yourself one more time?

10 JESSICA OLSON: Sure. How is that? Can you hear
11 me now?

12 BOARD CLERK ESTABROOK: Yes, we can. Thank you.

13 JESSICA OLSON: Okay. Good morning. My name is
14 Jessica Olson, Director of Environmental Policy at
15 Honeywell. We appreciate the opportunity to provide our
16 comment today.

17 Honeywell's flooring products business is a
18 recognized leading innovator in the development of
19 environmentally preferable fluorocarbons for use as
20 aerosol propellants, solvents, refrigerants and other
21 uses. Since the 1990s, we have helped businesses replace
22 ozone-depleting substances in these applications with
23 alternatives that have less impact on the stratospheric
24 ozone layer and climate change.

25 As relevant for today's hearing, Honeywell

1 manufactures Solstice HFO-1234ze that is already being
2 used as an alternative to high global warming potential
3 propellants and Solstice HFO-1233zd as an alternative to
4 VOC solvents in several of the products that would be
5 affected by the amendments being discussed. Honeywell
6 commends the staff on their tireless work to develop
7 proposed VOC limits.

8 Honeywell's VOC-exempt compound HFO-1234ze
9 provides aerosol product formulators a beneficial tool to
10 comply with the proposed limits. We respectfully request
11 the Board to direct staff to continue work on the
12 exemption process for another environmentally preferable
13 compound HFO-1233zd. Staff have worked diligently on this
14 process, but unfortunately it was not finished in time for
15 this Board hearing.

16 HFO-1233zd is VOC exempt by U.S. EPA, has an
17 ultra low GWP of less than one, and low MIR, which makes
18 this compound an excellent candidate for manufacturers to
19 use to comply with the new proposed VOC limits for hair
20 spray and dry shampoo products, but it needs to be VOC
21 exempt by CARB first. In order to meet the VOC reduction
22 target, many formulators are considering using additional
23 HFC-152a to lower ethanol and hair spray formulations and
24 hydrocarbons and dry shampoo formulations. In this
25 scenario, the VOC content decreases, but the greenhouse

1 gas emissions would increase, because of the GWP of 152a,
2 which is around a hundred forty times that of CO2.

3 A better alternative is HFO-1233zd, which is a
4 technically viable solution in both hair spray and dry
5 shampoo formulations to reduce the use of ethanol.
6 Granting HFO-1233zd a VOC exemption would provide hair
7 care formulators the ability to develop VOC-compliant
8 formulations with minimal increased GWP emissions by
9 significantly reducing the amount of HFC-152a that would
10 be required.

11 In addition, once VOC exempt by CARB, HFO-1233zd
12 could be used in place of less preferable compounds in
13 existing product categories such as adhesives and aerosol
14 contact cleaners for which there is a need for
15 non-flammable and/or non-toxic alternatives like ZD, but
16 without the VOC exemption zd cannot be used in California.

17 Solstice HFO-zd is already VOC exempt by U.S. EPA
18 and in Rule 102 in the South Coast Air Quality Management
19 District. We urge the Board to direct staff to move as
20 quickly as possible to give formulators an additional
21 option to meet these requirements and market demand for
22 environmentally preferable products like ZD.

23 Thank you.

24 BOARD CLERK ESTABROOK: Thank you, Jessica.

25 Could you restate your name and affiliation - I think when

1 the mic cut out - for the court reporter.

2 JESSICA OLSON: Sure.

3 BOARD CLERK ESTABROOK: Thank you.

4 JESSICA OLSON: Sure. It's Jessica Olson,
5 O-l-s-o-n --

6 BOARD CLERK ESTABROOK: Perfect.

7 JESSICA OLSON: -- Director of Environmental
8 Policy at Honeywell.

9 BOARD CLERK ESTABROOK: Great. Thank you so
10 much.

11 JESSICA OLSON: Um-hmm.

12 BOARD CLERK ESTABROOK: Our next speaker is
13 Narcisco Gonzalez. I have activated your microphone. You
14 may unmute yourself and begin.

15 MS. GONZALEZ: Yes. Good morning, Chair Randolph
16 and members of the Board. I'm Narcisco Gonzalez. And you
17 might know I'm the internal stakeholder. I've worked for
18 ARB for over 35 years.

19 And a couple of the proposals that have been
20 presented today raise -- I have concerns with,
21 particularly with the EEC definition. I really strongly
22 believe that this is going to put people's lives at risk,
23 not hypothetical, maximum exposed individuals, like the
24 risk assessment that was done for AMRs back in 2000, and
25 done inappropriately, because I checked it. They used

1 maximum everything, maximum emissions, closest receptor.
2 I just couldn't believe that it was done. But it was done
3 and it's water under the bridge.

4 And now, it's come to the point where we're going
5 to regulate a product that has no alternative. There is
6 no safe alternative for this product. If you need to
7 clean something close to an open source of combustion or a
8 conductive electrical motor, you have nothing else to
9 clean it with. There's just nothing on the market. We
10 were supposed to find something, but we never did. So I
11 just do not support this proposal.

