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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 55@ Safer Consumer Products

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Article 3@ Process for Identifying and Prioritizing Product - Chemical Combinations

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Section 69503.5@ Priority Products List

69503.5 Priority Products List

(a)

Listing Process. (1) The Department shall use the procedures specified in this section and the identification and prioritization criteria and process specified in sections 69503.2 and 69503.3 to identify and list product-chemical combinations as Priority Products. (2) The Priority Products list shall be established and updated through rulemaking under the Administrative Procedure Act (commencing with Government Code section 11340). Except as provided in section 69503.6, the Department shall hold one or more public workshops to provide an opportunity for comment on candidate product-chemical combinations prior to issuing a proposed Priority Products list.

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The Department shall use the procedures specified in this section and the identification and prioritization criteria and process specified in sections 69503.2 and 69503.3 to identify and list product-chemical combinations as Priority Products.

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The Priority Products list shall be established and updated through rulemaking under the Administrative Procedure Act (commencing with Government Code section 11340). Except as provided in section 69503.6, the Department shall hold one or more public workshops to provide an opportunity for comment on candidate product-chemical combinations prior to issuing a proposed Priority Products list.

(b)

List Contents. The Department shall specify in the proposed and final Priority Products lists the following for each listed product-chemical combination: (1) (A) A description of the product-chemical combination that is sufficient for a responsible entity to determine whether one or more of its products is a Priority Product. (B) If the product-chemical combination is a component of one or more assembled products, a description of the known assembled product(s) in which the component is used shall be included. (2) (A) The Candidate Chemical(s) that is/are the basis for the product being listed as a Priority Product and the hazard traits and/or environmental or toxicological endpoints known to be associated with those chemicals. (B) For purposes of this chapter, a Candidate Chemical that is the basis for a product-chemical combination being listed as a Priority Product, as specified under paragraph (2)(A), is designated as a Chemical of Concern for that product. All references in this chapter to the Chemical(s) of Concern in an alternative product that is under consideration or is selected to replace a Priority Product mean the chemical(s) that is/are the Chemical(s) of Concern for that Priority Product. (3) (A) The due date for submission of the Preliminary AA Report required under article 5. (B) As required under section 69505.1(b)(2)(A), the due date for the Preliminary AA Report shall be 180 days after the date the product is listed on the final Priority Products list, unless the Department specifies otherwise in the Priority Products list.

(1)

(A) A description of the product-chemical combination that is sufficient for a responsible entity to determine whether one or more of its products is a Priority Product. (B) If the product-chemical combination is a component of one or more assembled products, a description of the known assembled product(s) in which the

component is used shall be included.

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A description of the product-chemical combination that is sufficient for a responsible entity to determine whether one or more of its products is a Priority Product.

(B)

If the product-chemical combination is a component of one or more assembled products, a description of the known assembled product(s) in which the component is used shall be included.

(2)

(A) The Candidate Chemical(s) that is/are the basis for the product being listed as a Priority Product and the hazard traits and/or environmental or toxicological endpoints known to be associated with those chemicals. (B) For purposes of this chapter, a Candidate Chemical that is the basis for a product-chemical combination being listed as a Priority Product, as specified under paragraph (2)(A), is designated as a Chemical of Concern for that product. All references in this chapter to the Chemical(s) of Concern in an alternative product that is under consideration or is selected to replace a Priority Product mean the chemical(s) that is/are the Chemical(s) of Concern for that Priority Product.

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Chemical(s) of Concern in an alternative product that is under consideration or is selected to replace a Priority Product mean the chemical(s) that is/are the Chemical(s) of Concern for that Priority Product.

(3)

(A) The due date for submission of the Preliminary AA Report required under article 5.

(B) As required under section 69505.1(b)(2)(A), the due date for the Preliminary AA Report shall be 180 days after the date the product is listed on the final Priority Products list, unless the Department specifies otherwise in the Priority Products list.

(A)

The due date for submission of the Preliminary AA Report required under article 5.

(B)

As required under section 69505.1(b)(2)(A), the due date for the Preliminary AA Report shall be 180 days after the date the product is listed on the final Priority Products list, unless the Department specifies otherwise in the Priority Products list.

(c)

Alternatives Analysis Threshold. The Department may, for one or more product-chemical combinations, specify in the proposed and/or final Priority Products list an Alternatives Analysis Threshold concentration for any Chemical of Concern that is an intentionally added ingredient. The Department may also specify an Alternatives Analysis Threshold concentration greater than the applicable PQL for any Chemical of Concern that is a contaminant.

(d)

Complex Durable Products. (1) For a complex durable product, the Department may not list as Priority Products more than ten (10) components contained in that product in a three-year period. (2) For purposes of paragraph (1), "complex durable product" means a product that meets the following criteria: (A) The

product is assembled from 100 or more manufactured components; (B) Manufacturers of the product routinely prepare information intended to be provided to consumers that indicates that the product has a useful life, or an average useful life, of five (5) or more years; and (C) The product is typically not consumed, destroyed, or discarded after a single use. (3) Paragraph (1) does not apply to either of the following types of products: (A) Products designed or intended primarily for children twelve (12) years of age or younger as determined by information made available to consumers or as determined by whether the product is commonly recognized by consumers as being primarily intended for use by a child twelve (12) years of age or younger; or (B) Products intended to be worn or placed on the human body.

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For a complex durable product, the Department may not list as Priority Products more than ten (10) components contained in that product in a three-year period.

(2)

For purposes of paragraph (1), "complex durable product" means a product that meets the following criteria: (A) The product is assembled from 100 or more manufactured components; (B) Manufacturers of the product routinely prepare information intended to be provided to consumers that indicates that the product has a useful life, or an average useful life, of five (5) or more years; and (C) The product is typically not consumed, destroyed, or discarded after a single use.

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Manufacturers of the product routinely prepare information intended to be provided to consumers that indicates that the product has a useful life, or an average useful life, of five

(5) or more years; and

(C)

The product is typically not consumed, destroyed, or discarded after a single use.

(3)

Paragraph (1) does not apply to either of the following types of products: (A) Products designed or intended primarily for children twelve (12) years of age or younger as determined by information made available to consumers or as determined by whether the product is commonly recognized by consumers as being primarily intended for use by a child twelve (12) years of age or younger; or (B) Products intended to be worn or placed on the human body.

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Products designed or intended primarily for children twelve (12) years of age or younger as determined by information made available to consumers or as determined by whether the product is commonly recognized by consumers as being primarily intended for use by a child twelve (12) years of age or younger; or

(B)

Products intended to be worn or placed on the human body.

(e)

Revisions to the Priority Products List. The Department shall review and revise, as appropriate, the Priority Products list at least once every three (3) years using the procedures specified in this section.

(f)

Priority Product Notifications to the Department. As specified in section 69503.7(a), the responsible entity for a product-chemical combination listed on the Priority Products list shall provide a Priority Product Notification to the Department within sixty (60) days after the product-chemical combination is listed

as a Priority Product, or sixty (60) days after the product-chemical combination is first placed into the stream of commerce in California, whichever is later, unless the Department specifies a later due date in the Priority Products list. If applicable, the responsible entity may concurrently submit a notification under section 69505.2 or section 69505.3, or such notification may be submitted at a later date as provided in section 69505.2 or section 69505.3.