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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 6@ Regulatory Responses

|-&gt;

Section 69506.1@ Applicability and Determination Process

## **69506.1 Applicability and Determination Process**

### **(a)**

Applicability. Except as specified otherwise, this article applies to any product placed into the stream of commerce in California that is: (1) A Priority Product for which an alternative is not selected; (2) An alternative selected under section 69505.6(d); (3) A Priority Product that will remain in commerce in California pending development and distribution of a selected alternative; or (4) A Priority Product for which the revised Final AA Report or revised Abridged AA Report is disapproved by the Department under section 69505.9(c)(3).

#### **(1)**

A Priority Product for which an alternative is not selected;

#### **(2)**

An alternative selected under section 69505.6(d);

#### **(3)**

A Priority Product that will remain in commerce in California pending development and distribution of a selected alternative; or

#### **(4)**

A Priority Product for which the revised Final AA Report or revised Abridged AA Report is disapproved by the Department under section 69505.9(c)(3).

### **(b)**

Exceptions. This article does not apply to a Priority Product if the manufacturer

submits a Removal or Replacement Confirmation Notification that fully meets the applicable content requirements specified in subsections (b) through (e) of section 69505.2 to the Department prior to the due date for implementing any regulatory response that would otherwise apply to the product.

**(c)**

Notice of Proposed Determination. After issuing a notice of compliance or a notice of disapproval for a Final AA Report or an Abridged AA Report, the Department shall issue a notice of the Department's proposed determination that one or more of the regulatory responses specified in this article is/are required, or that no regulatory response is required. The notice shall be issued no later than ninety (90) days after the Department issues the notice of compliance or a notice of disapproval.

**(d)**

Public Input. A notice issued under subsection (c) shall be sent to all known responsible entities for the product, and shall be made available on the Department's website, for public review and comment. The Department shall hold one or more public workshops to provide an opportunity for comment on the proposed regulatory response determination. The Department shall send to persons on the electronic mailing list(s) that the Department establishes related to this chapter, and post on its website, a notice regarding the availability of the proposed regulatory response determination. The notice must include: (1) The last day for the public to submit written comments on the proposed regulatory response determination. The last day for submission of public comments shall be no sooner than forty-five (45) days from the date the notice of the availability of the proposed regulatory response determination notice is posted on the Department's website or the date the notice is sent to persons on the electronic

mailing list(s) that the Department establishes related to this chapter, whichever is later. (2) The method(s) for submitting comments to the Department. (3) The date, time, and location of the public workshop(s).

**(1)**

The last day for the public to submit written comments on the proposed regulatory response determination. The last day for submission of public comments shall be no sooner than forty-five (45) days from the date the notice of the availability of the proposed regulatory response determination notice is posted on the Department's website or the date the notice is sent to persons on the electronic mailing list(s) that the Department establishes related to this chapter, whichever is later.

**(2)**

The method(s) for submitting comments to the Department.

**(3)**

The date, time, and location of the public workshop(s).

**(e)**

Notice of Final Determination. After review and consideration of public comments, the Department shall post on its website and send to known responsible entities the final regulatory response determination notice. The Department may respond to some or all public comments received.

**(f)**

Contents of Notices. All proposed and final regulatory response determination notices must include: (1) A description of the required regulatory response(s), or a determination that no regulatory response is required, whichever is applicable; (2) The rationale, information, and information sources supporting the Department's determination(s); (3) The implementation due date(s) for the regulatory response(s), if applicable; and (4) The Department's determination as

to whether or not the regulatory response(s) apply(ies) to either or both of the following: (A) Priority Products ordered by a retailer prior to the effective date of the Priority Product listing, and still for sale by the retailer as of the date of the final regulatory response determination notice; and/or (B) Priority Products manufactured after the effective date of the Priority Product listing, but before the date of the final regulatory response determination notice.

**(1)**

A description of the required regulatory response(s), or a determination that no regulatory response is required, whichever is applicable;

**(2)**

The rationale, information, and information sources supporting the Department's determination(s);

**(3)**

The implementation due date(s) for the regulatory response(s), if applicable; and

**(4)**

The Department's determination as to whether or not the regulatory response(s) apply(ies) to either or both of the following: (A) Priority Products ordered by a retailer prior to the effective date of the Priority Product listing, and still for sale by the retailer as of the date of the final regulatory response determination notice; and/or (B) Priority Products manufactured after the effective date of the Priority Product listing, but before the date of the final regulatory response determination notice.

**(A)**

Priority Products ordered by a retailer prior to the effective date of the Priority Product listing, and still for sale by the retailer as of the date of the final regulatory response determination notice; and/or

**(B)**

Priority Products manufactured after the effective date of the Priority Product listing, but before the date of the final regulatory response determination notice.

**(g)**

Implementation Due Date(s). In assigning a due date for implementation of one or more regulatory responses, the Department shall consider the complexity of implementing the regulatory response(s).

**(h)**

Finality of Regulatory Response(s). Once a final regulatory response determination notice has been issued, the Department shall not augment or revise the regulatory responses for the affected product, except as provided otherwise in section 69506.2 and article 7.