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Regulatory Issues

CARB Activity

The California Air Resources Board (CARB) and the industry have been extremely busy trying to develop a consensus on the proposed limits released in August. CARB needs significant VOC reductions and the majority of categories being considered for VOC reduction have been previously regulated. Thus, there is not any "low hanging fruit."

Some categories consist of many different products with different functions, but are categorized together. Categories such as Aerosol Spot Remover and Multi-purpose Lubes will have a very difficult time trying to comply with the proposal. Many attributes of these products will be lost if the proposal is not modified.

Other categories such as Carpet Cleaners and Glass Cleaners are more specific. CARB is looking for lower VOC reductions. However, these products were reduced during past VOC level reductions and further reductions will cause the products to lose efficacy. A modest reduction of 2% for carpet cleaner is really a 30% reduction from the current limit. A 30% reduction in anything is difficult to meet. The same applies to Glass Cleaner; the proposed limit represents a 33% decrease in the VOC. One can now understand the industry's problem with these limits.

Industry and CARB are continuing to work together and hopefully form some common ground.

CARB Enforcement

In 2006, The CARB Enforcement Division collected about \$1.2 million in fines by settling 41 cases involving consumer products. This year, the numbers are higher with \$1.7-\$1.8 million in fines and 30-40 cases settled (numbers were not final at time of printing). One area that CARB has been focusing on this year is companies' failure to display a manufacture date on their products or failure to report a date code to the agency.

Section 94512 (b) Product Dating clearly states that any product subject to the VOC limits is required to display the day, month and year the product was manufactured. As a responsible party, you have three choices to comply:

- 1) Display the day, month and year on the container such as 01/01/08.
- 2) Use CARB standard date code that is YY DDD, which is a Julian date code; if this is used, it must be separated by other codes by a space before and after the code. I suggest using a separate line if putting this code on the bottom of the container.
- 3) Any code indicating the day, month and year a product was manufactured. However, if you use this option, you must notify CARB and provide an explanation of the code by January 31 every year.

CARB is beginning to enforce this provision very diligently. This is an easy requirement to comply with. Non-compliance can cost several thousand dollars per violation.

OTC & LADCO States

Several states have either revised their rules or adopted new consumer product rules. These states also have requirements for filing information on the date of manufacture or a code indicating the date, similar to the CARB requirement, except it is only a one-time filing. Connecticut will request the information if needed. Washington D.C., Maine and Massachusetts had rules already in place. However, with their revision, which added more categories, more com-

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