

**State of California
AIR RESOURCES BOARD**

Summary of Board Meeting
May 25, 2006

California Air Resources Board
Byron Sher Auditorium, 2nd Floor
1001 I Street
Sacramento, California

MEMBERS PRESENT: Robert F. Sawyer, Ph.D., Chairman
Sandra Berg
Doreen D'Adamo
Mark J. DeSaulnier
Henry Gong Jr., M.D.
Lydia H. Kennard
Barbara Patrick
Barbara Riordan
Ron Roberts

AGENDA ITEM #

**06-5-1: Health Update: Staff Actions to Address Indoor Ozone
Generators Sold as Air Purifiers**

SUMMARY OF AGENDA ITEM:

Staff updated the board on activities to address the growing problem of ozone generators. These so-called "air purifiers" purposely emit substantial amounts of ozone. Recent testing of four models showed that all four can produce ozone concentrations above the state one-hour standard of 90 parts per billion (ppb) and the Food and Drug Administration (FDA) standard of 50 ppb for medical devices. Staff is continuing its public education and outreach efforts, is encouraging federal agencies to take action, and will continue participation in industry efforts to revise the Underwriters Laboratory's test standard for ozone emissions from air cleaners.

Board members asked several questions of staff including the basis of FDA's standard? (unknown), why is there so much demand for these devices? (public concern about indoor air pollution), requirements for product labeling? (none except for medical

devices), the applicability of Proposition 65? (does not apply), whether fragrance compounds in some of these devices can be regulated as a consumer product? (staff will look into), and future testing plans? (staff hopes to conduct more soon).

ORAL TESTIMONY:

Wayne Morris, Association of Home Appliance Manufacturers
Bonnie Holmes-Gen, American Lung Association of California

FORMAL BOARD ACTION: None (Informational Item)

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: Yes

06-5-2: Public Hearing to Consider Amendments to the Airborne Toxic Control Measure (ATCM) for Perchloroethylene Dry Cleaning Operations

SUMMARY OF AGENDA ITEM:

Staff presented risk-based amendments to the ATCM for emissions of perchloroethylene (perc) from dry cleaning operations that would have substantially reduced but not eliminated perc in dry cleaning operations. The basis for the staff's proposal was a program evaluation conducted between 2003 and 2005 which found that although statewide perc emissions have declined 70% due to prior regulations, there are still residual hotspots of perc emissions that pose an unacceptable risk to public health.

Testimony on staff's proposal was split. Dry cleaning companies that use perc today testified in support of the staff's approach, though expressed concern about its cost. Companies that have already shifted to other dry cleaning systems (water-based, hydrocarbon-based, silicone or carbon dioxide) testified about their positive and negative experiences. Environmental groups and some of the local air districts pressed for an outright ban on perc based on the clear availability of alternatives and the toxicity of perc to human beings in any quantity. One environmental group further stated that larger forces were already causing perc to be phased out of the economy (water contamination risks, liability and lease agreements) and the board should align itself with that trend.

ORAL TESTIMONY:

Sushma Dhulipala, SF Department of Environment
Frank Choy, National Cleaners Association
Jack Alquist, Guild Cleaners, Inc.
Jennifer Douglas, Prestige Cleaners
Hans Kim, Natures Best Cleaners
Kwon Taekook, Fashion Cleaners
Paul Choe, Korean Dry Cleaners & Laundry Association
Daniel Jussicha, Ontario Cleaners
Yasuji Hiroi, Natures Best Cleaners
Lisa Tsan, Fay Cleaners
Lawrence Lee, OK Cleaners
Sung Park, Natures Best Cleaners
Rudie Smit, Meile Professional
Steve Depper, Dutch Girl Cleaners
Lawrence Lim, Korean Dry Cleaners Association, Northern CA
Thomas Son, Korean Dry Cleaners Association, Northern CA
Sang Cho
Sam Lee
Elaine Chang, South Coast Air Quality Management District
Jill Whynot, South Coast Air Quality Management District
Tim Carmichael, Coalition for Clean Air
Bonnie Holmes-Gen, American Lung Association
Betsy Reifsnider, Relational Culture Institute
Luis Cabrales, Residents of Pico Rivera for Environmental Justice
Peter Sinsheimer, Occidental College
Zion Orpaz, G.S.L.S.
Timothy Malloy, UCLA School of Law
David Dawson, Textile Care Allied Trades Association
Sandra Giarde, California Cleaners Association
Steve Risotto, Halogenated Solvent Industry Alliance, Inc.
Lynnette Watterson, California Cleaners Association
Robert Smerling, Brentwood Royal Cleaners, Inc.
Doug Shinn, Korean Dry Cleaners Association Northern CA
Katy Wolf, Institute for Research and Technical Assistance
Robert Blackburn, Rynex
Bill McGavern, Sierra Club CA
Eskil Eriksson, EEC All Ltd

