# TITLE 17. CALIFORNIA AIR RESOURCES BOARD

## NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ANTIPERSPIRANTS AND DEODORANTS REGULATION; CONSUMER PRODUCTS REGULATION; AEROSOL COATING PRODUCTS REGULATION; THE TABLES OF MAXIMUM INCREMENTAL REACTIVITY VALUES; TEST METHOD 310; AND PROPOSED REPEAL OF THE HAIRSPRAY CREDIT PROGRAM

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider amendments to the Regulation for Reducing Volatile Organic Compound Emissions from Antiperspirants and Deodorants; the Regulation for Reducing Emissions from Consumer Products; the Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions; the Tables of Maximum Incremental Reactivity (MIR) Values; and Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products; and to consider repeal of the Hairspray Credit Program.

DATE: September 26, 2013

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., September 26, 2013, and may continue at 8:30 a.m., on September 27, 2013. This item may not be considered until September 27, 2013. Please consult the agenda for the hearing, which will be available at least 10 days before September 26, 2013, to determine the day on which this item will be considered.

## INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE 11346.5(a)(3)

**Sections Affected**: Proposed amendments to title 17, California Code of Regulations (CCR) sections 94501, 94506, 94508, 94509, 94512, 94513, 94515, 94520, 94521, 94522, 94523, 94524, 94525, 94526, 94527, 94528, 94700, and the repeal of sections 94560, 94561, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94569, 94570, 94571, 94572, 94573, 94574 and 94575; proposed amendments to sections 1, 2, 3, 4, 5, Appendix A, and repeal of Appendix B of Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (September 29, 2011)," which is incorporated by reference in title 17, CCR, sections 94506, 94515 and 94526.

**Documents Incorporated by Reference**

1. Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (September 29, 2011);

2. The following documents are incorporated by reference in the proposed amendments to Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (September 29, 2011):

   ASTM D1613 - 06 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products;"

   ASTM D523 - 08 "Standard Test Method for Specular Gloss;" and

   ASTM D5381 - 93(2009) "Standard Guide for X-Ray Fluorescence (XRF) Spectroscopy of Pigments and Extenders."

**Background and Effect of the Proposed Rulemaking**:

Background on the Proposed Rulemaking

Section 41712 of the California Health and Safety Code requires ARB to adopt regulations to achieve the maximum feasible reduction in VOC emissions from consumer products (including aerosol coatings). As part of the regulatory process, ARB must determine that adequate data exist for it to adopt the regulations. 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. The Health and Safety Code further stipulates in section 41712(e) that public health agencies be consulted, and their recommendations be considered, prior to adopting regulations for health benefit products. Section 41712 is primarily directed at attaining State and federal air quality standards.

Pursuant to Health and Safety Code section 41712, ARB has adopted the Regulation for Reducing Volatile Organic Compound Emissions from Antiperspirants and Deodorants (the "Antiperspirants and Deodorants Regulation," title 17, CCR, sections 94500-94506.5); the Regulation for Reducing Emissions from Consumer Products (the "Consumer Products Regulation," title 17, CCR, sections 94507-94517); the Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions (the "Aerosol Coating Products Regulation," title 17, CCR, sections 94520-94528); the Tables of Maximum Incremental Reactivity (MIR) Values ("Tables of MIR Values," title 17, CCR sections 94700-94701); the Hairspray Credit Program, title 17, CCR, sections 94560-94575; and the incorporated by reference Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic

Compounds in Aerosol Coating Products" ("Method 310"), has been adopted to enforce the above regulations.

The Antiperspirants and Deodorants Regulation sets forth volatile organic compound limits and other requirements for antiperspirant and deodorant products. The regulation was originally approved for adoption on November 8, 1989, and has been amended several times. The most recent amendments were approved for adoption on October 26, 2000.

The Consumer Products Regulation sets forth VOC limits and other requirements for numerous categories of consumer products. For certain categories, the regulation also prohibits use of specific toxic compounds and compounds with high global warming potential (GWP) values. The regulation was originally approved for adoption on October 11, 1990, and has been amended numerous times. The most recent amendments were approved for adoption on October 18, 2012. Among other things the regulation sets forth requirements for "Aerosol Adhesive," "Multi-purpose Solvent," and "Paint Thinner" products.

