

State of California
AIR RESOURCES BOARD

**Final Statement of Reasons for Rulemaking,
Including Summary of Comments and Agency Responses**

PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO
THE REGULATION FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS
FROM ANTIPERSPIRANTS AND DEODORANTS

Public Hearing Date: October 26, 2000
Agenda Item No: 00-10-2

I. GENERAL

On October 26, 2000, the Air Resources Board (the "Board" or "ARB") conducted a public hearing to consider amendments to the Regulation for Reducing Volatile Organic Compound (VOC) Emissions from Antiperspirants and Deodorants (the "Antiperspirant and Deodorant Regulation"; title 17, California Code of Regulations (CCR), sections 94500-94506.5). An Initial Statement of Reasons for Proposed Rulemaking (ISOR) was prepared and made available to the public on September 8, 2000. The ISOR is incorporated by reference herein. This Final Statement of Reasons summarizes the adopted amendments and the written and oral comments received during the rulemaking process.

At the hearing the Board adopted Resolution 00-35, in which the proposed amendments to the Antiperspirant and Deodorant Regulation were adopted as originally proposed, with no modifications. The amendments will be contained in sections 94502 and 94504, title 17, CCR. The adopted amendments repeal the zero percent high volatility organic compound (HVOC) limit and reinstate the 40 percent HVOC limit for aerosol antiperspirants, effective January 1, 2001. The amendments also clarify certain regulatory provisions, and eliminate the annual reporting requirements, instead requiring that manufacturers must submit data for their antiperspirant and deodorant products only upon receipt of a 90-day written notice from the ARB. The amendments also modify somewhat the type of data that must be reported to the ARB.

The ARB has determined that this regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary costs or savings to local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on private persons and businesses. The ARB determined that the proposed regulatory action should have an overall positive economic impact. The ARB

also determined that the proposed regulatory action will not have a significant adverse economic impact on the ability of California businesses to compete with businesses in other states, or on directly affected private persons. This is because the proposed amendments would lower compliance costs compared to the costs to comply with the existing regulation.

In accordance with Government Code section 11346.3, the ARB determined that the amendments should have minor or positive impacts on the creation or elimination of jobs within the State of California, minor or positive impacts on the creation of new businesses and the elimination of existing businesses within the State of California, and minor or positive impacts on the expansion of businesses currently doing business within the State of California. The ARB has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the regulations will affect small business. A detailed discussion of the economic impacts of the amendments is contained in the ISOR.

The Board has further determined that no alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the regulatory action was proposed, or would be as effective and less burdensome to affected private persons, than the adopted regulations.

II. SUMMARY OF COMMENTS AND AGENCY RESPONSES

The Board received only one written comment during the 45-day comment period for this regulatory action. The same commenter who filed this written comment also testified at the October 26, 2000, Board hearing. The commenter is listed below. No comments were submitted by the Office of Small Business Advocate or the Trade and Commerce Agency.

Thomas J. Donegan, Jr.
Vice President-Legal and General Counsel
Cosmetic, Toiletry, and Fragrance Association (CTFA)
Oral testimony: October 26, 2000
Written comment: October 26, 2000

In both the commenter's oral testimony and written comment letter, the commenter did not make any objections or suggest any changes to the amendments proposed by ARB staff, or make any objections or recommendations regarding the procedures followed by the ARB in proposing or adopting the amendments. The commenter stated that CTFA members strongly support the proposed amendments, and urged the Board to adopt them. These comments were considered by the Board; however, no response is required in this Final Statement of Reasons, because the commenter did not suggest that the Board take any specific action other than to adopt the amendments. As mentioned earlier in this Final Statement of Reasons, the Board adopted the amendments as proposed by staff, with no modifications.