12 And it is only for automotive repair facilities,
13 which should concern everybody, because if we can target
14 just one industry, why can't we just target any other
15 industry we don't like that's using some product we're not
16 happy with. It's not fair. And we're regulating through
17 definition not through the procedures that we have. We
18 have a whole Air Toxics Control Measure process that puts
19 everything out into the public.

20 Secondly, the requirement to report, again, it's
21 unfair. Why only automotive repair parts sales facilities
22 have to report? They say they don't have to. So if they
23 don't have to, the only purpose for this is to be --
24 basically to intimidate auto parts stores from carrying
25 and selling the product that's necessary. So it really

1 seems like just bullying and -- or something worse. I
2 just don't know.

3 And the last thing is even though everything has
4 been talking about ozone, and VOCs, really what we're
5 talking about is people's health and safety. And that
6 really isn't quantified anywhere in the documentation.

7 The pandemic has changed everything. Nothing
8 that we based everything on in the past counts anymore.
9 And I thank you for your time and consideration.
10 Particularly, for the more costly proposals, 88 percent
11 will be borne by people from outside the state.

12 Have a great day.

13 BOARD CLERK ESTABROOK: Thank you. Our next
14 speaker will be Sarah Rees. After Sarah, we have Lisette
15 van Vliet, Tom Myers, and Christopher Chavez.

16 Sarah, I have activated your microphone. You may
17 unmute yourself and begin.

18 SARAH REES: Great. Good morning, Chair Randolph
19 and members of the Board. My name is Sarah Rees. I'm a
20 Deputy Executive Officer at South Coast Air Quality
21 Management District. I appreciate the opportunity to
22 testify today in support of the proposed rule. As you're
23 aware, South Coast AQMD, we are a jurisdiction that has
24 the worst ozone in the country. Our 17 million people who
25 live in our area, they breathe this air every day. While

1 NOx emission reductions are the key to attaining ozone
2 standards, we do need VOC emission reductions as well.

3 Consumer products remain amongst the highest VOC
4 emitting categories. And in the future, it's the only
5 category where we project the VOC emissions are actually
6 going to increase. By 2031, we estimate that 25 percent
7 of the VOC emissions in the basin will be from consumer
8 products.

9 So this rule is necessary. It's part of CARB's
10 commitments to reduce VOC emissions from consumer products
11 by one to two tons per day by 2023. And we are supportive
12 of this rule and urge the Board to adopt it.

13 Thank you.

14 CHAIR RANDOLPH: Thank you.

15 Lisette, I have activated your microphone. You
16 may unmute yourself and begin.

17 LISETTE VAN VLIET: Thank you very much. My name
18 is Lisette van Vliet and I am from the Breast Cancer
19 Prevention Partners NGO public interest organization that
20 is a national one, but based here in California. We work
21 to prevent breast cancer by eliminating people's exposure
22 to toxic chemicals and radiation that is scientifically
23 linked to the disease. We're also the runner -- the
24 founders and group that runs the Campaign for Safe
25 Cosmetics.

1 We've submitted written comments on this proposal
2 and I'd like to draw your -- to the Consumer Products
3 Regulation, I'd like to draw your attention to that and
4 also to our earlier comments, which cover many of the same
5 points. And those earlier comments were supported by
6 another 25 signatory NGOs, including Coalition for Clean
7 Air, California Latinas for Reproductive Justice, CALPIRG,
8 Consumer Federation, some big environmental groups like
9 NRDC, Sierra Club, also Worksafe, California Safe Schools,
10 and a number of respiratory NGOs, Breathe California of
11 LA, Central California Asthma Collaborative, and the
12 Regional Asthma Management Program.

13 We're commenting today because fragrances, aside
14 from their VOC aspect, which is, of course, your domain,
15 contain hazardous chemicals that have been authoritatively
16 linked to health impacts ranging from allergies, to
17 reproductive toxicity, to increased risk of breast cancer.
18 This was a point also made by Dr. Schwarzman.

19 Fragrance is also a major contributor to water
20 pollution. So our comments are that overall, we support
21 the CARB proposals to lower the VOCs and eliminate the two
22 percent exemption of fragrance in products. These
23 reductions are especially important for the South Coast
24 Air Basin, where there's a higher percentage of residents
25 from disadvantaged communities, something worth taking

1 special note of.

2 In particular, I'd like to say that although we
3 have a position of overall support for these proposals, we
4 regret the less stringent standards and later dates that
5 have come out of the later modifications to the proposals.
6 2031 is too long to make people wait for cleaner air and
7 safer products.

8 All sorts of industries typically underestimate
9 how soon they can make changes and what it costs them when
10 regulations are proposed. This is a classic tendency that
11 is across a number of different chemical sectors. And I
12 would like to point out that there are two new laws now in
13 California that require fragrance disclosure and cleaning
14 of personal care. Producers will or have already started
15 to reformulate their products.

16 So if you eliminate the two percent exemption at
17 an earlier date, you really have the opportunity to spur
18 innovation arising from these laws.

19 BOARD CLERK ESTABROOK: Thank you. That
20 concludes your time.

21 Our next speaker is Tom Myers. After Tom, our
22 final list of speakers is Christopher Chavez, Will
23 Barrett, and phone number ending in 528.

