

IV.

SUMMARY OF THE PROPOSED REGULATION

This chapter presents the plain English discussion of each section of the proposed regulation. Where applicable, key terms or concepts involved in each section are described. The discussion in this chapter is intended to satisfy the requirements of Government Code section 11343.2, which requires that a noncontrolling "plain English" summary of the regulation be made available to the public.

The proposed Hairspray Credit Program regulation will add new sections 94560-94574 to the existing consumer products regulations. Additionally, staff is proposing minor amendments to sections of the consumer products regulations (sections 94502, 94509, 94522, and 94548, on antiperspirants and deodorants, various categories of consumer products, aerosol coatings, and the Alternative Control Plan, respectively) to allow the use of credits as an alternative method to comply with the requirements specified in these sections. The discussion is organized by the following sections of the proposed regulation and ends with a brief description of the related amendments:

- C Purpose (section 94560)
- C Applicability (section 94561)
- C Definitions (section 94562)
- C Application Process to Request Hairspray Emission Reduction Credits (section 94563)
- C Protocol for Calculating Hairspray Emission Reduction Credits (section 94564)
- C Issuance of Hairspray Emission Reduction Credits (section 94565)
- C HERC Account Registry (section 94566)
- C Allowable Uses of Hairspray Emission Reduction Credits (section 94567)
- C Application Process for Use of Hairspray Emission Reduction Credits (section 94568)
- C Protocol for Calculation of Excess Emissions During a Delayed Compliance Period (section 94569)
- C Approval of Application for Use of Hairspray Emission Reduction Credits (section 94570)
- C Modification and Reconciliation of Account Balance for HERC Use (section 94571)
- C Recordkeeping and Availability of Requested Information (section 94572)
- C Violations (section 94573)
- C Federal Enforceability (section 94574)

A. PURPOSE (SECTION 94560)

Section 94560 states that the purpose of the Hairspray Credit Program is to provide a voluntary program to encourage and reward the manufacture of hairspray products that comply with the second-tier hairspray standard of 55 percent volatile organic compounds (VOC) before the June 1, 1999, effective date ("early compliance") and hairspray products with lower levels of VOC than required by the standard ("over compliance"). Participating responsible parties may qualify to be awarded Hairspray Emission Reduction Credits (HERCs or credits) which potentially have a positive economic value. A business may use the credits as an alternative method to comply with certain requirements of the existing consumer products regulations. It is important to emphasize that entry into the program is completely voluntary. Staff believes it is reasonable to assume that a business would only participate in the program if it would benefit the business to do so.

Section 94560 also states that the proposed program is intended to ensure that the credits awarded will represent verified emission reductions that are real, permanent, quantifiable, enforceable, and surplus. As such, when the credits are used, excess emissions are indeed being mitigated.

B. APPLICABILITY (SECTION 94561)

Section 94561 specifies that the requirements of the regulation will control all facets of the generation and use of credits and will apply to any person (this term includes businesses) who participates in the program. This section clarifies that only responsible parties for a hairspray product may be awarded credits for surplus VOC emission reductions from a hairspray product. However, a broader group, manufacturers of a wide variety of consumer products covered by ARB's consumer products regulations, may apply to use the credits.

C. DEFINITIONS (SECTION 94562)

There are over fourteen definitions which are specified in section 94562, most of which were established specifically for the proposed program. Many of the definitions are similar to definitions found in section 94542 of the Alternative Control Plan regulation, as the proposed program includes many concepts which originated with the Alternative Control Plan regulation. In addition, all other applicable definitions from the existing consumer products regulations are included by reference in the proposed regulation. Among the definitions in section 94562, several are critical to ensuring the effectiveness of the proposed regulation. The key definitions are discussed below:

