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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

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Section 69506@ Regulatory Response Selection Principles

69506 Regulatory Response Selection Principles

(a)

Need for Regulatory Response. The Department shall identify and require implementation of one or more regulatory responses for Priority Products and/or selected alternative products when the Department determines such regulatory responses are necessary to protect public health and/or the environment. In selecting regulatory responses, the Department shall seek to maximize the use of alternatives of least concern when such alternatives are functionally acceptable, technically feasible, and economically feasible.

(b)

Inherent Protection Preference. In selecting regulatory responses, the Department shall give preference to regulatory responses providing the greatest level of inherent protection. For these purposes, "inherent protection" refers to avoidance or reduction of adverse impacts, exposures, and/or adverse waste and end-of-life effects that is achieved through the redesign of a product or process, rather than through administrative or engineering controls designed to limit exposure to, or the release of, a Chemical of Concern or replacement Candidate Chemical in a product.

(c)

Selection Factors. In selecting regulatory responses, the Department may consider the following factors: (1) Public health and environmental protection. (A) The

degree to which, and speed with which, the regulatory response can address the adverse impacts and/or adverse waste and end-of-life effects of the Chemical(s) of Concern or replacement Candidate Chemicals in the selected alternative, or the Chemical(s) of Concern in the Priority Product; (B) The ability of end-users to understand and act upon any regulatory response involving provision of information and/or directions with respect to the Priority Product; and (C) Any adverse ecological impacts of the regulatory response on sensitive resources, or unique or additional burdens that the regulatory response would impose upon sensitive subpopulations. (2) Private economic interests of responsible entities. (A) Existing federal and/or California State regulatory requirements applicable to the Chemical(s) of Concern or replacement Candidate Chemicals in the product; (B) The cost to the responsible entity of the regulatory response(s) relative to the cost of other possible responses; and (C) The practical capacity of responsible entities to comply with regulatory response(s). (3) Government interest in efficiency and cost containment. (A) The management and clean-up costs imposed on public agencies by the ongoing sale of the Priority Product or a selected alternative; (B) The Department's administrative burden in overseeing implementation of the regulatory response(s); and (C) The ease of enforcing the regulatory response(s).

(1)

Public health and environmental protection. (A) The degree to which, and speed with which, the regulatory response can address the adverse impacts and/or adverse waste and end-of-life effects of the Chemical(s) of Concern or replacement Candidate Chemicals in the selected alternative, or the Chemical(s) of Concern in the Priority Product; (B) The ability of end-users to understand and act upon any regulatory response involving provision of information and/or directions with respect to the Priority

Product; and (C) Any adverse ecological impacts of the regulatory response on sensitive resources, or unique or additional burdens that the regulatory response would impose upon sensitive subpopulations.

(A)

The degree to which, and speed with which, the regulatory response can address the adverse impacts and/or adverse waste and end-of-life effects of the Chemical(s) of Concern or replacement Candidate Chemicals in the selected alternative, or the Chemical(s) of Concern in the Priority Product;

(B)

The ability of end-users to understand and act upon any regulatory response involving provision of information and/or directions with respect to the Priority Product; and

(C)

Any adverse ecological impacts of the regulatory response on sensitive resources, or unique or additional burdens that the regulatory response would impose upon sensitive subpopulations.

(2)

Private economic interests of responsible entities. (A) Existing federal and/or California State regulatory requirements applicable to the Chemical(s) of Concern or replacement Candidate Chemicals in the product; (B) The cost to the responsible entity of the regulatory response(s) relative to the cost of other possible responses; and (C) The practical capacity of responsible entities to comply with regulatory response(s).

(A)

Existing federal and/or California State regulatory requirements applicable to the Chemical(s) of Concern or replacement Candidate Chemicals in the product;

(B)

The cost to the responsible entity of the regulatory response(s) relative to the cost of other

possible responses; and

(C)

The practical capacity of responsible entities to comply with regulatory response(s).

(3)

Government interest in efficiency and cost containment.(A) The management and clean-up costs imposed on public agencies by the ongoing sale of the Priority Product or a selected alternative; (B) The Department's administrative burden in overseeing implementation of the regulatory response(s); and (C) The ease of enforcing the regulatory response(s).

(A)

The management and clean-up costs imposed on public agencies by the ongoing sale of the Priority Product or a selected alternative;

(B)

The Department's administrative burden in overseeing implementation of the regulatory response(s); and

(C)

The ease of enforcing the regulatory response(s).