

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and
Availability of Additional Documents**

PUBLIC HEARING TO CONSIDER ADOPTION OF
PROPOSED AMENDMENTS TO THE CALIFORNIA CONSUMER PRODUCTS
REGULATIONS AND TEST METHOD 310
AND
ADOPTION OF A PROPOSED AIRBORNE TOXIC CONTROL MEASURE
FOR PARA-DICHLOROBENZENE

Public Hearing Date: June 24, 2004
Public Availability Date: February 17, 2005
Deadline for Public Comment: March 4, 2005

At a public hearing on June 24, 2004, the Air Resources Board (the Board/ARB) considered amendments to the California Consumer Products Regulations and Test Method 310, and adoption of an airborne toxic control measure (ATCM) to prohibit the use of para-dichlorobenzene [sections 94501, 94506-94510, 94512, 94513, 94515, and 94526, title 17, California Code of Regulations (CCR) and Test Method 310 (incorporated by reference in sections 94506, 94515, and 94526, title 17, CCR)]. The proposed amendments are to revise the Board's Consumer Products Regulations to set new volatile organic compound limits for 15 categories of products, to update Test Method 310, to adopt an ATCM to prohibit the use of para-dichlorobenzene in solid air fresheners and toilet/urinal care products, and to revise or clarify other requirements. The proposed amendments are described in detail in the Initial Statement of Reasons (ISOR) released to the public on May 7, 2004.

At the hearing, the Board approved the amendments to the Consumer Products Regulations and Test Method 310, and the ATCM for para-dichlorobenzene, with certain modifications to the language of the amendments. Following is a summary of the more significant modifications:

- ? A modification was made to the sell-through notification provision in section 94509(c)(2)(D) to clarify that the provision applies only to products subject to a VOC standard with an effective date on or after December 31, 2004.
- ? A modification to the date-coding requirements was made to clarify how they apply to multi-unit packaging. This modification should provide manufacturers with additional flexibility for date-coding multi-unit packages (see sections 94509(c)(1)(D) and 94512(b)(5).
- ? Modifications were made to clarify how the most restrictive limit applies to

insecticides. These include modifications to exclude insecticide foggers (see section 94512(a)(1)) and lawn and garden insecticides (see section 94508(a)(88)) from the most restrictive limit provision. Another modification will allow Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) registered insecticide products an extra year to comply with the change to the most restrictive limit provision (see sections 94512(a)(1) and (a)(2)).

- ? A modification was made to the most restrictive limit provision in section 94512(a)(3) to clarify the rules that apply when a product falls into two or more category definitions. Modifications were also made to the definitions of "Fabric Refresher" and "Spot Remover" (see sections 94508(a)(52)and(132)).
- ? Staff had originally proposed that effective December 31, 2006, no person shall sell, supply, offer for sale, or manufacture for use in California any adhesive remover, contact adhesive, electrical cleaner, electronic cleaner, footwear or leather care product, general purpose degreaser, or graffiti remover that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene. At the June 24, 2004 Board hearing, staff was directed to work with interested parties to determine if this effective date could be made earlier for some or all of the categories, prior to releasing the 15-day changes.

Staff worked with interested parties and is proposing to change the effective date to December 31, 2005 for four product categories: contact adhesives, electronic cleaners, footwear or leather care products, and general purpose degreasers. The three-year sell-through period for these four categories was also accordingly modified to end on December 31, 2008 (see section 94509(m)). The originally proposed effective date and sell-through period was not changed for the three remaining categories (adhesive removers, electrical cleaners, and graffiti removers (see section 94509(n)).

- ? The effective date of the prohibition on the use of para-dichlorobenzene in solid air fresheners and toilet/urinal care products was changed from December 31, 2006 to December 31, 2005. The sell-through period for these products was also modified to end on December 31, 2006 (see section 94509(o)).
- ? Several minor modifications, such as renumbering subsections and correcting dates, were also made to the regulatory language.

In the interest of completeness, staff has also added to the rulemaking record and invites comments on the additional documents identified in Enclosure 3, which also describes how the public may inspect the documents. The most significant additional document is an analysis generated by ARB staff entitled:

Supplemental Analysis Regarding the Air Resources Board's Proposed Airborne

Toxic Control Measure For Para-dichlorobenzene, February 2005.

This document is available online at the ARB's internet site at <http://www.arb.ca.gov/regact/conprod/conprod.htm>

By this notice, the modified regulations and additional documents are being made available for public comment prior to final action by the Board's Executive Officer. Attached to this notice is Board Resolution 04-18 (Enclosure 1), which approves the regulatory action. The text of the modified regulatory language is appended to the resolution as Enclosure 2. The originally proposed amendments are shown in ~~single strike out~~ to indicate deletions and single underline to indicate additions to the Consumer Products Regulations and to the ATCM for para-dichlorobenzene. The modifications to the ARB staff's original proposal are shown in ~~double strike-out~~ to indicate deletions and double underline to indicate additions.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt the amendments to sections 94501, 94506-94510, 94512, 94513, 94515, and 94526, title 17, CCR, and Test Method 310, after making the modified regulatory language available for a supplemental written comment period of at least fifteen (15) days, provided that the Executive Officer consider such written comments as may be submitted during the period, make such modifications as may be appropriate in light of the comments received, and present the regulations to the Board for further consideration if she determines that this is warranted.

Written and email comments on the proposed modifications shown in Enclosure 2 (or on the additional documents that have been added to the rulemaking record) must be received no later than the deadline for public comment **March 4, 2005**, in order to be considered by the Executive Officer prior to final action.

Written comments may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal Mail is to be sent to:
Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: conprod@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928

Enclosures