Credit Generation Period: This term defines the time period, in days, during which the participating responsible party for a hairspray product will manufacture a hairspray product that will generate surplus emission reductions of VOC. The responsible party establishes the specific duration of the time period, and the date that it will begin and end. The responsible

party's ability to divide the credit generation period into installment periods for credit issuance is provided as a strategic planning tool. As the Executive Officer can not certify and issue credits until the emission reductions occur and are verified, a responsible party with a particularly urgent need for credits could establish a fairly short installment period (e.g., 90 or 120 days). The responsible party may request that credits be issued at the end of each installment period making up the credit generation period. For example, the responsible party may submit an application with a credit generation period of approximately 365 days and establish four installment periods, each covering the first, second, third and fourth quarters of a calendar year. If the application is approved by the Executive Officer, the responsible party will be issued credits in four quarterly installments instead of a single issue at the end of a 365 day period.

Additionally, any specified credit generation period may occur during one of two time periods: (1) between January 1, 1998, and May 31, 1999, or (2) between June 1, 1999, and January 1, 2005. Credits for early compliance with the 55 percent VOC standard may be awarded only if the credit generation period occurs between January 1, 1998, and May 31, 1999. Credits for over compliance with the hairspray standard may also be awarded for an early complying product if its VOC content is below 55 percent. Between June 1, 1999, and January 1, 2005, credit may only be awarded for an over complying product with a VOC content of less than 55 percent. As credits may be used up to five years after they are issued (in some cases, January 1, 2005, whichever is later), ending a credit generation period on or before January 1, 2005, ensures that credits will not be available after 2010. This preserves the commitment for emission reductions from consumer products made for 2010 under the State Implementation Plan for Ozone (see Chapter II, section 1.b.)

Delayed Compliance Period: This term defines the time period, in days, during which the participating responsible party will use the credits as an alternative method to comply with the applicable VOC standard for a consumer product. Upon Executive Officer approval of an application for credit use, the responsible party may manufacture, during the delayed compliance period, a consumer product that does not comply with its applicable standard. A delayed compliance period must end on or before January 1, 2010.

Documented Sales and Documented Sales Record: Documented sales means the total amount of applicable product manufactured during the applicable time period that was sold for use in California. Documented sales serves as one of the two primary factors for determining the emissions associated with the sales of a product (the other primary factor being the VOC content). Documented sales are determined through documented sales records.

Documented sales records means written records acceptable to the Executive Officer for the tracking and verification of the sales of a product. To be acceptable, there must be a satisfactory demonstration of the validity of the records. To minimize the impacts on existing product sales tracking systems, the term allows for the use of a variety of methods already in use by many manufacturers and marketers. Examples of acceptable types of records may

include, but are not limited to, direct sales receipts, compilations of market sales data provided by independent surveying services (e.g., Nielsen Marketing Research and Information Research, Inc.), and manufacturing records.

Reformulated or Reformulation: Reformulated or reformulation refers to a change made to the ingredients of a hairspray product that reduces its VOC content to 55 percent or lower. According to procedures and conditions contained in section 94564, Protocol for Calculating Hairspray Emission Reduction Credits, the date a product is manufactured for sale in California may affect the product's ability to generate emission reductions for credits. For example, a product would need to be manufactured for sale in California prior to June 1, 1999, to qualify for credits for early compliance with the hairspray standard; if that product's VOC content is less than 55 percent, it may qualify for additional credits because it also over complies with the hairspray standard. A product manufactured for sale after June 1, 1999, may qualify for credits, if the business expresses its intent to generate emission reductions for credits by submitting an application to the Executive Office prior to the credit generation period, and within six months of the product's initial date of manufacture for sale in California. It is important to note that no hairspray product will qualify for credits after January 1, 2005. This cut-off date ensures that no credits (which generally have a five-year life) are used after 2010, preserving commitments made for 2010 under the State Implementation Plan for Ozone (see Chapter II, section 1.b.).

