

**NOTICE OF EXEMPTION**

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Regulatory Program and Development Branch
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, CA 95812-0806

Project Title: Emergency Regulations for Notification Requirements for Manufacturers of Covered Electronic Devices (R-2005-06)

Project Location – Specific: Statewide

Project Location – City: Statewide

Project Location – County: Statewide

Description of Project:

This project amended DTSC regulations to remove the ten-day condition in the supplemental notice and clarified that compliance with the supplemental notice does not excuse noncompliance with the annual notice requirement. The amended regulations also broaden the allowable content of the annual and supplemental notices. This should assist the retailer in better identifying covered electronic devices.

Background:

Under current State law [Health & Saf. Code, sec. 25214.10.1, subd. c], a manufacturer is required to provide annual notification to retailers by April 1 of each year, for any electronic device distributed to a retailer by a manufacturer that is identified as a covered electronic device in Department of Toxic Substances Control (DTSC) regulations. DTSC regulations implemented this requirement and specified the notification procedures and requirements. The prior regulations required a manufacturer who had not provided the April 1 notification for a covered electronic device to provide such notification to the retailer at least ten days prior to distributing the covered electronic device(s).

Reason for Change:

Manufacturers had informed DTSC that a ten-day notice could not always be made prior to distribution of covered electronic devices. For example, in the case of internet sales, contract agreements are usually negotiated between the manufacturer and retailer in less than ten days and immediate distribution of covered electronic devices is required due to competitive marketing and customer need.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Department of Toxic Substances Control

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
 Declared Emergency (Sec. 21080(b)(3); 15269(A));
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 Categorical Exemption. State type and section number: _____
 Statutory Exemptions. State code number: _____
 General Rule (Sec. 15061(b)(3))

Exemption Title: With Certainty, No Possibility of a Significant Effect to the Environment.

Reasons Why Project is Exempt:

The changes in the timing and content requirements of the annual or supplemental notices will not, by themselves, result in any potential for a significant impact on the environment. These changes only act to provide manufacturers with a clear set of notification requirements that facilitate compliance using existing business practices and therefore have no significant effect to the environment.

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DTSC Branch Chief Signature

Date

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Chief, Regulatory Program and
Development Branch

DTSC Branch Chief Name

DTSC Branch Chief Title

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: _____