CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **25249.5**-**25249**.13

25249.5. Prohibition On Contaminating Drinking Water With Chemicals Known to Cause Cancer or Reproductive Toxicity. No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section **25249**.9.

25249.6. Required Warning Before Exposure To Chemicals Known to Cause Cancer Or Reproductive Toxicity. No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section **25249**.10.

25249.7. (a) Any person that violates or threatens to violate Section **25249.5** or **25249**.6 may be enjoined in any court of competent jurisdiction.

(b) (1) Any person who has violated Section **25249.5** or **25249**.6 shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) per day for each violation in addition to any other penalty established by law. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction.

(2) In assessing the amount of a civil penalty for a violation of this chapter, the court shall consider all of the following:

(A) The nature and extent of the violation.

(B) The number of, and severity of, the violations.

(C) The economic effect of the penalty on the violator.

(D) Whether the violator took good faith measures to comply with this chapter and the time these measures were taken.

(E) The willfulness of the violator's misconduct.

(F) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.

(G) Any other factor that justice may require.

(c) Actions pursuant to this section may be brought by the Attorney General in the name of the people of the State of California, by any district attorney, by any city attorney of a city having a population in excess of 750,000, or, with the consent of the district attorney, by a city prosecutor in any city or city and county having a full-time city prosecutor, or as provided in subdivision (d).

(d) Actions pursuant to this section may be brought by any person in the public interest if both of the following requirements are met:

(1) The private action is commenced more than 60 days from the date that the person has given notice of an alleged violation of Section **25249.5** or **25249**.6 that is the subject of the private action to the Attorney General and the district attorney, city attorney, or prosecutor in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator. If the notice alleges a violation of Section **25249**.6, the notice of the alleged violation shall include a certificate of merit executed by the attorney for the noticing party, or by the noticing party, if the noticing party is not represented by an attorney. The certificate of merit shall state that the person executing the certificate has consulted with one or

more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action, and that, based on that information, the person executing the certificate believes there is a reasonable and meritorious case for the private action. Factual information sufficient to establish the basis of the certificate of merit, including the information identified in paragraph (2) of subdivision (h), shall be attached to the certificate of merit that is served on the Attorney General.

(2) Neither the Attorney General, any district attorney, any city attorney, nor any prosecutor has commenced and is diligently prosecuting an action against the violation.

(e) Any person bringing an action in the public interest pursuant to subdivision (d) and any person filing any action in which a violation of this chapter is alleged shall notify the Attorney General that the action has been filed. Neither this subdivision nor the procedures provided in subdivisions (f) to (j), inclusive, shall affect the requirements imposed by statute or a court decision in existence on January 1, 2002, concerning whether any person filing any action in which a violation of this chapter is alleged is required to comply with the requirements of subdivision (d).

(f) (1) Any person filing an action in the public interest pursuant to subdivision (d), any private person filing any action in which a violation of this chapter is alleged, or any private person settling any violation of this chapter alleged in a notice given pursuant to paragraph (1) of subdivision (d), shall, after the action or violation is subject either to a settlement or to a judgment, submit to the Attorney General a reporting form that includes the results of that settlement or judgment and the final disposition of the case, even if dismissed. At the time of the filing of any judgment pursuant to an action brought in the public interest pursuant to subdivision (d), or any action brought by a private person in which a violation of this chapter is alleged, the plaintiff shall file an affidavit verifying that the report required by this subdivision has been accurately completed and submitted to the Attorney General.

(2) Any person bringing an action in the public interest pursuant to subdivision (d), or any private person bringing an action in which a violation of this chapter is alleged, shall, after the action is either subject to a settlement, with or without court approval, or to a judgment, submit to the Attorney General a report that includes information on any corrective action being taken as a part of the settlement or resolution of the action.

(3) The Attorney General shall develop a reporting form that specifies the information that shall be reported, including, but not limited to, for purposes of subdivision (e), the date the action was filed, the nature of the relief sought, and for purposes of this subdivision, the amount of the settlement or civil penalty assessed, other financial terms of the settlement, and any other information the Attorney General deems appropriate.

(4) If there is a settlement of an action brought by a person in the public interest under subdivision (d), the plaintiff shall submit the settlement, other than a voluntary dismissal in which no consideration is received from the defendant, to the court for approval upon noticed motion, and the court may approve the settlement only if the court makes all of the following findings:

(A) Any warning that is required by the settlement complies with this chapter.

(B) Any award of attorney's fees is reasonable under California law.

(C) Any penalty amount is reasonable based on the criteria set forth in paragraph (2) of subdivision (b).

(**5**) The plaintiff subject to paragraph (4) has the burden of producing evidence sufficient to sustain each required finding. The plaintiff shall serve the motion and all supporting papers on the Attorney General, who may appear and participate in any proceeding without intervening in the case.

(6) Neither this subdivision nor the procedures provided in

subdivision (e) and subdivisions (g) to (j), inclusive, shall affect the requirements imposed by statute or a court decision in existence on January 1, 2002, concerning whether claims raised by any person or public prosecutor not a party to the action are precluded by a settlement approved by the court.

(g) The Attorney General shall maintain a record of the information submitted pursuant to subdivisions (e) and (f) and shall make this information available to the public.

(h) (1) Except as provided in paragraph (2), the basis for the certificate of merit required by subdivision (d) is not discoverable. However, nothing in this subdivision shall preclude the discovery of information related to the certificate of merit if that information is relevant to the subject matter of the action and is otherwise discoverable, solely on the ground that it was used in support of the certificate of merit.

(2) Upon the conclusion of an action brought pursuant to subdivision (d) with respect to any defendant, if the trial court determines that there was no actual or threatened exposure to a listed chemical, the court may, upon the motion of that alleged violator or upon the court's own motion, review the basis for the belief of the person executing the certificate of merit, expressed in the certificate of merit, that an exposure to a listed chemical had occurred or was threatened. The information in the certificate of merit, including the identity of the persons consulted with and relied on by the certifier, and the facts, studies, or other data reviewed by those persons, shall be disclosed to the court in an in-camera proceeding at which the moving party shall not be present. If the court finds that there was no credible factual basis for the certifier's belief that an exposure to a listed chemical had occurred or was threatened, then the action shall be deemed frivolous within the meaning of Section 128.6 or 128.7 of the **Code** of Civil Procedure, whichever provision is applicable to the action. The court shall not find a factual basis credible on the basis of a legal theory of liability that is frivolous within the meaning of Section 128.6 or 128.7 of the **Code** of Civil Procedure, whichever provision is applicable to the action.

(i) The Attorney General may provide the factual information submitted to establish the basis of the certificate of merit on request to any district attorney, city attorney, or prosecutor within whose jurisdiction the violation is alleged to have occurred, or to any other state or federal government agency, but in all other respects the Attorney General shall maintain, and ensure that all recipients maintain, the submitted information as confidential official information to the full extent authorized in Section 1040 of the Evidence **Code**.

(j) In any action brought by the Attorney General, a district attorney, a city attorney, or a prosecutor pursuant to this chapter, the Attorney General, district attorney, city attorney, or prosecutor may seek and recover costs and attorney's fees on behalf of any party who provides a notice pursuant to subdivision (d) and who renders assistance in that action.

25249.8. List Of Chemicals Known to Cause Cancer Or Reproductive Toxicity.

(a) On or before March 1, 1987, the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity within the meaning of this chapter, and he shall cause such list to be revised and republished in light of additional knowledge at least once per year thereafter. Such list shall include at a minimum those substances identified by reference in Labor **Code** Section 6382(b)(1) and those substances identified additionally by reference in Labor **Code** Section 6382(d).

(b) A chemical is known to the state to cause cancer or reproductive toxicity within the meaning of this chapter if in the opinion of the state's qualified experts it has been clearly shown through scientifically valid testing according to generally accepted

principles to cause cancer or reproductive toxicity, or if a body considered to be authoritative by such experts has formally identified it as causing cancer or reproductive toxicity, or if an agency of the state or federal government has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

(c) On or before January 1, 1989, and at least once per year thereafter, the Governor shall cause to be published a separate list of those chemicals that at the time of publication are required by state or federal law to have been tested for potential to cause cancer or reproductive toxicity but that the state's qualified experts have not found to have been adequately tested as required.
(d) The Governor shall identify and consult with the state's qualified experts as necessary to carry out his duties under this section.
(e) In carrying out the duties of the Governor under this section, the Governor and his designates shall not be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act as defined in Government **Code** Section 11370.

25249.9. Exemptions from Discharge Prohibition.
(a) Section **25249.5** shall not apply to any discharge or release that takes place less than twenty months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section **25249**.8.
(b) Section **25249.5** shall not apply to any discharge or release that meets both of the following criteria: (1) The discharge or release will not cause any significant amount of the discharged or released chemical to enter any source of drinking water. (2) The discharge or release is in conformity with all other laws and with every applicable regulation, permit, requirement, and order. In any action brought to enforce Section **25249.5**, the burden of showing that a discharge or release meets the criteria of this subdivision shall be on the defendant.

25249.10. Exemptions from Warning Requirement.
Section **25249**.6 shall not apply to any of the following:
(a) An exposure for which federal law governs warning in a manner that preempts state authority.
(b) An exposure that takes place less than twelve months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section **25249**.8.
(c) An exposure for which the person responsible can show that the exposure poses no significant risk assuming lifetime exposure at the level in question for substances known to the state to cause cancer, and that the exposure will have no observable effect assuming exposure at one thousand (1000) times the level in question for substances known to the state to cause reproductive toxicity, based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of such chemical pursuant to subdivision (a) of Section **25249**.8. In any action brought to enforce Section **25249**.6, the burden of showing that an exposure meets the criteria of this subdivision shall be on the defendant.

25249.11. Definitions.
For purposes of this chapter:
(a) "Person" means an individual, trust, firm, joint stock company, corporation, company, partnership, limited liability company, and association.
(b) "Person in the course of doing business" does not include any

person employing fewer than 10 employees in his or her business; any city, county, or district or any department or agency thereof or the state or any department or agency thereof or the federal government or any department or agency thereof; or any entity in its operation of a public water system as defined in Section 116275.

(c) "Significant amount" means any detectable amount except an amount which would meet the exemption test in subdivision (c) of Section **25249**.10 if an individual were exposed to such an amount in drinking water.

(d) "Source of drinking water" means either a present source of drinking water or water which is identified or designated in a water quality control plan adopted by a regional board as being suitable for domestic or municipal uses.

(e) "Threaten to violate" means to create a condition in which there is a substantial probability that a violation will occur.

(f) "Warning" within the meaning of Section **25249**.6 need not be provided separately to each exposed individual and may be provided by general methods such as labels on consumer products, inclusion of notices in mailings to water customers, posting of notices, placing notices in public news media, and the like, provided that the warning accomplished is clear and reasonable. In order to minimize the burden on retail sellers of consumer products including foods, regulations implementing Section **25249**.6 shall to the extent practicable place the obligation to provide any warning materials such as labels on the producer or packager rather than on the retail seller, except where the retail seller itself is responsible for introducing a chemical known to the state to cause cancer or reproductive toxicity into the consumer product in question.

