

State of California  
AIR RESOURCES BOARD

Resolution 97-37

July 24, 1997

Agenda Item No.: 97-6-4

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 41712 of the Health and Safety Code directs the Board to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds (VOCs) emitted by consumer products, if the Board determines that adequate data exist for it to adopt the regulations, and if the regulations are technologically and commercially feasible and necessary;

WHEREAS, pursuant to section 41712 of the Health and Safety Code, the Board has adopted the Regulation for Reducing VOC Emissions from Consumer Products (title 17, California Code of Regulations (CCR), sections 94507-94517; the "consumer products regulation"), which was adopted in two phases; Phase I was approved on October 11, 1990, and Phase II was approved on January 9, 1992;

WHEREAS, on November 15, 1994, the Board adopted the California State Implementation Plan for Ozone (SIP), which incorporates the consumer products regulation as a component of the SIP;

WHEREAS, on February 14, 1995, the consumer products regulation was approved by the United States Environmental Protection Agency (U.S. EPA) as part of the SIP;

WHEREAS, the SIP includes a commitment to adopt the Mid-term Measures Regulation to achieve a 25 percent reduction in consumer products VOC emissions from the 1990 baseline by the year 2005;

WHEREAS, to help fulfill the ARB's SIP commitments, ARB staff has proposed amendments to the existing consumer products regulation (Phase I and Phase II) to add product category definitions and VOC standards for 18 additional consumer product categories; the VOC standards would become effective on various dates from the year 2001 to 2005;

WHEREAS, staff has also proposed to add labeling requirements and standards for manufacturers of non-aerosol floor wax strippers, and reporting requirements to track any increased use of perchloroethylene and methylene chloride;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project that may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board staff has consulted with the U.S. EPA regarding consumer product regulations promulgated by other state and local governments as provided in section 183(e) of the federal Clean Air Act;

WHEREAS, the Board finds that:

The VOC standards specified for the 18 additional consumer products categories will reduce VOC emissions by about 16 tons per day by the year 2005;

Consumer products are currently being sold in California that comply with each of the proposed VOC standards;

The amendments to the consumer products regulation are authorized by California law and satisfy the requirements of section 41712 of the Health and Safety Code;

There exists adequate data to support the adoption of the amendments to the consumer products regulation and to establish that the amendments are necessary, and are commercially and technologically feasible;

The amendments are necessary to attain and maintain the state and federal ambient air quality standards and help to fulfill California's SIP commitments;

The standards are technologically and commercially feasible for each of the regulated consumer product categories;

In order to provide formulation flexibility and reduce costs for manufacturers, it is appropriate to modify the original proposal to specify that: (1) the initial VOC standards will first become effective in the year 2001, instead of the year 2000, and (2) the two-tiered VOC standards originally proposed for certain product categories will be changed to a single-tier VOC standard for these categories, thereby requiring manufacturers to reformulate their products only once, instead of twice;

The amendments will not result in the elimination of a product form for any product category;

The economic impacts of the amendments have been analyzed as required by California law, and the conclusions and supporting documentation for this analysis are set forth in the Initial Statement of Reasons; and

The reporting requirements of the consumer products regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State;

WHEREAS, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations; the Board further finds that:

The amendments to the consumer products regulation will not result in any significant adverse impacts on the environment;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to sections 94508, 94509, 94510, 94512, and 94513, title 17, California Code of Regulations, as set forth in Attachments A and B hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A, with the modifications set forth in Attachment B and such other conforming modifications as may be appropriate, after making the modified regulatory language and any additional supporting documents and information available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as 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 after review of the comments.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to form working groups with all interested parties to develop standardized test methods to measure the performance attributes of "automotive wax, polish, sealant, or glaze" products and "automotive rubbing or polishing compounds," and to return to the Board to consider any appropriate regulatory modifications to the proposed standards if the Executive Officer determines that this is warranted based on the results of the testing.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to take the following actions: (1) monitor the progress of manufacturers in meeting the VOC standards, (2) conduct technical assessments prior to the effective dates for each of the VOC standards, and (3) identify any significant problems in the achievement of the standards and propose any future regulatory modifications that may be appropriate;

BE IT FURTHER RESOLVED that, following approval of the amendments by the Office of Administrative Law, the Board directs the Executive Officer to submit the amendments to the U.S. EPA for inclusion in the SIP.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to include in the SIP revision any additional documentation identified as necessary for approvability under the federal Clean Air Act and U.S. EPA regulations, and to work with the U.S. EPA to ensure that the amendments to the consumer products regulation are approved as a SIP revision.

I hereby certify that the above is a true and correct copy of Resolution 97-37, as adopted by the Air Resources Board.

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Pat Hutchens, Clerk of the Board