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2 **REVISED TEXT OF PROPOSED REGULATIONS – POST-HEARING CHANGES**
3 December 2016

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5 **DIVISION 4.5, TITLE 22, CALIFORNIA CODE OF REGULATIONS**
6 **CHAPTER 55. SAFER CONSUMER PRODUCTS**
7 **ARTICLE 11. PRIORITY PRODUCTS LIST**

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9 **DEPARTMENT OF TOXIC SUBSTANCES CONTROL REFERENCE NUMBER: R-2014-03**
10 **OFFICE OF ADMINISTRATIVE LAW NOTICE FILE NUMBERS: Z-2016-0627-03 AND Z-2016-0926-07**

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14 Changes in this version reflect post-hearing changes to the text as originally proposed. All of
15 the text is new language to be added to the California Code of Regulations.

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17 The originally proposed text is shown in black with no underlines. Changes to the originally
18 proposed text are indicated as follows:

19
20 Red Underline: Underlined text in red reflects new text.

21
22 Red Strikeout: Strikeout text in red reflects deleted text.

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24 NOTE: For ease of reading and referencing the regulations, line numbers are added, but are
25 not part of the actual regulatory text.

1 **Article 11. Priority Products List**

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3 **§ 69511. General.**

4 (a) This article specifies product-chemical combinations ~~that are identified and~~ listed as
5 Priority Products pursuant to section 69503.5.

6 (b) The following product-chemical combinations are listed as Priority Products:

7 (1) Children's foam-padded sleeping products containing tris(1,3-dichloro-2-propyl)
8 phosphate (TDCPP) or tris(2-chloroethyl) phosphate (TCEP).

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10 NOTE: Authority cited: Sections 25252, 25253, and 58012, Health and Safety Code.

11 Reference: Sections 25252 and 25253, Health and Safety Code.

12
13 **§ 69511.1. Children's Foam-Padded Sleeping Products Containing Tris(1,3-dichloro-2-**
14 **propyl) Phosphate (TDCPP) or Tris(2-chloroethyl) Phosphate (TCEP).**

15 (a) (1) Except as otherwise provided in subsection(a)(2) of this section, "Children's foam-
16 padded sleeping products containing TDCPP or TCEP" means assembled products
17 designed or intended primarily for children 12 years of age or younger, toddlers, babies or
18 infants to nap or sleep on, ~~that~~ The sub-products include polyurethane foam mats, pads, or
19 pillows containing TDCPP or TCEP which may be covered or upholstered, including:

20 (1A) Nap mats. Nap mats are portable foam mats.

21 (2B) Soft-sided portable cribs. Soft-sided portable cribs are framed enclosures with
22 mesh or fabric side panels, floor, and foam pad.

23 (3C) Play pens. Play pens are framed enclosures with hard or soft sides, floor, and
24 foam pad.

25 (4D) Play yards or playards. Play yards or playards are portable framed enclosures
26 with a foam pad bottom that may also have an attached bassinet.

27 (5E) Infant travel beds. Infant travel beds are lightweight portable sleeping
28 accommodations with a foam pad.

29 (6F) Portable infant sleepers. Portable infant sleepers are portable accommodations
30 with a foam pad that may be easily assembled and disassembled by folding or collapsing the
31 structure.

32 (7G) Bassinets. Bassinets are small beds or baskets with a foam pad and raised
33 edges designed primarily for infants.

34 (8H) Nap cots. Nap cots are narrow, elevated bed stands with a foam pad on top of
35 the cot.

36 (9I) Infant sleep positioners. Infant sleep positioners are mats with side bolsters or
37 wedges used to elevate an infant's head or keep an infant in a desired position while sleeping.
38 The mats, side bolsters, or wedges may contain foam pads.

39 (10J) Bedside sleepers. Bedside sleepers are framed enclosures with a foam pad
40 that can attach to an adult-sized bed and are designed primarily for babies.

1 (11K) Co-Sleepers. Co-sleepers are small foam structures placed in an adult-sized
2 bed, designed to keep a baby from shifting in the bed and to allow a baby and adults to nap or
3 sleep together in the same bed; and

4 (12L) Baby or toddler foam pillows. Baby or toddler foam pillows are foam pillows
5 designed primarily for babies or toddlers.