25249.12. (a) The Governor shall designate a lead agency and other agencies that may be required to implement this chapter, including this section. Each agency so designated may adopt and modify regulations, standards, and permits as necessary to conform with and implement this chapter and to further its purposes.

(b) The Safe Drinking Water and Toxic Enforcement Fund is hereby established in the State Treasury. The director of the lead agency designated by the Governor to implement this chapter may expend the funds in the Safe Drinking Water and Toxic Enforcement Fund, upon appropriation by the Legislature, to implement and administer this chapter.

(c) In addition to any other money that may be deposited in the Safe Drinking Water and Toxic Enforcement Fund, all of the following amounts shall be deposited in the fund:

(1) Seventy-five percent of all civil and criminal penalties collected pursuant to this chapter.

(2) Any interest earned upon the money deposited into the Safe Drinking Water and Toxic Enforcement Fund.

(d) Twenty-five percent of all civil and criminal penalties collected pursuant to this chapter shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, or in the case of an action brought by a person under subdivision (d) of Section **25249**.7, to that person.

25249.13. Preservation Of Existing Rights, Obligations, and Penalties. Nothing in this chapter shall alter or diminish any legal obligation otherwise required in common law or by statute or regulation, and nothing in this chapter shall create or enlarge any defense in any action to enforce such legal obligation. Penalties and sanctions imposed under this chapter shall be in addition to any penalties or sanctions otherwise prescribed by law.

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ARTICLE 1. PREAMBLE AND DEFINITIONS
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§ 25102. Definitions.

The following definitions shall apply to the regulations contained in this chapter:

(a) The "Act" means the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code Section 25249.5 et seq.) which was originally adopted by California voters as Proposition65 on November 4, 1986.

(b) "Certified emergency medical personnel" includes emergency medical technicians I and II and emergency medical technician-paramedics as those terms are defined in Health and Safety Code Sections 1797.80, 1797.82, and 1797.84 (1980).

(c) "Committees" means the Carcinogen Identification Committee and the Developmental and Reproductive Toxicant (DART) Identification Committee of the Office of Environmental Health Hazard Assessment's Science Advisory Board.

(1) The members of the "Carcinogen Identification Committee" shall be the "state's qualified experts" as the term is used in Section 25249.8 of the Act with respect to those functions identified in subsection (a) of Section 25305.

(2) The members of the "Developmental and Reproductive Toxicant (DART) Identification Committee," hereafter referred to as the "DART Identification Committee" shall be the "state's qualified experts" as the term is used in Section 25249.8 of the Act with respect to those functions identified in subsection (b) of Section 25305.

(d) "Dental personnel" includes, dentists and dental auxiliary staff as that term is defined in Business and Professions Code Section 1741(e) (1974).

(e) "Director" means the Director of the Office of Environmental Health Hazard Assessment.

(f) "Discharge or release into water or onto or into land" includes a discharge or release to air that is directly and immediately deposited into water or onto land. Except as provided in paragraphs (1) and (2) this subsection, "discharge or release into water or onto or into land" includes the direct or indirect transfer by any person in the course of doing business of any listed chemical to any person within the meaning of Section 25249.11(a) of the Act for the purpose of discharging or releasing the chemical to land or water in a manner which, if committed by the transferor, would violate Section 25249.5 of the Act.

(1) "Discharge or release into water or onto or into land" does not include the sale, exchange or other transfer of a listed chemical to a solid waste disposal facility as defined in Public Resources Code Sections 40121 and 40191, or a hazardous waste facility as defined in Health and Safety Code Section 25117.1 provided that the disposal to such facility complies with all applicable state and federal statutes, rules, regulations, permits, requirements and

orders. "Sale, exchange or other transfer," as used in this paragraph, does not include disposal to a facility owned or operated by the transferor.

(2) "Discharge or release into water or onto or into land" does not include the sale, exchange or other transfer of a listed chemical to any treatment works as defined in 33 United States Code Section 1292 provided that the discharge or release to such treatment works complies with all applicable standards and limitations imposed, and permits required, under federal law or an approved state program. "Sale, exchange or other transfer," as used in this paragraph, does not include disposal to a facility owned or operated by the transferor.

(g) "Emergency or urgent medical or dental care" means immediate care administered for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical or dental conditions, which, if not immediately diagnosed or treated, would lead to serious disability or death.

(h) "Employee" shall have the same meaning as it does in Unemployment Insurance Code Section 621 and in Labor Code Section 3351. Generally, and without limiting the applicability of the definitions in these two statutes, this means that an employee is a person who performs services for remuneration under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed.

In computing whether a person employs ten or fewer employees in his business, all full-time and part-time employees on the date on which the discharge, release or exposure occurs must be counted. Thus, the prohibitions on discharge or release and exposures to certain chemicals will apply to any person who has ten or more full-time or part-time employees on the date in question.

(i) "Expose" means to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical. An individual may come into contact with a listed chemical through water, air, food, consumer products and any other environmental exposure as well as occupational exposures.

(j) "General public knowledge" means knowledge which has been disseminated to the general public, including information in newspapers of general circulation or radio or television reports in the geographic area affected by the discharge. In order to demonstrate general public knowledge, it shall not be necessary to prove that any members of the public have actually acquired such knowledge but only that the information has been disseminated.

(k) "In the course of doing business" means any act or omission, whether or not for profit, or any act or omission of any employee which furthers the purpose or operation of the business, or which is expressly or implicitly authorized within the meaning of Section 25249.6 of the Act to a listed chemical, except:

(1) as excluded by subdivision (b) of Section 25249.11 of the Act; or

(2) when caused by acts of war or grave and irresistible natural disasters such that no reasonable amount of resistance or advance preparation would be sufficient to avoid the discharge, release or exposure.

(3) for the personal use, consumption or production of listed chemicals by an employee on the business premises or while performing activities for the business, unless the employer knows or should know of such use, consumption or production and knows or should know that such use, consumption or production will expose other individuals.

(l) "Information letter" means a statement issued by the lead agency which does no more than call attention to an established interpretation of the Act or a related principle, without applying it to a specific set of facts.

(m) "Interpretive guideline" means a draft regulatory proposal which has been published for the information, comment, and guidance of California businesses, law enforcement agencies and others concerned.

(n) "Knowingly" refers only to knowledge of the fact that a discharge of, release of, or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No knowledge that the discharge, release or exposure is unlawful is required. However, a person in the course of doing business who, through misfortune or accident and without evil design, intention or negligence, commits an act or omits to do something which results in a discharge, release or exposure has not violated

Section 25249.5 or 25249.6 of the Act.

(o) "Lead agency" means the Office of Environmental Health Hazard Assessment as designated by the Governor in Executive Order W-15-91, dated July 17, 1991.

(p) "Listed chemical" means a chemical listed pursuant to Section 25249.8(a) of the Act.

(q) "Medical personnel" includes, physicians, nurse practitioners, physician assistants, and nurses.

(r) "Probably will pass into any source of drinking water" means a discharge or release which more likely than not will pass into any source of drinking water.

(s) "Safe use determination" means a written statement issued by the lead agency to a person affected by the Act or an authorized representative which interprets and applies the Act to a specific set of facts.

(t) "State's qualified experts" as the term is used in Section 25249.8 of the Act includes the Carcinogen Identification Committee and the DART Identification Committee.

(u) "Substantial injury" means a real and immediate physical injury or a resulting adverse physical condition of a substantial nature to one or more persons.

(v) "Threatened illegal discharge" means the creation of a condition or the taking of an action which is intended to or will foreseeably create a substantial probability that an illegal discharge will occur.

(w) "Water" includes both surface and ground water.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25180.7, 25249.5, 25249.6, 25249.8, 25249.9, 25249.10, 25249.11 and 25249.12, Health and Safety Code.

HISTORY

1. New section filed 2-24-88; operative 2-26-88 (Register 88, No. 11).

2. Amendment of article heading, preamble, section and Note filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

3. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3 (articles 1-9, sections 12000-14000), article 1 (sections 12102-12104) to title 27, division 4, chapter 1 (articles 1-9, sections 25102-27001), article 1 (sections 25102-25104) and renumbering title 22, section 12102 to title 27, section 25102, including amendment of subsections (c)(1)-(2), filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 25102, 27 CA ADC § 25102
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§ 25103. Interpretive Guideline Request. [Repealed]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.12, Health and Safety Code.

HISTORY

1. New section filed 2-24-88; operative 2-26-88 (Register 88, No. 11).

2. Repealer filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

3. Change without regulatory effect renumbering title 22, section 12103 to title 27, section 25103 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25104. Safe Use Determinations. [Repealed]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.10 and 25249.12, Health and Safety Code.

HISTORY

1. New section filed 2-24-88; operative 2-26-88 (Register 88, No. 11).

2. Repealer filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

3. Change without regulatory effect renumbering title 22, section 12104 to title 27, section 25104 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25201. Definitions. [Repealed]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25180.7, 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. Amendment of subsection (e) and new subsections (j) and (k) refiled 2-21-89 as an emergency; operative 2-24-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-26-89. For prior history, see Register 88, No. 47.

2. Amendment of subsection (e) and new subsections (j) and (k) refiled 6-19-89 as an emergency; operative 6-26-89 (Register 89, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-24-89.

3. Certificate of Compliance as to 6-19-89 order transmitted to OAL 10-20-89 and filed 11-20-89 (Register 89, No. 48).

4. New subsections (l)-(o) filed 8-27-2002; operative 9-26-2002 (Register 2002, No. 35).

5. Amendment of article heading and repealer of section filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

6. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3, article 2 (sections 12201-12204) to title 27, division 4, chapter 1, article 2 (sections 25201-25204) and renumbering title 22, section 12201 to title 27, section 25201 filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

27 CCR § 25201, 27 CA ADC § 25201
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§ 25203. Interpretive Guideline Request.

(a) Any interested person may request the lead agency to issue an interpretive guideline concerning any subject related to the Act. A request for interpretive guideline shall contain:

(1) A clear and concise description of the substance or nature of the guideline requested; and

(2) A description of the reason for the request.

(b) Upon receipt of a request for interpretive guideline, the lead agency shall notify the requester in writing of the receipt and provide an estimate of the time required to determine whether an interpretive guideline will be proposed or adopted. Except where the proposed guideline will be considered by the appropriate committee, a decision on the request will normally be made within 60 days. Where the proposed guideline is considered by the appropriate Committee, a decision on the request will normally be made not later than 30 days after the guideline is considered by such Committee.

(c) When appropriate, in the discretion of the lead agency, a request for interpretive guideline may be treated as a request for a safe use determination under these procedures, or the lead agency may issue an information letter to the requester.

