



**Matthew Rodriguez**  
Secretary for  
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## Department of Toxic Substances Control

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**Edmund G. Brown Jr.**  
Governor

### TITLE 22, CALIFORNIA CODE OF REGULATIONS

### PUBLIC NOTICE AND COMMENT PERIOD

### ***SAFER CONSUMER PRODUCTS REGULATIONS – Listing Spray Polyurethane Foam Systems with Unreacted Methylene Diphenyl Diisocyanates as a Priority Product***

**Department Reference Number: R-2016-04**

**Office of Administrative Law Notice File Number: Z-2017-0307-02**

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**NOTICE IS HEREBY GIVEN** that the Department of Toxic Substances Control (DTSC) proposes to amend the California Code of Regulations, Title 22 (22 CCR), Division 4.5, Chapter 55, section 69511, and adopt section 69511.2. This proposed rulemaking identifies a Priority Product under the Safer Consumer Products (SCP) regulations, approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on August 28, 2013 (effective date: 10/01/2013; OAL reference number: Z-2012-0717-04).

### **PUBLIC HEARING**

DTSC will hold a public hearing on the proposed regulation on May 16, 2017, at the CalEPA Building, located at 1001 "I" Street, Sacramento, California, 95814. The hearing will convene in the Sierra room at which time any person(s) may present statements or arguments, orally or in writing, relevant to this proposal described in the Informative Digest. The public hearing will begin at 1:30 p.m. and will remain open until 3:30 p.m. or until all registered persons complete their testimony.

Representatives of DTSC will preside at the hearing. Anyone wishing to speak must register before the hearing. Pre-hearing registration is conducted at the location of the hearing from 1:00 p.m. until the hearing commences. Registered persons will be heard in the order of their registration. Anyone else wishing to speak at the hearing will have an opportunity after all registered persons have been heard. DTSC reserves the right to set time limits to ensure that everyone has an opportunity to speak.

All attendees are required to check in with CalEPA Building Security prior to attending any meeting. Check in is available at the Visitor and Environmental Services Center, located just inside main entrance of the CalEPA building, to the left of the security guard post. Please allow adequate time to sign in and receive a visitor badge before the public hearing begins.

## **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 and/or translator/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 scheduled hearing:

Dr. Julia Gress  
Safer Products and Workplaces Program  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806  
Email: [Julia.Gress@dtsc.ca.gov](mailto:Julia.Gress@dtsc.ca.gov)  
Phone number: (916) 322-4062  
TTY/TDD Speech-to-Speech users may dial 711 for the California Relay Service

## **WRITTEN COMMENT PERIOD**

The written comment period for this rulemaking proposal will commence on March 24, 2017 at 8:00 a.m. and close on May 16, 2017 at 5:00 p.m. PST. Any interested person(s) or their authorized representative(s) may submit written comments relevant to the proposed regulatory action to DTSC in either electronic or hard copy formats. DTSC will only consider comments received on or before this date and time or submitted during the public hearing.

Written comments may be submitted electronically through the SCP Information Management System, CalSAFER at: <https://calsafes.dtsc.ca.gov/>. Please direct questions or concerns about CalSAFER to Dr. Julia Gress at (916) 322-4062 or [Julia.Gress@dtsc.ca.gov](mailto:Julia.Gress@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](mailto:SaferConsumerProducts@dtsc.ca.gov)

Please direct hard-copy 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

## **AUTHORITY & REFERENCE**

### **Authority**

These regulations are being adopted under the following authorities:

Health and Safety Code (HSC) section 25252 authorizes and requires DTSC to adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered a Chemical of Concern. This section also directs DTSC to reference and use available information from various sources, but does not limit DTSC to use only this information.

HSC section 25253 authorizes and requires DTSC to adopt regulations that establish a process for evaluating Chemicals of Concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by a Chemical of Concern.

HSC section 58012 (added by Gov. Reorg. Plan No. 1, §146, eff. July 17, 1991) grants DTSC authority to adopt regulations to execute its duties.

### **Reference**

These regulations implement, interpret, or make specific the following statutes:  
HSC sections 25252 and 25253.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

DTSC proposes to amend section 69511 and add section 69511.2 to Article 11, Chapter 55, Division 4.5 of Title 22, of the California Code of Regulations (Safer Consumer Products (SCP) regulations) to add spray polyurethane foam (SPF) systems containing unreacted methylene diphenyl diisocyanates (MDI) as a Priority Product to the Priority Products List.

