

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER G-03-065

Relating to the Adoption of Amendments to the Tables of  
Maximum Incremental Reactivity (MIR) Values, section 94700,  
Title 17, California Code of Regulations

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (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, at its June 22, 2000 public hearing, the Board approved the Regulation for Reducing the Ozone Formed from Aerosol Coating Products (the "Aerosol Coatings Products Regulation;" title 17, California Code of Regulations (CCR), sections 94520-94528), which establishes VOC reactivity limits for 36 categories of aerosol coatings;

WHEREAS, at its June 22, 2000, public hearing, the Board also approved Tables of Maximum Incremental Reactivity (MIR) Values, which are contained in sections 94700 and 94701, title 17, CCR;

WHEREAS, in Resolution 00-22, which approved the June 22, 2000 rulemaking action, the Board directed the Executive Officer to review the MIR values 18 months after the effective date of amendments and every 18 months thereafter to determine if modifications to the MIR values are warranted;

WHEREAS, since any changes to the MIR values would be technical in nature, in Resolution 00-22 the Board also delegated to the Executive Officer the authority to adopt regulatory amendments to the Tables of MIR Values, and to conduct public hearings and take other appropriate actions to make such amendments;

WHEREAS, the delegation of authority contained in Resolution 00-22 allows the Executive Officer (or her delegate) to conduct these activities on behalf of the Board, as authorized by sections 39515, 39516, 39600, and 39601 of the Health and Safety Code;

WHEREAS, the Executive Officer has delegated to the Chief of the Research Division (Hearing Officer) the authority to conduct a public hearing to consider amendments to the Tables of MIR Values;

WHEREAS, section 94700, title 17, CCR, contains the MIR values for individual reactive organic compounds, while section 94701 contains the MIR values for 24 different classes of hydrocarbon solvents;

WHEREAS, the existing Tables of MIR Values are based on the scientific work of Dr. William Carter at the University of California, Riverside;

WHEREAS, staff has reviewed the updated MIR values for individual compounds or mixtures provided by Dr. Carter, and determined that amendments to section 94700 are necessary;

WHEREAS, staff has proposed amendments to section 94700, title 17, CCR, to add 102 new compounds with their associated MIR values and to amend the MIR values for 14 compounds whose MIR values have changed significantly;

WHEREAS, staff has also proposed to remove 1,3-diethyl-5-pentyl cyclohexane from section 94700, since it was inadvertently listed in the existing Tables of MIR Values;

WHEREAS, staff has reviewed the MIR values for the 24 classes of hydrocarbon solvents contained in section 94701, title 17, CCR and finds that no changes to the MIR values for the hydrocarbon solvents are necessary;

WHEREAS, in accordance with section 57004 of the Health and Safety Code, an external scientific peer review of the scientific basis for the proposed amendments has been conducted and approved by the Reactivity Scientific Advisory Committee;

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 to reduce or eliminate such impacts;

WHEREAS, on December 3, 2003, the Hearing Officer conducted a public hearing to consider the adoption of the proposed amendments to section 94700, title 17, CCR;

WHEREAS, the December 3, 2003 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, following the December 3, 2003 public hearing, the Hearing Officer prepared a Hearing Officer's Report containing his findings, conclusions, and recommendations; the Hearing Officer's Report recommends that the Executive Officer adopt the amendments proposed by staff;

WHEREAS, the Executive Officer has reviewed the Hearing Officer's Report concerning the proposed amendments to section 94700, title 17, CCR, and hereby adopts as her own the findings, conclusions, and recommendations of the Hearing Officer;

WHEREAS, the Executive Officer further finds that:

Recent chemical information used to calculate the MIR scale supports the need for updating the Tables of MIR Values and the adoption of the amendments;

The proposed amendments will provide flexibility to aerosol coating manufacturers by providing more reformulation options at potentially less cost, and will not result in the elimination of a product form;

The economic impacts of the proposed amendments have been analyzed as required by California law, and the conclusions and supporting documentation for this analysis are set forth in the ISOR;

Adequate data exist to support the adoption of the proposed amendments, and to establish that the amendments are necessary, and are technologically and commercially feasible;

The ARB has determined, pursuant to the requirements of CEQA and the Board's regulations, that this regulatory action will not result in any significant adverse impacts on the environment;

No reasonable alternative considered by the ARB, or that has otherwise been identified and brought to the attention of the ARB, would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action;

NOW, THEREFORE, IT IS ORDERED that the Executive Officer, pursuant to a delegation of authority by the Board, hereby adopts the amendments to section 94700, title 17, CCR, as set forth in Attachment A hereto.

Executed this \_\_\_\_\_ day of April 2004, at Sacramento, California.

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Catherine Witherspoon  
Executive Officer

Attachment