

AIR RESOURCES BOARD

**Addendum to the Final Statement of Reasons for Rulemaking**

THE ADOPTION OF PROPOSED AMENDMENTS TO THE CALIFORNIA  
CONSUMER PRODUCTS REGULATIONS

Public Hearing Date: November 18, 2010  
Agenda Item: 10-10-7  
Addendum Prepared: November 8, 2011

**Background**

On September 29, 2011, the Air Resources Board (ARB or Board) submitted the Final Statement of Reasons (FSOR) for The Adoption of Proposed Amendments to the California Consumer Products Regulations to the Office of Administrative Law (OAL) for its review and approval. In the course of its review, OAL identified several additional comments received during the 45-day comment period prior to the hearing that were not addressed in the Final Statement of Reasons. This Addendum is being submitted to OAL to respond to those comments.

**Inadvertently Omitted Written Comments.**

Beginning on page 9, Final Statement of Reasons, "Section IV: Summary of Comments Made During the 45-Day and 15-Day Comment Periods and Agency Responses; Part A.: Lists of Commenters; Subpart 1.: 45-Day Comments;" the following five Commenters are hereby added in their entirety to the list of Commenters submitting comments received during the initial 45-day public comment period.

Commenter Abbreviation	Commenter
Friedman	Debbie Friedman Written testimony: November 16, 2010
Harrod	Betsy Harrod Written testimony: November 16, 2010
Michelli	Nancy Michelli Written testimony: November 16, 2010
Reichard	Cynthia Reichard Written testimony: November 16, 2010
Unger	Arthur Unger Written testimony: November 12, 2010

Beginning on page 12 in "Part B. 45 Day Comments; Subpart 1. Support for the Proposed Amendments," the following four comments noted as **Comments B14a, b, c,**

and **d** are hereby added in their entirety to the list of Commenters submitting comments received during the initial 45-day public comment period.

**B-14a. Comment:** My 11 year old son has very serious asthma and other health issues. His asthma worsens from chemicals in many synthetic cleaning products. Many days he can barely breathe. Many of his young friends also have serious asthma problems. It was not like this when I was a child. Cancer rates in children are also on the rise. And we all know the seriousness to our kids' future if we don't take immediate action to slow down global warming. Please please, take action on these issues.

I strongly urge the California Air Resources Board to adopt the 2010 Consumer Products Regulation Amendments. These amendments would reduce smog-forming volatile organic compounds (VOCs) found in cleaning supplies and many other consumer goods.

They would also create product-specific bans of key ingredients with significant health or environmental concerns, including alkylphenol ethoxylates, perchloroethylene and chemicals with high potential to worsen global warming.

I encourage you to strongly regulate and reduce the harmful chemicals in consumer products. In doing so, we can set an important precedent in protecting the health of families and workers -- not only in our state but nationwide as well.

I appreciate the protections you have already put into place --thank you for taking air pollution and our health seriously! (Friedman)

**Agency Response:** At the November 18, 2010, hearing the Board approved staff's proposal with staff's suggested modifications. When fully effective, these amendments would reduce VOC emissions by 6.9 tons per day. In addition, co-benefits of this proposal would prevent potential exposure to carcinogens, minimize potential climate change impacts, and provide protection to aquatic organisms.

**B-14b. Comment:** I am a California supporter of the Environmental Working Group (EWG) who wants cleaner air. I urge the California Air Resources Board to adopt the 2010 Consumer Products Regulation Amendments. These amendments would reduce smog-forming volatile organic compounds (VOCs) found in cleaning supplies and many other consumer goods.

They would also create product-specific bans of key ingredients with significant health or environmental concerns, including alkylphenol ethoxylates, perchloroethylene and chemicals with high potential to worsen global warming.

I sincerely hope that you will include chemical fragrance in this amendment. I have been chemically injured by the overuse of chemical fragrance in my former workplace and now am pretty much sequestered to the inside of my house. The VOC's emitted by these chemicals wherever you go is astounding. The neighborhood air is fraught with

these chemicals venting from dryer vents making it impossible for me even go outside into my own yard.

I encourage you to strongly regulate and reduce the harmful chemicals in consumer products. In doing so, we can set an important precedent in protecting the health of families and workers -- not only in our state but nationwide as well.

I appreciate the protections you have already put into place --thank you for taking air pollution and our health seriously! (Michelli)

**Agency Response:** At the November 18, 2010, hearing the Board approved staff's proposal with staff's suggested modifications. When fully effective, these amendments would reduce VOC emissions by 6.9 tons per day. In addition, co-benefits of this proposal would prevent potential exposure to carcinogens, minimize potential climate change impacts, and provide protection to aquatic organisms.

The Commenter appears to suggest that the use of fragrances should be prohibited in consumer products and specifically mentions compounds emitted from dryer vents, which come primarily from fabric softener products. Fabric softener products are not among the products proposed for regulation as part of this rulemaking action. For those categories of consumer products that are subject to this rulemaking action, ARB is not prepared to prohibit the use of fragrances. While staff sympathizes with those individuals who suffer from chemical sensitivity, it would be a very significant policy decision to prohibit the use of all fragrances given their extremely wide use in many thousands of consumer products. The 45-day notice for this rulemaking action did not propose such a prohibition, and we do not believe that a reasonable member of the directly affected public could have determined from the notice that such a modification to the regulation could have resulted. ARB therefore declines to make the suggested modification.

**B-14c. Comment:** As a consumer and concerned citizen, I urge the California Air Resources Board to strengthen and adopt the 2010 Consumer Products Regulation Amendments. This would reduce the volatile organic compounds (VOCs) found in products such as multipurpose cleaning products, metal polishers, insecticides and window cleaners.