### Summary of Existing Requirements

The SCP regulations (Chapter 55 of Division 4.5 of Title 22 of the California Code of Regulations (commencing with sections 69501) were adopted in October 2013 to meet the statutory requirements outlined in HSC sections 25252 and 25253. The regulations outline a science-based process for evaluating Chemicals of Concern in consumer products and safer alternatives by:

- establishing a list of Candidate Chemicals and specifying criteria by which these may be designated a Chemical of Concern;
- establishing a process to identify and prioritize product and Candidate Chemical combinations that may be listed as Priority Products;
- requiring manufacturers to notify DTSC when their product is listed as a Priority Product;
- requiring manufacturers of a Priority Product to perform an Alternatives Analysis (AA) to determine how best to reduce exposures to, or the level of adverse public health and environmental impacts posed by, the Chemical(s) of Concern in the product;
- requiring DTSC to identify and require implementation of Regulatory Responses following completion of an AA; and
- creating a process for persons to petition DTSC to add or remove chemicals from the Candidate Chemicals list, add or remove Candidate Chemicals lists in their entirety, or to add or remove a product-chemical combination from the Priority Products List.

### Proposed Regulation

DTSC proposes to amend section 69511 and add section 69511.2 to Chapter 55, Division 4.5 of Title 22, of the California Code of Regulations. The proposed action will add SPF systems containing unreacted MDI as a Priority Product to article 11, the Priority Products List.

For the purposes of this regulation, DTSC describes “SPF systems with unreacted MDI” as spray polyurethane foam systems containing liquid chemical mixtures in two separate containers that are sold or distributed together. The two containers are commonly referred to as Side A and Side B. Side A contains unreacted MDI. Side B contains a mixture of polyols and other ingredients, which may include catalysts, blowing agents, flame retardants, and surfactants. The chemical mixtures in the sides react when mixed together to form polyurethane foam that is used for insulation, roofing, or sealing and filling voids and gaps. This Priority Product includes high-pressure and low-pressure spray polyurethane foam systems.

There are numerous SPF systems available in California. High-pressure SPF systems are distributed in unpressurized drums and totes, which are preheated prior to spraying and pressurized to about 1,200 pounds per square inch (psi) during mixing and spraying. Low-pressure systems, including SPF kits for home use, are not heated and operate under lower pressures than high-pressure systems. In addition to use by commercial applicators, low-pressure systems are also commonly used by sole proprietors and by consumers undertaking “do-it-yourself” projects. It is important to note that the hardware used in the SPF delivery system, such as the air compressors, tanks, hoses, spray foam guns, or nozzles, is not included in DTSC’s proposed product-chemical description.

Following extensive review of the scientific literature and analysis of the known hazard traits of unreacted MDI, DTSC determined there is potential for workers and consumers to be exposed to unreacted MDI in SPF systems and there is potential for one or more exposures to contribute to or cause significant adverse impacts. Studies show that use of high- and low-pressure SPF systems with unreacted MDI can expose users to levels of unreacted MDI that could be harmful to their health. These exposures have the potential to contribute to or cause significant health effects, including asthma, respiratory irritation, extrinsic allergic alveolitis or hypersensitivity pneumonitis, interstitial and peribronchiolar fibrosis, allergic sensitization and allergic contact dermatitis. DTSC based this determination on an evaluation of available, reliable scientific information pertinent to the regulatory criteria.

### Benefits

The primary goal of the SCP program is to significantly reduce adverse health and environmental impacts of chemicals used in commerce, as well as the overall costs of these impacts to the state’s society. By listing SPF systems with unreacted MDI as a Priority Product, DTSC asks manufacturers to evaluate whether unreacted MDI is necessary in SPF systems and whether there are safer alternatives that would reduce human exposure to unreacted MDI during normal use of SPF systems. A reduction in airborne unreacted MDI means healthier air quality and safer workplaces and homes. Reducing exposure to unreacted MDI could reduce the incidence of work-related asthma and the number of workdays lost to occupational illness or injury. The development of safer alternatives benefits California workers, consumers, and the businesses that employ workers who use SPF systems.

