

## Updated Informative Digest

### AMENDMENTS TO THE REGULATIONS FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS FROM AEROSOL COATINGS, ANTIPERSPIRANTS AND DEODORANTS, AND CONSUMER PRODUCTS

**Sections Affected:** Amendments were made to sections 94501, 94508, 94521, 94522, and 94524, title 17, California Code of Regulations (CCR).

#### Background

Health and Safety Code section 41712(i) requires the Air Resources Board (ARB or Board) on or before January 1, 1995, to adopt a regulation that achieves the maximum feasible reduction in VOCs emitted from the use of aerosol paints (aerosol coatings). To fulfill this statutory directive, in March 1995 the ARB adopted a regulation establishing two tiers of VOC limits for 35 categories of aerosol coatings (aerosol coatings regulation; sections 94520-94528, Title 17, CCR). The first tier became effective on January 8, 1996, and the second tier was originally scheduled to become effective on December 31, 1999.

Health and Safety Code section 41712(i)(3) also requires the ARB, on or before December 31, 1998, to conduct a public hearing on the technological or commercial feasibility of achieving full compliance with the final 1999 limits. If the ARB determines that compliance with the final limits is not technologically or commercially feasible, the ARB may grant an extension of time not to exceed five years. During any such extension of time, the most stringent interim limits are to apply.

This regulatory action is designed to comply with Health and Safety Code section 41712(i)(3), and to achieve the most stringent feasible VOC limits for aerosol coatings. The ARB staff conducted a survey of aerosol coatings manufacturers that sell products in California, and evaluated the technological and commercial feasibility of the limits that were scheduled to become effective on December 31, 1999. The ARB staff determined that some of those limits are not technologically or commercially feasible. The staff also determined that some of the December 31, 1999, limits do not represent the most stringent feasible VOC limits.

At the November 19, 1998 hearing, the Board adopted the amendments to the aerosol coatings regulation that were proposed by staff, with no changes. Overall, the adopted amendments constitute a relaxation of the second tier VOC limits in the existing aerosol coatings regulation. The adopted amendments achieve a smaller VOC emission reduction than the 1999 second tier limits that were originally adopted by the Board in March 1995.

The Board also adopted amendments to exempt methyl acetate from the VOC definitions in the aerosol coatings regulation, the antiperspirant and deodorant regulation (sections 94500-94506.5, title 17, CCR), and the consumer products regulation (sections 94507-94517, title 17, CCR). This action was taken in response to the U.S. Environmental Protection Agency's (U.S. EPA) action on April 9, 1998, to exempt methyl acetate from the federal VOC definition (40 CFR 51.100(s)).

Following the U.S. EPA's action, the ARB received a petition to exempt methyl acetate from the VOC definitions for consumer products. To maintain consistency, the Board amended the VOC definitions in the three consumer products regulations. The exemption of methyl acetate provides manufacturers greater flexibility in the formulation of complying products.

### **Description of the Adopted Regulatory Action**

Following is a description of the regulatory action adopted by the Board:

**1. Amendments were made to the existing aerosol coating VOC limits for 23 product categories, and to the effective date for 35 product categories.**

The aerosol coatings regulation imposes VOC limits on 35 categories of aerosol coatings. The ARB determined that the December 31, 1999, limits for twelve categories are not technologically or commercially feasible even with the maximum allowable five-year extension. Therefore, the ARB adopted less stringent VOC limits for these categories. The ARB has also determined that the 1999 second tier limits for eleven categories do not represent the most stringent feasible VOC limits for these categories. Therefore, the ARB adopted more stringent VOC limits for these categories. The ARB also extended the December 31, 1999, effective date to January 1, 2002, for all 35 product categories to provide sufficient time for manufacturers to comply with the regulatory limits.

**2. Methyl acetate was exempted from the definitions of "Volatile Organic Compound."**

The ARB adopted amendments to exempt methyl acetate from the VOC definitions in sections 94501(m)(2), 94508(a)(124)(B), and 94521(a)(62)(B), title 17, CCR. This change brings these VOC definitions into conformity with the federal VOC definition.

**3. A number of minor amendments and corrections were made to the existing aerosol coatings regulation.**

The ARB adopted several editorial changes to correct minor errors in Barclays official version of the California Code of Regulations. Several of the amendments are word changes. In one case, a definition was added that was previously adopted by the Board but was omitted from Barclays official version of the California Code of Regulations. The ARB also deleted section 94522(g) because the November 19, 1998, hearing fulfilled the hearing requirement of this section.