24 Tom, I have activated your microphone. You may
25 unmute yourself and begin.

1 TOM MYERS: Great. Thank you very much. Thank
2 you, Madam Chair and members of the Board. My name is Tom
3 Myers and I am the general counsel for the Personal Care
4 Products Council, which is a national trade association
5 for the cosmetics industry. And many of our product
6 categories are subject to the proposed new VOC limits, and
7 therefore our members have a very strong interest in the
8 outcome of these regulations.

9 I really wanted to take a moment today just to
10 acknowledge the professionalism of the CARB staff
11 throughout this process. They've been very transparent.
12 For the better part of two years really, while we've been
13 working through this, they've really taken a lot of effort
14 to engage all stakeholders equally, not just through
15 webinars and workshops, but making themselves available to
16 discuss any issues or concerns that we had, to answer
17 questions, discuss various ideas and proposals, et cetera.

18 I really felt like they -- they did try to work
19 with industry to achieve the VOC tonnage that they needed
20 to get, the reductions they needed, while still trying to
21 find the least onerous path forward for the regulated
22 community. So it's much appreciated. We definitely felt
23 listened to. We didn't always agree and we don't
24 necessarily completely agree with where things ended up,
25 but we understand it. We felt like they listened to us

1 with regard to the technical challenges of reformulating
2 products. It's never as easy as just taking an ingredient
3 out or substituting in a new one.

4 There's a need to avoid regrettable substitution,
5 to retest every time you reformulate a product for safety
6 and stability, not to mention consumer acceptance. So,
7 it's -- it was a long process, but it was again felt like
8 the staff Joe Calavita, and Josh Berghouse, and Ravi, and
9 really the whole team really listened to us and engaged
10 with us. So really appreciate it and I look forward to
11 continuing to work with the staff to implement the final
12 regulation.

13 Thank you.

14 BOARD CLERK ESTABROOK: Thank you.

15 BOARD MEMBER KRACOV: What an encouraging comment
16 that is.

17 BOARD CLERK ESTABROOK: Our next commenter is
18 Christopher Chavez. Christopher, I have activated your
19 microphone. You may unmute yourself and begin.

20 CHRISTOPHER CHAVEZ: Thank you. And good
21 morning, CARB Board members. This is Christopher Chavez,
22 Deputy Policy Director for Coalition for Clean Air.

23 First, I want to thank staff for their hard work
24 on these regulations. California must strive to reduce
25 emissions from all sources, including consumer products.

1 We want to align our comment with the Breast Cancer
2 Prevention Partners and support the proposed regulations,
3 but also push CARB to go further and enact a more
4 stringent standard. We also urge CARB to consider a more
5 Ambitious timeline, particularly as it relates to the
6 phase-out of the two percent fragrance exemption.

7 Woeful California air basins fail to meet
8 national air quality standards. This means millions of
9 Californians, including myself who is a resident of the
10 South Coast Air Basin breathe dirty air. Dirty air
11 jeopardizes our health contributing to asthma, COPD, and
12 other pulmonary and cardiovascular diseases as a -- well
13 as a whole host of other conditions that could -- that
14 impact our health.

15 In addition to contributing to ozone pollution,
16 many VOCs are known to have direct human health impacts.
17 While most of our discussion today is on ozone,
18 eliminating health harming VOCs, along with toxic air
19 contaminants is also an important and worthy goal. We
20 also agree with the staff's recommendation to eliminate
21 some climate-damaging pollutants from consumer products as
22 well.

23 Again, we are -- we support these
24 recommendations, but also would like to see CARB go
25 further as well. Thank you for your time.

1 BOARD CLERK ESTABROOK: Thank you.

2 Will Barrett, I have activated your microphone.
3 You may unmute yourself and begin.

4 WILL BARRETT: Thank you very much. I'm Will
5 Barrett, the Director of Clean Air Advocacy with the
6 American Lung Association. First, I'd like to add to the
7 chorus of people expressing their support and thanks for
8 the staff and their work on this regulation, and also
9 appreciate the opportunity to engage in the discussion
10 today.

11 The Lung Association broadly supports the
12 proposal, which adds important protections against the
13 negative health impacts associated with ozone, air toxics,
14 and climate change. The proposal addresses emissions from
15 the consumer products sector that's a leading source of
16 harmful smog-forming VOC emissions and provides critical
17 reductions in the South Coast Air Basin, which essentially
18 every year is rated as the most ozone-polluted region in
19 the United States and the American Lung Association's
20 annual State of the Air Report.

21 As noted, the emissions from this sector are
22 outpacing population growth, surpassed on-road mobile
23 source emissions, and will represent the major emissions
24 source in the inventory, as noted by Ms. Rees from the
25 South Air District.

1 We believe the proposal supports a range of
2 critical public health needs, including fulfilling SIP
3 commitments to attain health protective national air
4 quality standards, prohibiting the use of certain toxic
5 air contaminants, and the use of products with high global
6 warming potential, again providing a range of public
7 health needs in terms of ozone, toxics, and climate
8 impacts.

