

**State of California  
Office of Administrative Law**

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

**Regulatory Action:**

**Title 22, California Code of Regulations**

**Adopt section: 69511.7**  
**Amend section: 69511**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2023-0519-04**

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

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Existing regulations in Chapter 55 of Division 4.5 of Title 22 of the California Code of Regulations establish a process for identifying and prioritizing Priority Products and their Chemicals of Concern. These existing regulations also establish a process for identifying and analyzing alternatives to determine how best to eliminate or reduce potential exposures to, or the level of potential adverse impacts posed by, the Chemical(s) of Concern in Priority Products. In this regular rulemaking, the Department of Toxic Substances Control is adding motor vehicle tires containing N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD) 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 10/1/2023.

**Date:** July 3, 2023



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Steven J. Escobar  
Senior Attorney

**Original:** Meredith Williams, Director  
**Copy:** Gabby Nepomuceno

**For:** Kenneth J. Pogue  
Director

# REGULAR

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2022-0510-09</b>	REGULATORY ACTION NUMBER <b>2023-0519-045</b>	EMERGENCY NUMBER <b>5</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

**JUL 03 2023**

**1:44 PM**

**OFFICE OF ADMIN. LAW**  
**2023 MAY 19 pm @ 5:00**

AGENCY WITH RULEMAKING AUTHORITY Department of Toxic Substances Control	AGENCY FILE NUMBER (If any) R-2022-04R
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE <b>SAFER CONSUMER PRODUCTS-Listing Tires</b>	TITLE(S) <b>22</b>	FIRST SECTION AFFECTED <b>65911</b>	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON <b>Rick Brausch</b>	TELEPHONE NUMBER <b>(916) 251-6398</b>	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2022, 20-Z</b>	PUBLICATION DATE <b>5/20/23</b>

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

1a. SUBJECT OF REGULATION(S) <b>Listing Motor Vehicle Tires Containing 6PPD as Priority Product</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>69511.7</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"/> 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"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify)

**PER AGENCY REQUEST SUE 6/29/2023**

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 57004 (Peer Review)**

7. CONTACT PERSON <b>Gabby Nepomuceno</b>	TELEPHONE NUMBER <b>(916) 251-8328</b>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <b>gabriella.nepomuceno@dtsc.ca</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**

**JUL 03 2023**

**Office of Administrative Law**

SIGNATURE OF AGENCY HEAD OR DESIGNEE <b>Francesca Negri</b>	DATE <b>5/19/2023</b>
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TYPED NAME AND TITLE OF SIGNATORY  
**Francesca Negri, Chief Deputy Director, Department of Toxic Substances Control**

# FINAL REGULATORY TEXT

May 2023

## SAFER CONSUMER PRODUCTS REGULATIONS – Listing Motor Vehicle Tires Containing N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD) as a Priority Product

Department of Toxic Substances Control reference number: R-2022-04R

Amend section 69511 and adopt section 69511.7, 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;
  - (4) Carpets and rugs containing perfluoroalkyl or polyfluoroalkyl substances;
  - (5) Treatments containing perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers; ~~and~~
  - (6) Nail products containing toluene; and
  - (7) Motor vehicle tires containing N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD).

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

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

### **Section 69511.7. Motor Vehicle Tires Containing N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD).**

- (a) "Motor vehicle tires containing N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD)" means a motor vehicle tire, as defined in subsection

(a)(2), that contains the chemical N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD).

(1) "Tire" means any product that can be described or observed as a covering for a wheel, usually made of rubber reinforced with cords of nylon, fiberglass, or other material, whether filled with compressed gas (such as air or nitrogen), solid, or non-pneumatic (airless).

(2) For the purposes of this section, "motor vehicle tire" includes:

(A) Any tire, as defined in subsection (a)(1), that is intended for use on light duty vehicles (passenger cars, light trucks, vans, and sport utility vehicles), motorcycles, motor homes, medium- and heavy-duty trucks, buses, and trailers (including trailer coaches, park trailers, and semitrailers); and

(B) Tire tread material: circular or linear precured tread and raw rubber solely for use in mold cure retreading of a tire, as defined in subsection (a)(1).

(C) For the purposes of this section, "motor vehicle tire" does not include:

1. A tire imported into or sold in California as a component of a motor vehicle;
2. A tire intended for exclusive use on off-road vehicles, including aircraft; vehicles intended exclusively for off-road (e.g., dirt track) use; construction and agricultural equipment such as excavators, paving equipment, tractors, combines, bulldozers, and skidders (but not farm labor vehicles); industrial equipment such as forklifts, airport service equipment, and ice-grooming machines; and military vehicles (except those that are equivalent to civilian vehicles covered by this product definition, such as light-duty vehicles used as staff cars, buses, and delivery vehicles); and
3. The used component(s) of a retreaded tire.

(b) Candidate Chemical. For purposes of this chapter N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD) is the Candidate Chemical identified as the basis for the product defined in subsection (a) being listed as a Priority Product.

(c) Hazard traits associated with 6PPD include:

- (1) Dermatotoxicity;
- (2) Hematotoxicity;
- (3) Hepatotoxicity;
- (4) Ocular toxicity;

- (5) Reproductive toxicity;
- (6) Phytotoxicity; and
- (7) Wildlife survival impairment.
- (d) In accordance with 69503.3(a)(1)(G), hazard traits associated with 6PPD-quinone, a reaction product of 6PPD, include one or more of the following:
  - (1) Reactivity in biological systems;
  - (2) Respiratory toxicity;
  - (3) Loss of genetic diversity and biodiversity; and
  - (4) Wildlife survival impairment.
- (e) Toxicological and environmental endpoints associated with exposure to 6PPD include:
  - (1) Skin sensitization in guinea pigs and humans, and skin erythema in rabbits;
  - (2) Anemia in rats;
  - (3) Increased liver weight, fatty degeneration of the liver, and vacuolar degeneration of the liver in rats;
  - (4) Edema and erythema of the eye, discharge from the eye, and dullness of cornea in rabbits;
  - (5) Dystocia in rats;
  - (6) Decreased cell count in algae;
  - (7) Acute lethality in fish; and
  - (8) Immobilization or mortality in aquatic invertebrates.
- (f) Toxicological and environmental endpoints associated with exposure to 6PPD-quinone include:
  - (1) Acute lethality and pre-spawn mortality in fish;
  - (2) Erratic surface swimming, gaping, fin splaying, and loss of orientation and equilibrium in fish; and
  - (3) Increased hematocrit, dysregulation of blood plasma ions, and disruption of the blood brain barrier in fish.
- (g) 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).
- (h) 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.