### Determination Regarding Inconsistency/Incompatibility with Existing State and Federal Regulations

The SCP regulations established a unique approach to regulating Chemicals of Concern in consumer products that grants DTSC authority to take actions to protect people and the

environment when such actions are outside the scope of other regulatory programs. There are no equivalent federal regulations that require product manufacturers to determine if the chemical in their product is necessary, if there is a safer alternative, and to take steps to protect human health and the environment.

The California Labor Code and the California Occupational Safety and Health Act require all employers, regardless of size, to provide and maintain a safe and healthful workplace for employees. The hazard communication regulations require employers to inform employees about hazardous substances that they may handle or be exposed to at their workplace. The regulations also require employers to provide employees with safety training and information, which includes material safety data sheets, product labels and other forms of warning, and the employers' written hazard communication materials. Additionally, Cal/OSHA and the federal OSHA have established permissible exposure limits (PEL) for unreacted MDI of five parts per billion (ppb) and 20 ppb, respectively. PELs are the maximum levels of isocyanate permitted in air in a worker's breathing zone. Employers must determine if employees are exposed to isocyanates and must maintain exposures below these limits. Cal/OSHA and the federal OSHA regulate hazards that workers may encounter in their workplaces; their requirements focus on hazard elimination or mitigation through a hierarchical hazard control methodology. This methodology could result in specific products not being used in the workplace if employers cannot control the hazards to their workers. By contrast, the SCP program seeks to make these specific products safer by removing the chemical hazard from the product.

The Frank R. Lautenberg Chemical Safety for the 21st Century Act (2016) amended the Toxic Substances Control Act (TSCA), Title 15, United States Code, section 2601 et seq. Although there have been significant changes to TSCA because of the recent amendment, including risk-based safety standards and mandatory chemicals evaluations, current regulation of MDI under TSCA is limited to a significant new use rule (SNUR). The SNUR applies to workplace uses of MDI that are not already covered by a program whereby a worker would be required to wear specified National Institute for Occupational Safety and Health (NIOSH)-certified respirators. There is no regulation of MDI under TSCA pertaining to hazard reduction or a restriction on the use of the chemical, and therefore there is no conflict or duplication between regulation under TSCA and this proposed rule.

State and federal worker protection standards do not apply to consumers or sole proprietors who apply SPF containing unreacted MDI through pressurized systems. This potentially large population of applicators is less likely to have received safety training or information about the hazards posed by unreacted MDI; not knowing the hazards makes this group of applicators less likely to use PPE.

Eliminating the chemical hazard entirely, or substituting a less hazardous chemical, is the most effective means of minimizing potential occupational chemical exposures and is also the primary goal of the SCP regulations. This proposed regulation is an important supplement to current state and federal exposure standards and the ongoing efforts to protect California workers by preventing worker and consumer illnesses or injuries.

## **DISCLOSURE REGARDING THE PROPOSED ACTION**

DTSC made the following initial determinations:

### **Mandate on Local Agencies or School Districts**

DTSC determined that adoption of this regulation would not impose a local mandate or result in costs subject to reimbursement pursuant to Part 7 of Division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

### **Costs or Savings to Any State Agency**

DTSC determined that adoption of this regulation would not result in costs or savings for any state agency.

### **Costs or Savings to Local Agencies or School Districts Subject to Reimbursement**

DTSC determined that adoption of this regulation would not result in costs or savings for any local agency or school district required to be reimbursed pursuant to Part 7 of Division 4, commencing with section 17500 of the Government Code, or other nondiscretionary costs or savings imposed on local agencies.

### **Cost or Savings in Federal Funding to the State**

DTSC determined that adoption of this regulation will not result in any decrease or increase in federal funds to California.

### **Effect on Housing Costs**

The proposed regulation does not change or impact current building codes or standards included in the Health and Safety Code; therefore, DTSC determined that housing costs would not be impacted.

### **Determination of Significant, Adverse Statewide Economic Impact**

DTSC made an initial determination that the adoption of these regulations may have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. DTSC has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses;
- Consolidation or simplification of compliance and reporting requirements for businesses;
- Use of performance standards rather than the prescriptive standards; and/or
- Exemption or partial exemption from the regulatory requirements for businesses.

### Types of Businesses Affected

Manufacturers of SPF systems with unreacted MDI have the principle duty to comply with the notification and reporting requirements. If manufacturers do not comply, then the importers of SPF systems with unreacted MDI have the duty to comply. Retailers or assemblers of these systems would be required to comply with the requirements only if the manufacturers and importers (if any) fail to comply, and only after DTSC posts this information to the Failure to Comply List on DTSC's website [section 69501.2(a)(1)].

