

TITLE 22 CALIFORNIA CODE OF REGULATIONS

15-DAY NOTICE AND COMMENT PERIOD

**PUBLIC AVAILABILITY OF POST-HEARING CHANGES
AND DOCUMENTS ADDED TO THE RULEMAKING FILE**

April 5, 2021

**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**

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) has made post 45 -day comment changes to the proposed regulation, amending the California Code of Regulations, title 22, division 4.5, Chapter 10, section 66260.11, and Chapter 55, section 69511, and adopting section 69511.4.

DTSC considers these new changes to the rulemaking to be “sufficiently related changes,” as defined in title 1, California Code of Regulations, section 42. DTSC has determined that these changes do not impact the finding of the previously proposed Notice of Exemption prepared pursuant to the California Environmental Quality Act (CEQA).

DTSC mailed the first notice of proposed action for this rulemaking and provided links to the documents for public review and comment on February 28, 2020. Written comments were accepted during the 45-day public comment period, however, due to the threat of COVID-19, the public hearing for this regulation, originally scheduled for April 13, 2020, was postponed and was conducted as a virtual hearing on May 15, 2020. Hence, the comment period for these proposed regulations was extended through May 15, 2020 for a total of 77 days. DTSC accepted written and oral testimony.

**GOVERNOR'S EXECUTIVE ORDERS EXTENDING ADMINISTRATIVE PROCEDURE
ACT DEADLINES**

Governor Newsom's Executive Order N-40-20, issued March 30, 2020, extended by 60 calendar days the one-year deadline for expiration of a Notice of Proposed Action (NOPA) and submission of proposed regulatory actions to OAL (Government Code, section 11346.4(b)). Governor Newsom's Executive Order N-71-20, issued June 30, 2020, extended the foregoing deadline by 60 additional days.

REVISION TO PROPOSED REGULATIONS

Addendum to the Economic and Fiscal Impact Analysis

On December 30, 2020, the Department of Toxic Substances Control (DTSC) submitted the Economic and Fiscal Impact Analysis (STD 399) of the final regulation package to the Department of Finance (DOF) for its approval.

DTSC has prepared an Addendum that summarizes the changes DTSC made to clarify the assumptions made in the Economic and Fiscal Impact Analysis based on the comments from DOF.

WRITTEN COMMENT PERIOD

A written comment period has been established and is scheduled to commence on April 5, 2021, and conclude at 11:59 PM PST on April 20, 2021.

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 format. Written comments may be submitted electronically through the SCP Information Management System, CalSAFER at: <https://calsafer.dtsc.ca.gov/>. Please direct questions or concerns about CalSAFER to Simona Bălan at (510) 540-3888 or simona.balan@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 or regs@dtsc.ca.gov. Please direct hard-copy written comments to the Office of Legislation and Regulatory Review, as specified below.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulation may be directed to Simona Bălan of DTSC at (510) 540-3888 or, if unavailable, Nancy Ostrom of DTSC at (916) 445-3077. However, such oral inquiries are not part of the rulemaking record.

AVAILABILITY OF MODIFIED TEXT AND ALL OTHER RULEMAKING DOCUMENTS

Copies of the revised text of the proposed regulations and documents added to the rulemaking file are posted to DTSC's Internet website at <https://dtsc.ca.gov/regs/> or may be obtained upon request from the Office of Legislation and Regulatory Review as listed below.

Office of Legislation and Regulatory Review
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
Fax Number: (916) 324-1808
TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Copies of the Notice of Proposed Action, Initial Statement of Reasons, all the information upon which this proposal is based, and the express terms of the proposed

regulation (also known as the proposed regulatory text), are posted to DTSC's Internet website at <https://dtsc.ca.gov/regs/> or may be obtained from the Office of Legislation and Regulatory Review, as specified above.

After the close of the comment period, DTSC may adopt the proposed regulation. Once the regulation has been adopted, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <https://dtsc.ca.gov/regs/>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulation.

Please direct all written comments, procedural inquiries, and requests for documents by mail, e-mail, or fax to the Office of Legislation and Regulatory Review, as specified above. To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <https://dtsc.ca.gov/dtsc-e-lists/> and subscribe to the applicable EList or e-mail: regs@dtsc.ca.gov.