

CHAPTER 41. Prohibited Chemical Toilet Additives

67410.1. Prohibition of Sale.

(a) On or after January 1, 1979, no person in the State of California shall manufacture, formulate, package, import or receive from outside the State and sell or offer for sale within the State a material for use as a chemical toilet additive, as indicated on a label on the container or by any other representation by said person, which contains a nonbiodegradable toxic chemical substance.

(b) On or after January 1, 1979, no person shall sell or offer for sale at retail or wholesale within the State a material for use as a chemical toilet additive, as indicated on a label on the container or by any other representation relating to the sale of the material, which contains a nonbiodegradable toxic chemical substance.

(c) The foregoing provisions of this section shall not prohibit a person from selling or shipping to a person outside of the State a material for use as a chemical toilet additive, as indicated on a label on the container or by other representation, which contains a nonbiodegradable toxic chemical substance, which is manufactured, formulated, or packaged within the State; imported or received from outside of the State.

NOTE: Authority cited: Section 25210, Health and Safety Code.
Reference: Section 25210, Health and Safety Code.

67410.2. Prohibition of Use.

On or after January 1, 1979, no person shall use, or cause to be used, a material as a chemical toilet additive which contains a nonbiodegradable toxic chemical substance.

NOTE: Authority cited: Section 25210, Health and Safety Code.
Reference: Section 25210, Health and Safety Code.

67410.3 Criteria for Identifying a Toxic Chemical Substance.

(a) A chemical substance shall be considered to be a toxic chemical for the purpose of this Article if such substance satisfies any of the following criteria:

(1) The chemical substance has a 96-hour LC50 of 500 milligrams or less per liter as determined in soft water with fathead minnows (*Pimephales promelas*) or golden shiners (*Notemigonus crysoleucas*) by the method given in Standard Methods for the Examination of Water and Wastewater (14th Edition), or with another species of test fish or another test method approved by the Department.

(2) The chemical substance is regulated as a carcinogenicity hazard by the United States Occupational Safety and Health Administration pursuant to Title 29, Code of Federal Regulations.

(3) The chemical substance presents a hazard to public health or the environment through its bioaccumulative or chronic toxicity properties.

NOTE: Authority cited: Section 25210, Health and Safety Code.
Reference: Section 25210, Health and Safety Code.

67410.4. Criteria for Identifying a Nonbiodegradable Toxic Chemical Substance.

(a) A chemical substance shall be considered to be a nonbiodegradable toxic chemical substance for the purpose of this Article if such chemical substance satisfies any of the following criteria:

(1) The chemical substance contains any of the following elements:

antimony	molybdenum
arsenic	nickel
barium	selenium
beryllium	silver
cadmium	thallium
chromium	titanium
cobalt	uranium
copper	vanadium
lead	zinc
mercury	

(2) The chemical substance satisfies at least one of the criteria established in Section 67410.3 and either:

(A) Under conditions of the Five-Day Biochemical Oxygen Demand (BOD5) test method, as given in Standard Methods for the Examination of Water and Wastewater (14th Edition) or in a modification of the

method approved by the Department, using unadapted settled domestic wastewater seed, is degraded to the extent that its initial concentration in the test medium is reduced by less than fifty (50) percent. The extent of degradation shall be determined by an analysis which establishes to the satisfaction of the Department the percent of the test substance which is undegraded at the completion of the test.

(B) Under conditions of the BOD5 test method or of a modification of the method approved by the Department is degraded to a residue which contains a toxic chemical substance.

NOTE: Authority cited: Sections 208 and 25210, Health and Safety Code.

Reference cited: Section 25210, Health and Safety Code.

67410.5. Disclosure of Identity, Composition, and Properties.

(a) At the request of the Department, the seller of a chemical toilet additive shall provide the Department with the brand name or other designation and the name and address of the producer or other supplier of each chemical toilet additive that the seller offers for sale.

(b) At the request of the Department, a person in the State of California who manufactures, formulates, packages, imports or receives from outside the State a material for sale within the State for use as a chemical toilet additive, as indicated on a label on the container or by any other representation by said person, shall disclose to the Department the names of all of the ingredients of the material and provide toxicological and biodegradability data which establish to the satisfaction of the Department whether the material contains any ingredient which is a nonbiodegradable toxic chemical substance.

(c) At the request of the Department, the user of a chemical toilet additive for the user's household purpose shall disclose to the Department the brand name or other designation of the additive and the name and address of its producer or seller.

(d) At the request of the Department, a person who uses a chemical toilet additive for other than that person's household purpose, including a person who maintains or services chemical toilets or chemical toilet waste holding tanks or who collects,

transports, or disposes of chemical toilet wastes as a commercial business, as part of or incidental to a commercial business, as a government agency, or for hire, shall disclose to the Department:

(1) The brand name or other designation of the chemical toilet additive used and the name and address of its producer or seller.

(2) The names of all ingredients of any material used as a chemical toilet additive which is not labeled on its container or in accompanying printed matter to indicate its use for such purpose, its brand name or other designation, and its producer or seller. At the request of the Department, the person shall also provide toxicological and biodegradability data which establish to the satisfaction of the Department whether the material contains any ingredient which is a nonbiodegradable toxic chemical substance.

(e) The chemical analyses and bioassay methods and procedures used in obtaining data and the quality and adequacy of the data which are submitted in compliance with this section shall be subject to approval of the Department.

NOTE: Authority cited: Section 25210, Health and Safety Code.
Reference: Section 25210, Health and Safety Code.

67410.6. Enforcement and Inspections.

(a) The requirements of this Article shall be enforced as provided for under Chapter 22.

(b) Inspections may be made of and samples taken from any factory, plant or other place where chemical toilet additives are manufactured, stored, sold, or used.

NOTE: Authority cited: Section 25210, Health and Safety Code.
Reference: Section 25210, Health and Safety Code.

67410.7. Applicability of Other Requirements of This Chapter.

Nothing in this article shall be construed to relieve a person from handling and managing a chemical toilet waste as a hazardous waste in accordance with the requirements of this chapter if the chemical toilet waste contains a hazardous material or is a hazardous waste as defined in Section 66260.10, respectively, or is listed in either Appendix X to Chapter 11 except that a person who produces, hauls, or disposes of chemical toilet waste shall be exempt from the requirements of Section 66260.10 and Chapters 12, 13, 14, 15, and 43 of this Division if disposal of the waste is in accordance with the requirements of Chapter 6, Division 20, Health and Safety Code commencing with Section 25000 and Article 3, Chapter 1, Division 7.5, Water Code commencing with Section 14040.

NOTE: Authority cited: Sections 208, 25150 and 25210, Health and Safety Code.

Reference Cited: Sections 25150 and 25210, Health and Safety Code.

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