

State of California
California Environmental Protection Agency
AIR RESOURCES BOARD

Resolution 96-57

November 21, 1996

Agenda Item: 96-9-4

WHEREAS, Health and Safety Code sections 39600 and 39601 authorize the Air Resources Board (the "Board" or "ARB") 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, Health and Safety Code section 39607(d) directs the Board to adopt test procedures to measure compliance with its nonvehicular emission standards;

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

WHEREAS, pursuant to Health and Safety Code section 41712 the Board has adopted regulations to reduce VOC emissions from antiperspirants and deodorants, consumer products, and aerosol coatings (Title 17, California Code of Regulations (CCR), sections 94500-94528);

WHEREAS, Title 17, CCR, sections 94506, 94515, and 94526 currently specify test methods for determining compliance with the regulatory requirements for antiperspirants and deodorants, consumer products, and aerosol coatings;

WHEREAS, the ARB staff has proposed a new test method ("ARB Method 310") to replace some of the test methods currently specified in the regulations.

WHEREAS, ARB Method 310 is designed to accurately determine compliance with the VOC standards for antiperspirants and deodorants, consumer products, and aerosol coatings;

WHEREAS, the Board staff has consulted with the United States Environmental Protection Agency (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 California Environmental Quality Act (CEQA) 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 which would substantially 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 finds that:

The adoption of the amendments to Title 17, CCR, sections 94506, 94515, and 94526, and ARB Method 310 (“the amendments”) is authorized by California law, and is necessary and appropriate to satisfy the requirements of Health and Safety Code sections 39607(d) and 41712;

The currently specified test methods have limitations in that they do not specify an overall guide for integrating the various testing procedures, do not include a procedure for determining ammonia content, do not include a procedure for collecting propellant from aerosol products, and do not contain documentation of the overall accuracy and precision of the testing procedures;

The amendments will correct the limitations in the existing test methods by appropriately defining the steps to determine the percent VOC content, specifying a procedure for determining the ammonia content, establishing a procedure for collecting aerosol propellants, and defining the overall accuracy and precision of the method;

It is necessary to specify that the results of ARB Method 310 shall take precedence over product records, in cases where a conflict exists, in order to effectively enforce the regulations and ensure that a mechanism exists to resolve potential conflicts;

There exists adequate data to support the adoption of the amendments and the accuracy and precision of the incorporated test methods, and to establish that the amendments are both necessary and commercially and technologically feasible;

The amendments are necessary to attain state and federal ambient air quality standards, in that the amendments are needed to effectively enforce the regulatory standards specified in the antiperspirant and deodorant, consumer products, and aerosol coatings regulations;

The amendments are necessary to effectively enforce California’s State Implementation Plan (SIP) commitments, and achieve the emission reductions committed to in the SIP;

The amendments are commercially and technologically feasible;

Pursuant to the requirements of CEQA and Board regulations, the amendments approved herein will not result in any significant adverse impacts on the environment;

The economic and cost impacts of the amendments have been analyzed as required by California law, and the Initial Statement of Reasons for this regulatory action sets forth the conclusions that the amendments will not have any significant adverse economic or cost impacts on California business enterprises and individuals; and

The reporting requirements of the amendments which apply to businesses are necessary for the health, safety, and welfare of the people of the State.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Title 17, CCR, sections 94506, 94515, and 94526, as set forth in Attachment A hereto, and the adoption of the incorporated test method ("ARB Method 310"), as set forth in Attachment B.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachments A and B after making them 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 amendments to the Board for further consideration if he determines this is warranted after review of the comments.

BE IT FURTHER RESOLVED that, following approval of the amendments by the Office of Administrative Law, the Executive Officer is directed to submit the amendments to the U.S. EPA for inclusion in the California State Implementation Plan for Ozone (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 are approved as a SIP revision.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to provide a report to the Board in six months and annually thereafter for a minimum of three years; the report will cover the implementation of Method 310, and highlight any issues that may arise, such as the performance of the method.

I hereby certify that the above is a true and correct copy of Resolution 96-57, as adopted by the Air Resources Board.

_____ Pat Hutchens, Clerk of the Board

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Identification of Attachments to the Board Resolution

Attachment A: Proposed amendments to the test method sections of the Antiperspirant and Deodorant Regulation, the Consumer Products Regulation, and the Aerosol Coatings Regulation: sections 94506(a), 94515(a), and 94526, Title 17, California Code of Regulations, as approved by the Board.

Attachment B: Proposed new ARB Test Method 310, as approved by the Board.