Stock Keeping Unit: A stock keeping unit identifies a unique product. Manufacturers generally use a unique set of numbers or bar codes to mark individual product units of the same brand, formulation, net weight, and other distinguishing characteristics (e.g, color, scent or fragrance, or strength). The term stock keeping unit may be used to refer to either the marking placed on the unit or the product itself. The proposed program will allow the responsible party to specify that the hairspray product is an aggregate of one or more stock keeping units, provided all units comply with the hairspray standard. The responsible party may also aggregate stock keeping units as the applicable consumer product that is the subject of an application for credit use.

In the calculation of credits, the VOC content of the stock keeping units may be aggregated as a sales-weighted average or the highest VOC content; either of these two methods will ensure that VOC content is not underestimated. The primary purpose for allowing applicants to aggregate stock keeping units and VOC content is to minimize the number of applications, volume of information to be submitted, and the number of laboratory tests required to verify VOC content.

Responsible Party: This term means the company, firm, or establishment which is listed on a consumer product's label. If the label lists two entities, the responsible party is the one for which the product was "manufactured for" or "distributed by," as noted on the label. In other words, the responsible party controls the manufacture and sales of a consumer product, either directly or through a contract filler, marketer, or a distributor.

In the proposed program, only a responsible party for a hairspray product may apply to create credits. However, a responsible party for any consumer product may apply to use the credits. The responsible party applying to create or use credits is legally responsible for complying with the proposed program's requirements. Third parties may be involved in the application process and, consequently, have legal obligations under the program. For example, a contract filler providing product formulation data or an independent surveying company providing sales information must certify to the truth and accuracy of the information if the information is provided directly to the Executive Officer on behalf of the responsible party. If the third party provides information reviewed by, or submitted through, the responsible party, only the responsible party must make the certification.

Surplus: This term is used to describe a particular criterion that the emission reductions from the hairspray products must meet in order to qualify as credits. Such emission reductions must not have been required by the hairspray standards in the existing consumer products regulation. As the second-tier hairspray standard of 55 percent VOC is not effective until June 1, 1999, emission reductions from a product with a VOC content of 55 percent before this date (i.e., "early compliance") may qualify as credits. Emission reductions from a hairspray product with a VOC content less than 55 percent (i.e., "over compliance") before June 1, 1999, may also qualify as credits. After June 1, 1999, emission reductions from a hairspray product with less than 55 percent VOC may qualify for credits. Additionally, emission reductions must not be required by other air pollution regulations or plans. In other words, the emission reductions must be in excess of any reductions needed to meet an air pollution control requirement.

VOC Content: For the purposes of the proposed program, this term has the same meaning as it does in the existing consumer products regulations. There are slightly different definitions of VOC content for several consumer product categories; however, the general concept is the total weight of VOC in a product expressed as a percentage of product, excluding the weight of the container and packaging. VOC, volatile organic compound, is defined in the existing regulations as any compound containing at least one atom of carbon, excluding a list of specific compounds. (VOC is regulated as an air pollutant because in the air it participates in the formation of ozone which is known to cause adverse health impacts.)

The VOC content of a consumer product is generally determined through formulation data (i.e., the ingredients making up the product), or laboratory tests, or a combination of both methods. The existing consumer products regulations specify the methods that may be used to determine the VOC content of the various consumer product categories.

D. APPLICATION PROCESS TO REQUEST HAIRSPRAY EMISSION REDUCTION CREDITS (SECTION 94563)

The proposed regulation requires a participating responsible party to submit a two-part application to request Executive Officer approval of credits. Section 94563 specifies the

information required to be submitted in Parts One and Two of the application, the approval process and applicable time periods. The proposed regulation does not require an application fee.