(d) All interpretive guidelines issued by the lead agency will be numbered and published either by the lead agency or in the California Regulatory Notice Register.

(e) Within a reasonable time after an interpretive guideline is published pursuant to paragraph (d), the lead agency may rescind the interpretive guideline, propose that it be formally adopted as originally published, or modify it and either republish it as an interpretive guideline for further comment or propose formal regulatory adoption of the modified interpretive guideline. Nothing in this section shall preclude the lead agency from making proposals for formal regulatory adoption which have not been published as interpretive guidelines.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.12, Health and Safety Code.

HISTORY

1. New section filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

2. Change without regulatory effect renumbering title 22, section 12203 to

title 27, section 25203 filed 6-18-2008 pursuant to
section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 25203, 27 CA ADC § 25203
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§ 25204. Safe Use Determination.

(a) As a part of its overall responsibility to provide guidance to persons or organizations that are or may be affected by the Act, the lead agency will consider the applicability of the Act or the exemptions specified in the Act to business activities or prospective business activities. A safe use determination issued by the lead agency represents the state's best judgment concerning the application of the Act to the particular facts presented in the request. A safe use determination is advisory only. It does not affect the authority of the Attorney General, district attorneys, certain city attorneys and any other person in the public interest to prosecute violations of the Act pursuant to Section 25249.7 of the Act nor does it affect the responsibility of courts to interpret the Act and apply the provisions of the Act to particular facts.

(b) Safe use determinations will not be issued under the following circumstances:

(1) Where the subject matter of a request for safe use determination is at issue in a civil or criminal case pending in any court except when a request has been received and accepted in writing by the lead agency before:

(A) service of a notice pursuant to Section 25903(c) for actions subject to Section 25249.7(d) of the Act unless the safe use determination request is ultimately accepted and determined to be complete as submitted prior to the service of the notice; or

(B) filing of a complaint for actions subject to Section 25249.7(c) of the Act unless the safe use determination request is ultimately accepted and determined to be complete as submitted prior to the filing of the complaint. For purposes of this section, a case is not pending after entry of judgment even though the court retains jurisdiction over the matter for purposes of injunctive relief, supervision of compliance with the court's orders or any other purpose. Nor is a case pending simply because a settlement entered as a final judgment is subject to modification or other "reopeners."

(2) If the individual or organization requesting the safe use determination receives a notice pursuant to Section 25903(c) or a complaint is filed pursuant to Section 25249.7(c) of the Act before receiving a written acceptance from the lead agency of its request, the individual or organization shall notify the lead agency's Deputy Director for Scientific Affairs in writing within 5 business days of receiving the notice or filing of the complaint. Upon notification, the lead agency shall terminate the safe use determination process and return all data and information submitted by the requester observing full confidentiality unless the safe use determination request is ultimately accepted and determined to be complete as submitted prior to the service of the notice or filing of the complaint, whichever is applicable. No refund of fees imposed or costs incurred by the lead agency prior to such termination will be made.

(3) Where the individual or organization requesting the safe use determination is not directly required to enforce or comply with the provisions of the Act provided, however, when two or more businesses which are members of the same trade association share a business practice which may be the subject matter of a request for a safe use determination, the request may be made by the trade association on behalf of such members.

(4) Where the request for determination concerns compliance with laws other than the Act, or with regulations, permits, requirements or orders of any federal, state or local agency. For example, questions concerning whether chemical discharges comply with the Water Code, state regulations and waste discharge requirements should be addressed to the appropriate Regional Water Quality Control Board.

(5) Where the request for determination does not involve a current or planned activity of the requester. Safe use determination will not be issued concerning hypothetical situations or on each of several alternative plans in a proposed activity.

(6) Where, in the discretion of the lead agency, issuance of a safe use determination will not further the public interest, or is otherwise inappropriate under the circumstances presented in or related to a particular request for safe use determination. For example, where the subject matter of the request is at issue in an administrative proceeding before a government agency that began before the request for a safe use determination was received and accepted in writing by the lead agency or does not concern a chemical listed pursuant to Section 25249.8 of the Act.

(c) A request for a safe use determination shall be clearly marked "Official Information Pursuant to Evidence Code Section 1040" and submitted in writing to the lead agency's Deputy Director for Scientific Affairs. Except as provided in paragraph (2) of subsection (d), the request for safe use determination is deemed official information pursuant to Evidence Code Section 1040. The request shall contain all of the following:

(1) A complete statement of all relevant facts related to the activity for which the safe use determination is requested. Such facts include the names and addresses of all interested parties, a description of the business reason for the activity and a carefully detailed description of the activity.

(2) True copies of any contracts, agreements, instruments, reports, analyses or other documents directly related to the activity for which the safe use determination is requested and to the applicability of the Act to the activity.

(3) A clear statement of the issue or issues on which a safe use determination is sought.

(4) If the determination request includes references to a specific chemical, the request should include the chemical name and the Chemical Abstract Services (CAS) Registry Number, if applicable.

(5) If the activity for which the safe use determination is sought is only one step of a larger integrated process, the description of the activity shall include a description of the entire process.

(6) If the requester is contending for a particular result in the determination, the request shall include an explanation of the grounds for the contention together with an identification of any relevant authorities which support such view.

(7) If the request for safe use determination contains any information which the requester claims should not be available for public inspection under the Public Records Act (Government Code Section 6250 et seq.), the request

shall specifically identify the information and the basis for the claim.

(A) If the request for determination contains information which the requester claims should not be available for public inspection, it shall be accompanied by a copy of the request and any supporting documents on which shall be indicated, by the use of brackets, the material which the requester contends should be deleted.

(B) All requests for safe use determination shall be open for public inspection except as otherwise specifically identified by the requester under this section. If the lead agency determines that information which the requester claims should not be available for public inspection must be released to the public under the Public Records Act (Government Code Section 6250 et seq.), it will promptly notify the requester by telephone or in writing of this determination and provide a reasonable opportunity for the requester to submit additional justification for the claim or to contest the determination in an appropriate proceeding.

(8) If the requester claims that fees or other charges for safe use determination should be waived, the request shall include an explanation of the basis for the claim.

(9) A statement concerning whether to the best of the requester's knowledge the subject matter of the request is:

(A) An issue in a civil or criminal case pending in any court.

(B) An issue in any administrative proceeding pending before a federal, state or local agency.

(C) The subject of a notice of violation to the Attorney General, a district attorney or a city attorney as described in Section 25249.7(d) of the Act.

(10) The signature of the person making the request for determination. Where the request is made by an authorized representative for an individual or organization, the request shall indicate the source of the authority to make the request.

(d)(1) Each request for a safe use determination shall be accompanied by a nonrefundable processing fee of $500. In addition, the requester shall be assessed a charge in the amount of any costs to the lead agency or other state agency which are necessarily incurred in considering the request and which exceed $500. Such additional assessment shall be made only after the requester has been provided an estimate of the amount, has elected to proceed with the request for safe use determination and has agreed to pay the additional assessment. All or part of the processing fee or other charges assessed pursuant to this section may be waived if the lead agency determines that payment of the fee would present a hardship to the requester or that it is otherwise in the public interest to proceed with the request without payment of such fees or charges.

(2) The lead agency will not publicly disclose the existence, data, or information in a request for a safe use determination until a written acceptance of the request is issued as specified in subsection (f). Upon issuance of a written acceptance by the lead agency, the request shall no longer be regarded as "official information" and shall be subject to disclosure upon request. If a request is withdrawn prior to the issuance of written acceptance of the request, all data and information submitted by the requester will be returned to the requester observing full confidentiality. No refund of fees imposed or costs incurred by the lead agency for a withdrawn request will be made.

(e) If during the initial review of the request for safe use determination, the lead agency requests essential information and it is not received within 30 days, the request shall be closed and all data and information submitted by the requester thus far will be returned to the requester observing full confidentiality. No refund of fees imposed or costs incurred by the lead

agency for a closed request will be made. If the information requested by the lead agency is received after the request is closed, the request will be reopened and treated as a new request as of the date of receipt.

(f) In the case of a request for safe use determination that appears to comply with these procedures, the lead agency shall issue a written acceptance of the request. At the same time, a public notice of the acceptance of the request will be submitted for publication in the California Regulatory Notice Register and sent to interested persons. The public notice will include the text or a summary of the request as appropriate. It will advise interested persons that they may comment on the request in writing or in person at a public hearing which shall be held on a date not less than 30 days after the notice is published.

(g) At any time while a request for a safe use determination is pending, the lead agency or any other state agency that is considering the request may ask for any additional information or explanation from the requester as necessary to complete a consideration of the request.

(h) After considering the request, any comments of the public received in writing or at the public hearing, and the comments of any other state agencies that have considered the request, the lead agency shall in response to the request:

(1) Issue a safe use determination.

(2) Decline to issue a safe use determination because the facts are insufficient to clearly establish the basis for the requested determination or for any other reason.

(3) Issue an information letter to the requester.

(4) Issue an interpretive guideline.

(i) The lead agency's response to the request shall be sent to the requester and the text or a summary of the response shall be published in the California Regulatory Notice Register and sent to interested persons, including any person who submitted comments on the request.

(j) Safe use determinations issued by the lead agency are limited to the particular facts on which they are based and they reflect the lead agency's view of the best interpretation of the Act and the state of scientific knowledge at the time they are issued. Whenever the issuance of a safe use determination requires the performance by a state agency of a risk assessment of the carcinogenicity or reproductive toxicity of a chemical, such assessment shall be performed pursuant to the methodologies adopted by the lead agency. A safe use determination found to be in error or not in accord with the best interpretation of the Act or the current state of scientific knowledge may be modified or revoked. Modification or revocation of a safe use determination may be effected by a notice to the individual or organization that requested the ruling along with notice in the California Regulatory Notice Register or by the issuance of an interpretive guideline.

(k) A safe use determination shall be issued to a particular individual or organization with respect to the application of particular provisions of the act to particular facts. Determinations are not intended to affect other individuals or organizations, or other activities of the requester.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5-25249.13, Health and Safety Code.

HISTORY

1. New section filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

2. Amendment of section and Note filed 5-22-2003; operative 6-21-2003 (Register 2003, No. 21).

3. Change without regulatory effect renumbering title 22, section 12204 to title 27, section 25204, including amendment of subsections (b)(1)(A) and

(b)(2), filed 6-18-2008 pursuant to
section 100, title 1, California Code ofRegulations (Register 2008, No. 25).

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§ 25301. Definitions. [Repealed]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.12 and 25249.8, Health and Safety Code.

HISTORY

1. New section filed 2-24-88; operative 2-26-88 (Register 88, No. 11).

2. Amendment of article heading, subsections (a) and (c), and adoption of subsection (d) filed 11-1-93 as an emergency; operative 11-1-93 (Register 93, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-1-94 or emergency language will be repealed by operation of law on the following day.

