

PROPOSED REGULATIONS TEXT
November 2017

DIVISION 4.5, TITLE 22, CALIFORNIA CODE OF REGULATIONS
CHAPTER 55. SAFER CONSUMER PRODUCTS
ARTICLE 11. PRIORITY PRODUCTS LIST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL REFERENCE NUMBER: R-2016-05
OFFICE OF ADMINISTRATIVE LAW NOTICE FILE NUMBER: Z-2017-1107-10

Amend section 69511 and add section 69511.3, 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 ~~strikeout~~ to indicate deletions from regulatory text.)

Article 11. Priority Products List¹

§ 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; and²
 - (3) Paint or varnish strippers containing methylene chloride.

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

¹DTSC conducted a separate rulemaking to list and identify 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 and adopt Article 11, which was approved and filed with the Secretary of State on April 19, 2017, with an effective date of July 1, 2017.

²A separate rulemaking to list and identify spray polyurethane foam containing unreacted MDI as Priority Product has been public noticed but is not effective because it has not been approved by the Office of Administrative Law and filed with the Secretary of State.

§ 69511.3. Paint or Varnish Strippers Containing Methylene Chloride.

- (a) “Paint or varnish strippers containing methylene chloride” means any product designed to break down paint, varnish, or any other surface coating to facilitate its removal from any surface. Such products may be designed for indoor or outdoor use.
- (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) Methylene chloride, Chemical Abstract Services Registry Number: 75-09-2
- (c) Hazard traits associated with methylene chloride include:
- (1) Carcinogenicity,
(2) Neurotoxicity,
(3) Dermatotoxicity, and
(4) Ocular toxicity.
- (d) Toxicological endpoints associated with exposure to methylene chloride include:
- (1) Cancer of the brain, liver, and biliary tract,
(2) Skin irritation, and
(3) Central nervous system depression, intoxication, and unconsciousness.
- (e) For 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.