One of the primary objectives of the two-part application process is to provide the applicant with early assurance from the Executive Officer that the emission reductions from the hairspray product are likely to qualify as credits. In Part One of the application process, the applicant is required to demonstrate, to the satisfaction of the Executive Officer, the validity of the accounting system that will be used to track product sales in California (i.e., the documented sales). This includes identification of the documented sales records. The Executive Officer's approval of Part One, which would also include approval of the VOC content established by formulation data of the product, gives the applicant assurance that the Executive Officer is likely to certify and issue credits to the applicant at the end of the credit generation period (or installment period, if applicable). After the end of the credit generation period (or installment period, if applicable), the applicant must submit the information required by Part Two of the application to verify the information provided in Part One, including information on the actual documented sales of the product, laboratory test results verifying its VOC content, and the applicant's own calculation of the quantity of credits, pursuant to section 94564, that have been generated. With verification of the emission reductions, the Executive Officer may then approve the application for credits and issue the credits in accordance with sections 94563 and 94565.

The proposed program generally requires the responsible party to submit Part One of the application prior to the credit generation period. However, as the proposed program is scheduled to be considered by the ARB at its November 1997 hearing and credit generation may begin on January 1, 1998, the proposed program provides additional time to businesses to prepare applications in the early days of the Hairspray Credit Program. In the early part of the proposed program, applications may be submitted prior to the mid-point of the credit generation period. After an application is submitted, the Executive Officer must determine whether it is complete within 30 days. After the application is deemed complete, the Executive Officer has 45 days to inform the applicant whether Part One of the application, including submitted methodologies and VOC content, is approved. During the credit generation period, the ARB plans to take random samples of retail units of the applicable hairspray product and perform laboratory tests for VOC content.

The applicant is to submit the information required by Part Two of the application after the end of the credit generation period (or the installment period, if applicable). To provide the applicant with flexibility for establishing sales information, there is no time limit for the submittal of Part Two. The Executive Officer has 30 days to determine whether the submittal is complete. After determining that the Part Two application is complete, the Executive Officer, has 90 days to make a decision. The review period for Part Two is 90 days, compared to the 45 days allowed for Part One, because staff will need the additional time to review and verify the submitted information. The Executive Officer and the applicant

may agree to longer time periods than specified.

E. PROTOCOL FOR CALCULATING HAIRSPRAY EMISSION REDUCTION CREDITS (SECTION 94564)

Section 94564 describes how credits will be calculated. This section provides a protocol for calculating the credits consisting of an equation, which incorporate three factors, and a set of conditions affecting the calculations.

The equation in section 94564 shall be used to calculate credits, expressed to the nearest pound of surplus VOC emission reductions, for both early compliance and over compliance with the 55 percent VOC hairspray standard. The three factors needed to perform the calculation are (1) the documented sales of the hairspray product, (2) its VOC content, and (3) a baseline VOC content which is the lower of the VOC content of the hairspray product before its reformulation, if applicable, or the applicable VOC standard for the hairspray category (80 percent for early compliance; 55 percent for over compliance). Parts One and Two of the application provide the necessary information for the first three factors.

The protocol includes conditions affecting the calculation of credits to ensure that the information provided by the applicant has been verified and that the credits represent excess emission reductions. For example, the VOC content of the applicable hairspray that was reported in the application must be verified by formulation data and laboratory test results. The conditions also specify the circumstances that a product must meet to qualify for credits for over compliance with the 55 percent hairspray standard after June 1, 1999. For example, an application for credits for a product reformulated after June 1, 1999, must be submitted to the Executive Officer prior to the credit generation period and within six months of the product's initial manufacture for sale in California.

F. ISSUANCE OF HAIRSPRAY EMISSION REDUCTION CREDITS (SECTION 94565)

Within 90 days of deeming Part Two of the application complete, the Executive Officer is required to make a decision regarding the application to request credits. Section 94565 specifies that the Executive Officer must be satisfied that the application provides sufficient information to verify that surplus emission reductions have been generated. If the Executive Officer approves the application, the credits will be issued by means of an Executive Order. The Executive Order may specify certain certifications and requirements for the credits, including (1) the credits are surplus to any emission reductions required by existing requirements in the State Implementation Plan, and (2) the expiration date of the credits. The credits are assigned an expiration date that is five years after the date the Executive Order is issued, or January 1, 2005, whichever is later. The credits may not be used after their expiration date. Additionally, the proposed program only allows the use of credits until January 1, 2010.