3. Amendment of article heading, subsections (a) and (c), and adoption of subsection (d) refiled 2-25-94 as an emergency; operative 2-25-94 (Register 94, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-27-94 or emergency language will be repealed by operation of law on the following day.

4. Amendment of article heading, subsections (a) and (c), and adoption of subsection (d) refiled 6-16-94 as an emergency; operative 6-27-94 (Register 94, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-25-94 or emergency language will be repealed by operation of law on the following day.

5. Amendment of article heading, subsections (a) and (c), and adoption of subsection (d) refiled 10-24-94 as an emergency; operative 10-25-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-22-95 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 10-24-94 order including amendment of Article 3 heading and subsection (a) and new subsections (a)(1)-(2) transmitted

to OAL 2-22-95 and filed 4-5-95 (Register 95, No. 14).

7. Repealer filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

8. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3, article 3 (sections 12301-12306) to title 27, division 4, chapter 1, article 3 (sections 25301-25306) and renumbering title 22, section 12301 to title 27, section 25301 filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

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§ 25302. Science Advisory Board.

(a) There are created in the lead agency two Committees of the Science Advisory Board, the Carcinogen Identification Committee and the DART Identification Committee defined in paragraphs (1) and (2), respectively, of subsection (b) of Section 25102, to advise and assist the Governor and the Director in the implementation of Section 25249.8 of the Act.

(b)(1) The Carcinogen Identification Committee shall be composed of no less than seven (7) members and no greater than eleven (11) members, and shall include experts from among the following areas of specialization: epidemiology, oncology, pathology, medicine, public health, biostatistics, biology, toxicology, and related fields.

(2) The DART Identification Committee shall be composed of no less than seven (7) members and no greater than eleven (11) members, and shall include experts from among the following areas of specialization: epidemiology, developmental toxicology, reproductive toxicology, teratology, medicine, public health, biostatistics, biology, toxicology, and related fields.

(3) The members of the Committees shall be appointed by the Governor and shall serve at the pleasure of the Governor.

The terms shall be for a period of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds. Members of each Committee shall be eligible for reappointment.

(c) The Carcinogen Identification Committee and the DART Identification Committee shall meet not less than once in any calendar year. The Governor shall designate from among the members of each Committee respective Chairpersons who will call and preside over Committee meetings, and shall designate an Executive Secretary who shall be a state employee who has expertise in one or more of the areas of specialization listed in subsection (b). Each Chairperson, with the consent of the other Committee members, shall designate from among the respective Committee members such subcommittees as may be appropriate in fully discharging the responsibilities of that Committee.

(d)(1) Except as otherwise expressly authorized by statute, all meetings of the Committees, and all subcommittee meetings shall be open to the public and convened only after reasonable public notice of the meeting, including the date, time, location and agenda of items of business to be transacted or discussed, has been provided.

(2) All correspondence to or from the Committees, or any subcommittee shall be available for public inspection as

provided in the Public Records Act (Government Code Section 6250 et seq.).

(e) Members of the Committees may be asked to provide advice and counsel both at formally convened Committee meetings and other subcommittee meetings and individually in response to written materials submitted to them by the lead agency, the Executive Secretary, or the Governor. Each of the two Committees shall act as a body in making recommendations to the Governor or the lead agency.

(f) A quorum of the Committee shall be a majority of the members appointed to the Committee. An affirmative vote of the majority of the appointed members shall be required for any action of each Committee. A vacancy on a Committee shall not impair the right of the remaining members to exercise all powers of the Committee.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.8, Health and Safety Code.

HISTORY

1. New section filed 2-24-88; operative 2-26-88 (Register 88, No. 11).

2. Amendment filed 11-1-93 as an emergency; operative 11-1-93 (Register 93, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-1-94 or emergency language will be repealed by operation of law on the following day.

3. Amendment refiled 2-25-94 as an emergency; operative 2-25-94 (Register 94, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-27-94 or emergency language will be repealed by operation of law on the following day.

4. Amendment refiled 6-16-94 as an emergency; operative 6-27-94 (Register 94, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-25-94 or emergency language will be repealed by operation of law on the following day.

5. Amendment refiled 10-24-94 as an emergency; operative 10-25-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-22-95 or emergency language will be repealed by operation of law on the following day.

6. Editorial correction of section heading and subsections (d)(1) and (2) (Register 94, No. 43).

7. Certificate of Compliance as to 10-24-94 order including amendment of section transmitted to OAL 2-22-95 and filed 4-5-95 (Register 95, No. 14).

8. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

9. Change without regulatory effect renumbering title 22, section 12302 to title 27, section 25302, including amendment of subsection (a), filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

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§ 25303. Compensation.

Members of the Committees shall be entitled to reimbursement for actual and necessary expenses incurred while attending meetings or otherwise carrying out the duties of their respective committees. In addition, members of the Committees shall be entitled to compensation for time spent attending Committee meetings and on the other actual and necessary work of the Committee as determined by the lead agency.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.8, Health and Safety Code.

HISTORY

1. New section filed 2-24-88; operative 2-26-88 (Register 88, No. 11).

2. Amendment filed 11-1-93 as an emergency; operative 11-1-93 (Register 93, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-1-94 or emergency language will be repealed by operation of law on the following day.

3. Amendment refiled 2-25-94 as an emergency; operative 2-25-94 (Register 94, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-27-94 or emergency language will be repealed by operation of law on the following day.

4. Amendment refiled 6-16-94 as an emergency; operative 6-27-94 (Register 94, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-25-94 or emergency language will be repealed by operation of law on the following day.

5. Amendment refiled 10-24-94 as an emergency; operative 10-25-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-22-95 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 10-24-94 order including amendment of section transmitted to OAL 2-22-95 and filed 4-5-95 (Register 95, No. 14).

7. Change without regulatory effect renumbering title 22, section 12303 to title 27, section 25303 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25304. Financial Disclosure.

Upon appointment and annually thereafter, Committee members shall, consistent with the Political Reform Act of 1974 commencing with Sections 81000 through 91015 of the Government Code and Title 2 California Code of Regulations, Division 6, Chapters 1 through 10, make a public disclosure on forms provided of investments in, income from or business positions in any partnership, corporation or other entity that imports, manufactures, distributes, sells, buys or uses chemicals that are or may be considered carcinogens or reproductive toxicants. Such disclosure made upon appointment shall cover the twelve-month period immediately prior to the date of appointment. Committee members shall, in addition to the requirements of Sections 81000 through 91015 of the Government Code and Title 2 CCR, Division 6, Chapters 1 through 10, also provide a description of funding sources for all professional activi- ties undertaken during the twelve months immediately prior to their appointment, and annually thereafter during their service on the Committee. In order to vote on an official action of a Committee, Committee members must be in compliance with Sections 81000 through 91015 of the Government Code and Title 2 CCR, Division 6, Chapters 1 through 10.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.8, Health and Safety Code.

HISTORY

1. New section filed 2-24-88; operative 2-26-88 (Register 88, No. 11).

2. Amendment filed 11-1-93 as an emergency; operative 11-1-93 (Register 93, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-1-94 or emergency language will be repealed by operation of law on the following day.

3. Amendment refiled 2-25-94 as an emergency; operative 2-25-94 (Register 94, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-27-94 or emergency language will be repealed by operation of law on the following day.

4. Amendment refiled 6-16-94 as an emergency; operative 6-27-94 (Register 94, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-25-94 or emergency language will be repealed by operation of law on the following day.

5. Amendment refiled 10-24-94 as an emergency; operative 10-25-94 (Register

94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-22-95 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 10-24-94 order including amendment of section transmitted to OAL 2-22-95 and filed 4-5-95 (Register 95, No. 14).

7. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

8. Change without regulatory effect renumbering title 22, section 12304 to title 27, section 25304 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25305. Power and Duties.

(a) As an advisory body to the Governor and the lead agency, the Carcinogen Identification Committee may undertake the following activities:

(1) Render an opinion, pursuant to subdivision (b) of Section 25249.8 of the Act, as to whether specific chemicals have been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

(2) Identify bodies which are considered to be authoritative and which have formally identified chemicals as causing cancer.

(3) Identify specific chemicals that are required by state or federal law to have been tested for potential to cause cancer but which have not been adequately tested.

(4) Review or propose standards and procedures for determining carcinogenicity of chemicals.

(5) Review or propose standards, procedures and definitions related to the implementation, administration or interpretation of the Act in support of the duties specified in the Section 25249.8 of the Act and upon request by the lead agency.

(b) As an advisory body to the Governor and the lead agency, the DART Identification Committee may undertake the following activities:

(1) Render an opinion, pursuant to subdivision (b) of Section 25249.8 of the Act, as to whether specific chemicals have been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

(2) Identify bodies which are considered to be authoritative and which have formally identified chemicals as causing reproductive toxicity.

(3) Identify specific chemicals that are required by state or federal law to have been tested for potential to cause reproductive toxicity but which have not been adequately tested.

(4) Review or propose standards and procedures for determining reproductive toxicity of chemicals.

(5) Review or propose standards, procedures and definitions related to the implementation, administration or interpretation of the Act in support of the duties specified in Section 25249.8 of the Act and upon request by the lead agency.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.8, Health and Safety Code.

HISTORY

1. New section filed 2-24-88; operative 2-26-88 (Register 88, No. 11).

2. Amendment filed 11-1-93 as an emergency; operative 11-1-93 (Register 93, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-1-94 or emergency language will be repealed by operation of law on the following day.

3. Amendment refiled 2-25-94 as an emergency; operative 2-25-94 (Register 94, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-27-94 or emergency language will be repealed by operation of law on the following day.

4. Amendment refiled 6-16-94 as an emergency; operative 6-27-94 (Register 94, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-25-94 or emergency language will be repealed by operation of law on the following day.

5. Amendment refiled 10-24-94 as an emergency; operative 10-25-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-22-95 or emergency language will be repealed by operation of law on the following day.

6. Editorial correction of subsection (b)(2) (Register 94, No. 43).

7. Certificate of Compliance as to 10-24-94 order including amendment of subsections (a)(1), (a)(5)-(b)(1), and (b)(5) transmitted to OAL 2-22-95 and filed 4-5-95 (Register 95, No. 14).

8. Amendment of section heading and section filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

9. Change without regulatory effect renumbering title 22, section 12305 to title 27, section 25305 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25306. Chemicals Formally Identified by Authoritative Bodies.

(a) Pursuant to section 25249.8(b) of the Act, a chemical is known to the state to cause cancer or reproductive toxicity if the lead agency determines that an authoritative body has formally identified the chemical as causing cancer or reproductive toxicity, as specified in this section.