End-users, such as insulation contractors and homeowners who purchase SPF systems for use in their businesses or homes are not subject to this regulation.

### Reporting Requirements

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), DTSC found that the reporting requirements of the proposed regulatory action, which apply to businesses, are necessary for the health, safety, and welfare of the people of the State of California. The relevant reporting requirements and forms are:

- Priority Product Notification [section 69503.7]
- Removal/Replacement Notifications:
  - Chemical of Concern Removal Intent Notification [section 69505.2]
  - Chemical of Concern Removal Confirmation Notification [section 69505.2]
  - Product Removal Intent Notification [section 69505.2]
  - Product Removal Confirmation Notification [section 69505.2]
  - Product-Chemical Replacement Intent Notification [section 69505.2]
  - Product-Chemical Replacement Confirmation Notification [section 69505.2]
  - Product Cease Ordering Notification [section 69501.2(b)(2)(B)]
- AA Notifications and Reports:
  - AA Threshold Notification [section 69505.3]
  - AA Extension [section 69505.1(c)]
  - Preliminary AA Report [section 69505.4(a)(2), section 69505.5, section 69505.1(b)(2)(A), section 69505.7]
  - Final AA Report [section 69505.4(a)(3), section 69505.6, section 69505.1(b)(2)(B), section 69505.7]
  - Abridged AA Report [section 69505.4(b)]
  - Alternate AA Work Plan [section 69505.4(c)]

- Previously completed AA [section 69505.4(d)]

The reports and forms that will be submitted by a manufacturer depend on several factors including the Priority Products produced, the availability of viable alternatives, and business decisions made by the manufacturer. The reporting requirements applicable to manufacturers may be fulfilled by a consortium, trade association, public-private partnership, or other entity acting on behalf of, or in lieu of, one or more manufacturer. This provision does not apply to the Priority Product Notification or AA Threshold Exemption Notification requirements [section 69501.2(a)(2)].

### **Determination of Effect on Small Business**

DTSC made an initial determination that the adoption of these regulations may affect small businesses.

### **Cost Impacts on Representative Private Persons or Businesses**

DTSC estimates that it would cost a total of \$1,067,600 to \$3,107,600 for all SPF systems manufacturers to submit Priority Product Notifications and Abridged AA Reports and to respond to DTSC's Abridged AA Report reviews. DTSC assumed that only businesses licensed by California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI) to sell SPF systems in California would be impacted by this proposed regulation. Based on this information, DTSC estimates there are 17 manufacturers of SPF systems with unreacted MDI that make or sell their products in California who would be required to comply with this regulation. Fourteen of the 17 affected businesses are headquartered in states other than California.

Since there are few precedent regulations of this nature and no previously conducted AAs to use as guides for this economic analysis, DTSC developed these cost estimates based on surveys of SPF systems manufacturers and the American Chemistry Council's Center for the Polyurethanes Industry and reviews of other authoritative sources of information. Given a lack of data and uncertainties surrounding the effort required to complete the AA process defined in the SCP regulations, these costs may be underestimated. Likewise, if some or all of the affected manufacturers form a consortium to conduct an industry-wide Abridged AA, overall costs would likely be lower.

### **Results of the Regulatory Economic Impact Analysis**

DTSC determined that it is:

- unlikely that this proposal will eliminate or create businesses or jobs in SPF systems manufacturing;
- possible that this proposal could create an unknown number of businesses to assist SPF systems manufacturers in meeting regulatory obligations including consulting services, chemical and material science research services, and product development support;

- possible that this proposal could create an unknown number of businesses to assist commercial insulation contractors in providing worker safety training or SPF installer certification to employees;
- possible that this proposal could result in the expansion of businesses currently doing business within the state, particularly those engaged in regulatory consulting services, chemical and material science research services, product development support, consumer education, and worker safety training and certification;
- possible that this proposal could create an unknown number of public or private sector jobs in business consulting, product research and design, manufacturing and sales of personal protective equipment, product marketing, consumer education, and worker safety training and certification programs; and
- likely that this proposal would affect at least two small SPF systems manufacturers headquartered in California. Costs to submit Priority Product Notifications and AA Reports are expected to be the same for all impacted businesses.