G. HERC ACCOUNT REGISTRY (SECTION 94566)

Section 94566 describes the HERC Registry which is maintained by the Executive Officer. The HERC Registry constitutes the official record of all the credits generated through the program, including the information on the account holder, quantity of credits, the credit generation period, and the credits' expiration date. Transactions involving the credits, which in most cases require Executive Officer approval, are not official until they are recorded in the registry. Section 94566 also lists the circumstances upon which the Executive Officer will amend the registry and specifies the process persons must follow to transfer credits. Information contained in the registry is available to the public upon request, except for information that is confidential pursuant to sections 91000-912022 (Disclosure of Public Records), Title 17, California Code of Regulations.

H. ALLOWABLE USES OF HAIRSPRAY EMISSION REDUCTION CREDITS (SECTION 94567)

Section 94567 lists the four allowable uses of the credits:

- C The credits may be used to obtain additional time (i.e., a delayed compliance period) for a product to comply with an applicable VOC standard set forth by the existing consumer products regulations. This use may be viewed as an alternative compliance method, although for a limited time period ending prior to January 1, 2010. The product must have been manufactured for sale in California for at least twelve months prior to the submittal of an application. This is to discourage the introduction of a product not complying with an applicable VOC standard effective within twelve months.
- C The credits may be used to mitigate excess emissions resulting from the granting of a variance from the hairspray VOC standard.
- C The credits may be used to reconcile any shortfalls (i.e., excess emissions) occurring during a compliance period for an Alternative Control Plan approved by the Executive Officer.
- C The credits may be retired to provide an environmental benefit.

The first three types of uses require the account holder to submit an application for credit use to the Executive Officer for approval pursuant to section 94568. To retire credits, an account holder merely needs to submit a written request to the Executive Officer.

Section 94567 specifies that the use of credits shall not result in an increase in emissions of a toxic air contaminant (TAC) as defined in Health and Safety Code section 39657(b).

I. APPLICATION PROCESS FOR USE OF HAIRSPRAY EMISSION REDUCTION CREDITS (SECTION 94568)

Section 94568 specifies the application requirements for credit use, the approval process and applicable time periods. The proposed regulation does not require an application fee. An application to use credits to obtain additional time for a product to comply with an applicable VOC standard is required to include the following: (1) information on the product, including formulation data and VOC content, and projected excess emissions, (2) information on the credits that will be provided, (3) the methodology for determining documented sales and documented sales records, and past documented sales, and (4) the duration of the delayed compliance period (in days), including the dates on which the period will begin and end. The information requirement for the other uses of credit primarily require identification of the account holder and information on the credits that will be provided.

The responsible party must submit an application and obtain approval of the application prior to the date the desired delayed compliance period is to begin. The applicant should take into consideration that the application review and approval process may take approximately 120 days. The Executive Officer must determine whether the application is complete within 30 days. After the application is deemed complete, the Executive Officer has 90 days to inform the applicant on whether the application for use is approved. The Executive Officer's approval of the application will be made through an Executive Order. During and after the delayed compliance period, the applicant may have certain information submittal requirements and an obligation to reconcile the credit account balance pursuant to section 94571(b). The Executive Officer and the applicant may agree to longer time periods than specified.

