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TITLE 22, CALIFORNIA CODE OF REGULATIONS

15-DAY PUBLIC NOTICE AND COMMENT PERIOD

NOTICE OF PUBLIC AVAILABILITY OF CHANGES TO THE PROPOSED REGULATION TEXT AND INITIAL STATEMENT OF REASONS

SAFER CONSUMER PRODUCTS REGULATIONS – Listing Children’s Foam- Padded Sleeping Products Containing Tris(1,3-dichloro-2-propyl) Phosphate (TDCPP) or Tris(2-chloroethyl) Phosphate (TCEP) As a Priority Product

Department Reference Number: R-2014-03

Office of Administrative Law Notice File Numbers: Z-2016-0627-03 and Z-2016-0926-07

Pursuant to Government Code section 11346.8(c), notice is hereby given that the Department of Toxic Substances Control (DTSC) has revised the text of the proposed regulation that was published in the California Regulatory Notice Register on July 15, 2016 (Z-2016-0627-03) and on October 7, 2016 (Z-2016-0926-07). The proposed revisions to the text of the regulation are necessary to correct errors and omissions and to clarify the description of the Priority Product; the hazard traits and toxicological endpoints; and the designation of the Candidate Chemicals as the Chemicals of Concern for the Priority Product. DTSC also revised corresponding sections of the Initial Statement of Reasons.

In the referenced rulemaking, DTSC proposes to amend the California Code of Regulations, Title 22 (22 CCR), Division 4.5, Chapter 55 to adopt article 11 and sections 69511 and 69511.1 to establish a Priority Products list and to identify children’s foam-padded sleeping products containing tris(1,3-dichloro-2-propyl) phosphate (TDCPP) or tris(2-chloroethyl) phosphate (TCEP) as a Priority Product under the Safer Consumer Products (SCP) regulations (22 CCR, sections 69501-69510). The initial 45-day public notice and comment period for this rulemaking proposal began on July 15, 2016 and closed on August 29, 2016. DTSC accepted written and oral testimony during a public

hearing on August 29, 2016. Due to problems with the online CALSafer System, DTSC initiated an additional 45-day public comment period, which ended on November 21, 2016. Following review of the comments and testimony received, DTSC determined that minor revisions to the proposed text were warranted.

WRITTEN COMMENT PERIOD

A 15-day public comment period for the revisions to the proposed rulemaking text will commence on December 28, 2016 and close on January 12, 2017, at 5 p.m. PST. During this time, any interested person or their authorized representative may submit written comments on the **latest** proposed revisions to the text of the regulation or Initial Statement of Reasons. Revisions are shown in **red underline** for added text and **red ~~strikeout~~** for deleted text. DTSC may only consider comments received by 5 p.m. PST on January 12, 2017. Comments received after the comment period closes will not be considered in the proposed adoption of this regulation.

Interested persons are encouraged to submit their comments electronically through CalSAFER at: <https://calsafes.dtsc.ca.gov/>. Please direct questions or concerns about CalSAFER to Ms. Lisa Quagliaroli at (916) 445-3077 or lisa.quagliaroli@dtsc.ca.gov.

While DTSC prefers that comments be submitted through the CalSAFER system, interested persons may also submit their comments in an email to: SaferConsumerProducts@dtsc.ca.gov or they may mail written comments to:

Mr. Benjamin Molin
Office of Legal Affairs
Department of Toxic Substances Control
1001 I Street Sacramento, California 95812-0806
Fax Number: (916) 323-5542
Phone Number: (916) 322-4882

The written comment period will close at 5:00 p.m. PST on January 12, 2017. DTSC will only consider comments received on or before this date and time.

AVAILABILITY OF DOCUMENTS PERTAINING TO THIS RULEMAKING PROPOSAL

The revised regulation text and Initial Statement of Reasons are posted to DTSC's website at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>. Revisions are shown in **red underline** for added text and **red ~~strikeout~~** for deleted text and reflect changes that DTSC proposes to submit to the Office of Administrative Law as part of the final rulemaking rule.

Additional information pertaining to this rulemaking proposal, including the July 15th and October 7th, 2016 Notices, the Initial Statement of Reasons, external scientific peer reviews, supporting documentation, and comments received, are posted to DTSC's website at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm> and CalSAFER at: <https://calsafer.dtsc.ca.gov/>. Copies of these documents may also be obtained from Mr. Benjamin Molin, in the Office of Legal Affairs, as specified above.

To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm> and subscribe to the applicable electronic mailing list.

NOTICE PERTAINING TO ACCESSIBILITY AND REASONABLE ACCOMMODATION

All documents related to these regulations can be made available in alternate format (i.e., Braille, large print, etc.) or in another language, as requested, in accordance with state and federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations, translator, or interpreter needs, upon request. For assistance, please contact the staff person below as soon as possible, no later than 10 business days prior to the close of the comment period:

Ms. Lisa Quagliaroli
Safer Products and Workplaces Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Email: Lisa.quagliaroli@dtsc.ca.gov
Phone number: (916) 445-3077
TTY/TDD Speech-to-Speech users may dial 711 for the California Relay Service

CONTACTS

Inquiries regarding technical aspects of the proposed regulations, California Environmental Quality Act documents, or CalSAFER may be directed to Ms. Lisa Quagliaroli of DTSC at (916) 445-3077. However, such oral inquiries are not part of the rulemaking record. If Ms. Lisa Quagliaroli is unavailable, Mr. Benjamin Molin may also be contacted at (916) 322-4882.

NEXT STEPS

After the close of this 15-day comment period, DTSC may adopt the proposed regulation. If further changes are made to the regulation text, the modified full text will again be made available for comment for at least 15 days prior to adoption. Only persons who specifically request copies of the revised text or submit written comments will be sent a copy of the revised text if substantive changes are made.

Once DTSC finalizes the regulation text, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials, as required by Government Code section 11346.9. A copy of the Final Statement of Reasons, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations, will be posted on DTSC's website at:

<http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.