### **Benefits of the Proposed Action**

The primary goal of the SCP program is to significantly reduce adverse health and environmental impacts of chemicals used in commerce, as well as the overall costs of these impacts to the state's society. By listing SPF systems with unreacted MDI as a Priority Product, DTSC asks manufacturers to evaluate whether unreacted MDI is necessary in SPF systems and whether there are safer alternatives that would reduce harm from exposure to unreacted MDI during normal use of SPF systems. A reduction in airborne unreacted MDI means healthier air quality and safer workplaces and homes. Reducing exposure to unreacted MDI could reduce the incidence of workplace-related asthma and the number of workdays lost to occupational injury or illness. The development of safer alternatives benefits California workers, consumers, and the businesses that employ workers who use SPF systems.

To meet the requirements of this proposed regulation, SPF systems manufacturers who intend to sell their products in California must conduct AAs to identify viable, safer alternatives to the use of unreacted MDI in these products. Manufacturers that opt to conduct Abridged AAs must propose Regulatory Responses that increase consumer and worker information on the safe use of SPF products and support research into development of safer SPF systems based on green chemistry or green engineering principles.

Each AA will reflect each SPF systems manufacturer's distinct technical and business considerations, constraints, and opportunities. As such, DTSC cannot pre-determine the Regulatory Responses that each manufacturer will select nor can DTSC accurately predict or quantify the full range of potential benefits associated with their implementation. DTSC will maximize the use of alternatives of least concern and give preference to Regulatory Responses that provide the greatest level of inherent protection.

Given the SCP program goal of improved product safety, benefits are expected to include reduced occupational and non-occupational illnesses and injuries, reduced medical costs and workers' compensation claims, and reduced safety training and personal protective equipment cost. Should a safer alternative be identified, manufacturers may benefit from reduced costs associated with the reduced need for and use of PPE. There may also be expanded public and private employment opportunities in research, education, and consulting focused on the advancement of green chemistry, green engineering, and lifecycle and alternatives assessment.

## **CONSIDERATION OF ALTERNATIVES**

Pursuant to Government Code section 11346.5(a)(13), DTSC must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be: more effective in carrying out the purpose for which the action is proposed; as effective and less burdensome to affected private persons than the proposed action; or more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## **DISCLOSURE REGARDING REASONABLE ALTERNATIVES**

DTSC considered the following alternatives to the proposed regulatory action:

**Selected Alternative:** List two-component SPF systems with unreacted MDI as a Priority Product.

Normal use of high- or low-pressure SPF systems with unreacted MDI has been shown to expose applicators, including workers and consumers, to levels of unreacted MDI that could be harmful to their health. These exposures have the potential to contribute to or cause significant adverse impacts to human health.

**Alternative 1: Systems with TDI and MDI.** List two-component SPF systems with unreacted MDI used for insulation, filling voids and gaps, and roofing materials and roof coatings containing toluene diisocyanate (TDI) as a Priority Product.

In this option, the Chemicals of Concern included both unreacted MDI and TDI. DTSC rejected this option after SPF systems manufacturers explained that TDI-containing coatings are a separate product that serves a different function.

**Alternative 2: Pre-mixed cans.** List two-component SPF systems with unreacted MDI used for insulation, filling voids and gaps, and roofing materials and one-component pre-mixed cans of SPF products for insulation and filling of gaps and voids.

This product is not included in the product-chemical description because the chemicals, including unreacted MDI, are pre-mixed in the one-component can. While there may be small amounts of unreacted MDI released when consumers apply the foam, most of the chemical has already been reacted and exposures are assumed to be low.

**Alternative 3: Voluntary initiative.** Allow SPF systems manufacturers to take voluntary actions to minimize potential worker and consumer exposures to unreacted MDI.

In lieu of DTSC adopting SPF systems with unreacted MDI as a Priority Product in regulation, industry representatives proposed to undertake voluntary actions to educate key stakeholders on workplace safety regulations, SPF product stewardship, and general health and safety. After discussing this proposal with industry representatives, DTSC rejected this option because it does not advance the goals of the SCP regulations in general and of this proposed regulation in specific: to drive SPF systems manufacturers to find safer alternatives to MDI in SPF while avoiding regrettable substitutions. Additionally, voluntary initiatives are not enforceable.