J. PROTOCOL FOR CALCULATION OF EXCESS EMISSIONS DURING A DELAYED COMPLIANCE PERIOD (SECTION 94569)

Section 94569 specifies the protocol for calculating the excess emissions that will occur as a result of a delayed compliance period, providing additional time, for a product to comply with an applicable standard. (The responsible party for the product is required to provide sufficient credits to mitigate the excess emissions.) The protocol consists of two equations for calculating projected excess emissions and actual excess emissions. Factors needed to make the calculations include the VOC content of the product, its applicable standard, the projected sales, and the actual documented sales. The first three factors, which must be provided in the application for credit use, will allow the calculation of projected excess emissions. As actual documented sales information will not be available until after the end of the delayed compliance and it is necessary for calculating actual excess emissions, the responsible party will provide these data to the Executive Officer at a later date as specified in section 94571.

The VOC standards for antiperspirants and deodorants are specified as high volatility

organic compound (HVOC) and medium volatility organic compound (MVOC). For the

proposed program, HVOC and MVOC are treated the same as the other VOCs. Credits may be used to mitigate excess emissions of VOC, HVOC, and MVOC.

K. APPROVAL OF APPLICATION FOR USE OF HAIRSPRAY EMISSION REDUCTION CREDITS (SECTION 94570)

Section 94570 specifies that the Executive Officer will approve an application for use of credits by means of an Executive Order and that the order shall make certain determinations including approval of the methodology for determining documented sales, and the product's specified VOC content. The Executive Officer is also required to place certain conditions in the order, including requirements specified in section 94571 for the responsible party to submit documented sales data, a calculation of actual excess emissions within 120 days after the delayed compliance period, and a requirement to reconcile any negative balance in the credit account within 180 days after the end of the delayed compliance period. Where the delayed compliance is greater than 365 days, certain requirements must be met in accordance with a schedule specified in the Executive Order.

L. MODIFICATION AND RECONCILIATION OF ACCOUNT BALANCE FOR HERC USE (SECTION 94571)

Section 94571 specifies that the Executive Officer will modify the applicant's credit account upon approving the application for the use of credits and to correct for any difference between projected excess emissions and actual excess emissions determined after the end of the delayed compliance period. The proposed regulation also requires that the responsible party submit documented sales data and a calculation of actual excess emissions to the Executive Officer within 120 days after the end of the delayed compliance period, or in accordance with a schedule specified in the Executive Order. Within 180 days after the end of the delayed compliance period, the responsible party is required to reconcile any negative balance remaining in its credit account after the Executive Officer has corrected the account balance for the difference in the projected and actual excess emissions. Where the delayed compliance is greater than 365 days, the responsible party is required to submit certain information and reconcile any negative balance in accordance with a schedule specified in the Executive Order.

M. RECORDKEEPING AND AVAILABILITY OF REQUESTED INFORMATION (SECTION 94572)

Section 94572 stipulates that all information specified in the Executive Order approving an application to request credits and an application to use credits is to be maintained for a minimum of five years after the date the Executive Order is issued or after the records are generated, whichever is later. Furthermore, such records are to be made available to the Executive Officer (or an authorized representative) immediately upon request during an on-site visit to the responsible party; within seven days of a written request from the

Executive Officer; or within a time period agreed upon by the Executive Officer and the responsible party.

N. VIOLATIONS (SECTION 94573)

The California Legislature has specified civil and criminal penalties that apply to any person who violates any ARB regulation, including the proposed regulation. The penalties that will apply to violations of the proposed regulation are set forth in sections 42400 to 42403 of the Health and Safety Code. These code sections provide that a "violation" of an ARB regulation is subject to civil and criminal penalties of \$1,000 to \$50,000 per violation, with the applicable monetary amount depending on the severity of the violation and various other specified criteria. Penalties are also applicable to a violation of any "order" issued by the ARB, such as an Executive Order which approves an application to use credits and establishes conditions for enforcing requirements of the regulation. For the purpose of determining appropriate penalties, the staff is proposing to clarify and interpret the language in the Health and Safety Code by describing the various actions that will constitute "violations" of the proposed regulation. The proposed section 94573 was modeled after the similar "Violations" section of the Alternative Control Plan Regulation (section 94546, Title 17, California Code of Regulations).

