

|->

Title 22@ Social Security

|->

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

|->

Chapter 55@ Safer Consumer Products

|->

Article 5@ Alternatives Analysis

|->

Section 69505.3@ Alternatives Analysis Threshold Notification in Lieu of Alternatives Analysis

69505.3 Alternatives Analysis Threshold Notification in Lieu of Alternatives Analysis

(a)

Notification Requirements. This article does not apply to a responsible entity's Priority Product for which the manufacturer submits an Alternatives Analysis Threshold Notification to the Department concurrently with the Priority Product Notification, or by the due date for the Preliminary AA Report for the Priority Product. Each notification must include: (1) The name of, and contact information for, the person submitting the notification; (2) The name of, and contact information for, any known responsible entity(ies); (3) If different from paragraphs (1) and (2), the name of, and contact information for, the manufacturer(s) and importer(s) of the Priority Product; (4) (A) A statement certifying that the Chemical(s) of Concern is/are present in the manufacturer's Priority Product only as contaminants and the concentration of each Chemical of Concern does not exceed the PQL for that chemical; or (B) A statement certifying that the Chemical(s) of Concern does/do not exceed the Alternatives Analysis Threshold(s) specified by the Department under section 69503.5(c) for the Chemical(s) of Concern. (5) If applicable, identification of the PQL for each Chemical of Concern in the Priority Product, and the information and method used to determine the PQL; (6) The source of the Chemical(s) of Concern in the Priority Product; (7) Information identifying and describing the Priority Product, the brand name(s) and

labeling information under which the Priority Product is placed into the stream of commerce in California, and, if the Priority Product is a component of one or more assembled products, a description of the known product(s) in which the component is used; (8) Laboratory analytical testing methodology and quality control and assurance protocols used to measure each Chemical of Concern in the Priority Product, and identification of the testing laboratory; and (9) A demonstration and certification that the manufacturer meets and will continue to meet the criteria and conditions that are the basis for the exemption in this section.

(1)

The name of, and contact information for, the person submitting the notification;

(2)

The name of, and contact information for, any known responsible entity(ies);

(3)

If different from paragraphs (1) and (2), the name of, and contact information for, the manufacturer(s) and importer(s) of the Priority Product;

(4)

(A) A statement certifying that the Chemical(s) of Concern is/are present in the manufacturer's Priority Product only as contaminants and the concentration of each Chemical of Concern does not exceed the PQL for that chemical; or (B) A statement certifying that the Chemical(s) of Concern does/do not exceed the Alternatives Analysis Threshold(s) specified by the Department under section 69503.5(c) for the Chemical(s) of Concern.

(A)

A statement certifying that the Chemical(s) of Concern is/are present in the manufacturer's Priority Product only as contaminants and the concentration of each Chemical of Concern

does not exceed the PQL for that chemical; or

(B)

A statement certifying that the Chemical(s) of Concern does/do not exceed the Alternatives Analysis Threshold(s) specified by the Department under section 69503.5(c) for the Chemical(s) of Concern.

(5)

If applicable, identification of the PQL for each Chemical of Concern in the Priority Product, and the information and method used to determine the PQL;

(6)

The source of the Chemical(s) of Concern in the Priority Product;

(7)

Information identifying and describing the Priority Product, the brand name(s) and labeling information under which the Priority Product is placed into the stream of commerce in California, and, if the Priority Product is a component of one or more assembled products, a description of the known product(s) in which the component is used;

(8)

Laboratory analytical testing methodology and quality control and assurance protocols used to measure each Chemical of Concern in the Priority Product, and identification of the testing laboratory; and

(9)

A demonstration and certification that the manufacturer meets and will continue to meet the criteria and conditions that are the basis for the exemption in this section.

(b)

Burden of Proof. The manufacturer bears the burden of proof to demonstrate that the concentration of the Chemical(s) of Concern in its Priority Product does not

exceed the applicable Alternatives Analysis Threshold.

(c)

Notification Revisions. If any of the information listed in subsection (a) changes significantly, the manufacturer shall submit to the Department a revised Alternatives Analysis Threshold Notification within thirty (30) days of the change.

(d)

Change in Product's Exemption Status. If the Priority Product no longer meets the criteria for an Alternatives Analysis Threshold exemption, the manufacturer shall notify the Department of this change within thirty (30) days of the change, and shall submit to the Department a Preliminary AA Report or an applicable Intent and/or Confirmation Notification under section 69505.2 within 180 days of the change.

(e)

Determination of Exemption Eligibility. The exemption in subsection (a) does not apply if the Department notifies the person who submitted the Alternatives Analysis Threshold Notification that the information contained in the notification is inaccurate or inadequate to support an Alternatives Analysis Threshold exemption.