

|->

Title 22@ Social Security

|->

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

|->

Chapter 55@ Safer Consumer Products

|->

Article 4@ Petition Process for Identification and Prioritization of Chemicals and Products

|->

Section 69504.1@ Merits Review of Petitions

69504.1 Merits Review of Petitions

(a)

Process and Timing. The Department shall determine whether to grant or deny a petition in accordance with the criteria and processes specified in article 2 and/or article 3, as applicable. The Department shall make its determination no later than the next update of the Candidate Chemicals list or Priority Products list, as applicable. The Department shall give high priority to reviewing petitions by federal and other California State agencies that relate to the petitioning agency's statutory and/or regulatory authorities.

(b)

Substantive Review. The Department's merits review of each complete petition shall, to the extent applicable, be based on: (1) The comprehensiveness of the information submitted that pertains to the factors specified in section 69502.2(b) and/or section 69503.2. (2) The quality of the information submitted. (3) The availability of information, other than that submitted with the petition, that supports the petitioner's claims that:(A) The chemical does or does not exhibit one or more hazard traits and/or environmental or toxicological endpoints; and (B) An evaluation of the chemical and/or the product, based on the factors specified in section 69502.2(b) and/or section 69503.2, as applicable, does or does not indicate potential adverse impacts and potential exposures, and, if applicable, adverse waste and end-of-life effects. (4) For a petition to remove a chemical from

the Candidate Chemicals list, whether the chemical has changed status on any source list(s) that led to its inclusion on the Candidate Chemicals list. (5) For a petition to remove an entire existing chemicals list from the lists specified in section 69502.2(a), whether the entity responsible for the underlying list still conducts its scientific assessments of chemicals in a manner that is substantially equivalent to, or as rigorous as, the manner in which it conducted its scientific assessments at the time of the initial adoption of these regulations.

(1)

The comprehensiveness of the information submitted that pertains to the factors specified in section 69502.2(b) and/or section 69503.2.

(2)

The quality of the information submitted.

(3)

The availability of information, other than that submitted with the petition, that supports the petitioner's claims that: (A) The chemical does or does not exhibit one or more hazard traits and/or environmental or toxicological endpoints; and (B) An evaluation of the chemical and/or the product, based on the factors specified in section 69502.2(b) and/or section 69503.2, as applicable, does or does not indicate potential adverse impacts and potential exposures, and, if applicable, adverse waste and end-of-life effects.

(A)

The chemical does or does not exhibit one or more hazard traits and/or environmental or toxicological endpoints; and

(B)

An evaluation of the chemical and/or the product, based on the factors specified in section 69502.2(b) and/or section 69503.2, as applicable, does or does not indicate potential

adverse impacts and potential exposures, and, if applicable, adverse waste and end-of-life effects.

(4)

For a petition to remove a chemical from the Candidate Chemicals list, whether the chemical has changed status on any source list(s) that led to its inclusion on the Candidate Chemicals list.

(5)

For a petition to remove an entire existing chemicals list from the lists specified in section 69502.2(a), whether the entity responsible for the underlying list still conducts its scientific assessments of chemicals in a manner that is substantially equivalent to, or as rigorous as, the manner in which it conducted its scientific assessments at the time of the initial adoption of these regulations.

(c)

Supplemental Information Requests. The Department may request that the petitioner provide, within a specified time frame, additional information to assist the merits review.

(d)

Notice of Decision. After completing the merits review, the Department shall provide a notice to the petitioner of its decision to grant or deny the petition that includes a statement explaining the basis for the decision.