Consistent with the Health and Safety Code, staff is proposing that an exceedance of the specified volatile organic compound (VOC) limit applicable to a product participating in the proposed program (as specified in an Executive Order) would result in a single, separate violation for each product unit which exceeds the VOC limit specified in the applicable Executive Order issued under the program. If a manufacturer of a particular consumer product is authorized to use credits to delay compliance with, for example, a 50 percent VOC standard for that product, the Executive Order will specify that the product can contain a higher VOC level, for example, 60 percent VOC. If the product instead contains more than 60 percent VOC, this would be a violation of the specified VOC limit. Additionally, a responsible party's failure to provide documented sales information within 120 days after the end of a delayed compliance period as specified in the Executive Order would result in a single, separate violation for each day after the applicable deadline until the requirement is satisfied.

In addition to proposing the language addressing violations of the conditions and requirements of an Executive Order, staff is proposing language that addresses reporting of information. Examples include false reporting of data submitted with an application and falsification of documented sales information required to be submitted after the end of a delayed compliance period. In cases involving the false reporting of information contained in an application to request credits or to use credits, staff is proposing language that would make every day of the credit generation period, or each day of the time period the credits are to be used, as applicable, constitute a single, separate violation. Staff is also proposing language that would make each instance of false reporting of any information submitted to satisfy a

requirement for documented sales constitute a single, separate violation for each day of the delayed compliance period.

In section 94571, the proposed regulation provides for a reconciliation of the projected excess emissions in an application to use credits and the actual excess emissions which are determined with documented sales data required to be submitted within 120 days after the end of the delayed compliance period. The occurrence of a negative balance in the responsible party's credit account, after the Executive Officer has corrected the account for any difference between the projected and actual excess emissions, constitutes a single, separate violation for each day of the delayed compliance period, unless the responsible party elects to calculate the number of violations using an alternative method provided in subsection (f) of this section. If the alternative method is used, the number of violations will be established by subtracting the number of days of the delayed compliance covered by the credits from the total number of days in the delayed compliance period. Additionally, the responsible party's failure to provide the credits needed to reconcile any negative balance in the credit account within 180 days after the end of the delayed compliance period (or the schedule specified in the Executive Order for a delayed compliance period greater than 365 days) constitutes a single, separate violation for each day after the applicable deadline until the requirement is satisfied.

The proposed language also clarifies the date on which the applicable three-year statute of limitations begins to run (Code of Civil Procedure, section 338(k)). The statute begins to run on the date(s) when the records establishing a violation are received by the Executive Officer.

Finally, staff is proposing language which makes the responsible party fully liable for complying with the requirements of the regulation. This provision is necessary since many participating parties are likely to contract with independent market surveying services to provide data to the ARB. These arrangements make it necessary to make one party, the responsible party, fully liable for ensuring that accurate and timely data are provided to the ARB as required by the regulation.

O. FEDERAL ENFORCEABILITY (SECTION 94574)

The proposed language in section 94570 is based on equivalent language in the existing consumer products regulations (see sections 94506.5, 94517, 94528, and 94554, Title 17, California Code of Regulations). The proposed language is intended to clarify that the U.S. EPA is not bound by any approval determinations made by the Executive Officer under the Hairspray Credit Program, unless such determinations have been submitted to and approved by the U.S. EPA as an amendment to the State Implementation Plan (SIP).

P. RELATED AMENDMENTS

Staff is proposing minor amendments to sections 94502, 94509, 94522, and 94548 of the existing California Consumer Products Regulations to allow the use of hairspray emission reduction credits as an alternative method to comply with the requirements specified in these sections. Section 94502 specifies standards for antiperspirants and deodorants. Section 94509 specifies standards for consumer products. Section 94522 specifies standards for aerosol coating products. Section 94548 provides for the reconciliation of a shortfall in an Alternative Compliance Plan.