On March 6, 2009, the South Coast Air Quality Management District (SCAQMD) adopted Rule 1143, "Consumer Paint Thinners and Multi-Purpose Solvents" (Rule 1143). As allowed by State law, this rule established requirements specific to "Consumer Paint Thinners" and "Consumer Multi-Purpose Solvents" sold, supplied, offered for sale, or manufactured for sale in the SCAQMD. The categories are defined similarly to those in the Consumer Products Regulation. Rule 1143 has been amended several times, most recently on December 3, 2010.

The Aerosol Coating Products Regulation limits the ozone formation potential (reactivity) of all aerosol coating product emissions. The regulation was originally approved for adoption on March 23, 1995, to establish mass-based VOC limits and other requirements. At a June 22, 2000, hearing reactivity limits, based on the MIR scale, were approved for adoption. The most recent amendments were approved for adoption on November 17, 2006.

The Tables of MIR Values are used to determine reactivity of aerosol coating products. These values were approved for adoption on June 22, 2000, and have been amended twice, most recently on November 3, 2009.

Method 310 was adopted on September 25, 1997, and has been amended numerous times, most recently on November 18, 2010. Method 310 is used to determine compliance with various regulatory requirements, and is incorporated by reference in title 17, CCR sections 94506 (Antiperspirants and Deodorants), 94515 (Consumer Products), and 94526 (Aerosol Coating Products).

The Hairspray Credit Program was approved for adoption on November 13, 1997, and provided an incentive for manufacturers to comply early with the June 1, 1999, 55 percent VOC limit for hairspray products, or for manufacturers to develop products with lower VOC levels than required. Manufacturers were allowed to generate credits through January 1, 2005, and use them through January 1, 2010.

Effect of the Proposed Rulemaking

The proposed rulemaking would require various consumer products to reformulate to reduce VOC or reactivity content to meet specified limits. These reformulations would result in an equivalent VOC emission reduction of about four tons per day. Reducing VOC emissions is an important strategy for reducing ground level ozone concentrations. The proposals would also streamline and clarify various regulatory provisions, improve enforcement, and add analytical procedures. The proposals would also strengthen enforceability of provisions for "Multi-purpose Solvent" and "Paint Thinner" to ensure that all of the expected benefits from ARB's regulation and the SCAQMD's Rule 1143 are fully realized.

Public Process

As part of the public process, staff conducted several surveys to obtain the necessary data to inform development of the various regulatory provisions. Summaries of the data were shared with the public. In addition, staff conducted three public workshops and held numerous meetings with individual companies, industry associations, SCAQMD staff, and other stakeholders. The proposal has been developed over the course of about three years.

**Objectives of Proposed Amendments:**

*Objectives of Proposed Amendments to the Antiperspirants and Deodorants Regulation*

Staff is proposing to amend the definition of "Volatile Organic Compound" to exclude trans-1,3,3,3-tetrafluoropropene (HFO-1234ze). It is negligibly reactive with respect to forming ozone, and a multimedia impacts assessment determined that no other potential health or environmental impacts would be expected. Another proposal would update the reference to Method 310.

*Objectives of Proposed Amendments to the Consumer Products Regulation*

Definitions

Staff is proposing to add, modify, reorganize, clarify, or delete numerous definitions in the Consumer Products Regulation. The proposed definitional modifications, among other things, would clarify the types of products included or excluded from various categories, define new categories, and delete expired portions of the definitions. Among the proposed modifications are the following:

- Modifying the "Lubricant" definition to clarify that "Multi-purpose Lubricant" and "Silicone-based Multi-purpose Lubricant" categories do not include lubricants labeled for a single purpose; clarify that any product meeting the definition for "Dry Lubricant" is exempt from the requirements for other lubricant products; and clarify that "Gear, Chain, or Wire Lubricant" does not include lubricants labeled solely for use on chains of chain-driven vehicles;

- Modifying the definitions of "Multi-purpose Solvent" and "Paint Thinner" products to include all product forms; clarifying the types of products that are either included or excluded in the categories; and strengthening the exemption criteria for paint thinners used with "Industrial Maintenance Coatings," "Zinc-Rich Primers," or "High Temperature Coatings;"

- Defining "No Rinse Shampoo" and "Thermal Protectant" products and excluding them from the "Hair Styling Product" definition as long as certain criteria are met;

- Defining aerosol "Screen Printing Adhesive;"

- Defining "Single Purpose Cleaner" and "Single Purpose Degreaser" and excluding these products from the definitions of "General Purpose Cleaner" and "General Purpose Degreaser," respectively;

- Exempting trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) from the definition of "Volatile Organic Compound;" and

- Modifying the definition of "Undercoating" to specify that such products are labeled solely for application to vehicle substrates to prevent rust or deaden sound, and that products making additional claims are "Flexible Coatings" as defined in the Aerosol Coating Products Regulation.