9 So we do look forward to the Board and continue
10 to work -- to work -- to working with the Board going
11 forward and really do encourage, as you heard from Breast
12 Cancer Prevention Partners and the Coalition for Clean
13 Air, looking at ways to explore opportunities for more
14 stringent standards and accelerating the benefits of this
15 rule going forward. It's going to be critical. As noted,
16 the fragrance standards represent a major contributor to
17 the benefits of the program, and particular attention
18 should be paid in this space going forward.

19 With that, I'll say thank you again to the staff
20 and the Board for your attention to this important issue,
21 and look forward to working with you going forward.

22 Thank you very much.

23 BOARD CLERK ESTABROOK: Thank you.

24 Our next commenter is a phone number ending in
25 528. I have activated your microphone. Please unmute and

1 state your name for the record and you may begin.

2 Hi, are you there?

3 It looks like you've unmuted, but we cannot -- we
4 cannot hear you.

5 Okay. I'm going to -- we have one more commenter
6 who signed up to speak, and I'm going to -- it's Amanda
7 Nguyen. I activate your microphone and you may unmute
8 yourself and begin.

9 Okay. It looks like Amanda has lowered her hand.

10 Okay. Phone number ending in 528, I can hear a
11 little bit of sound from your end.

12 Okay. Let's try Amanda one more time. Amanda,
13 you should unmute yourself and you can begin.

14 Amanda, I see that you are unmuted, but I cannot
15 hear you.

16 AMANDA NGUYEN: Are you able to hear me?

17 BOARD CLERK ESTABROOK: Yes.

18 AMANDA NGUYEN: Thank you very much. And thank
19 you, members of the Board. My name is Amanda Nguyen.

20 LAURA ROSENBERGER: Hello. This is Laura
21 Rosenberger. Hi there. You hear me now?

22 BOARD CLERK ESTABROOK: Oh, I apologize. This
23 is --

24 LAURA ROSENBERGER: Hi. This is --

25 BOARD CLERK ESTABROOK: I'll call on you after

1 Amanda's testimony. She's already begun.

2 Okay. Amanda, go ahead.

3 AMANDA NGUYEN: Thank you. My name is Amanda
4 Nguyen and I represent the Fragrance Creators Association.
5 Fragrance Creators is the principal U.S. fragrance trade
6 association representing the majority of fragrance
7 manufacturing in North America. Our 60 members range the
8 value chain from small family-owned businesses that
9 source, and create, and supply fragrances to multinational
10 corporations that sell fragrance products. I'm here today
11 to talk a bit about the value of fragrance and then to
12 touch on some of the challenges we have with the proposal,
13 but also to comment on how we see ourselves moving
14 forward.

15 Fragrance is an essential part in consumer
16 products from encouraging proper use, masking malodor, and
17 also invoking a number of benefits in terms of usage in
18 the way that people experience consumer products. In
19 fact, fragrance was recognized as essential in the fight
20 to combat COVID-19 by CISA and identified as a critical
21 business, particularly when it comes to cleaning and
22 disinfecting products. I'll focus today primarily on
23 feedback for the sunseting of the two percent exemption,
24 as well as new VOC limits for personal fragrance products.

25 I'll start by saying that these proposals are

1 very much a middle ground. As other have alluded, this
2 proposal will push industry and will fundamentally alter
3 the regulatory framework that's existed for fragrance for
4 30 years. And while we're willing to make that change,
5 and understand the goals of the CARB staff quite well, I
6 want to start by saying that we echo the compliments sent
7 towards staff. The process really has been transparent
8 and engaging, as well as collaborative, but there are
9 challenges that our industry will face, first and foremost
10 with the sunset of the two percent exemption.

11 The shift that will be necessary does not
12 necessary -- does not support CARB's VOC reduction goals
13 flat out. The 3. -- the 0.3 tons per day change will
14 only -- will not outweigh the regulatory burden that our
15 association and our members will face.

16 We also think that there will be some challenges
17 moving forward with reformulations. We're happy to share
18 and continue to work with CARB technical staff on this
19 issue, but I'll note that in -- during the 15-day
20 amendments, we do support adding monoterpenes to the
21 definitions as well.

22 When it comes to the personal fragrance products
23 category, as a matter of fact, currently, an exceedingly
24 small percent of the existing market meets the tier two
25 standard. That's five percent by market share. And we

1 expect that this number would be even lower for fine
2 fragrance. So we have some concern moving forward about
3 being able to meet these technical changes, primarily
4 because fragrances consist predominantly of fragrance,
5 ethanol, and water. So there will be a significant burden
6 on trying to find ways to innovate out of this.

7 So what with said --

8 BOARD CLERK ESTABROOK: Thank you.

9 AMANDA NGUYEN: -- I'll just end that we are
10 committed to working with CARB staff moving forward.

11 BOARD CLERK ESTABROOK: Thank you so much.

12 Okay. I do apologize for the technical
13 difficulties. Laura Rosenberger, can you try one more
14 time to unmute and begin.

