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August 26, 2022

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: REQUEST FOR VETO: AB 2771 (Friedman): PFAS in Cosmetics

Dear Governor Newsom:

On behalf of the organizations listed below, we respectfully request you veto AB 2771, which will ban Hydrofluoroolefins (HFOs) used in personal care products due to the broad definition of PFAS. HFOs are an effective tool for reducing ground level ozone formation, giving them an important role in reaching California's climate and environmental goals. As it relates to PFAS, HFOs are not persistent¹, bioaccumulative, or toxic. After rigorous review, the US Environmental Protection Agency has deemed HFOs acceptable as it relates to human health and the environment.

Broad Application Has Unintended Consequences for Aerosol Products

The safety of consumers is the highest priority for our member companies, and we applaud Assemblymember Friedman's work on behalf of California consumers of cosmetic products. However, the broad application of the bill captures important tools for cosmetic products that do not represent the attributes of Per- and Polyfluoroalkyl Substances (PFAS) as generally understood.

HFOs have emerged as a next generation of compounds used in aerosols that is safe for humans and the environment. HFOs bring a very low Global Warming Potential (GWP)² and reduce ground level ozone formation, giving them an important role in achieving California's climate and environmental goals. As it relates to PFAS, HFOs are not persistent, bioaccumulative, or toxic. Indeed, after rigorous review, the US Environmental Protection Agency has deemed HFOs acceptable as it relates to human health and the environment. Furthermore, the California Air Resources Board (CARB) has been regulating the volatile organic compound (VOC) content of consumer products for over 30 years.³ The HFO-1234ze aerosol propellant is vital for aerosol manufacturers and marketers to have available for compliance with upcoming new VOC limits.

Unfortunately, AB 2771 would remove these compounds from the cosmetics market. We continued to request an amendment to allow the use of HFOs given their role in overall climate ambitions and providing safe products to consumers. Specifically, we requested AB 2771 exempt HFOs approved by the U.S. EPA as exempt VOCs. This is a very limited universe of compounds, and currently only includes four HFOs in total, two of which have cosmetic applications. The US EPA performs a rigorous safety

¹ The Intergovernmental Panel on Climate Change: HFO-1234ze(E) has an atmospheric lifetime of 16.4 days: https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter08_FINAL.pdf

² Global warming potentials (GWP) is less than 1.

³ CARB has added the compound to their exempt VOC list after rigorous review – See 17 CCR § 94508(a)(138)(A)

review prior to placing any compound on this list and compounds are only exempted for specific applications. If AB 2771 is vetoed, we would commit to working on legislation next year to ban PFAS in cosmetics while allowing the use of limited HFOS.

Thank you for your consideration of this request. We welcome the opportunity to discuss these concerns and can be reached at cfinarelli@thehcpa.org.

Sincerely,

Ben Golombek, California Chamber of Commerce
Christopher Finarelli, Household & Commercial Products Association
Tim Shestek, American Chemistry Council
Robert Spiegel, California Manufacturers and Technology Association
Doug Raymond, National Aerosol Association
Steve Sanchez, Western Aerosol Information Bureau