(b) A "body considered to be authoritative" is an agency or formally organized program or group which utilizes one of the methods set forth in subsection (d), for the identification of chemicals, and which the Carcinogen Identification Committee has identified as having expertise in the identification of chemicals as causing cancer or the DART Identification Committee has identified as having expertise in the identification of chemicals as causing reproductive toxicity. For purposes of this section, "authoritative body" means either a "body considered to be authoritative" in the identification of chemicals as causing cancer by the Carcinogen Identification Committee or a "body considered to be authoritative" in the identification of chemicals as causing reproductive toxicity by the DART Identification Committee. The Carcinogen Identification Committee and the DART Identification Committee shall have the authority to revoke or rescind any determination that a body is authoritative on the grounds that the respective Committee no longer considers the body to have expertise in the identification of chemicals as causing cancer or reproductive toxicity, respectively, in which case chemicals listed pursuant to this section prior to the effective date of the revocation shall remain on the list. Nothing in this section shall be construed to limit or otherwise interfere with such authority.

(c) The lead agency shall determine which chemicals have been formally identified by an authoritative body as causing cancer or reproductive toxicity.

(d) For purposes of this section a chemical is "formally identified" by an authoritative body when the lead agency determines that:

(1) the chemical has been included on a list of chemicals causing cancer or reproductive toxicity issued by the authoritative body; or is the subject of a report which is published by the authoritative body and which concludes that the chemical causes cancer or reproductive toxicity; or has otherwise been identified as causing cancer or reproductive toxicity by the authoritative body in a document that indicates that such identification is a final action; and

(2) the list, report, or document specifically and accurately identifies the chemical, and has been:

(A) Reviewed by an advisory committee in a public meeting, if a public meeting is required, or

(B) Made subject to public review and comment prior to its issuance, or

(C) Published by the authoritative body in a publication, such as, but not limited to, the federal register for an authoritative body which is a federal agency, or

(D) Signed, where required, by the chief administrative officer of the authoritative body or a designee, or

(E) Adopted as a final rule by the authoritative body, or

(F) Otherwise set forth in an official document utilized by the authoritative body for regulatory purposes.

(e) For purposes of this section, "as causing cancer" means that either of the following criteria has been satisfied:

(1) Sufficient evidence of carcinogenicity exists from studies in humans. For purposes of this paragraph, "sufficient evidence" means studies in humans indicate that there is a causal relationship between the chemical and cancer.

(2) Sufficient evidence of carcinogenicity exists from studies in experimental animals. For purposes of this paragraph, "sufficient evidence" means studies in experimental animals indicate that there is an increased incidence of malignant tumors or combined malignant and benign tumors in multiple species or strains, in multiple experiments (e.g., with different routes of administration or using different dose levels), or, to an unusual degree, in a single experiment with regard to high incidence, site or type of tumor, or age at onset.

(f) The lead agency shall find that a chemical does not satisfy the definition of "as causing cancer" if scientifically valid data which were not considered by the authoritative body clearly establish that the chemical does not satisfy the criteria of subsection (e), paragraph (1) or subsection (e), paragraph (2).

(g) For purposes of this section, "as causing reproductive toxicity" means that either of the following criteria have been satisfied:

(1) Studies in humans indicate that there is a causal relationship between the chemical and reproductive toxicity, or

(2) Studies in experimental animals indicate that there are sufficient data, taking into account the adequacy of the experimental design and other parameters such as, but not limited to, route of administration, frequency and duration of exposure, numbers of test animals, choice of species, choice of dosage levels, and consideration of maternal toxicity, indicating that an association between adverse reproductive effects in humans and the toxic agent in question is biologically plausible.

(h) The lead agency shall find that a chemical does not satisfy the definition of "as causing reproductive toxicity" if scientifically valid data which were not considered by the authoritative body clearly establish that the chemical does not satisfy the criteria of subsection (g), paragraph (1) or subsection (g), paragraph (2).

(i) At least 60 days prior to adding a chemical determined to have been formally identified by an authoritative body as causing cancer or reproductive toxicity to the list of chemicals known to the state to cause cancer or reproductive toxicity, the lead agency shall cause to be published in the California Regulatory Notice Register a notice identifying the authoritative body and the chemical, and stating the lead agency's intention to cause the chemical to be added to the list. Copies of the notice shall be provided to the Carcinogen Identification Committee or the DART Identification Committee, as appropriate, to permit the appropriate Committee at least 30 days to review and comment on the proposed action. Within 30 days following the publication of the notice, interested parties, including any member of the appropriate Committee, shall submit to the lead agency their written objections to the addition of the chemical to the list of chemicals known to the state to cause cancer or

reproductive toxicity, along with any supporting documentation. Objections shall be made on the basis that there is no substantial evidence that the criteria identified in subsection (e) or in subsection (g) have been satisfied. The lead agency shall review such objections. If the lead agency finds that there is no substantial evidence that the criteria identified in subsection (e) or in subsection (g) have been satisfied, the lead agency shall refer the chemical to the appropriate Committee to determine whether, in the Committee's opinion, the chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity.

(j) Subsequent to the addition of a chemical determined to have been formally identified by an authoritative body as causing cancer or reproductive toxicity to the list of chemicals known to the state to cause cancer or reproductive toxicity, the lead agency shall reconsider its determination that the chemical has been formally identified as causing cancer or reproductive toxicity if the lead agency finds:

(1) there is no substantial evidence that the criteria identified in subsection (e) or subsection (g) have been satisfied, or

(2) the chemical is no longer identified as causing cancer or reproductive toxicity by the authoritative body.

Reconsideration may be initiated by the lead agency on its own motion, or on a request from an interested party, including any member of the appropriate Committee. The lead agency shall refer chemicals under reconsideration pursuant to this subsection to the appropriate Committee for a recommendation concerning whether the chemical should continue to be included on the list of chemicals known to the state to cause cancer or reproductive toxicity. Pending such reconsideration, the chemical shall remain on the list.

(k) The Carcinogen Identification Committee or the DART Identification Committee may condition any determination that a body is considered to be authoritative upon the subsequent application of the controls set forth in this section to the determination of which chemicals have been formally identified by the body as causing cancer or reproductive toxicity. In the event that this section or any portion thereof is found to be invalid by any court of competent jurisdiction, the Carcinogen Identification Committee or the DART Identification Committee may determine that such invalidation constitutes a failure of the condition. Upon finding such failure of condition, the determination that the body is authoritative shall be deemed to be revoked. Chemicals which the lead agency has determined have been formally identified by the body as causing cancer or reproductive toxicity pursuant to the controls set forth in this section and which have been placed upon the list of chemicals known to the state to cause cancer or reproductive toxicity prior to such revocation shall remain on the list.

(l) The following have been identified as authoritative bodies for purposes of this section for the identification of chemicals as causing reproductive toxicity:

(1) International Agency for Research on Cancer solely as to transplacental carcinogenicity

(2) National Institute for Occupational Safety and Health

(3) National Toxicology Program solely as to final reports of the National Toxicology Program's Center for Evaluation of Risks to Human Reproduction

(4) U. S. Environmental Protection Agency

(5) U. S. Food and Drug Administration

(m) The following have been identified as authoritative bodies for the identification of chemicals as causing cancer:

(1) International Agency for Research on Cancer

(2) National Institute for Occupational Safety and Health

(3) National Toxicology Program

(4) U. S. Environmental Protection Agency

(5) U. S. Food and Drug Administration

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.8 and 25249.12, Health and Safety Code.

HISTORY

1. New section filed 10-30-89 as an emergency; operative 10-30-89 (Register 89, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-27-90.

2. Change without regulatory effect filed 10-31-89 pursuant to section 100,Title 1, California Code of Regulations (Register 89, No. 44).

3. Certificate of Compliance as to 10-30-89 order including amendment of subsections (c) - (l) transmitted to OAL 2-27-90 and filed 3-29-90 (Register 90, No. 16).

4. Amendment of subsection (l) submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 90, No. 28).

5. Editorial correction of printing error relettering subsection (d) (Register 90, No. 45).

6. Certificate of Compliance as to 10-24-94 order including amendment of section transmitted to OAL 2-22-95 and filed 4-5-95 (Register 95, No. 14).

7. Amendment of subsections (l)-(l)(1), repealer of subsection (l)(3), subsection renumbering, and new subsections (m)-(m)(5) filed 4-9-99; adopted and effective 7-27-98; changes not considered to be a regulation for the purposes of the Administrative Procedure Act pursuant to Health and SafetyCode section 25249.8(e); printed pursuant to Government Code section 11343.8 (Register 99, No. 15).

8. Amendment of subsections (a), (b), (i) and (k) filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

9. Change without regulatory effect adopting new subsection (l)(3) and renumbering subsections filed 2-19-2003 pursuant to section 100, title 1,California Code of Regulations (Register 2003, No. 8).

10. Change without regulatory effect renumbering title 22, section 12306 to title 27, section 25306 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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ARTICLE 4. DISCHARGE
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§ 25401. Discharge of Water Containing a Listed Chemical at Time of Receipt.

(a) Whenever a person otherwise responsible for the discharge or release receives water containing a listed chemical from:

(1) a public water system, as defined in Section 116275 of the Health and Safety Code (1997);

(2) a commercial supplier of drinking water; or

(3) a source of drinking water in compliance with all primary drinking water standards and the chemical is the result of treatment of the water in order to achieve such compliance; the person does not "discharge" or "release" within the meaning of the Act to the extent that the person can show that the listed chemical was contained in the water received. "Discharge or release" shall apply only to that amount of the listed chemical derived from sources other than the drinking water.

(b) Whenever a person otherwise responsible for the discharge or release receives water containing a listed chemical from a source other than a source specified in subsection (a) the person does not "discharge" or "release" within the meaning of the Act to the extent that the person can show that the listed chemical was contained in the water received, and "discharge or release" shall apply only to that amount of the listed chemical derived from sources other than the water, provided that:

(1) The water is returned to the same source of water supply, or

(2) The water meets all primary drinking water standards for the listed chemical or, where there is no primary drinking water standard established for the listed chemical, the water shall not contain a significant amount of the chemical.

(c) Stormwater runoff from a place of doing business containing a listed chemical, the presence of which is not the direct and immediate result of the business activities conducted at the place from which the runoff flows, is not a "discharge" or "release" within the meaning of the Act. For purposes of this subsection, "business activities" does not include parking lots.

(d) The movement of naturally occurring chemicals as the result of the application, unavoidable runoff, or percolation of agricultural irrigation water is not a "discharge" or "release" within the meaning of Section 25249.5 of the Act. For purposes of this subsection, "naturally occurring chemicals" means chemicals present in the soil solely as a result of natural geologic processes.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 10-17-88 as an emergency; operative 10-17-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-14-89.

2. Certificate of Compliance filed 11-15-88 (Register 89, No. 30).

3. Amendment of filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

4. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3, article 4 (sections 12401-12405) to title 27, division 4, chapter 1, article 4 (sections 25401-25405) and renumbering title 22, section 12401 to title 27, section 25401 filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

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§ 25403. Discharges from Hazardous Waste Facilities.

