

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER ADOPTION OF A HAIRSPRAY CREDIT PROGRAM

Public Hearing Date: November 13, 1997

Public Availability Date: February 11, 1998

Deadline for Public Comment: **February 26, 1998**

At a public hearing held on November 13, 1997, the Air Resources Board ("the Board") considered adoption of a regulation establishing a Hairspray Credit Program. The Board also considered related amendments to the California Regulation for Reducing Volatile Organic Compound (VOC) Emissions from Antiperspirants and Deodorants, the Regulation for Reducing VOC Emissions from Consumer Products, the Regulation for Reducing VOC Emissions from Aerosol Coating Products, and the Alternative Control Plan Regulation. The proposed regulation and related amendments are described in detail in the Initial Statement of Reasons released to the public on September 26, 1997.

At the hearing, the Board approved the regulation and related amendments with certain modifications to the originally proposed regulatory language. Following is a summary of the modifications:

- C Language was added to section 94560 to clarify that the goal of the Hairspray Credit Program is to benefit both the environment and the regulated entities;
- C Clarifying changes were made to the definitions of "Documented Sales Record", "State Implementation Plan", and "Surplus" in section 94562;
- C Clarifying modifications were made to section 94564, including the addition of a baseline date of October 11, 1990, in the protocol for calculating hairspray emission reduction credits;
- C Language was added to sections 94563, 94566, and 94568 to clarify that for information claimed as "confidential" by participants in the Hairspray Credit Program, California law regarding the "Disclosure of Public Records" is applicable only to information in the custody of the ARB, and is not intended to apply to information in the custody of the United States Environmental Protection Agency (U.S. EPA);
- C Language was added to sections 94567, 94570, and 94571 to specify that a responsible party would be required to provide an additional amount of HERCs upon use (e.g. five percent); if the Hairspray Credit Program has not demonstrated an environmental benefit by December 31, 2002;

- C A new section 94575 was added which specifies that the Board staff will periodically evaluate the implementation of the Hairspray Credit Program and report the results to the U.S. EPA;
- C A provision was added in section 94567(h) to ensure that the program would result in a net environmental benefit as anticipated in the staff report;
- C Various other modifications were made to the regulatory language to implement the above changes. Miscellaneous clarifying and grammatical changes were also made to the regulatory language.

By this notice, the modified regulatory language is being made available for public comment prior to final action by the Board's Executive Officer. Attached to this notice is Board Resolution 97-42 (Enclosure 1), which approves the regulatory action. The text of the modified regulatory language is appended to the resolution as Enclosure 2. The modifications to the original proposal are shown in **bold underline** to indicate additions, and ~~**bold**~~ ~~**strikeout**~~ to indicate deletions.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt new sections 94560-94575, Title 17, California Code of Regulations (CCR), and to adopt amendments to sections 94502, 94509, 94522, and 94548, Title 17, CCR, after making the modified regulatory language available for a supplemental written comment period of at least fifteen (15) days, provided that the Executive Officer shall consider such written comments as may be submitted during the period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

Written comments on the proposed modifications shown in Enclosure 2 must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California, 95812, **no later than February 26, 1998**, for consideration by the Executive Officer prior to final action. The Executive Officer will consider only comments relating to the modifications to the original proposal which are described in this notice.

Enclosures