

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Toxic Substances Control**

**Regulatory Action:**

**Title 22, California Code of Regulations**

**Adopt section: 69511.5**

**Amend section: 69511**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2022-0128-02**

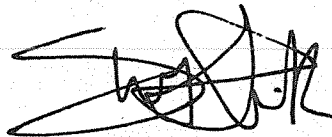
**OAL Matter Type: Regular (S)**

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Existing regulations establish a process for evaluating Chemicals of Concern in consumer products and safer alternatives. In this regular rulemaking, the Department of Toxic Substances Control is adding treatments containing any perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers as a Priority Product on the Priority Products List.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2022.

**Date:** February 28, 2022



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**Steven J. Escobar  
Senior Attorney**

**Original:** Meredith Williams, Director  
**Copy:** Rick Brausch

**For:** Kenneth J. Pogue  
Director

# REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2021-0915-01</b>	REGULATORY ACTION NUMBER <b>2022-0128-02</b>	EMERGENCY NUMBER <b>S</b>
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**FEB 28 2022**

*1:49 pm*

OFFICE OF ADMIN. LAW  
2022 JAN 28 PM3:23

AGENCY WITH RULEMAKING AUTHORITY  
**Department of Toxic Substances Control**

AGENCY FILE NUMBER (If any)  
**R-2020-04**

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER <b>0</b>	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER <b>2021, No. 39-2</b>
			PUBLICATION DATE <b>9/24/2021</b>

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) <b>Safer Consumer Products: Priority Products List</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT <b>69511.5</b>
	AMEND <b>69511</b>
TITLE(S) <b>22</b>	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))  Effective on filing with Secretary of State  \$100 Changes Without Regulatory Effect  Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)  Fair Political Practices Commission  State Fire Marshal

Other (Specify) **Health & Saf. Code § 25150 Notification and Health & Saf. Code § 57004 Review**

7. CONTACT PERSON <b>Rick Brausch</b>	TELEPHONE NUMBER <b>(916) 251-6398</b>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <b>Rick.Brausch@dtsc.ca.gov</b>
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**FEB 28 2022**

Office of Administrative Law

SIGNATURE OF AGENCY HEAD OR DESIGNEE <b>Meredith J Williams</b>	DATE <b>December 17, 2021</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Meredith Williams, PhD, Director, Department of Toxic Substances Control</b>	

Per agency request: JE, 1/21/22

## REGULATORY TEXT

### 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  
Office of Administrative Law Notice Reference Number: 2021-0915-01

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:

#### **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, 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 (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) 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;
- (5) Pubertal disorders, 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, Health and Safety Code.

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