15 LAURA ROSENBERGER: Hello. Can you hear me now?
16 This is Laura Rosenberger Haider.

17 BOARD CLERK ESTABROOK: Yes, we can. Thank you.

18 LAURA ROSENBERGER: Talk about mosquito
19 repellents. Well, I like the fact that you don't allow
20 propellants in there that are toxic chemicals, which is a
21 positive thing. Make it more natural and actually more
22 effective, because it irritates the skin and people get
23 allergic to it. It is more likely they'll be able to
24 attract mosquitos.

25 But the other thing is the active ingredient in

1 mosquito repellents are essential oil, lemon grass,
2 geranium, eucalyptus, peppermint, sweet orange essential
3 oils, like -- and they're actually necessary to prevent
4 COVID, especially in places like Fresno where there's just
5 swarms. You get like a hundred mosquito bites, like it
6 would start itching rashes all over. And they bite you
7 under the nose. They go under your mask. They just
8 attack people that are stressed out and are already
9 susceptible to COVID.

10 And also West Nile Virus is red skin. That
11 should get rid the sources of that problem so people won't
12 have to cover themselves with mosquito repellents.

13 But I don't see how -- I don't know about the
14 alcohol and maybe it's important to make the whole product
15 work or is it essential or not? I never researched that.
16 But what is your opinion on those products?

17 All right. Thanks.

18 BOARD CLERK ESTABROOK: Thank you, Laura.

19 We do have one more commenter that is Christopher
20 Pearce.

21 Christopher, I have activated your microphone.
22 You may unmute yourself and begin.

23 CHRISTOPHER PEARCE: Thank you, Chair Randolph
24 and members of the Board. Appreciate the opportunity to
25 speak. My name is Christopher Pearce and I'm Director of

1 Government relations for the consumer product company SC
2 Johnson. SC Johnson is a family owned and managed
3 company. We make and market a variety of household
4 cleaning products, as well as products for air care and
5 pest control that are regulated by CARB for VOC content.

6 Let me say at the outset that we strongly support
7 the goal of improving air quality for all Californians.
8 We have a long history of working with the agency directly
9 and through our trade groups to develop regulations that
10 resulted in significant reductions in VOC emissions. And
11 our company will continue to focus on contributing to a
12 more sustainable world where each part of our operation
13 from sourcing to consumer use and disposal of our products
14 leads to an increasingly lighter footprint in California
15 and indeed across the globe.

16 Let me touch briefly on three points. First, we,
17 on balance, can support the proposed limits and
18 definitions contained in the amendments that are the
19 subject of today's hearing. I would underscore, however,
20 that many of these proposed changes will require
21 significant reformulations, but we're committed to
22 expending the time and resources needed to reformulate our
23 products to meet these stringent VOC standards.

24 Second, we echo the concerns expressed by our
25 trade groups about the proposal to eventually eliminate

1 the long-standing two percent fragrance exemption, which
2 has been a critical tool in the formulators toolbox for
3 many years from meeting the increasingly lower VOC limits,
4 while also delivering on consumer expectations about our
5 products.

6 If CARB intends to follow through on this
7 proposal to sunset the exemption, then we would strongly
8 support the staff proposal to retain a modest exemption
9 for fragrance for a limited group of products that
10 includes general purpose cleaners and degreasers, air
11 fresheners, disinfectants, and sanitizers.

12 And lastly, I do want to recognize the very open
13 and transparent manner in which CARB staff has conducted
14 this very complicated rulemaking and express our
15 appreciation for their efforts to work through the
16 logistical and other challenges posed by the pandemic to
17 ensure that all stakeholders, not just those of us in the
18 business community had an opportunity to participate in
19 developing these amendments. I think we've all become
20 much more proficient in conducting MS Teams, Zoom, and
21 other virtual meetings than we ever expected.

22 So thank you again to members of the Board and
23 Chair Randolph in particular for this opportunity to
24 address you. And we look forward to working
25 collaboratively with CARB to improve air quality for all

1 Californians in ways that are commercially and
2 technologically feasible.

3 Thank you.

4 BOARD CLERK ESTABROOK: Thank you.

5 Madam Chair, that concludes our list of
6 commenters for this item.

7 CHAIR RANDOLPH: All right. Thank you. Staff,
8 are there any issues raised in the comments that you want
9 to address for the record?

10 EXECUTIVE OFFICER COREY: This is Richard. I'm
11 going to ask Dave Edwards with the Planning Division to
12 provide a brief summary of a few comments that were raised
13 during the comment period.

14 Dave.

15 AQPSD ASSISTANT DIVISION CHIEF EDWARDS: Great.
16 Thank you, Richard. I apologize. I'm having some issues
17 with my camera right now. So I did want to highlight two
18 issues that did come up and sort of give some more
19 background on that. My name is Dave Edwards - sorry - for
20 the record. I'm the Assistant Division Chief in the Air
21 Quality Planning and Science Division.

22 On the first issue, this is in the innovative
23 product exemption. Staff have determined that there is a
24 feasible product that can meet this voluntary provision.
25 And we are hoping that this does provide some innovative

1 flexibilities for meeting some of these proposed VOC
2 standard reductions.

3 On the energized electrical cleaner provisions, I
4 did want to clarify that we are not prohibiting energized
5 electrical cleaner sales from auto body stores. And we
6 did actively reach out to industry on this topic and they
7 did confirm that this product is not needed to be used at
8 automotive maintenance and repair facilities. So those
9 are the two issues that I wanted to summarize.