Requirements

The proposed amendments would set lower VOC limits for aerosol "Mist Spray Adhesive" and "Web Spray Adhesive" products. New VOC limits are proposed for aerosol "Screen Printing Adhesive," and aerosol "Multi-purpose Solvent" and "Paint Thinner" products. Other proposals would establish VOC limits of 25 grams per liter for nonaerosol "Multi-purpose Solvent" and "Paint Thinner" products sold in the SCAQMD and establish analytical procedures to determine VOC content for these products that are consistent with those in the SCAQMD's rule. The requirements for nonaerosol "Multi-purpose Solvent" and "Paint Thinner" products sold in other areas of the State would be unchanged. However, proposed amendments would specify that VOC content for "Multi-purpose Solvent" and "Paint Thinner" products would be determined prior to any recommended dilution. To address ongoing concerns related to safety and flammability, staff is proposing to extend provisions in section 94512(e) until December 31, 2017.

In addition to VOC limits, the amendments would prohibit the use of methylene chloride, perchloroethylene, and trichloroethylene in "Single Purpose Cleaner," "Single Purpose Degreaser," and aerosol forms of "Screen Printing Adhesive," "Multi-purpose Solvent,"

and "Paint Thinner" products. This change is proposed to ensure that as manufacturers reformulate their products to comply with VOC limits they do not begin using these toxic air contaminants. Staff is also proposing to prohibit use of compounds with GWP values of 150 or greater in aerosol forms of "Mist Spray Adhesive," "Web Spray Adhesive," "Screen Printing Adhesive," "Multi-purpose Solvent," and "Paint Thinner."

All of these requirements would become effective between January 1, 2015, and January 1, 2017.

To address feasibility, the VOC limit for "Multi-purpose Lubricant" products of 10 percent by weight scheduled to become effective December 31, 2015, would be delayed until December 31, 2018. This proposed change would delay an emission reduction of about 1.3 tons per day for three years. Additionally, reporting requirements in section 94513(f)(2) would be delayed to March 31, 2017.

Test Methods

Staff is proposing changes to the Test Methods section to reproduce staff's proposed changes to Method 310.

*Objectives of the Proposed Amendments to the Aerosol Coating Products Regulation*

Deleting Expired Requirements

Throughout the Aerosol Coating Products Regulation staff is proposing to delete the expired requirements related to VOC limits.

Definitions

Staff is proposing to add, modify, reorganize, clarify, or delete numerous definitions in the Aerosol Coating Products Regulation. The definitional modifications would, among other things, clarify the types of products included or excluded from various categories, define new categories and terms, and delete expired portions of the definitions. Among the proposed modifications are the following:

- Defining "Antimicrobial Compound," "Coating," "Extender," "Flexible Coating," "Fragrance," "General Coating," "Label," "Pigment," "Plasticizer," "Principal Display Panel or Panels," "Resin," "Specialty Coating," "Two-Component Coating," and "Uniform Finish Coating;"
- Expanding the definition of "Electrical Coating" to include electronic and conformal coating products; and
- Modifying the definitions for "Flat Coating," "Nonflat Coating," and "Metallic Coating" to specify that such products making claims to function as both paint and primer are included in these categories.

Requirements

Staff is proposing new or lower reactivity limits for all "General Coating" and a number of "Specialty Coating" categories that would become effective on January 1, 2017. Reactivity limits for other "Specialty Coating" categories with very low emissions would be set as low as possible without requiring reformulation, which would be small and not cost effective. These limits would become effective January 1, 2015.

Staff is proposing to revise the sell-through and product dating provisions to provide consistency with the Consumer Products Regulation.

Staff is proposing modifications to provisions for determining a product's reactivity content. The amendments would clarify assignment of MIR values, and establish default MIR values to be used when an ingredient is not listed in the Tables of MIR Values.

