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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 69506.9@ Exemption from Regulatory Response Requirements

69506.9 Exemption from Regulatory Response Requirements

(a)

Exemption Requests. A product is exempt from sections 69506.3 through 69506.8, if the responsible entity requests, and the Department grants, an exemption. A responsible entity seeking an exemption shall submit an exemption request to the Department no later than sixty (60) days after the Department issues a final regulatory response determination notice for the product.

(b)

Contents of Requests. An exemption request submitted under subsection (a) must include: (1) The name of, and contact information for, the person filing the exemption request; (2) The name of, and contact information for, the responsible entity(ies) on whose behalf the exemption request is being submitted; (3) If different from paragraphs (1) and (2), the name of, and contact information for, the manufacturer(s) and importer(s) of the product; (4) The name of, and contact information for, other responsible entities for the product, to the extent known to the person submitting the exemption request; (5) Information identifying and describing the product, and the brand name(s) and product name(s) under which the product is placed into the stream of commerce in California, and, if the product is a component of one or more assembled products, a description of the known product(s) in which the component is used; and (6) Information that

demonstrates to the Department's satisfaction that one or both of the following applies: (A) The required or proposed regulatory response conflicts with one or more requirements of another California State or federal regulatory program or applicable treaties or international agreements with the force of domestic law in such a way that the responsible entity cannot reasonably be expected to comply with both requirements; and/or (B) The required or proposed regulatory response substantially duplicates one or more requirements of another California State or federal regulatory program or applicable treaties or international agreements with the force of domestic law without conferring additional public health or environmental protection benefits.

(1)

The name of, and contact information for, the person filing the exemption request;

(2)

The name of, and contact information for, the responsible entity(ies) on whose behalf the exemption request is being submitted;

(3)

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

(4)

The name of, and contact information for, other responsible entities for the product, to the extent known to the person submitting the exemption request;

(5)

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

(6)

Information that demonstrates to the Department's satisfaction that one or both of the following applies: (A) The required or proposed regulatory response conflicts with one or more requirements of another California State or federal regulatory program or applicable treaties or international agreements with the force of domestic law in such a way that the responsible entity cannot reasonably be expected to comply with both requirements; and/or (B) The required or proposed regulatory response substantially duplicates one or more requirements of another California State or federal regulatory program or applicable treaties or international agreements with the force of domestic law without conferring additional public health or environmental protection benefits.

(A)

The required or proposed regulatory response conflicts with one or more requirements of another California State or federal regulatory program or applicable treaties or international agreements with the force of domestic law in such a way that the responsible entity cannot reasonably be expected to comply with both requirements; and/or

(B)

The required or proposed regulatory response substantially duplicates one or more requirements of another California State or federal regulatory program or applicable treaties or international agreements with the force of domestic law without conferring additional public health or environmental protection benefits.

(c)

Departmental Notice. Within sixty (60) days of receiving an exemption request, the Department shall issue a notice to the person who submitted the request granting or denying the exemption request. The Department shall send a copy of the notice to known responsible entities for the product.

(d)

Actions Following Exemption Denial. If the exemption request or the Department's granting of the exemption is based solely on the criteria specified in subsection (b)(6)(A), the Department may require implementation of a modified regulatory response that resolves the conflict that is the basis for the exemption.

(e)

Rescission of Exemption. The Department shall rescind an exemption granted under this section if the Department determines that the facts and/or assumptions that the Department relied upon in granting the exemption were not, or are no longer, valid. If the Department rescinds an exemption, the Department shall provide notice to the person who submitted the exemption request and known responsible entities for the product.

(f)

Contents of Notices. The Department shall include in all notices granting, denying, or rescinding an exemption under this section a statement of basis for its decision and a new due date for compliance with the regulatory response determination, if applicable.