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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 69503.2@ Product-Chemical Identification and Prioritization Factors

69503.2 Product-Chemical Identification and Prioritization Factors

(a)

Key Prioritization Principles. Any product-chemical combination identified and listed as a Priority Product must meet both of the following criteria:(1) There must be potential public and/or aquatic, avian, or terrestrial animal or plant organism exposure to the Candidate Chemical(s) in the product; and (2) There must be the potential for one or more exposures to contribute to or cause significant or widespread adverse impacts.

(1)

There must be potential public and/or aquatic, avian, or terrestrial animal or plant organism exposure to the Candidate Chemical(s) in the product; and

(2)

There must be the potential for one or more exposures to contribute to or cause significant or widespread adverse impacts.

(b)

Identification and Prioritization Process. The Department may identify and list as a Priority Product one or more product-chemical combinations that it determines to be of high priority. The Department's decision to identify and list a product-chemical combination as a Priority Product shall be based on an evaluation of the product-chemical combination to determine its associated

potential adverse impacts, potential exposures, and potential adverse waste and end-of-life effects by considering the factors described in paragraphs (1) and (2) for which information is reasonably available. The Department may additionally, in its discretion, consider paragraph (3).

(1) (A) Adverse Impacts and Exposures.

The Department shall begin the product-chemical combination evaluation process by evaluating the potential adverse impacts posed by the Candidate Chemical(s) in the product due to potential exposures during the life cycle of the product. The Department's evaluation of potential adverse impacts and potential exposures shall include consideration of one or more of the factors listed in section

69503.3(a) and one or more of the factors listed in section 69503.3(b). The

listing of a product-chemical combination as a Priority Product shall be based on one or more of the factors listed in section 69503.3(a) and one or more of the factors listed in section 69503.3(b), in addition to the other factors specified in this section.

(B) Adverse Waste and End-of-Life Effects. The Department may also consider product uses, or discharges or disposals, in any manner that have the potential to contribute to or cause adverse waste and end-of-life effects associated with the Candidate Chemical(s) in the product.

(C) Availability of Information. The Department shall consider the extent and quality of information that is available to substantiate the existence or absence of potential adverse impacts, potential exposures, and potential adverse waste and end-of-life effects.

In evaluating the quality of the available information, the Department shall consider, as applicable:

1. The level of rigor attendant to the generation of the information, including, when relevant, the use of quality controls;
2. The degree to which the information has been independently reviewed by qualified disinterested parties;
3. The degree to which the information has been independently confirmed, corroborated, or replicated;
4. The credentials and education and

experience qualifications of the person(s) who prepared and/or reviewed the information; and 5. The degree to which the information is relevant for the purpose for which it is being considered by the Department. (2) Other Regulatory Programs. The Department shall next consider the scope of other California State and federal laws and applicable treaties or international agreements with the force of domestic law under which the product or the Candidate Chemical(s) in the product is/are regulated and the extent to which these other regulatory requirements address, and provide adequate protections with respect to the same potential adverse impacts and potential exposure pathways, and adverse waste and end-of-life effects, that are under consideration as a basis for the product-chemical combination being listed as a Priority Product. If a product is regulated by another entity with respect to the same potential adverse impacts and potential exposure pathways, and potential adverse waste and end-of-life effects, the Department may list such a product-chemical combination as a Priority Product only if it determines that the listing would meaningfully enhance protection of public health and/or the environment with respect to the potential adverse impacts, exposure pathways, and/or adverse waste and end-of-life effects that are the basis for the listing. (3) Safer Alternatives. When deciding whether to list a product-chemical combination as a Priority Product, the Department may also consider whether there is a readily available safer alternative that is functionally acceptable, technically feasible, and economically feasible.