(a) For a discharge or release of a listed chemical from a low-level radioactive waste disposal facility licensed pursuant to Chapter 7.6 of Division 20 (commencing with Section 25800) of the Health and Safety Code, a solid waste "disposal facility" as defined in Public Resources Code Section 40121 (1990) or a hazardous waste "disposal site" as defined in Health and Safety Code section 25114, it shall be presumed that the chemical probably will not pass into any source of drinking water for purposes of Section 25249.5 of the Act, provided that the operator of the facility or site can show that the facility or site is subject to and in compliance with requirements of state or federal statutes, regulations, permits and orders adopted to avoid contamination of surface or groundwater.

(b) The presumption in subsection (a) may be rebutted by any admissible evidence, including, but not limited to, that compliance with the same or substantially the same requirements of state or federal statutes, regulations, permits and orders adopted to avoid contamination of surface or groundwater has failed to prevent surface or groundwater contamination at similar facilities or sites under similar circumstances.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.5, Health and Safety Code.

HISTORY

1. New section filed 10-21-88 as an emergency; operative 10-27-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-24-89.

2. New section refiled 2-21-89 as an emergency; operative 2-24-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-26-89.

3. New section, with amendment of subsection (a) adding certain low-level radioactive waste disposal facilities, refiled 6-5-89 as an emergency; operative 6-26-89 (Register 89, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-24-89.

4. Certificate of Compliance as to 6-5-89 order transmitted to OAL 10-23-89 and filed 11-22-89 (Register 89, No. 48).

5. Amendment of subsection (a) filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

6. Change without regulatory effect renumbering title 22, section 12403 to title 27, section 25403 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25405. Discharge of a Pesticide.

For a discharge or release of a listed chemical which is an active ingredient, other specified ingredient, or degradation product of a pesticide as defined in Section 12753 of the Food and Agricultural Code (1996), if the person responsible for the application can show that the registrant of the pesticide has completely and adequately satisfied all of the data submission requirements of section 13143(a) of the Food and Agricultural Code (1996) and that the pesticide has not been placed on the Groundwater Protection List described in section 13145 of the Food and Agricultural Code (1996) and that the application is otherwise in compliance with the Pesticide Contamination Prevention Act of 1985 (1996) and all regulations promulgated thereunder, then it shall be presumed that the chemical probably will not pass into any source of drinking water for purposes of Section 25249.5 of the Act. For purposes of this section only, the person responsible for the application may rely upon information regarding a registrant's compliance with Section 13143(a), Food and Agricultural Code (1996), which is obtained from the Department of Pesticide Regulation through the office of a county agriculture commissioner.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.5, Health and Safety Code.

HISTORY

1. New section refiled 6-5-89 as an emergency; operative 6-26-89 (Register 89, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-24-89. For prior history, see Register 89, No. 10.

2. New section refiled 10-19-89 as an emergency; operative 10-24-89 (Register 89, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-21-90.

3. Certificate of Compliance as to 10-19-89 order including amendment transmitted to OAL 1-5-90 and filed 1-23-90 (Register 90, No. 5).

4. Amendment of section heading and section filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

5. Change without regulatory effect renumbering title 22, section 12405 to title 27, section 25405 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25501. Exposure to a Naturally Occurring Chemical in a Food.

(a) Human consumption of a food shall not constitute an "exposure" for purposes of Section 25249.6 of the Act to a listed chemical in the food to the extent that the person responsible for the exposure can show that the chemical is naturally occurring in the food.

(1) For the purposes of this section, a chemical is "naturally occurring" if it is a natural constituent of a food, or if it is present in a food solely as a result of absorption or accumulation of the chemical which is naturally present in the environment in which the food is raised, or grown, or obtained; for example, minerals present in the soil solely as a result of natural geologic processes, or toxins produced by the natural growth of fungi.

(2) The "naturally occurring" level of a chemical in a food may be established by determining the natural background level of the chemical in the area in which the food is raised, or grown, or obtained, based on reliable local or regional data.

(3) A chemical is naturally occurring only to the extent that the chemical did not result from any known human activity. Where a food contains a chemical, in part naturally occurring and in part added as a result of known human activity, "exposure" can only occur as to that portion of the chemical which resulted from such human activity. For purposes of this section, "human activity" does not include sowing, planting, irrigation, or plowing or other mechanical preparation of soil for agricultural purposes; but does include the addition of chemicals to irrigation water applied to soil or crops.

(4) Where a chemical contaminant can occur naturally in a food, the chemical is naturally occurring only to the extent that it was not avoidable by good agricultural or good manufacturing practices. The producer, manufacturer, distributor, or holder of the food shall at all times utilize quality control measures that reduce natural chemical contaminants to the "lowest level currently feasible," as this term is used in Title 21, Code of Federal Regulations, Section 110.110, subdivision (c) (2001).

(b) A person otherwise responsible for an exposure to a listed chemical in a consumer product, other than food, does not "expose" an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the chemical was a naturally occurring chemical in food, and the food was used in the manufacture, production, or processing of the consumer product. Where a consumer product contains a listed chemical, and the source of the chemical is in part from a naturally occurring chemical in food and in part from other sources, "exposure" can only occur as to that portion of the chemical from other sources.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.

HISTORY

1. New section refiled 6-19-89 as an emergency; operative 6-22-89 (Register 89, No. 30). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-20-89. For prior history, see Register 89, No. 10.

2. Emergency Section 12501 repealed 7-10-89; repealer operative 8-9-89. New Section 12501 filed 7-10-89; operative 8-9-89 (Register 89, No. 30).

3. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

4. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3, article 5 (sections 12501-12505) to title 27, division 4, chapter 1, article 5 (sections 25501-25505) and renumbering title 22, section 12501 to title 27, section 25501 filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

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§ 25502. Exposure to a Listed Chemical in Drinking Water.

(a) A person otherwise responsible for an exposure to a listed chemical which involves the use of drinking water, including the use of drinking water in food or any other consumer product, does not "expose" an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the listed chemical was contained in drinking water which was received from:

(1) a public water system, as defined in Section 116275 of the Health and Safety Code (1997);

(2) a commercial supplier of drinking water; or

(3) a source of drinking water in compliance with all applicable primary drinking water standards for all listed chemicals and the chemical in question is the result of treatment of the water in order to achieve compliance with primary drinking water standards.

Where the source of the listed chemical is in part from such drinking water and in part from other sources, "exposure" can occur only as to that portion of the listed chemical from sources other than such drinking water.

(b) For purposes of subsection (a), the amount of a listed chemical contained in drinking water shall be determined by sampling of the drinking water at the point of delivery and by testing pursuant to Section 25901. If sampling and testing is impractical, the amount of a listed chemical shall be based on test results of the most recent sample of the drinking water taken by the public water system or the commercial drinking water supplier, provided that all sampling and testing has been conducted at the frequency and in the manner required by law, or alternatively, such amount shall be calculated at five percent of the maximum contaminant level set forth in the primary drinking water standard for the listed chemical.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 7-10-89; operative 8-9-89 (Register 89, No. 30).

2. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

3. Change without regulatory effect renumbering title 22, section 12502 to title 27, section 25502, including amendment of subsection (b), filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

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§ 25503. Exposure to Water.

A person otherwise responsible for an exposure to a listed chemical does not "expose" an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the listed chemical was contained in water which the person moved or which was handled in the manner described in Section 25401. Nothing in this section shall be interpreted to affect the responsibility for an exposure which arises from any activity other than that described in Section 25401.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. New section refiled 6-19-89 as an emergency; operative 6-22-89 (Register 89, No. 30). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-20-89. For prior history, see Register 89, No. 10.

2. Emergency Section 12503 repealed 7-10-89; repealer operative 8-9-89. New Section 12503 filed 7-10-89; operative 8-9-89 (Register 89, No. 30).

3. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

4. Change without regulatory effect renumbering title 22, section 12503 to title 27, section 25503, including amendment of section, filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

27 CCR § 25503, 27 CA ADC § 25503
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27 CA ADC § 25503

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§ 25504. Exposure to Air.

A person otherwise responsible for an exposure to a listed chemical in air does not "expose" an individual within the meaning of Section 25249.6 of the Act to the extent that the person can show that the listed chemical was contained in air that the person received from the ambient air. Where the source of the listed chemical is in part from the ambient air and in part from other sources, "exposure" does not occur as to that portion of the listed chemical from the ambient air to the extent that the person did not put the listed chemical into the ambient air.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.

HISTORY

1. New section filed 7-10-89; operative 8-9-89 (Register 89, No. 30).

2. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

3. Change without regulatory effect renumbering title 22, section 12504 to title 27, section 25504 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 25504, 27 CA ADC § 25504
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27 CA ADC § 25504

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§ 25505. Miscellaneous. [Repealed]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. New section refiled 6-19-89 as an emergency; operative 6-22-89 (Register 89, No. 30). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-20-89. For prior history, see Register 89, No. 10.

2. Emergency Section 12505 repealed 7-10-89; repealer operative 8-9-89 (Register 89, No. 30).

3. Change without regulatory effect renumbering title 22, section 12505 to title 27, section 25505 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 25505, 27 CA ADC § 25505
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§ 25601. Clear and Reasonable Warnings.

Whenever a clear and reasonable warning is required under Section 25249.6 of the Act, the method employed to transmit the warning must be reasonably calculated, considering the alternative methods available under the circumstances, to make the warning message available to the individual prior to exposure. The message must clearly communicate that the chemical in question is known to the state to cause cancer, or birth defects or other reproductive harm. Nothing in this section shall be construed to preclude a person from providing warnings other than those specified in this article that satisfy the requirements of this article, or to require that warnings be provided separately to each exposed individual.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) filed 6-7-89 as an emergency; operative 7-1-89 (Register 89, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-30-89. For prior history, see Register 88, No. 53.

2. Certificate of Compliance as to 6-7-89 order transmitted to OAL 10-23-89 and filed 11-22-89 (Register 89, No. 48).

3. Editorial correction of printing error in subsection (c)(1)(C) (Register 91, No. 31).

4. New subsections (b)(2)(A)-(b)(2)(B)3. filed 8-27-2002; operative 9-26-2002 (Register 2002, No. 35).

5. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

6. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3, article 6 (section 12601) to title 27, division 4, chapter 1, article 6 (section 25601) and renumbering title 22, section 12601 to title 27, section 25601, including amendment of subsections (b)(2)(B) and (b)(2)(B)2., filed 6-18-2008 pursuant to section 100, title 1, CaliforniaCode of Regulations (Register 2008, No. 25).

7. Change without regulatory effect amending section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25601, 27 CA ADC § 25601
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§ 25602. Definitions.

(a) "Affected area" means the area in which an exposure to a chemical known to the state to cause cancer or reproductive toxicity is at a level that requires a warning.

(b) "Consumer products exposure" is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.

(c) "Environmental exposure" is an exposure that may foreseeably occur as the result of contact with an environmental medium, including, but not limited to, ambient air, indoor air, drinking water, standing water, running water, soil, vegetation, or manmade or natural substances, either through inhalation, ingestion, skin contact, or otherwise. Environmental exposures include all exposures that are not consumer products exposures, or occupational exposures.

