

California Considering Further Restrictions on VOCs in Consumer Products

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The staff of the California Air Resources Board (“CARB”) will soon propose revisions to the state’s consumer product regulations that would further restrict volatile organic compounds (“VOC”) in consumer products. These additional reductions are intended to meet both state and federal air quality standards that require VOC reductions of 1-2 tons per day (“tpd”) and 4-5 tpd in the South Coast Air Quality Management District (“SCAQMD”) by 2023 and 2031, respectively, and a Statewide reduction of 8-10 tpd by 2031.[1] Although no proposed revisions have yet been drafted, the staff announced the reductions it plans to seek during a November 7, 2019 public workshop:

For now, the additional VOC restrictions would apply to existing categories except for single and double phase aerosol air fresheners, which it proposes to combine into a single “manual air freshener” product category. The manual air freshener category would encompass air fresheners that are “enclosed under pressure and able to be released manually, as a fine spray, typically by means of a propellant gas or compressed air.”[2] The staff also is considering separate limits for “automatic air fresheners,” that are currently regulated under the single phase category. This new category, which would encompass air fresheners “designed to release the scent at a set time, or under preset conditions, which periodically spray in order to keep the air fresh,” would be subject to a 30% VOC limit but the timing for such limits is less clear.[3]

The draft proposal also contemplates eliminating the 2% fragrance exemption, which excludes fragrances contained in any consumer product, up to a combined level of 2% by weight, from the applicable VOC limits.[4] Data collected during CARB’s 2015 Consumer and Commercial Products Survey suggests that almost 75% of regulated products do not currently use the fragrance exemption. Nevertheless, the staff recognizes that the exemption may remain a potentially crucial means of compliance flexibility for product categories subject to extremely low VOC limits (e.g., 0.5%) such as general purpose cleaner and degreasers. Accordingly, they continue to evaluate the need to maintain the exemption, albeit likely reduced from 2%, for these categories.

As Table 1 above indicates, the staff also is considering first-time limits for no-rinse shampoos. Other product categories that remain under consideration to help meet the 2031 VOC limits include, but are not limited to:

- Floor Wax Stripper
- Aerosol Cooking Spray
- Laundry Detergent and Liquid Fabric Softener
- Anti-microbial Dry Hand Wash (Hand Sanitizer)
- Aerosol Sunscreen
- Mouthwash and Rinse
- Automatic Air Fresheners
- Antiperspirants and Deodorants
- Glass Cleaner (non-aerosol)

CARB currently estimates that drafts of its proposal will be released in the spring of 2020. More information regarding the potential amendments to the VOC threshold for these categories is available on [CARB’s regulatory activity webpage](#). Comments on the draft proposal, as well as the candidates for subsequent rulemaking, may be submitted to csmrprod@arb.ca.gov through November 27, 2019.

Although CARB typically provides a sell-through period for existing products, the staff did not broach this option during its discussions. In any event, it is critical that manufacturers track these

developments to ensure that potentially affected products can comply with the new limits or be reformulated in a timely fashion.

[1] In 2012, the U.S. Environmental Protection Agency designated several areas in [California as nonattainment for the 75 parts per billion \(ppb\) 8-hour ozone standard](#). The VOC reduction targets are set pursuant to [California's 2016 State Strategy for the State Implementation Plan for Federal Ozone and PM2.5 Standards](#).

[2] [Regulatory Strategies Work Group Webinar, Cal. Air Resources Board](#) (Oct. 17, 2019). As noted during the webinar, the cited definition is a proposed working definition, subject to further change.

[3] *Id.* As noted during the webinar, the cited definition is a proposed working definition.

[4] 17 Cal. Code Reg. § 94510(c). Under the current regulation, pressurized gas dusters are excluded from this exemption.

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