

CALIFORNIA ENVIRONMENTAL QUALITY ACT  
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  
Safer Consumer Products Branch  
P.O. Box 806, 1001 I Street, 11th floor  
Sacramento, CA 95812-0806

Project Title: Safer Consumer Products: Listing Spray Polyurethane Foam Systems Containing Methylene Diphenyl Diisocyanates as a Priority Product in Regulation (Regulation Reference Number R-2016-04)

Project Location: Statewide

County: Statewide

Project Description: The Department of Toxic Substances Control (DTSC) pursuant to authority granted by Health and Safety Code Sections 25252, 25253, and 58012, approved a rulemaking to amend section 69511 and add section 69511.2 to Chapter 55, Safer Consumer Products, Division 4.5 of Title 22, California Code of Regulations. The proposed action will add one new Priority Product, Spray Polyurethane Foam Systems Containing Methylene Diphenyl Diisocyanates, to the Priority Products List (Article 11).

Background: DTSC's Safer Consumer Products Regulations, adopted in 2013, strives to reduce toxic chemicals in products and create safer substitutes for hazardous ingredients in consumer products sold in California. The regulations emphasize safer products and healthier lives by reducing or eliminating use of toxic chemicals.

The regulations require DTSC to evaluate and prioritize product/Candidate Chemical combinations and to add these product/chemical combinations to the Priority Products List. A Candidate Chemical that is the basis for a product being listed as a Priority Product is designated as a Chemical of Concern (COC) for that product and for any alternative considered or selected to replace that product. DTSC selects Priority Products based on the potential risk of exposure to the COC(s) in the products and the potential for this exposure to contribute to or cause widespread or significant adverse impacts to people or wildlife.

Once a Priority Product has been adopted in regulation, responsible entities who manufacture, import, assemble, or sell the product must notify DTSC. Following the initial notification, a responsible entity may choose to remove the COC from the Priority Product; stop selling or distributing the Priority Product in California; or perform an Alternatives Analysis (AA) to determine how best to limit adverse public health and environmental impacts posed by the COC(s) in the product. If a responsible entity chooses to follow the AA process (rather than removing the COC from the product or the product from the channels of trade in California) then DTSC may impose regulatory responses that are designed to prevent or significantly reduce the potential for adverse impacts to public health and the environment.

Project Activities: The Priority Product added through this rulemaking is Spray Polyurethane Foam Systems Containing Methylene Diphenyl Diisocyanates. DTSC is placing this product on the Priority Products List based on two criteria in the Safer Consumer Products Regulations: 1) the product has the potential to expose people or the environment to the Candidate Chemical in the product, and 2) this exposure has the potential to "contribute to or cause significant or widespread adverse impacts."

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

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

Exemption Status: (check one)

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

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

Reasons Why Project is Exempt: The project will not result in a change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Therefore, DTSC finds with certainty that there is not a possibility that the activities in question will result in a significant environmental effect.

Evidence to support the above conclusions is documented in the project file, available for inspection at:

Department of Toxic Substances Control  
P.O. Box 806, 1001 I Street, 11th floor  
Sacramento, CA 95812-0806

Project Manager Name	Project Manager Title	Phone #
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Branch Chief Signature	Date
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Branch Chief Name	Branch Chief Title	Phone #
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TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: