

# FINAL REGULATION ORDER

## REGULATION FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS FROM ANTIPERSPIRANTS AND DEODORANTS

[NOTE: Proposed amendments are shown in underlined to indicate additions and ~~strike-out~~ to indicate deletions.]

### SUBCHAPTER 8.5. CONSUMER PRODUCTS

#### Article 1. Antiperspirants and Deodorants

*[No changes are proposed to section 94500.]*

Amend title 17, California Code of Regulations, section 94501 and section 94506 as follows:

#### **94501. Definitions.**

For the purpose of this article, the following definitions apply:

- (a) "Aerosol Product" means a pressurized spray system that dispenses antiperspirant or deodorant ingredients.
- (b) "Antiperspirant" means any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.
- (c) "Colorant" means any substance or mixture of substances, the primary purpose of which is to color or modify the color of something else.
- (d) "Deodorant" means:
  - 1) for products manufactured before January 1, 2006: any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria which cause the decomposition of perspiration.
  - 2) for products manufactured on or after January 1, 2006: any product including, but not limited to, aerosol, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product ca be used on or applied to the human axilla to provide a scent an/or minimize order.

- (e) “Executive Officer” means the Executive Officer of the Air Resources Board, or his or her delegate.
- (f) “Fragrance” means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.
- (g) “High Volatility Organic Compound (HVOC)” means any organic compound that exerts a vapor pressure greater than 80 millimeters of Mercury (mm Hg) when measured at 20°C.
- (h) “Manufacturer” means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels an antiperspirant or deodorant.
- (i) “Medium Volatility Organic Compound (MVOC)” means any organic compound that exerts a vapor pressure greater than 2 mm Hg and less than or equal to 80 mm Hg when measured at 20°C.
- (j) “Non-aerosol Product” means any antiperspirant or deodorant that is not dispensed by a pressurized spray system.
- (k) “Roll-on Product” means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.
- (l) “Stick Product” means any antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the affected area.
- (m) “Volatile Organic Compound (VOC)” means any compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:
  - (1) methane,  
methylene chloride (dichloromethane),  
1,1,1-trichloroethane (methyl chloroform),  
trichlorofluoromethane (CFC-11),  
dichlorodifluoromethane (CFC-12),  
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113),  
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114),  
chloropentafluoroethane (CFC-115),  
chlorodifluoromethane (HCFC-22),  
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123),  
1,1-dichloro-1-fluoroethane (HCFC-141b),

1-chloro-1,1-difluoroethane (HCFC-142b),  
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124),  
trifluoromethane (HFC-23),  
1,1,2,2-tetrafluoroethane (HFC-134),  
1,1,1,2-tetrafluoroethane (HFC-134a),  
pentafluoroethane (HFC-125),  
1,1,1-trifluoroethane (HFC-143a),  
1,1-difluoroethane (HFC-152a),  
cyclic, branched, or linear completely methylated siloxanes,  
the following classes of perfluorocarbons:  
(A) cyclic, branched, or linear, completely fluorinated alkanes;  
(B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;  
(C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and  
(D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, and

- (2) the following low-reactive organic compounds which have been exempted by the U.S. EPA:  
acetone,  
ethane,  
methyl acetate  
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene).

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code.  
Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

*[No changes are proposed to sections 94502-94505.]*

#### **94506. Test Methods**

- (a)(1) Testing to determine the volatile organic compound of an antiperspirant or deodorant, or to determine compliance with the requirements of this article, shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products, adopted September 25, 1997 and as last amended ~~September 3, 1999~~ on May 5, 2005, which is incorporated herein by reference. Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon approval of the Executive Officer.
- (2) In sections 3.5 and 3.7 of Air Resources Board (ARB) Method 310, a process is specified for the "Initial Determination of VOC Content" and the "Final

Determination of VOC Content". This process is an integral part of testing procedure set forth in ARB Method 310, and is reproduced below:

Sections 3.5 and 3.7 of Air Resources Board Method 310

- 3.5 Initial Determination of VOC Content. The Executive Officer will determine the VOC content pursuant to sections 3.2 and 3.3. Only those components with concentrations equal to or greater than 0.1 percent by weight will be reported.
  - 3.5.1 Using the appropriate formula specified in section 4.0, the Executive Officer will make an initial determination of whether the product meets the applicable VOC standards specified in ARB regulations. If initial results show that the product does not meet the applicable VOC standards, the Executive Officer may perform additional testing to confirm the initial results.
  - 3.5.2 If the results obtained under section 3.5.1 show that the product does not meet the applicable VOC standards, the Executive Officer will request the product manufacturer or responsible party to supply product formulation data. The manufacturer or responsible party shall supply the requested information. Information submitted to the ARB Executive Officer may be claimed as confidential; such information will be handled in accordance with the confidentiality procedures specified in Title 17, California Code of Regulations, sections 91000 to 91022.
  - 3.5.3 If the information supplied by the manufacturer or responsible party shows that the product does not meet the applicable VOC standards, then the Executive Officer will take appropriate enforcement action.
  - 3.5.4 If the manufacturer or responsible party fails to provide formulation data as specified in section 3.5.2, the initial determination of VOC content under this section 3.5 shall determine if the product is in compliance with the applicable VOC standards. This determination may be used to establish a violation of ARB regulations.
- 3.7 Final Determination of VOC Content. If a product's compliance status is not satisfactorily resolved under sections 3.5 and 3.6, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation data.
  - 3.7.1 If the accuracy of the supplied formulation data is verified and the product sample is determined to meet the applicable VOC standards, then no enforcement action for violation of the VOC standards will be taken.

- 3.7.2 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer will request the product manufacturer or responsible party to supply information to explain the discrepancy.
- 3.7.3 If there exists a discrepancy that cannot be resolved between the results of Method 310 and the supplied formulation data, then the results of Method 310 shall take precedence over the supplied formulation data. The results of Method 310 shall then determine if the product is in compliance with the applicable VOC standards, and may be used to establish a violation of ARB regulations.

- (b) Testing to determine compliance with the requirements of this article may also be demonstrated through calculation of the volatile organic compound content from records of the amounts of constituents used to make the product. Compliance determination based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three years.
- (c) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other tests, processes, or records used in connection with product manufacture.

NOTE: Authority cited: Sections 39600, 39601, and 41712, Health and Safety Code.  
Reference: Sections 39002, 39600, 40000, and 41712, Health and Safety Code.

*[No changes are proposed to section 94506.5]*