(1)

(A) Adverse Impacts and Exposures. The Department shall begin the product-chemical combination evaluation process by evaluating the potential adverse impacts posed by the Candidate Chemical(s) in the product due to potential exposures during the life cycle of the product. The Department's evaluation of potential adverse impacts and

potential exposures shall include consideration of one or more of the factors listed in section 69503.3(a) and one or more of the factors listed in section 69503.3(b). The listing of a product-chemical combination as a Priority Product shall be based on one or more of the factors listed in section 69503.3(a) and one or more of the factors listed in section 69503.3(b), in addition to the other factors specified in this section. (B) Adverse Waste and End-of-Life Effects. The Department may also consider product uses, or discharges or disposals, in any manner that have the potential to contribute to or cause adverse waste and end-of-life effects associated with the Candidate Chemical(s) in the product. (C) Availability of Information. The Department shall consider the extent and quality of information that is available to substantiate the existence or absence of potential adverse impacts, potential exposures, and potential adverse waste and end-of-life effects. In evaluating the quality of the available information, the Department shall consider, as applicable: 1. The level of rigor attendant to the generation of the information, including, when relevant, the use of quality controls; 2. The degree to which the information has been independently reviewed by qualified disinterested parties; 3. The degree to which the information has been independently confirmed, corroborated, or replicated; 4. The credentials and education and experience qualifications of the person(s) who prepared and/or reviewed the information; and 5. The degree to which the information is relevant for the purpose for which it is being considered by the Department.

(A)

Adverse Impacts and Exposures. The Department shall begin the product-chemical combination evaluation process by evaluating the potential adverse impacts posed by the Candidate Chemical(s) in the product due to potential exposures during the life cycle of the product. The Department's evaluation of potential adverse impacts and potential exposures shall include consideration of one or more of the factors listed in section 69503.3(a) and

one or more of the factors listed in section 69503.3(b). The listing of a product-chemical combination as a Priority Product shall be based on one or more of the factors listed in section 69503.3(a) and one or more of the factors listed in section 69503.3(b), in addition to the other factors specified in this section.

(B)

Adverse Waste and End-of-Life Effects. The Department may also consider product uses, or discharges or disposals, in any manner that have the potential to contribute to or cause adverse waste and end-of-life effects associated with the Candidate Chemical(s) in the product.

(C)

Availability of Information. The Department shall consider the extent and quality of information that is available to substantiate the existence or absence of potential adverse impacts, potential exposures, and potential adverse waste and end-of-life effects. In evaluating the quality of the available information, the Department shall consider, as applicable: 1. The level of rigor attendant to the generation of the information, including, when relevant, the use of quality controls; 2. The degree to which the information has been independently reviewed by qualified disinterested parties; 3. The degree to which the information has been independently confirmed, corroborated, or replicated; 4. The credentials and education and experience qualifications of the person(s) who prepared and/or reviewed the information; and 5. The degree to which the information is relevant for the purpose for which it is being considered by the Department.

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The level of rigor attendant to the generation of the information, including, when relevant, the use of quality controls;

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The degree to which the information has been independently reviewed by qualified disinterested

parties;

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The degree to which the information has been independently confirmed, corroborated, or replicated;

4.

The credentials and education and experience qualifications of the person(s) who prepared and/or reviewed the information; and

5.

The degree to which the information is relevant for the purpose for which it is being considered by the Department.

(2)

Other Regulatory Programs. The Department shall next consider the scope of other California State and federal laws and applicable treaties or international agreements with the force of domestic law under which the product or the Candidate Chemical(s) in the product is/are regulated and the extent to which these other regulatory requirements address, and provide adequate protections with respect to the same potential adverse impacts and potential exposure pathways, and adverse waste and end-of-life effects, that are under consideration as a basis for the product-chemical combination being listed as a Priority Product. If a product is regulated by another entity with respect to the same potential adverse impacts and potential exposure pathways, and potential adverse waste and end-of-life effects, the Department may list such a product-chemical combination as a Priority Product only if it determines that the listing would meaningfully enhance protection of public health and/or the environment with respect to the potential adverse impacts, exposure pathways, and/or adverse waste and end-of-life effects that are the basis for the listing.

(3)

Safer Alternatives. When deciding whether to list a product-chemical combination as a Priority Product, the Department may also consider whether there is a readily available safer alternative that is functionally acceptable, technically feasible, and economically feasible.