Exemptions

Staff is proposing to rescind the exemptions for "Electrical Coating" and "Mold Release Coating" products, and specify reactivity limits for these categories. Data show that the exemption is no longer needed.

Test Methods and Compliance Verification

Staff is proposing changes to the Test Methods section to specify the types of data to be reported upon receiving written notice, allow additional time for manufacturers to supply such information, require responsible parties to provide contact information as to whom the written notice is to be sent, and specify that failure to respond to such notice is a violation.

In addition a new table to specify MIR values for various hydrocarbon solvent fractions is proposed. The amendments would also specify that Method 310 results take precedence over manufacturer supplied formulation in such cases where there is a discrepancy.

*Objectives of the Proposed Amendments to the Tables of MIR Values*

Staff is proposing to amend the "Oxygenated Organics" section of the Tables of MIR Values to reorganize them by chemical class rather than by carbon number.

*Objectives of the Proposed Amendments to Test Method 310*

Staff is proposing to amend Test Method 310 to improve existing testing procedures and incorporate additional testing procedures to analyze consumer products and aerosol coating products for compliance.

*Objectives of the Proposed Repeal of the Hair Spray Credit Program*

Staff is proposing to repeal the Hairspray Credit Program in its entirety because its usefulness has expired.

## Benefits of Proposed Amendments

Health and Welfare of California Residents:

The overall benefit of these proposed amendments is to provide an equivalent VOC emission reduction of just over four tons per day. Reducing VOC emissions and lowering the ozone forming potential of VOCs would improve air quality. This is because VOCs are ozone precursors. Emission reductions from consumer products (including aerosol coatings) is an important part of ARB's strategy toward attaining the ambient air quality standards.

In several categories, the proposed amendments would also prohibit use of compounds with higher GWPs and certain air toxic compounds. These proposals would ensure that the public is not exposed to these air toxic compounds and that greenhouse gas emissions from use of various products do not increase.

The provisions related to "Multi-purpose Solvent" and "Paint Thinner" products would ensure that the emission reductions predicted would be fully realized. The numerous proposed clarifications will help stakeholders better understand how to comply and improve enforceability. All of these proposals provide further protection of the public's health.

State's Environment:

Staff has concluded that the proposed amendments would not have a significant adverse impact on the following resource areas: aesthetics; agricultural and forestry resources; biological resources; cultural resources; geology and soils; hazardous materials; hydrology and water quality; land use planning; mineral resources; noise; population and housing; public services; or recreation. These areas would not be impacted because compliance with the proposed amendments to the regulations would not require any action that could affect these resources, either directly or indirectly.

No discussion of alternatives or mitigation measures is necessary because no significant adverse environmental impacts were identified.

## CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, ARB staff has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

## COMPARABLE FEDERAL REGULATIONS

The United States Environmental Protection Agency (U.S. EPA) has promulgated a national consumer products rule under section 183(e) of the federal Clean Air Act (CAA) (40 CFR Part 59, subpart C, sections 59.201 *et seq.*). The rule specifies VOC limits for a number of consumer product categories and is similar in format to ARB's Consumer Products Regulation.

Although the national regulation is similar in many aspects to the California regulation, it does not include a number of product categories that are currently regulated under the ARB regulation. For the categories that are regulated under both rules, many of ARB's limits are more stringent than the U.S. EPA's limits. Because California has unique air quality problems, reducing VOC emissions from all categories, including consumer products, to the maximum extent feasible is necessary to attain the federal and State ambient air quality standards for ozone.

The U.S. EPA's rule also differs in that it 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." Finally, the U.S. EPA's rule has an unlimited "sell-through" period for noncomplying products manufactured before the effective date of the limits, whereas California law limits the sell-through period to three years.

U.S. EPA's consumer products rule does not prohibit the use of certain toxic air contaminants and there is no comparable federal regulation related to reducing greenhouse gas emissions from consumer products.

On March 24, 2008, U.S. EPA set national VOC emission standards for aerosol spray paints (aerosol coatings), (40 CFR Part 59, subpart E, National Volatile Organic Compound Emission Standards for Aerosol Coatings). This national regulation, modeled after ARB's Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions, established a uniform reactivity-based standard for aerosol spray paints. On December 24, 2008, U.S. EPA published amendments to the rule to move the applicability and initial compliance dates for aerosol coatings from January 1, 2009, to July 1, 2009. The reactivity standards and product categories in the national rule mirror ARB's current aerosol coatings regulation, however, the national rule does not prohibit the use of certain toxic air contaminants.