(d) "Label" means a display of written, printed or graphic matter upon a product or its immediate container.

(e) "Labeling" means any label or other written, printed or graphic matter affixed to or accompanying a product or its container or wrapper.

(f) "Occupational exposure" means an exposure to any employee in his or her employer's workplace.

(g) "Sign" means a presentation of written, printed, or graphic matter.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.6, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25602, 27 CA ADC § 25602
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§ 25603. Consumer Products Warnings.

(a) Warnings for consumer products exposure that include the methods of transmission and the warning messages as specified by this section shall be deemed to be clear and reasonable.

(b) To the extent practicable, warning materials such as signs, notices, menu stickers, or labels shall be provided by the manufacturer, producer, or packager of the consumer product, rather than by the retail seller.

(c) A person in the course of doing business, who manufactures, produces, assembles, processes, handles, distributes, stores, sells, or otherwise transfers a consumer product which he or she knows to contain a chemical known to the state to cause cancer or reproductive toxicity in an amount that requires a warning shall provide a warning to any person to whom the product is sold or transferred unless the product is packaged or labeled with a clear and reasonable warning.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25603, 27 CA ADC § 25603
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§ 25603.1. Consumer Products Exposure Warnings - Methods of Transmission.

The warning may be provided by using one or more of the following methods singly or in combination:
(a) A warning that appears on a product's label or other labeling.

(b) Identification of the product at the retail outlet in a manner which provides a warning. Identification may be through shelf labeling, signs, menus, or a combination thereof.

(c) The warnings provided pursuant to subparagraphs (a) and (b) shall be prominently placed upon a product's label or other labeling or displayed at the retail outlet with such conspicuousness, as compared with other words, statements, designs, or devices in the label, labeling or display as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.

(d) A system of signs, public advertising identifying the system and toll-free information services, or any other system that provides clear and reasonable warnings.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25603.1, 27 CA ADC § 25603.1
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§ 25603.2. Consumer Products Exposure Warnings - Content.

(a) The warning message must include the following language:

1. For consumer products that contain a chemical known to the state to cause cancer:

"WARNING: This product contains a chemical known to the State of California to cause cancer."

2. For consumer products that contain a chemical known to the state to cause reproductive toxicity:

"WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm."

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25603.2, 27 CA ADC § 25603.2
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§ 25603.3. Warnings for Specific Consumer Products Exposure.

(a) For food, other than alcoholic beverages, sold, served, or otherwise provided in food facilities, as defined in Health and Safety Code Section 27521(a), which is intended for immediate consumption:

"WARNING: Chemicals known to the State of California to cause cancer, or birth defects or other reproductive harm may be present in foods or beverages sold or served here."

(b) For fresh fruits, nuts, and vegetables:

"WARNING: This product may contain a chemical known to the State of California to cause cancer, or birth defects or other reproductive harm."

(c) For prescription drugs, the labeling approved or otherwise provided under federal law and the prescriber's accepted practice of obtaining a patient's informed consent shall be deemed to be a clear and reasonable warning.

(d) For exposures resulting from emergency or urgent medical or dental care as defined in Section 12102(g), the accepted practice of obtaining the patient's informed consent shall be deemed to be a clear and reasonable warning when any of the following circumstances exists:

(1) the patient is unconscious; or

(2) the procedure must be undertaken because the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care, as these terms are defined in Sections 25102(q), 25102(d), and 25102(b), respectively, reasonably believes that the procedure should be undertaken immediately; and therefore, there is insufficient time to fully inform the patient; or

(3) the procedure must be performed on a person legally incapable of giving consent, and the licensed medical personnel, licensed dental personnel, or certified emergency medical personnel responsible for administering the care reasonably believes the procedure should be undertaken immediately; and therefore, there is insufficient time to obtain the informed consent of a person authorized to give such consent for the patient.

(e) Alcoholic Beverages. For alcoholic beverages, including, without limitation, beer, malt beverages, wine and distilled spirits:

(1) The warning message must include the following language:

"WARNING: Drinking Distilled Spirits, Beer, Coolers, Wine and Other Alcoholic Beverages May Increase Cancer Risk, and, During Pregnancy, Can Cause Birth Defects."

(2) For beverages primarily intended for consumption off the premises where sold or distributed:

(A) at least one notice or sign, no smaller than 10 inches wide by 10 inches high, and bearing the warning message set forth in subparagraph (e)(1) of this subsection; or

(B) at least one horizontal strip marker no smaller than 10 1/2 inches wide by 1 1/4 inches high, and bearing the warning message set forth in subparagraph (e)(1) of this subsection; or

(C) a notice no smaller than 5 inches by 5 inches, and bearing the warning message set forth in paragraph (e)(1) of this section.

(D) If signs 10 inches high by 10 inches wide are used, the word "WARNING" shall be centered three-quarters of an inch from the top of the sign in ITC Garamond bold condensed type face all in one-inch capital letters. Three-sixteenths of an inch from the base of the word "WARNING" shall be a line extending from left to right across the width of the sign one-sixteenth of an inch in thickness. Centered one-half inch below the line shall be the body of the warning message in 36/50 ITC Garamond bold condensed type face with the initial letter of each word, other than the conjunctive "and," capitalized. For the body of the warning message, left and right margins of at least one-half of an inch, and a bottom margin of at least one-half inch shall be observed. Larger signs shall bear substantially the same proportions of type size and spacing to sign dimension as the sign 10 inches high by 10 inches wide.

(E) If the 10 1/2 inch by 1 1/4 inch horizontal strip markers are used, the word "WARNING," punctuated by a colon, shall be justified left and located three-sixteenths of an inch from the top of the strip notice in ITC Garamond bold condensed type face all in capital letters measuring eleven sixteenths of an inch in height. Three thirty-seconds of an inch from the base of the word "WARNING" shall be a line extending from left to right across the width of the word "WARNING" and the punctuating colon one thirty-second of an inch in thickness. Located one-fourth of an inch from the top and one-fourth of an inch from the bottom of the strip notice, and to the immediate right of the word "WARNING," shall be the body of the warning message in 12/16 point ITC Garamond bold condensed type face with the initial letter of each word, other than the conjunctive "and," capitalized. The word "WARNING" shall be one-half inch from the left edge of the strip notice and the requisite warning message shall extend to within one-half inch from the right edge.

(F) If the 5 inch by 5 inch signs are used, they shall bear substantially the same proportions of type size and spacing to sign dimension as the sign 10 inches high by 10 inches wide, with both the word "WARNING" and the warning text set in white on a contrasting red background.

(G) Such sign or notice shall be placed in the retail establishment so as to assure that it is readable and likely to be read either at each retail point of sale or each point of display. Such sign or notice shall be placed either at all retail points of sale or all points of display, but need not be placed at both. If 10 inch by 10 inch signs or notices are placed at the point of display, each shall be placed no more than ten feet from any alcoholic beverage container and in a manner associating the sign or notice with the display. If horizontal strip notices are used, they shall be placed at ten-foot intervals horizontally along the display. If a 5 inch by 5 inch sign is used, it shall be conspicuously placed at each retail point of sale (e.g., check-out counter, cash register, cash box) so that it is likely to be read and understood during the sales transaction.

(H) All measurements specified or referred to in subparagraphs (D), (E) and (F), above, are not required to be precisely accurate.

(3) Beverages provided for consumption on the premises at tables served by food or beverage persons, or sold or distributed through over the counter service;

(A) a notice or sign displayed at each of the tables where alcoholic beverages are served or may be consumed at least 5 inches high by 5 inches wide bearing substantially the same type face and substantially the same proportion of type size and spacing to sign dimension as described in paragraph (e)(2)(F); or

(B) the warning message set forth in subsection (e)(1) of this section, placed upon a menu or list in association with the alcoholic beverages listed thereon and served at such premises, or if alcoholic beverages are not listed thereon, on any menu or list provided to patrons in association with the listing of food or beverage offerings, in type size and design, such that the text is conspicuous and likely to be read prior to consumption of alcoholic beverages or,

(C) at least one 10 inch by 10 inch sign, meeting the specifications set forth in paragraph (e)(2)(D) of this subsection, placed so that it is readable and likely to be read by patrons as they enter each public entrance to the establishment. If the establishment does not have clearly defined physical boundaries delineating those areas where, by permit or license, alcoholic beverages are served, the 10 inch by 10 inch sign shall be posted so that it is readable and likely to be read by patrons as they enter the area or areas where, by permit or license, alcoholic beverages are served; and

(D) If sold or distributed through over-the-counter service, at least one sign, meeting the specifications set forth in paragraph (e)(2)(D) of this subsection, placed in the retail establishment so that the warning message is, prior to the consumption of alcoholic beverages, readable and likely to be read from all counter locations available to the public. Therefore, a retail establishment providing a warning pursuant to the preceding sentence, also would be required to provide a warning in accordance with either subparagraph (3)(A), (3)(B) or (3)(C) of this subsection.

(4) For premises which are specially licensed to sell and serve alcoholic beverages both on and off the licensed premises (e.g., in facilities that offer both "tasting" and retail sales), the off-sale portion of the premises shall comply with the provisions of subsection (e)(2), above, and the portion of the premises where alcoholic beverages are served shall comply with the provisions of subsection (e)(3), above.

(5) For alcoholic beverages sold or distributed to consumers through the mail or package delivery services, warnings may be provided by incorporating or placing the warning message set forth in subsection (e)(1) on or in the shipping container or delivery package in such a manner so that the warning message is likely to be read by the recipient prior to consumption of the alcoholic beverage(s).

(6) All signs or notices referred to in subsections (e)(2), (e)(3) and (e)(4), above, shall be displayed so that they are clearly visible under all lighting conditions normally encountered during business hours.

(7) For alcoholic beverages, the placement and maintenance of the warning shall be the responsibility of the manufacturer or its distributor at no cost to the retailer, and any consequences for failure to do the same shall rest solely with the manufacturer or its distributor, provided that the retailer does not remove, deface, or obscure the requisite signs or notices, or obstruct, interfere with, or otherwise frustrate the manufacturer's reasonable efforts to post, maintain, or periodically replace said materials.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25603.3, 27 CA ADC § 25603.3
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§ 25604. Occupational Exposure Warnings.

(a) Warnings for occupational exposures that include the methods of transmission and the warning messages as specified by this section shall be deemed clear and reasonable.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25604, 27 CA ADC § 25604
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§ 25604.1. Occupational Exposure Warnings - Methods of Transmission.

(a) The method employed to transmit the warning must include one of the following alternative methods:

(1) A warning that appears on the label or labeling of a product or substance present or used in the workplace. The label or labeling shall be prominently displayed on the product or substance and the product or substance shall be used under circumstances which make it likely that the warnings will be read and understood by employees or other individuals prior to the exposure for which the warning is given.