VOCs are toxic, smog-forming emissions that harm our health and contaminate our air. Everyone is vulnerable to the effects of these chemicals, which are emitted by products often used where we work and live, as well as where our children study and play.

One part vinegar and two parts water clean surfaces. Which cleaners produce global warming gases?

- Many children in our communities suffer from asthma, and the chemicals emitted by cleaning products at school only increase their chances of an attack or of developing asthma in the future.

- A recent study by the Journal of Occupational and Environmental Medicine found that 12 percent of work-related asthma cases are linked to the use of cleaning products.

- According to the National Institute for Occupational Safety and Health, teachers and janitors have the highest asthma rates in the working population.

I encourage you to strongly regulate and reduce the harmful chemicals in consumer products. In doing so, we can set an important precedent in protecting the health of families and workers—not only in our state, but nationwide as well. (Unger)

**Agency Response:** At the November 18, 2010, hearing the Board approved staff's proposal with staff's suggested modifications. When fully effective, these amendments would reduce VOC emissions by 6.9 tons per day. In addition, co-benefits of this proposal would prevent potential exposure to carcinogens, minimize potential climate change impacts, and provide protection to aquatic organisms.

To respond to the Commenter's question as to which cleaning products produce global warming gases, the Survey data do not indicate that compounds with high global warming potentials are used in the cleaning products being regulated as part of this rulemaking.

**B-14d. Comment:** As a consumer and concerned citizen, I urge the California Air Resources Board to strengthen and adopt the 2010 Consumer Products Regulation Amendments. This would reduce OR ELIMINATE the volatile organic compounds(VOCs) found in products such as multipurpose cleaning products, metal polishers, insecticides and window cleaners.

VOCs are toxic, smog-forming emissions that harm our health and contaminate our air. ALL OVER THE COUNTRY, THERE ARE TOXIC LAUNDRY PRODUCTS SPEWING OUT OF LAUNDRY DRYERS. My family uses and emits none of these products, but we are bombarded with them by breathing, every single day we drive or walk through towns and neighborhoods. Ridiculous that we have to have our senses, and body tissues, filled with synthetic fragrance and other toxic products. I can obtain NO safety data or reports from the manufacturers, or the federal government. Please prove that you have not been "bought out" by P&G, Johnson Products, Sun Products, etc., and take these products off of the market. Clothes can easily be cleaned with old fashioned Borax, washing soda, baking soda, and white vinegar.

- Many children in our communities suffer from asthma, and the chemicals emitted by cleaning products at school only increase their chances of an attack or of developing asthma in the future.

- A recent study by the Journal of Occupational and Environmental Medicine found that 12 percent of work-related asthma cases are linked to the use of cleaning products.

•According to the National Institute for Occupational Safety and Health, teachers and janitors have the highest asthma rates in the working population.

I encourage you to strongly regulate and reduce the harmful chemicals in consumer products. In doing so, we can set an important precedent in protecting the health of families and workers—not only in our state, but nationwide as well. (Harrod)

**Agency Response:** At the November 18, 2010, hearing the Board approved staff's proposal with staff's suggested modifications. When fully effective, these amendments would reduce VOC emissions by 6.9 tons per day. In addition, co-benefits of this proposal would prevent potential exposure to carcinogens, minimize potential climate change impacts, and provide protection to aquatic organisms.

The comments on regulation of laundry products are not directed at the proposed amendments. Laundry products such as detergents and fabric softeners are not being regulated as part of this rulemaking.

Beginning on page 52 in "Part B. 45 Day Comments; Subpart 4. Other Comments," the following comment noted as **Comment B-71** is hereby added in its entirety to the list of Commenters submitting comments received during the initial 45-day public comment period.

**B-71. Comment:** As a consumer and concerned citizen, I urge the California Air Resources Board to place reasonable requirements in place regarding consumer and environmental safety. As a person who works in the consumer product industry I have access to extensive safety data and scientific studies regarding these materials. At this point CARB has moved beyond meaningful limitations of these materials and has crossed into limiting the use of materials in a manner that often creates less efficacious products. That means that more product must be used to achieve the same result or the products themselves are less effective - less effective brake cleaners can lead to deaths! Addressing Automobiles, Transportation Vehicles, and out of control Forest Fires represent a much greater opportunity to reduce pollution!! At this point CARB is minimizing the use of natural materials that represent no environmental risk because of their VOC content which does not correlate to ozone depletion or smog creation. Please review the current program in place and adopt a more science based approach to this process!!! (Reichard)

**Agency Response:** Staff disagrees with this Commenter that the requirements are not reasonable. As set forth in the Staff Report , Chapter V, Table V-2, page V-37, complying marketshares exist in most categories. This means that products that already comply with the VOC limits are being sold into the California market and are accepted by consumers as efficacious. In those categories where the complying marketshare is low, ARB staff identified feasible technologies that ensure the VOC limits are commercially and technologically feasible. The comment related to Brake Cleaners is not directed at the proposed amendments. Brake cleaning products are not among the categories regulated for VOC content in this rulemaking.

Related to addressing other sources of pollution rather than consumer products, the Agency Response to Comment B-66 is incorporated herein. ARB has extensive programs in place to address emissions from mobile sources. ARB's air quality modeling demonstrates that controls are needed for all source categories to meet federal ozone standards.

Related to minimizing use of natural materials, ARB staff limits the total amount of VOCs products can contain in an effort to reduce ground level ozone concentrations. Manufacturers determine through their research and development efforts what types of materials to use in reformulating products to comply. There are no specific restrictions in place on use of natural materials. In fact, natural materials such as soybean derived methyl esters are available as a reformulation option.