6 (ea)(2) Notwithstanding subsection (a)(1), “children’s foam-padded sleeping products
7 containing TDCPP or TCEP” This Priority Product listing does not include:

8 (4A) Mattresses, mattress pads, or mattress sets as defined ~~and covered by the~~
9 requirements of CPSC 1632/1633 or products containing mattresses the Consumer Product
10 Safety Commission regulations (title 16 Code of Federal Regulations parts 1632 and 1633).

11 (2B) Upholstered Furniture covered by the requirements of California Technical Bulletin
12 117-2013; and

13 (3C) Add-on child restraint systems for use in motor vehicles and aircraft that are
14 required to meet federal flammability standards in title 49 Code of Federal Regulations part
15 571.302 - Standard No. 302; Flammability of interior materials.

16 (b) Candidate Chemicals. For purposes of this chapter, the following Candidate
17 Chemicals are identified as the basis for the product defined in subsection (a)(1) being listed
18 as a Priority Product designated as Chemicals of Concern for the products defined above:

19 (1) Tris(1,3-dichloro-2-propyl) phosphate (TDCPP), CAS RN: 13674-87-8; and

20 (2) Tri(2-chloroethyl) phosphate (TCEP), CAS RN: 115-96-8.

21 (c) Hazard traits ~~or environmental or toxicological endpoints~~ associated with exposure
22 to TDCPP include, but are not limited to:

23 (1) Carcinogenicity ~~including, but not limited to, liver, kidney, and testicular tumors;~~

24 (2) Genotoxicity ~~including, but not limited to, mutations, chromosomal aberrations, and~~
25 cell transformation;

26 (3) Developmental toxicity;

27 (4) Reproductive toxicity;

28 (5) Endocrine disruption ~~including, but not limited to, thyroid abnormalities;~~

29 (6) Neurotoxicity;

30 (7) Hepatotoxicity;

31 (8) Nephrotoxicity;

32 (9) Hematotoxicity;

33 (10) Ocular toxicity;

34 (11) Dermatotoxicity; and

35 (12) Acute toxicity.

36 (d) Toxicological endpoints associated with exposure to TDCPP include:

37 (1) Liver, kidney, and testicular tumors;

38 (2) Mutations, chromosomal aberrations, and cell transformation; and

39 (3) Thyroid abnormalities.

40 (de) Hazard traits ~~or environmental or toxicological endpoints~~ associated with exposure
41 to TCEP include, but are not limited to:

42 (1) Carcinogenicity ~~including, but not limited to, kidney and thyroid tumors;~~

1 (2) Genotoxicity ~~including, but not limited to, mutations, chromosomal aberrations, and~~
2 ~~cell transformation;~~

3 (3) Reproductive toxicity;

4 (4) Neurotoxicity;

5 (5) Hepatotoxicity; and

6 (6) Nephrotoxicity.

7 ~~(e) This Priority Product listing does not include:~~

8 ~~(1) Mattresses as defined and covered by the requirements of CPSC 1632/1633 or~~
9 ~~products containing mattresses;~~

10 ~~(2) Furniture covered by the requirements of California Technical Bulletin 117-2013; and~~

11 ~~(3) Add-on child restraint systems for use in motor vehicles and aircraft that are required~~
12 ~~to meet federal flammability standards.~~

13 ~~(f) Toxicological endpoints associated with exposure to TCEP include:~~

14 ~~(1) Kidney and thyroid tumors; and~~

15 ~~(2) Mutations, chromosomal aberrations, and cell transformation.~~

16 ~~(g) For purposes of this chapter, the Candidate Chemicals identified in subsection (b)~~
17 ~~are designated as Chemicals of Concern for the product defined in subsection (a)(1).~~

18 ~~(fh) The Preliminary Alternatives Analysis Report for this Priority Product shall be~~
19 ~~submitted within 180 days after the effective date of this regulation. The due date for~~
20 ~~submission of the Preliminary Alternatives Analysis (AA) Report, as required under article~~
21 ~~50020 for this Priority Product, is 180 days after the effective date of these regulations.~~

22
23 NOTE: Authority cited: Sections 25252, 25253, and 58012, Health and Safety Code.

24 Reference: Sections 25252 and 25253, Health and Safety Code.