10 CHAIR RANDOLPH: All right. Thank you.

11 I will now close the record on this agenda item.
12 However, if the Executive Officer determines that
13 additional conforming modifications are appropriate, the
14 record will be reopened and a 15-day notice of public
15 availability will be issued. If the record is reopened
16 for a 15-day comment period, the public may submit written
17 comments on the proposed changes which will be considered
18 and responded to in the Final Statement of Reasons for the
19 regulation.

20 Written or oral comments received after this
21 hearing date but before the 15-day notice is issued will
22 not be accepted as part of the official record on this
23 agenda item. The Executive Officer may present the
24 regulation to the Board for further consideration, if he
25 determines that it is warranted. And if not, the

1 Executive Officer shall take final action to adopt the
2 regulation after addressing all appropriate conforming
3 modifications and submit the regulations to U.S. EPA for
4 inclusion in the State Implementation Plan.

5 Okay. It is time for Board discussion. And
6 Board Member Riordan has raised her hand. And if any
7 else -- anyone else wants to comment, in addition to the
8 ones who have already raised your hand, you know where the
9 raise-your-hand function is.

10 Thank you.

11 BOARD MEMBER RIORDAN: Thank you, Madam Chair.

12 I want to first congratulate the staff for an
13 excellent report. This is something that we have worked
14 on for a long time. And I think you have to say it's very
15 successful when the comments have been so positive from
16 everyone who testified today. I do want to ask staff,
17 there was one item raised, and I'm wondering if we can
18 handle that in a 15-day comment period, and that was the
19 clarification of compressed natural gas. I am interested
20 in knowing whether or not that could be handled that way.

21 And otherwise, congratulations. And I certainly
22 support the rest of the staff report.

23 Thank you.

24 CHAIR RANDOLPH: Okay. Dr. Pacheco-Werner.

25 BOARD MEMBER PACHECO-WERNER: Thank you, Madam

1 Chair. And thank you to staff for your presentation and
2 your long work on this. It really is evident in producing
3 this comprehensive new regulation to see so many in
4 industry come to compliment on your cooperation and
5 engagement with them is really something to be
6 congratulated. And I do want to, you know, point out
7 that, you know, for the staff that commented, Mr. Narcisco
8 Gonzalez, you know, I definitely hear your concerns. And
9 I think that for me, I heard -- I also heard our Deputy,
10 David Edwards, respond to those concerns. And I hope that
11 there will be continued dialogue within the agency about,
12 you know, the continuation of working on these issues in a
13 collaborative way that really speaks to ensuring that --
14 that there are good alternatives and that there's clarity
15 about which products are necessary for an industry and
16 which ones are not.

17 I do want to say that a -- I just -- I think that
18 you -- you mentioned this in terms of the 15-day, but I
19 would really like more clarity in terms -- and this may
20 come in the 15-day period, in terms of what exemptions
21 will be made, you know, what are really the guidelines for
22 making exemptions to the sunseting two percent.

23 And I really just want to thank you again for all
24 of your hard work on this issue.

25 Thank you.

1 CHAIR RANDOLPH: All right. Thank you.

2 Vice Chair Berg.

3 VICE CHAIR BERG: Unmute. Thank you so much,
4 Chair.

5 A couple of things. One, I also want to echo the
6 work -- continue to work with industry on the compressed
7 gas, but also industry did have an alternative methodology
8 that they would also like to continue to work with staff.
9 And since this is an optional compliance path and also a
10 signal to the market that we are going to look at that
11 greenhouse gas to replace it. And so I think we need to
12 be open to -- with industry to discuss and to try various
13 options. And I really would encourage that. I understand
14 that a 15-day change not -- may not be appropriate,
15 however, that you might be coming back towards the end of
16 the year with this regulation and maybe we could hear back
17 at that time. So I'd really like to encourage that.

18 Secondly, I was really interested and would like
19 to hear on Jessica Olson from Honeywell the fact that
20 there is an exempt product with U.S. EPA and seems to have
21 some benefit. And again, if we can continue to work with
22 them and explore that product, because it is not easy to
23 reformulate. Being in this industry until I retired, for
24 40 years, reformulating is not simple.

25 And so when we can continue to find working

1 alternatives that have air quality benefits, I would like
2 to support that. And then finally, I do understand that
3 the two percent sunset we have ten years, but I also want
4 to encourage staff to continue to work with industry.
5 Again, these reformulations and scents are used for very
6 specific purposes, and so -- even though I am scent
7 sensitive. So, you know, I see both sides of the issue,
8 again would really appreciate that on this sunseting,
9 because it isn't a straight two percent everybody uses.
10 And so please continue to work with industry on that.