FORMAL BOARD ACTION:

After careful consideration of the staff proposal and public testimony, the board directed staff to go back to the drawing board. Specifically, the Board directed staff to prepare rule amendments that would completely phase-out perc by some date in the future.

In crafting such rule language, the Board further directed staff to make every effort to minimize adverse impacts on small businesses. The Board discussed but chose not to opine on whether any of the various alternatives to perc should be constrained because they may result in precursor emission increases (e.g., hydrocarbon systems) or have potentially toxic effects of their own (e.g., silicone-based systems).

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

06-5-3: Public Hearing to Consider the Proposed Adoption of a Test Procedure for Pressure/Vacuum Vent Valves and Proposed Amendments to the Regulations for Certification of Vapor Recovery Systems at Gasoline Dispensing Facilities (Service Stations)

SUMMARY OF AGENDA ITEM:

Staff proposed several technical amendments to vapor recovery certification and test procedures. Specifically, staff revised specifications for Pressure/Vacuum vent valves; clarified the certification process for new, modified and renewed systems and components; and adjusted implementation dates to conform to administrative actions. Staff also proposed including the State Water Resources Control Board in the certification process to ensure certified vapor recovery systems meet the requirements of both agencies. Finally, staff proposed a new test procedure, "Vapor Recovery Test Procedure for Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves" (TP-201.1E CERT).

ORAL TESTIMONY:

Steven Arita, Western States Petroleum Association
Jay McKeeman, California Independent Oil Marketers Association

FORMAL BOARD ACTION:

The Board unanimously adopted Resolution 06-17 adopting the proposed amendments and test procedures.

RESPONSIBLE DIVISION: Monitor Laboratory Division

STAFF REPORT: Yes

06-5-4: Public Hearing to Consider New Emission Standards, Fleet Requirements, and Test Procedures for Forklifts and Other Industrial Equipment

SUMMARY OF AGENDA ITEM:

In 1998, ARB adopted emission standards for large spark ignition (LSI) used in off-road equipment including forklifts, airport ground support equipment and sweeper/scrubbers. The standards took full effect in 2004. Subsequently, the U.S. Environmental Protection Agency (U.S. EPA) harmonized with California and adopted even more stringent standards for 2007 and later model years. At the May hearing, staff proposed to align with the federal rule and set more stringent emissions standard for 2010 and later model years.

There were three elements to staff's proposal. The first element was the engine certification standards and test procedures for manufacturers. The second element concerned verification procedures for aftermarket emission control device manufacturers. The third element established in-use fleet average requirements for equipment operators. These progressively more stringent fleet average requirements encourage retrofits and the procurement of zero- and near-zero-emission equipment. At the hearing, staff presented additional refinements to its noticed proposal, including:

- Deletion of the 30 percent electric requirement for airport ground support equipment (GSE) because airlines have already met that requirement.
- Permitting the use of on-road equivalent GSE in the fleet average.
- Allowing design-based certification for the evaporative emissions requirement.
- Restoring inadvertently omitted test procedure language.

ORAL TESTIMONY:

Roger Gault, Engine Manufacturers Association
Gary Cross, Industrial Truck Association
Karen Hay, IMPCO Technologies
Roger Isom, California Cotton Ginners and Growers Assn.
Tim Pohle, Air Transport Association of America
Robert Schlingman, United Airlines
Randy Friedman, United States Navy
Joe Kubsh, Manufacturers of Emission Controls Assn.
Kevin Brown, Engine Control Systems

FORMAL BOARD ACTION:

The Board unanimously adopted Resolution 06-11 approving the staff's proposal with suggested modifications. All modifications to the originally-noticed proposal will be made available to the public for review and comment for 15 days in a Notice of Public Availability of Modified Text. The Executive Officer will consider any comments received during this period prior to finalizing the regulation.

RESPONSIBLE DIVISION: Mobile Source Control Division

STAFF REPORT: Yes