

PROPOSED REGULATORY TEXT

February 2020

SAFER CONSUMER PRODUCTS REGULATIONS – Listing Carpets and Rugs Containing Perfluoroalkyl or Polyfluoroalkyl Substances as a Priority Product

Department of Toxic Substances Control reference number: R-2019-02

Office of Administrative Law Notice Reference Number: Z-2020-0218-04

Amend sections 66260.11, 69511 and adopt section 69511.4, to article 11, chapter 55, 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 ~~striketrough~~ to indicate deletions from regulatory text. The symbol “*****” means that intervening text not proposed for amendment is not shown.)

Section 66260.11. References.

- (a) When used in this division, the following publications are incorporated by reference:

(71) “Biomonitoring California Priority Chemicals,” February 2019, available from the California Environmental Contaminant Biomonitoring Program led by the California Department of Public Health, PO Box 997377, MS 0500, Sacramento, CA 95899-7377.

Note: Authority cited: Sections 25141, 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25141, 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 260.11.

Section 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);

- (2) Spray polyurethane foam systems containing unreacted methylene diphenyl diisocyanates; and
- (3) Paint or varnish strippers containing methylene chloride; and
- (4) Carpets and rugs containing perfluoroalkyl or polyfluoroalkyl substances.

Note: Authority cited: Sections 25252, 25253, and 58012 of the Health and Safety Code.

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

Section 69511.4. Carpets and Rugs Containing Perfluoroalkyl or Polyfluoroalkyl Substances.

(a) (1) "Carpets and rugs containing perfluoroalkyl or polyfluoroalkyl substances," means any consumer product made from natural or synthetic fabric intended to be used as a floor covering inside commercial or residential buildings that contains any member of the class of perfluoroalkyl and polyfluoroalkyl substances (PFASs). This includes carpeted door mats.

(2) Notwithstanding subsection (a)(1), "carpets and rugs containing perfluoroalkyl or polyfluoroalkyl substances" does not include:

(A) Carpets and rugs intended solely for outdoor use;

(B) Carpets and rugs intended solely for use inside airplanes, trains, ships, automobiles, light duty trucks, vans, buses, or any other vehicles, as well as aftermarket or replacement parts marketed solely for use in vehicles;

(C) Resilient floor coverings;

(D) Artificial turf;

(E) Wall hangings and coverings;

(F) Table mats; and

(G) Camping sleeping mats.

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

(1) Perfluoroalkyl and polyfluoroalkyl substances (PFASs), a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, as defined by the California Environmental Contaminant Biomonitoring Program in "Biomonitoring California Priority Chemicals," February 2019 (incorporated by reference, see section 66260.11 of this division).

(c) Hazard traits associated with PFASs include one or more of the following:

- (1) Carcinogenicity;
- (2) Cardiovascular toxicity;
- (3) Developmental toxicity;
- (4) Endocrine toxicity;
- (5) Hepatotoxicity;
- (6) Immunotoxicity;
- (7) Nephrotoxicity;
- (8) Ocular toxicity;
- (9) Reproductive toxicity;
- (10) Environmental persistence;
- (11) Bioaccumulation;
- (12) Mobility in environmental media; and
- (13) Lactational and transplacental transfer.

(d) Toxicological and environmental endpoints associated with exposure to certain PFASs include:

- (1) Kidney and testicular cancers in humans;
- (2) Increased serum cholesterol and increased risk of heart disease in humans;
- (3) Decreased birth weight in humans; reduced ossification and accelerated puberty in male mice; decreased hatching success in bird eggs; delayed metamorphosis in frogs; tail deformation, uninflated swim bladders, and increased occurrence of malformations in zebrafish;
- (4) Thyroid disease and obesity in humans; pubertal disorders in mice;
- (5) Increased liver weight and liver tumors in mice;
- (6) Decreased effectiveness of vaccines, ulcerative colitis, and increased risk of respiratory tract infections in humans;
- (7) Renal disease in humans;
- (8) Delayed pupil response and retina degeneration in rats; and
- (9) Pregnancy-induced hypertension and decreased fertility in humans; delayed eye opening and delayed puberty in mice; decreased hatching success in birds.

- (e) For the purposes of this chapter, the Candidate Chemical identified in subsection (b) is designated as the Chemical 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 of the Health and Safety Code.

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