

TITLE 22 CALIFORNIA CODE OF REGULATIONS

**15-DAY NOTICE OF MODIFICATIONS TO TEXT OF
PROPOSED REGULATIONS AND ADDITION OF DOCUMENTS
AND INFORMATION TO RULEMAKING FILE**

**SAFER CONSUMER PRODUCTS REGULATIONS –
Listing Nail Products Containing Toluene as a Priority Product**

**Department of Toxic Substances Control Reference Number: R-2019-04
Office of Administrative Law Reference Number: Z2021-0921-06**

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the Department of Toxic Substances Control (DTSC) is providing notice of changes made to the proposed regulation section 69511.6(h) of Title 22, California Code of Regulations. The modification to the proposed regulation would describe the requirements related to submission of an AAT Notification. DTSC considers these new changes to the rulemaking to be “sufficiently related changes,” as defined in title 1, California Code of Regulations, section 42. The previously noticed changes amending section 69511 and adopting section 69511.6(a) through (g) of Title 22, California Code of Regulations were approved by the Office of Administrative Law on November 14, 2022. The approved regulations are included in the modified text for context. Newly proposed changes are indicated in **bold single underline** for additions and **~~bold single strikethrough~~** for deletions.

Pursuant to the requirements of Government Code sections 11346.8(d), 11346.9(a)(1), and 11347.1, DTSC is providing notice that documents and other information that DTSC has relied upon in adopting the proposed regulations have been added to the rulemaking file and are available for public inspection and comment.

The documents and information added to the rulemaking file are as follows:

- U.S. EPA. 1996. “Method 5000 (SW-846): Sample Preparation for Volatile Organic Compounds,” Revision 0, Washington, DC, URL at <https://www.epa.gov/hw-sw846/sw-846-test-method-5000-sample-preparation-volatile-organic-compounds>
- U.S. EPA. 2002. "Method 5035A (SW-846): Closed-System Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples," Draft Revision 1. Washington, DC, URL at <https://www.epa.gov/sites/default/files/2015-07/documents/epa-5035a.pdf>

- U.S. EPA. 2018. "Method 8000D (SW-846): Determinative Chromatographic Separations, Rev. 5. Washington DC, URL at <https://www.epa.gov/hw-sw846/sw-846-test-method-8000d-determinative-chromatographic-separations>
- U.S. EPA. 2006. "Method 8260D (SW-846): Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)," Revision 4. Washington, DC, URL at <https://www.epa.gov/hw-sw846/sw-846-test-method-8260d-volatile-organic-compounds-gas-chromatographymass-spectrometry>

These documents are available for public inspection on the DTSC website at <https://dtsc.ca.gov/regs/> or at the U.S. EPA website at <https://www.epa.gov/hw-sw846/sw-846-compendium>.

WRITTEN COMMENT PERIOD

A public comment period for the modified rulemaking has been established commencing on January 20, 2023, and closing on February 6, 2023. Statements, arguments, or contentions regarding the newly proposed changes and/or supporting documents must be submitted in writing for them to be considered by DTSC before it adopts this regulation. Only comments received in writing at the DTSC office on or before the closing date of the comment period will be considered. 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 formats.

Written comments may be submitted electronically through the SCP Information Management System, CalSAFER at: <https://calsafes.dtsc.ca.gov/>. Please direct questions or concerns about CalSAFER to Christine Papagni at 818-717-6541 or Christine.Papagni@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 through the DTSC regulations email address at regs@dtsc.ca.gov. Written comments in hard-copy format can be directed to the Office of Legislation and Regulatory Review, as specified 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
Phone Number: (916) 322-4563
TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulation may be directed to Christine Papagni as specified above. However, such oral inquiries are not part of the rulemaking record.

AVAILABILITY OF MODIFIED TEXT AND OTHER RULEMAKING DOCUMENTS

Copies of the Notice of Proposed Action, all of the documents and information upon which its proposal is based, and 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.

All written comment received by February 6, 2023, that pertain to the indicated changes and additional information will be summarized and responded to in the Final Statement of Reasons. 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.