

## **Updated Informative Digest**

### **AMENDMENTS TO THE CALIFORNIA CONSUMER PRODUCTS REGULATION**

Sections Affected: Amendments were made to sections 94508, 94509, 94510, 94512, 94513, and 94514, title 17, California Code of Regulations (CCR).

#### **Background**

Section 41712 of the California Health and Safety Code requires the ARB to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds (VOCs) emitted by consumer products. As part of the regulatory process, the ARB must determine that adequate data exist for it to adopt the regulations. The ARB must also determine that the regulations are technologically and commercially feasible, and necessary to carry out the Board's responsibilities under Division 26 of the Health and Safety Code. In addition, Health and Safety Code section 41712(c) provides that no regulation shall be adopted which requires the elimination of a product form.

Pursuant to Health and Safety Code section 41712, the Board has approved the California Consumer Products Regulation; sections 94507-94517, title 17, CCR, which was adopted by the Board in two phases. Phase I was approved on October 11, 1990, and Phase II was approved on January 9, 1992.

On November 15, 1994, the ARB adopted the California State Implementation Plan for Ozone (SIP). The SIP serves as California's overall plan for attaining the federal ambient air quality standard for ozone. Achieving significant VOC reductions from consumer products is a key element of the SIP. The consumer products element of the SIP is comprised of Near-term, Mid-term, and Long-term measures. The Near-term measures are comprised of the existing Consumer Products Regulation (and other ARB regulations relating to consumer products), while the Mid-term measures are intended to achieve additional emission reductions through regulation of additional product categories. The proposed regulatory action is designed to meet the performance standard specified in the SIP for Mid-term measures.

#### **Description of the Regulatory Action**

This regulatory action amends the existing ("Phase I and II") Consumer Products Regulation by adding product category definitions and VOC standards for 18 additional consumer product categories ("Phase III"). The VOC standards become effective on various dates from the year 2001 to 2005. The regulatory action also includes labeling requirements and standards for manufacturers of non-aerosol floor wax strippers. In addition, reporting requirements were added to track manufacturers' progress in attaining some of the Phase III standards, and to track any increased use of perchloroethylene and methylene chloride. The other provisions of the

existing Consumer Products Regulation apply to the new Phase III categories as well as the existing Phase I and II product categories. Similarly, the provisions of the Alternative Control Plan regulation apply to both the new Phase III and the existing product categories.

The regulatory action will achieve VOC emission reductions of approximately 15.3 tons per day. This represents an overall emission reduction of 50 percent from the categories proposed for regulation, and will assist the ARB in meeting its SIP commitments.

### **Comparable Federal Regulations**

The U.S. EPA has published a proposed rule, National Volatile Organic Compound Emission Standards for Consumer Products, which appeared in the April 2, 1996, Federal Register (Vol. 61, No. 64, pages 14531-14543). The proposed rule specifies VOC standards for consumer product categories, and is similar to the ARB's consumer products regulation. However, differences exist between the ARB's regulation and the U.S. EPA's proposed rule; following is a brief description of the more significant of these differences. The U.S. EPA's proposed rule applies nationwide to consumer product manufacturers, importers and distributors (but not retailers), while the ARB regulation applies to any person (including retailers) who "sells, supplies, offers for sale, or manufactures consumer products for use in the State of California." The U.S. EPA's proposed rule does not regulate several product categories which are currently regulated under the ARB regulation, and does not regulate any of the 18 Phase III product categories. All of the VOC standards in the U.S. EPA's proposed rule have a standard effective date of September 1, 1996, whereas the VOC standards in the ARB regulation and the proposed Phase III amendments are phased in on various dates from 1993 to 2005. Finally, the U.S. EPA's proposed rule has an unlimited "sell-through" period for non-complying products manufactured before the effective date of the standards, whereas California law allows a three year sell-through period.