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Secretary for
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TITLE 22, CALIFORNIA CODE OF REGULATIONS

45-DAY PUBLIC NOTICE AND COMMENT PERIOD

SAFER CONSUMER PRODUCTS REGULATIONS – Listing Children’s Foam-Padded Sleeping Products Containing Tris(1,3-dichloro-2-propyl) Phosphate (TDCPP) or Tris(2-chloroethyl) Phosphate (TCEP) As a Priority Product

Office of Administrative Law Notice File Number: Z-2016-0627-03
Department Reference Number: R-2014-03

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) is re-opening the 45-day public comment period for the above-referenced rulemaking, which was published in the California Regulatory Notice Register (Z-2016-0627-03) on July 15, 2016.

In the referenced rulemaking, DTSC proposes to amend the California Code of Regulations, Title 22 (22 CCR), Division 4.5, Chapter 55 to adopt article 11 and sections 69511 and 69511.1 to establishing a Priority Products list and identification of children’s foam-padded sleeping products containing tris(1,3-dichloro-2-propyl) phosphate (TDCPP) or tris(2-chloroethyl) phosphate (TCEP) as a Priority Product under the Safer Consumer Products (SCP) regulations (California Code of Regulations, title 22, sections 69501-69510).

DTSC opened a 45-day public notice and comment period for this rulemaking proposal on July 15, 2016, which closed on August 29, 2016. Following the public hearing on August 29, 2016, DTSC learned that interested persons were not able to submit their comments through the online Safer Consumer Products Information Management System (CalSAFER). Following repairs to CalSAFER, DTSC extended the comment period for two days and received several comments through both CalSAFER and departmental email. Although comments were successfully submitted, DTSC is re-opening the 45-day comment period to ensure that all interested persons have ample opportunity to present their written comments on the original rulemaking proposal.

DTSC will consider all comments and testimony already received in addition to any written comments received during this additional comment period.

WRITTEN COMMENT PERIOD

A 45-day public comment period for this rulemaking proposal will commence on October 7, 2016 and close on November 21, 2016. During this time, any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action in either electronic or hard-copy formats. Comments must be received by the deadline in order for them to be considered before DTSC adopts, amends, or repeals these regulations.

Written comments may be submitted electronically through CalSAFER at: <https://calsafes.dtsc.ca.gov/>. Please direct questions or concerns about CalSAFER to Ms. Lisa Quagliaroli at (916) 445-3077 or lisa.quagliaroli@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

Please direct hard-copy written comments to:
Mr. Benjamin Molin
Office of Legal Affairs
Department of Toxic Substances Control
1001 I Street Sacramento, California 95812-0806
Fax Number: (916) 323-5542
Phone Number: (916) 322-4882

The written comment period will close at 5:00 p.m. PST on November 21, 2016. DTSC will only consider comments received on or before this date and time.

AVAILABILITY OF DOCUMENTS PERTAINING TO THIS RULEMAKING PROPOSAL

Copies of the July 15, 2016 Notice, Initial Statement of Reasons, the text of the proposed regulations, all the information upon which the proposal is based, the express terms of the proposed regulations, and comments received during the initial comment period are posted to DTSC's website at:

<http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm> and CalSAFER at: <https://calsafes.dtsc.ca.gov/>. Copies of these documents may also be obtained from Mr. Benjamin Molin, in the Office of Legal Affairs, as specified above.

After the close of the 45-day comment period, DTSC may adopt the proposed regulation. If changes are made to the regulation text, the modified full text will be made

available for comment for at least 15 days prior to adoption. Only persons who specifically request copies of the modified text, attend the public hearing, provide written or oral comments at the hearing, or submit written comments to our office will be sent a copy of the modified text if substantive changes are made.

Once DTSC finalizes the regulation text, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials, as required by Government Code section 11346.9. A copy of the Final Statement of Reasons, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations, will be posted on DTSC's website at:

<http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm> and subscribe to the applicable electronic mailing list.

NOTICE PERTAINING TO ACCESSIBILITY AND REASONABLE ACCOMMODATION

All documents related to these regulations can be made available in alternate format (i.e., Braille, large print, etc.) or in another language, as requested, in accordance with state and federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations, translator, or interpreter needs, upon request. For assistance, please contact the staff person below as soon as possible, no later than 10 business days prior to the close of the comment period:

Ms. Lisa Quagliaroli
Safer Products and Workplaces Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
Email: Lisa.quagliaroli@dtsc.ca.gov
Phone number: (916) 445-3077
TTY/TDD Speech-to-Speech users may dial 711 for the California Relay Service

CONTACTS

Inquiries regarding technical aspects of the proposed regulations, California Environmental Quality Act documents, or CalSAFER may be directed to Ms. Lisa Quagliaroli of DTSC at (916) 445-3077. However, such oral inquiries are not part of the

rulemaking record. If Ms. Lisa Quagliaroli is unavailable, Mr. Benjamin Molin may also be contacted at (916) 322-4882.