

PROPOSED REGULATIONS TEXT

MARCH 2017

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

DEPARTMENT OF TOXIC SUBSTANCES CONTROL REFERENCE NUMBER: R-2016-04
OFFICE OF ADMINISTRATIVE LAW NOTICE FILE NUMBER: Z-2017-0307-02

Amend section 69511 and add section 69511.2, Article 11, chapter 55 to division 4.5 of title 22 of the California Code of Regulations, to read as follows:

(Note: The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from regulatory text.)

Article 11. Priority Products List ^[1]

§ 69511. General.

(a) This article specifies product-chemical combinations listed as Priority Products pursuant to section 69503.5.

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

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

(2) Spray polyurethane foam systems containing unreacted methylene diphenyl diisocyanates.

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

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

§ 69511.2. Spray Polyurethane Foam Systems Containing Unreacted Methylene Diphenyl Diisocyanates.

(a) Product-chemical combination description: "Spray polyurethane foam systems containing unreacted methylene diphenyl diisocyanates" means spray polyurethane foam

¹DTSC conducted separate rulemaking to list and 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 and adopt Article 11. This rulemaking was noticed but is not effective because it has not been approved by Office of Administrative Law and filed with the Secretary of State.

systems containing liquid chemical mixtures in two separate containers that are sold or distributed together. The two separate containers are commonly referred to as Side A and Side B. Side A contains unreacted methylene diphenyl diisocyanates. 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 product-chemical combination includes:

(A) High-pressure spray polyurethane foam systems, and

(B) Low-pressure spray polyurethane foam systems.

(b) Candidate Chemicals. For purposes of this chapter, the following Candidate Chemicals are identified as the basis for the product defined in subsection (a) being listed as a Priority Product:

(1) 4,4'-methylenediphenyl diisocyanate, Chemical Abstract Service Reference Number: 101-68-8; and

(2) Generic methylene diphenyl diisocyanate mixed isomers, Chemical Abstract Service Reference Number: 26447-40-5

(c) Hazard traits associated with the Candidate Chemicals identified in subsection (b) include:

(1) Dermatotoxicity,

(2) Immunotoxicity, and

(3) Respiratory toxicity.

(d) Toxicological endpoints associated with exposure to Candidate Chemicals identified in subsection (b) include:

(1) Allergic contact dermatitis,

(2) Allergic sensitization,

(3) Asthma,

(4) Dermal sensitization,

(5) Extrinsic allergic alveolitis,

(6) Hypersensitivity pneumonitis,

(7) Interstitial and peribronchiolar fibrosis, and

(8) Respiratory irritation.

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

(f) The Preliminary Alternatives Analysis Report for this Priority Product shall be submitted within 180 days after the effective date of this regulation.

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