

PROPOSED REGULATORY TEXT

September 2021

SAFER CONSUMER PRODUCTS REGULATIONS – Listing Treatments Containing Perfluoroalkyl or Polyfluoroalkyl Substances for Use on Converted Textiles or Leathers as a Priority Product

Department of Toxic Substances Control reference number: R-2020-04

Amend section 69511 and adopt section 69511.5, 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 ~~strikethrough~~ to indicate deletions from regulatory text. The symbol “*****” means that intervening text not proposed for amendment is not shown.)

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;
 - (3) Paint or varnish strippers containing methylene chloride; ~~and~~
 - (4) Carpets and rugs containing perfluoroalkyl or polyfluoroalkyl substances; and
 - (5) Treatments containing perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers

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

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

Section 69511.5. Treatments Containing Perfluoroalkyl or Polyfluoroalkyl Substances for Use on Converted Textiles or Leathers.

(a) (1) “Treatments containing perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers” means any product containing any member of the class of perfluoroalkyl and polyfluoroalkyl substances (PFASs) that may be marketed or sold for the purpose of:

- (A) Eliminating dirt or stains from carpets, rugs, clothing, shoes, upholstery, or other converted textiles and leathers; or
- (B) Repelling stains, dirt, oil, or water from carpets, rugs, clothing, shoes, upholstery, or other converted textiles and leathers.

(2) The term “converted” indicates textile and leather that manufacturers and craftspeople have turned into consumer products such as carpets, upholstery, furnishings, clothing, shoes, etc.

(3) Products listed in subsection (a)(1) include:

- (A) Cleaner: a product marketed or sold for the purpose of eliminating dirt or stains;
- (B) Protectant: a product marketed or sold to protect a surface from soiling when in contact with dirt or other impurities, or to reduce liquid absorption;
- (C) Spot remover: a product marketed or sold to clean localized areas, or to remove localized spots or stains; and
- (D) Water proofer or water repellent: a product marketed or sold to repel water.

(4) “Treatments containing perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers” does not include products marketed or sold exclusively for use during the manufacturing of carpets, rugs, clothing, shoes, furniture, or other converted textiles and leathers.

(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.

(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) Phytotoxicity;
- (11) Wildlife developmental, reproductive, or survival impairment;
- (12) Environmental persistence;
- (13) Bioaccumulation;
- (14) Mobility in environmental media; and
- (15) 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.