11 And again, thank you. It's a huge project and
12 appreciate everybody's efforts.

13 CHAIR RANDOLPH: Board Member Hurt.

14 BOARD MEMBER HURT: Thank you, Chair Randolph. I
15 have two questions and just a couple of comments. My
16 first question, I really appreciate the focus on lowering
17 the allowable VOCs over the decades. And I wonder if
18 staff could just kind of quickly expand on why we focus on
19 this route of reduction versus restricting many toxic
20 chemicals sort of like the EU does. There are flat out
21 over a thousand, you could say, bans or restrictions on
22 toxic chemicals and products. And it seems that route
23 allows more predictability in formulating and also serves
24 the public health. So I would love to hear comments from
25 staff with regards to that.

1 CHAIR RANDOLPH: Do you want to run through your
2 other questions and then I think I'll pitch it to staff
3 and they can respond.

4 BOARD MEMBER HURT: Sure. Sure.

5 CHAIR RANDOLPH: Okay.

6 BOARD MEMBER HURT: And then I'll just -- along
7 with that question, you know, how far will we go in
8 cutting allowable percentages for that predictability?
9 And then I guess my other question was around the
10 categories of hair care products, how they were
11 determined. You know, there are cultural and ethical --
12 ethnic impacts on some of the hair products used. Hair
13 shine, predominantly used by African American women, you
14 know, how were those conversations handled with not only
15 manufacturers but stakeholders that use these products,
16 and how they why engaged? I would be curious to hear more
17 around those conversations as well. So those are my two
18 basic questions.

19 CHAIR RANDOLPH: All right. I will now turn it
20 over to staff to address some of these questions.

21 AQPSD ASSISTANT DIVISION CHIEF EDWARDS: Hi.
22 This is Dave Edwards again. And I'll focus on these two
23 questions from Board Member Hurt.

24 As far as the first piece, which is the -- why we
25 don't restrict product categories or just flat out

1 prohibit, the statute that guides us in our Health and
2 Safety Code does say that we cannot prohibit and that we
3 need to have commercially and technologically feasible
4 compounds. So that's why we sort of -- that's where we
5 have the, sort of, I guess the guard rails there to say
6 why we do not prohibit the use of different product
7 categories. In our air toxic control measures for air
8 toxics, we can prohibit the use of toxic air contaminants.
9 And we've tried to leverage that throughout this program.
10 But once again, they do have to be a toxic air contaminant
11 and listed there.

12 The -- on the second point with regard to the
13 hair finishing spray and the dry shampoos, we did reach
14 out to many manufacturers, large and small, during our
15 consumer products survey. So not only some of the large
16 chemical -- sorry, the large producers of these compounds,
17 but also some of the smaller producers that do produce
18 very sort of, I guess, ethnic-specific types of products
19 and looked at how these products are formulated. And so
20 when we -- we did take that into consideration when we
21 were looking at our limits.

22 As far as looking at the users of the products,
23 we did not go down that route. But when we did do our
24 industry outreach, we did get into some of those smaller
25 and medium-sized businesses in that space.

1 As far as the broader -- some of the other
2 questions we heard from other Board members. On the
3 compressed gas question, we are going to -- willing to
4 work with the industry more during the 15-day process and
5 also to kind of address -- to address Board Member
6 Riordan's comment, and also with Board Member Berg to say
7 that we are willing to expand that IPE looking at
8 different types of options that may be available and
9 working closely with industry to see how that would look
10 on paper. So we are willing to explore that area.

11 And this kind of leads into the next question.
12 It was a great lead in to say that we may be coming back
13 later in the year with a VOC exemption. And right now we
14 are going through our process. It is true that the
15 compound has been exempted as a VOC from -- by U.S. EPA.
16 But in our process that we go through to exempt compounds,
17 we also look at the risk associated with that. So there's
18 a couple of extra steps that we need to go through there.

19 And then lastly on the two percent fragrance
20 exemption. Right now, we do have a couple of exemptions
21 in categories that have very small VOC limits or use
22 things like pine, some of the monoterpenes, such as
23 general purpose cleaners, we added a 0.25 percent
24 exemption on those compounds -- or sorry, for those
25 products. So we will be continuing to work with industry

1 during the 15-day changes there and even during the
2 compliance period as well, recognizing that the two
3 percent exemption does cover a large group of the product
4 categories that we regulate.

5 I think that was all the main points.

6 Board Member Hurt, did you have some more
7 comments?

8 BOARD MEMBER HURT: No. I think you did a great
9 job --

10 AQPSD ASSISTANT DIVISION CHIEF EDWARDS: Okay.

11 BOARD MEMBER HURT: -- with answering those. I
12 know for myself I've had some constituents reach out and
13 ask some of the questions that I posed to you. And so I
14 think you wrapped that up well.

15 I just want to thank the staff for just ensuring
16 a baseline of concern for public health, and our air
17 quality, and basing it in data, and many conversations
18 with stakeholders. I think it was Mr. Calavita that sent
19 me the list of manufacturers. And they were quite long
20 and robust. And so I know we've been speaking quite a bit
21 with individuals. And I think now that I'm in this role,
22 you know, I've just been thinking more and more about
23 space, and how we're bombarded not only with the outdoor
24 source impacts, but also indoor impacts. And now
25 something that you choose to put on your body and it

1 follows you throughout the day, and the exposures that are
2 involuntary such as air fresheners and deodorizers in the
3 public. And it really is upon us to be thoughtful about
4 all of these layers of impact, and exposures, and how to
5 curb for better air quality and better public health. And
6 I think it was stated earlier that consumer products are
7 on the rise. And so more and more, we have to be
8 conscientious about our VOC emissions from these products.