DTSC developed the Abridged AA process because DTSC anticipated that some manufacturers would determine that acceptable alternatives were not available. The Abridged AA process provides the structure for a binding regulatory agreement that secures investment funds for development of safer alternatives to the Priority Product; minimizes adverse impacts to people who continue to use the Priority Product as allowed by the regulations; and provides the necessary level of enforceability to ensure a level playing field among the regulated community. Had DTSC agreed to the proposed voluntary initiative, there would be no assurance that the SPF industry would vigorously pursue safer alternatives to the use of unreacted MDI in SPF products. DTSC needs to be able to take effective actions to ensure that workplaces are safe and that all SPF applicators, including sole proprietors and consumers, have access to health and safety information.

### **Cost Analysis for Alternatives to the Regulation**

DTSC did not attempt to quantify costs or benefits associated with Alternative 1 or Alternative 2. Since both alternatives would have affected a greater number of manufacturers, it is likely that costs for each of these alternatives would exceed those associated with the proposed regulation. Since the manufacturers potentially affected by these alternatives likely would have conducted Abridged AAs with, at a minimum, the two required Regulatory Responses, the benefits would have been similar to those described for the proposed regulation and may have impacted a greater number of people. DTSC also did not quantify costs or benefits associated with Alternative 3 due to a lack of authority to implement this alternative.

## **OTHER APPLICABLE REQUIREMENTS PRESCRIBED BY STATUTE**

### **External Scientific Peer Review**

DTSC requested an external scientific peer review of the scientific basis of the proposed regulations pursuant to Health and Safety Code section 57004. The result of the external scientific peer review will be posted to DTSC's website at:

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

### **California Environmental Quality Act (CEQA) Compliance**

DTSC determined that this rulemaking project is exempt under CEQA (Public Resources Code Section 21000, et seq.). This rulemaking meets the General Rule Exemption available under Section 15061(b)(3), Title 14 of the California Code of Regulations. A draft Notice of Exemption (NOE) is available for review with this rulemaking file and will be filed with the State Clearinghouse when the regulations are adopted.

### **California Environmental Policy Council Review**

Under the provisions of HSC section 25252.5, the California Environmental Policy Council (CEPC) reviewed the framework SCP regulations prior to their adoption in October 2013 (the CEPC Resolution may be viewed at <http://www.calepa.ca.gov/cepc/>). Per HSC Section 25252.5(f), the CEPC determined that the proposed regulations would not have any significant adverse impact on public health or the environment and could be adopted by DTSC without undergoing a multimedia life-cycle evaluation.

DTSC determined that further review by the CEPC is not warranted for this rulemaking because the requirements of Health and Safety Code section 25252.5 apply only to the creation of the SCP program and not regulations that may be required to implement this program.

## **CONTACTS**

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Dr. Julia Gress of DTSC at (916) 322-4062 or [Julia.Gress@dtsc.ca.gov](mailto:Julia.Gress@dtsc.ca.gov). However, such oral inquiries are not part of the rulemaking record. If Dr. Gress is unavailable, you may also contact Mr. Benjamin Molin, DTSC Office of Legal Affairs, at (916) 322-4882 or [Ben.Molin@dtsc.ca.gov](mailto:Ben.Molin@dtsc.ca.gov).

The written comment period for this rulemaking proposal will commence on March 24, 2017 at 8:00 a.m. and close on May 16, 2017 at 5:00 p.m. PST. During this time, DTSC will accept statements, arguments or contentions, and/or supporting documents regarding this rulemaking that must be submitted in writing, or may be presented orally or in writing at the public hearing. Comments must be received by the deadline in order for them to be considered before DTSC adopts, amends, or repeals these regulations.

## **AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND INITIAL STATEMENT OF REASONS**

Copies of the Notice, Initial Statement of Reasons, the text of the proposed regulations, all the information upon which the proposal is based, as well as the express terms of the proposed regulations are posted to DTSC's website at:

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

Copies of these documents may also be obtained from Mr. Benjamin Molin, Regulations Coordinator in the Office of Legal Affairs, as specified above.

After the close of the comment period, DTSC may adopt the proposed regulations. If changes are made to the regulation text, the modified full text will be made available for comment for at least 15 days prior to adoption. Only persons who specifically request copies of the modified text, attend the public hearing, provide written or oral comments at the hearing, or submit written comments to our office, will be sent a copy of the modified text if substantive changes are made.

Once DTSC finalizes the regulation text, DTSC will prepare a Final Statement of Reasons, which 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>.

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.