## STATE IMPLEMENTATION PLAN REVISION

If adopted by ARB, ARB plans to submit the proposed regulatory action to U.S. EPA for approval as a revision to the California State Implementation Plan (SIP) required by the CAA. The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

## AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for Rulemaking, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to the Antiperspirants and Deodorants Regulation, the Consumer Products Regulation, the Aerosol Coating Products Regulation, the Tables of MIR Values, Test Method 310, and Proposed Repeal of the Hairspray Credit Program.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on August 7, 2013.

### Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

### Agency Contact Persons

Inquiries concerning the substance of the proposed amendments to the regulations may be directed to the designated agency contact persons, Mr. Jose Gomez, Manager, Technical Development Section, at (916) 324-8033, or Ms. Judy Yee, Manager, Implementation Section, at (916) 322-9148.

The agency representative to whom nonsubstantive inquiries concerning the proposed administrative action is Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

### Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at http://www.arb.ca.gov/regact/2013/cp2013/cp2013.htm

## DISCLOSURES REGARDING THE PROPOSED REGULATION

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

## Fiscal Impact / Local Mandate

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs to State Agencies or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

## Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

## Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. As explained in the ISOR, the proposed amendments will have a cost impact on some individual businesses, but ARB is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Staff has estimated that the overall cost to comply with the proposed amendments is about $5.3 million dollars per year for five years, or a total of $26.5 million. Initial representative costs for aerosol coatings and consumer products manufacturers are estimated to be about $198,000 and $34,600, respectively. Ongoing costs are estimated to be about $420 and $6,200 for consumer products and aerosol coatings manufacturers, respectively. If all assumed compliance costs are passed on to the consumer, without consideration of typical retail mark-up, we estimate the annual cost to a consumer to be about $0.12 to purchase an aerosol adhesive, Multi-purpose Solvent, or Paint Thinner, and about a $1.60, to purchase aerosol coatings.

## Statement of the Results of the Economic Impact Assessment Prepared Pursuant to Government Code Section 11346.3(b)

*Effect on Jobs/Businesses:*

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

*Benefits of the Proposed Regulation:*

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in Chapter VII of the ISOR. The overall benefit of the proposed amendments is to reduce VOC emissions, which in turn improves air quality. The cost effectiveness of the proposed amendments is estimated to be $1.82 per pound of VOC reduced. This is comparable to other consumer products rulemakings. The benefits are further described in the "Benefits of Proposed Amendments" section on page 7 of this notice.

**Effect on Small Business**

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. Staff has estimated that 65 of the 134 business impacted by these proposed amendments are small businesses. Staff has also estimated that initial costs for a small business are $11,500 and $16,500 for consumer products and aerosol coatings manufacturers, respectively. Ongoing costs are estimated to be $140 and $520, for consumer products and aerosol coatings manufacturers, respectively.

**Housing Costs**

The Executive Officer has also made the initial determination that the proposed regulatory action would not have a significant effect on housing costs.

**Business Reports**

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

**Alternatives**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**Environmental Analysis**

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the

potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. ARB staff has determined that implementing the proposed amendments would result in a beneficial impact in that air quality would be improved. No significant adverse impacts were identified. The environmental analysis of the proposed regulatory action can be found in Chapter V of the ISOR.

## WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the meeting and may provide comments by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on August 12, 2013. To be considered by the Board, written comments not physically submitted at the meeting, must be submitted on or after August 12, 2013, and received no later than 12:00 noon on September 25, 2013, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: http://www.arb.ca.gov/lispub/comm/bclist.php

**You can sign up online in advance to speak at the Board meeting** when you submit an electronic board item comment. For more information go to: http://www.arb.ca.gov/board/online-signup.htm.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

## AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39600, 39601, 39602, 39607, 41511, and 41712. This action is proposed to implement, interpret, and make specific sections 38501,38510, 38560, 38560.5, 38562, 38580, 39002, 39600, 39601, 39607, 40000, 41511, and 41712 of the Health and Safety Code.

## HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

## SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envié un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la

audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

CALIFORNIA AIR RESOURCES BOARD

Richard W. Corey
Executive Officer

Date: July 30, 2013

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.arb.ca.gov.*