



March 19, 2021

sent via electronic mail

Clerk's Office
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: Comments on Proposed Amendments to the California Consumer Products Regulation

Dear Members of the California Air Resources Board:

S. C. Johnson & Son, Inc. (SC Johnson) appreciates the opportunity to provide comments to the California Air Resources Board (CARB) on proposed amendments to the Consumer Products Regulation. As a consumer products manufacturer, we share CARB's goal of improving air quality for all California residents by reducing VOC emissions in a manner that is both technologically and commercially feasible, and we have been pleased to engage with the rulemaking staff throughout the process to develop and refine this significant rulemaking.

SC Johnson also greatly appreciates the open, transparent, and collaborative manner in which CARB staff has conducted this complex rulemaking, despite the logistical and other challenges posed by the pandemic, and we look forward to continued dialogue with the staff as the agency moves towards finalizing and implementing these regulatory amendments.

About SC Johnson

SC Johnson is a family company dedicated to innovative, high-quality products, excellence in the workplace and a long-term commitment to the environment and the communities in which it operates. Based in the United States, the company is one of the world's leading manufacturers of household cleaning products and products for home storage, air care, pest control and shoe care, as well as professional products. It markets such well-known brands as GLADE®, KIWI®, OFF!®, PLEDGE®, RAID®, SCRUBBING BUBBLES®, SHOUT®, WINDEX® and ZIPLOC® in the U.S. and beyond, with brands marketed outside the U.S. including AUTAN®, BAYGON®, BRISE®, KABIKILLER®, KLEAR®, MR MUSCLE® and RIDSECT®. The 135-year-old company, which generates \$10 billion in sales, employs approximately 13,000 people globally and sells products in virtually every country around the world.

Our views on several specific elements of the current proposed amendments are outlined below. We are also aligned with and support comments submitted by the Household

and Commercial Products Association (HCPA) and the Fragrance Creators Association (FCA). SC Johnson is an active member of both organizations.

Aerosol Crawling Bug Insecticide

Aerosol Crawling Bug Insecticide products play a critical role in helping consumers in California and across the country mitigate pests that are recognized by the U.S. Environmental Protection Agency (EPA) as “pests of significant public health importance,” particularly cockroaches that can spread asthma, allergy, and food contamination. As such, it is equally important that these products are able to meet the rigorous efficacy testing requirements of EPA’s product registration process, as well as registration by the California Department of Pesticide Regulation.

While we appreciate that CARB has amended its previous proposal to lower the current 15% VOC limit down to 6% in response to feasibility concerns, the new proposed VOC limit of 8% applicable on January 1, 2030 will still require significant reformulation to ensure optimal product efficacy and delivery of product to the target pest. While Liquified Petroleum Gas (LPG) propellants constitute the majority of VOCs in these products, these propellants in their liquid phase play an important role in the solvent phase of our water based emulsion formulas. They help to form the proper emulsion, which in turn aids in the delivery and efficacy of the active pesticidal ingredient necessary to control the target pest. Simply switching from one type of propellant to another, as suggested by CARB in its Initial Statement of Reasons (ISOR, page III-68), addresses only one part of the reformulation challenge. Additional research will have to be performed to ensure that a change in propellant to comply with a much lower VOC limit does not negatively impact emulsion formation, spray pattern and particle size in a way that compromises product efficacy.

SC Johnson is committed, however, to achieving this reduction and we look forward to keeping in touch with CARB staff to share progress toward meeting the significantly lower VOC limit proposed for this product category.

Additionally, because the proposed 8% VOC limit represents a significant reduction from the current 15% VOC limit, we would ask that CARB also provide a 0.25% fragrance exemption in 2031 for this product category. CARB’s consumer products survey data shows that the fragrance exemption was utilized by some reporting companies at the 15% VOC limit. Accordingly, we respectfully request CARB to allow a minimal amount of fragrance exemption for this category to give formulators added flexibility to comply with the reduced 8% by weight VOC limit without making changes to the formulation that could negatively affect product performance or efficacy.

Bed Bug Insecticide

SC Johnson supports the proposed definition for "Bed Bug Insecticide" and the proposed 15% by weight VOC limit for the aerosol form, as well as the proposed 20% by weight VOC limit

for all forms. We appreciate that CARB has clearly stated an effective date of January 1, 2030 for aerosol and “all forms” of Bed Bug Insecticide in the Table of Standards.

Dry Shampoo

SC Johnson can support the proposed two-tiered VOC limit for dry shampoo products of 55% by January 1, 2023 and 50% by January 1 2029, and the draft proposed definition included on page A-13 of the Proposed Regulation Order (excerpted below).