9 So I'm supportive of staff's recommendations. I
10 wanted to just also point out that I'd like to know more
11 and understand more around the compressed gas topic that
12 was brought up and also the two percent exception just
13 working, because -- with industry, since we do have that
14 ten year time, just to make sure that reformation is done
15 well and that we can meet the goals that we're really
16 striving for with the two percent exception being pulled.

17 And I think those are all my comments. I just --
18 again, I just want to thank the staff. It's so great to
19 hear from public commenters that there -- that was a
20 well-run process and that they really thought that they
21 were heard in that process.

22 So thanks again to everyone that worked on this.

23 CHAIR RANDOLPH: All right. Any other comments
24 or questions from Board members?

25 BOARD MEMBER KRACOV: Yes, Chair. Just a quick

1 one. We heard a comment requesting either in a 15-day or
2 later down the road to put in the CAS numbers for some of
3 the monoterpenes. Can staff respond to that comment?

4 AQPSD ASSISTANT DIVISION CHIEF EDWARDS: Yes.
5 We're going to be working pretty closely with that
6 industry during the 15-day changes. We are committed to
7 putting in a definition for monoterpenes and we'll be --
8 we'll be looking to see how we can incorporate those
9 details as best we can.

10 BOARD MEMBER KRACOV: Thank you. And again, it
11 was really nice to hear all of the compliments towards
12 staff's professionalism and outreach on these issues.

13 CHAIR RANDOLPH: Okay. Any other comments or
14 questions from the Board members?

15 Okay. Well, it sounds like we have a few issues
16 that staff will be working on for the 15-day process
17 around the monoterpenes and the compressed gas. And we
18 may be seeing a action later this year regarding a VOC
19 exemption.

20 So I just wanted to take a moment to thank staff.
21 I think this is a great example of sort of balancing the
22 key role of these products, but also meeting our 2016 SIP
23 commitments and following through. And I really
24 appreciate the incredible multi-year effort engaged in by
25 CARB staff and stakeholders to really craft an incredibly

1 detailed framework here.

2 So with that, do -- the Board has before them
3 Resolution number 21-7. Do I have a motion and a second?

4 BOARD MEMBER DE LA TORRE: So moved De La Torre.

5 BOARD MEMBER RIORDAN: I would move approval,
6 Madam Chair.

7 BOARD MEMBER DE LA TORRE: Second. De La Torre.

8 CHAIR RANDOLPH: Okay. Moved by Board Member
9 Riordan and seconded by Board Member De La Torre.

10 Clerk, will you please call the roll?

11 BOARD CLERK ESTABROOK: Dr. Balmes?

12 BOARD MEMBER BALMES: Yes.

13 BOARD CLERK ESTABROOK: Mr. De La Torre?

14 BOARD MEMBER DE LA TORRE: Yes.

15 BOARD CLERK ESTABROOK: Mr. Eisenhut

16 BOARD MEMBER EISENHUT: Yes.

17 BOARD CLERK ESTABROOK: Supervisor Fletcher?

18 BOARD MEMBER FLETCHER: Fletcher, aye.

19 BOARD CLERK ESTABROOK: Senator Florez?

20 BOARD MEMBER FLOREZ: Florez, aye.

21 BOARD CLERK ESTABROOK: Ms. Hurt?

22 BOARD MEMBER HURT: Aye.

23 BOARD CLERK ESTABROOK: Mr. Kracov?

24 BOARD MEMBER KRACOV: Yes.

25 BOARD CLERK ESTABROOK: Dr. Pacheco-Werner?

1 BOARD MEMBER PACHECO-WERNER: Yes.

2 BOARD CLERK ESTABROOK: Mrs. Riordan?

3 BOARD MEMBER RIORDAN: Aye.

4 BOARD CLERK ESTABROOK: Supervisor Serna?

5 BOARD MEMBER SERNA: Aye.

6 BOARD CLERK ESTABROOK: Professor Sperling?

7 BOARD MEMBER SPERLING: Aye.

8 BOARD CLERK ESTABROOK: Ms. Takvorian?

9 BOARD MEMBER TAKVORIAN: Aye.

10 BOARD CLERK ESTABROOK: Vice Chair Berg?

11 VICE CHAIR BERG: Aye.

12 BOARD CLERK ESTABROOK: Chair Randolph?

13 CHAIR RANDOLPH: Yes.

14 BOARD CLERK ESTABROOK: Madam Chair, the motion
15 passes.

16 CHAIR RANDOLPH: All right. Thank you.

17 The next item on the agenda is Item number
18 21-2-2, the proposed '21 -- 2021 through 2024 triennial
19 strategic research plan and the proposed research for
20 fiscal year '21 to '22. If you wish to comment on this --
21 the public comment on this item, please click the raise
22 hand button or dial star nine now and we will call you --
23 on you when we get to that portion.

24 The triennial research plan will guide CARB's air
25 quality planning efforts, help us with our regulatory