(36) “Dry Shampoo” means a product labeled to be applied to hair and massaged or brushed/combed through the hair for the purpose of cleaning the hair without needing to be rinsed.

Consistent with comments previously submitted by the Personal Care Products Council, we request that CARB add wording to the definition that recognizes the product’s ability to make a “volumizing” claim in addition to a cleansing claim. Because the purpose of dry shampoo is to remove oil from the hair, which results in making the hair fuller in body and volume, we believe it’s reasonable for CARB to affirmatively recognize that dry shampoos can make this claim.

Loss of the Two Percent Fragrance Exemption

CARB proposes to eliminate the Two Percent Fragrance Exemption by 2031, with a modified 0.25 percent fragrance exemption for select product categories, including general purpose cleaners and degreasers, air fresheners, disinfectants, and sanitizers. While SC Johnson appreciates that CARB has pushed the effective date for “sunsetting” the Two Percent Fragrance Exemption to 2031 and has called for retaining a modified exemption for a very limited number of product categories, we continue to have concerns about the impact of eliminating the exemption for almost all regulated consumer products.

As we and our industry partners have described, fragrance is an important component of many consumer products and serves multiple purposes – encouraging proper use of a product by the consumer (thus helping consumers to avoid over-use of a specific product); helping to mask base malodors; and enabling manufacturers to differentiate between products and brands in a highly competitive marketplace.

CARB recognized these functions when it established the exemption in 1990, explaining in a technical support document that the exemption was established “to allow manufacturers a de minimis level of these substances in various products such that the products may be marketed in an appealing manner to consumers.” As a result, the exemption has provided product manufacturers with much-needed flexibility to achieve VOC limits that have become increasingly more stringent over the past thirty years. Put simply, the exemption has become a familiar and critical tool in the formulator’s toolkit that has helped manufacturers bring

effective products to market that meet CARB VOC standards and consumers' expectations for product performance and a pleasant user experience.

The loss of the current Two Percent Fragrance Exemption will impact almost every product category regulated under Article 2 of the Consumer Product Regulations, triggering significant and costly reformulation efforts – even among product categories that will be allowed to retain a modest exemption level. Yet, CARB's own calculations show that doing away with the exemption will result in a relatively minor reduction in VOC emissions – only 0.3 TPD of additional VOC reductions to meet California's SIP commitment.

We are also concerned that among the stated benefits of eliminating the exemption is the consideration of "public health concerns." As discussed in more detail in comments filed by the Fragrance Creators Association, addressing concerns about the health effects of fragrance in consumer products in the context of a rulemaking project whose principal focus is to achieve VOC reductions necessary to attain state and federal ambient air quality standards seems very out of place. In the alternative, we would be pleased to participate in a separate and meaningful science-based discussion with CARB, its sister agencies, such as the Office of Environmental Health Hazard Assessment or the Department of Toxic Substances Control, and other interested stakeholders about the safety of fragrance ingredients used in consumer products.

For these and other reasons that have been ably described by the Household and Commercial Products Association and Fragrance Creators Association, we urge CARB to reconsider its proposal to "sunset" the Two Percent Fragrance Exemption.

If, however, CARB proceeds with plans to eliminate the exemption as of January 1, 2031, SC Johnson fully supports CARB's proposal to provide a much-needed 0.25% fragrance exemption for General Purpose Cleaners and Degreasers, Air Fresheners, Disinfectants, and Sanitizers to assist with reformulation concerns – specifically, product performance and customer acceptance. We appreciate that CARB is proposing to retain at least a small portion of the exemption for these product categories.

Product Label Definition / Web-Based Claims

SC Johnson supports CARB's decision to defer consideration of this issue for a future rulemaking. This is a complex matter and we look forward to continued engagement with CARB staff to determine a regulatory response that appropriately addresses the agency's concerns about excess VOC emissions and ensuring greater consistency between a manufacturer's product label and internet claims. Because of this issue's complexity, it's vital that the "solution" fits the "problem" that CARB seeks to resolve.

Conclusion

The proposed amendments to the Consumer Products Regulation represent significant progress toward balancing the goal of reducing VOC emissions from consumer products sold in California with the need to ensure that regulatory solutions are both technologically and commercially feasible. SC Johnson greatly appreciates CARB staff's willingness to work and engage with us and many other stakeholders to further refine these proposals, while at the same time working through the technological and logistical challenges posed by the ongoing pandemic. We look forward to continued engagement with CARB throughout the final stages of this rulemaking.

Please do not hesitate to contact me if you have any questions about issues addressed in these comments.

Respectfully submitted,



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