(2) A warning that appears on a sign in the workplace posted in a conspicuous place and under conditions that make it likely to be read and understood by employees and other individuals prior to the exposure for which the warning is given.

(3) A warning to the exposed employee about the chemical in question which fully complies with all information, training and labeling requirements of the federal Hazard Communication Standard (29 CFR section 1910.1200, as amended on March 7, 1996), the California Hazard Communication Standard (Cal. Code Regs., title 8, section 5194, as amended on July 6, 2004), or, for pesticides, the Pesticides and Worker Safety requirements (Cal. Code Regs., title 3, section 6700 et seq., as amended on June 20, 2001) authorized in Food and Agricultural Code section 12981 as amended by Governor's Reorganization Plan No. 1 of 1991.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25604.1, 27 CA ADC § 25604.1
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§ 25604.2. Occupational Exposure Warnings - Content.

(a) For purposes of subsection (a)(1) of section 25604.1, the warning shall be provided in terms which would provide a clear warning for a consumer product as specified above.

(b) For purposes of subparagraph (a)(2) of section 25604.1, the following specific warning messages shall be deemed to clearly communicate that an individual is being exposed to a chemical known to the state to cause cancer, or birth defects or other reproductive harm.

(1) For exposure to a chemical known to the state to cause cancer:

"WARNING: This area contains a chemical known to the State of California to cause cancer."

(2) For exposure to a chemical known to the state to cause reproductive toxicity:

"WARNING: This area contains a chemical known to the State of California to cause birth defects or other reproductive harm."

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25604.2, 27 CA ADC § 25604.2
1CAC

27 CA ADC § 25604.2

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§ 25605. Environmental Exposure Warnings.

(a) Warnings for environmental exposure that include the methods of transmission and the warning message content as specified by this section shall be deemed clear and reasonable.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25605, 27 CA ADC § 25605
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§ 25605.1. Environmental Exposure Warnings - Methods of Transmission.

(a) The method employed to transmit the warning must include the most appropriate of the following alternative methods under the circumstances:

(1) A warning that appears on a sign in the affected area.

(2) A posting of signs in the manner described in Section 6776(d) of Title 3 of the California Code of Regulations as amended on May 10, 1999 shall be sufficient for purposes of this paragraph.

(3) A warning which is in a notice mailed or otherwise delivered to each occupant in the affected area. Such notice shall be provided at least once in any three-month period.

(4) A warning provided by public media announcements which target the affected area. Such announcements shall be made at least once in any three-month period.

(b) Environmental exposure warnings shall be provided in a conspicuous manner and under such conditions as to make it likely to be read, seen or heard and understood by an ordinary individual in the course of normal daily activity, and reasonably associated with the location and source of the exposure.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25605.1, 27 CA ADC § 25605.1
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§ 25605.2. Environmental Exposure - Content.

(a) For purposes of subsection (a)(1) of section 25605.1, the following specific warning messages shall be deemed to clearly communicate that an individual is being exposed to a chemical known to the state to cause cancer, or birth defects or other reproductive harm.

(1) For exposure to a chemical known to the state to cause cancer:

"WARNING: This area contains a chemical known to the State of California to cause cancer."

(2) For exposure to a chemical known to the state to cause reproductive toxicity:

"WARNING: This area contains a chemical known to the State of California to cause birth defects or other reproductive harm."

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. Change without regulatory effect adding section filed 9-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 36).

27 CCR § 25605.2, 27 CA ADC § 25605.2
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27 CA ADC § 25605.2

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§ 25701. General.

(a) The determination of whether a level of exposure to a chemical known to the state to cause cancer poses no significant risk for purposes of Section 25249.10(c) of the Act shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of the chemical as known to the state to cause cancer. Nothing in this article shall preclude a person from using evidence, standards, risk assessment methodologies, principles, assumptions or levels not described in this article to establish that a level of exposure to a listed chemical poses no significant risk.

(b) A level of exposure to a listed chemical, assuming daily exposure at that level, shall be deemed to pose no significant risk provided that the level is determined:

(1) By means of a quantitative risk assessment that meets the standards described in Section 25703;

(2) By application of Section 25707 (Routes of Exposure); or

(3) By one of the following, as applicable:

(A) If a specific regulatory level has been established for the chemical in question in Section 25705, by application of that level.

(B) If no specific level is established for the chemical in question in Section 25705, by application of Section 25709 (Exposure to Trace Elements) or 25711 (Levels Based on State or Federal Standards) unless otherwise provided.

(c) The chemicals, routes of exposure and conditions of use specifically listed in this article do not include all chemicals, routes of exposure and conditions of use that pose no significant risk. The fact that a chemical, route of exposure or condition of use does not appear in this article does not mean that it poses a significant risk.

(d) This article establishes exposure levels posing no significant risk solely for purposes of Section 25249.10(c) of the Act. Nothing in this article shall be construed to establish exposure or risk levels for other regulatory purposes.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6,

25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

6. Amendment of subsection (b)(3)(B) filed 11-16-93; operative 12-16-93 (Register 93, No. 47).

7. Amendment of subsections (a) and (d) filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

8. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3, article 7 (sections 12701-12721) to title 27, division 4, chapter 1, article 7 (sections 25701-25721) and renumbering title 22, section 12701 to title 27, section 25701, including amendment of subsections (b)(1)-(b)(2)(B), filed 6-18-2008 pursuant to section 100, title1, California Code of Regulations (Register 2008, No. 25).

27 CCR § 25701, 27 CA ADC § 25701
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§ 25703. Quantitative Risk Assessment.

(a) A quantitative risk assessment which conforms to this section shall be deemed to determine the level of exposure to a listed chemical which, assuming daily exposure at that level, poses no significant risk. The assessment shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for listing the chemical as known to the state to cause cancer. In the absence of principles or assumptions scientifically more appropriate, based upon the available data, the following default principles and assumptions shall apply in any such assessment:

(1) Animal bioassay studies for quantitative risk assessment shall meet generally accepted scientific principles, including the thoroughness of experimental protocol, the degree to which dosing resembles the expected manner of human exposure, the temporal exposure pattern, the duration of study, the purity of test material, the number and size of exposed groups, the route of exposure, and the extent of tumor occurrence.

(2) The quality and suitability of available epidemiologic data shall be appraised to determine whether the study is appropriate as the basis of a quantitative risk assessment, considering such factors as the selection of the exposed and reference groups, reliable ascertainment of exposure, and completeness of follow-up. Biases and confounding factors shall be identified and quantified.

(3) Risk analysis shall be based on the most sensitive study deemed to be of sufficient quality.

(4) The results obtained for the most sensitive study deemed to be of sufficient quality shall be applicable to all routes of exposure for which the results are relevant.

(5) The absence of a carcinogenic threshold dose shall be assumed and no-threshold models shall be utilized. A linearized multistage model for extrapolation from high to low doses, with the upper 95 percent confidence limit of the linear term expressing the upper bound of potency shall be utilized. Time-to-tumor models may be appropriate where data are available on the time of appearance of individual tumors, and particularly when survival is poor due to competing toxicity.

(6) Human cancer potency shall be derived from data on human or animal cancer potency. Potency shall be expressed in reciprocal milligrams of chemical per kilogram of bodyweight per day. Interspecies conversion of animal cancer potency to human cancer potency shall be determined by multiplying by a surface area scaling

factor equivalent to the ratio of human to animal bodyweight, taken to the one-third power. This is equivalent to a scaling factor of 14 when extrapolating from mouse data, and a scaling factor of 6.5 when extrapolating from rat data.

(7) When available data are of such quality that physiologic, pharmacokinetic and metabolic considerations can be taken into account with confidence, they may be used in the risk assessment for inter-species, inter-dose, and inter- route extrapolations.

(8) When the cancer risk applies to the general population, human body weight of 70 kilograms shall be assumed. When the cancer risk applies to a certain subpopulation, the following assumptions shall be made, as appropriate:

Subpopulation	Kilograms of Body Weight
Man (18+ years of age)	70
Woman (18+ years of age)	58
Woman with conceptus	58
Adolescent (11-18 years of age)	40
Child (2-10 years of age)	20
Infant (0-2 years of age)	10

(b) For chemicals assessed in accordance with this section, the risk level which represents no significant risk shall be one which is calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime exposure at the level in question, except where sound considerations of public health support an alternative level, as, for example:

(1) where chemicals in food are produced by cooking necessary to render the food palatable or to avoid microbiological contamination; or

(2) where chlorine disinfection in compliance with all applicable state and federal safety standards is necessary to comply with sanitation requirements; or

(3) where a clean-up and resulting discharge is ordered and supervised by an appropriate governmental agency or court of competent jurisdiction.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within

120 days or emergency language will be repealed on 2-22-89.

4. Amendment of subsection (b) filed 10-17-88 as an emergency; operative10-27-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-24-89.

5. New section, as amended 10-27-88, refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

6. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

7. Amendment of subdivision (b) filed 6-25-90; operative 7-25-90 (Register 90, No. 34).

8. Change without regulatory effect renumbering title 22, section 12703 to title 27, section 25703 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 25703, 27 CA ADC § 25703
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§ 25705. Specific Regulatory Levels Posing No Significant Risk.

(a) Daily exposure to a chemical at a level which does not exceed the level set forth in subsections (b), (c) and (d) for such chemical shall be deemed to pose no significant risk within the meaning of Section 25249.10(c) of the Act.

(b) Levels of exposure deemed to pose no significant risk may be determined by the lead agency based on a risk assessment conducted by the lead agency pursuant to the guidelines set forth in Section 25703, or a risk assessment reviewed by the lead agency and determined to be consistent with the guidelines set forth in Section 25703.

(1) The following levels based on risk assessments conducted or reviewed by the lead agency shall be deemed to pose no significant risk:

Chemical Name	Level (micrograms/day)
Acrylonitrile	0.7
Aldrin	0.04
Arsenic	0.06 (inhalation)
Asbestos	100 fibers inhaled/day*
Benz[a]anthracene	0.033 (oral)
Benzene	6.4 (oral) 13 (inhalation)
Benzidine	0.001
Benzo[b]fluoranthene	0.096 (oral)
Benzo[j]fluoranthene	0.11 (oral)
Benzofuran	1.1
Bis(2-chloroethyl)ether	0.3
Bis(chloromethyl)ether	0.02
Bromoform	64
Butylated hydroxyanisole	4000
Cadmium	0.05 (inhalation)
Carbon tetrachloride	5
N-Carboxymethyl-N-nitrosourea	0.70
Chloroethane	150
Chromium (hexavalent compounds)	0.001 (inhalation)
Chrysene	0.35 (oral)

C.I. Direct Blue 218	50
DDT, DDE and DDD (in combination)	2
7H-Dibenzo[c,g]carbazole	0.0030 (oral)
Dibenzo[a,h]pyrene	0.0054 (oral)
Dibenzo[a,i]pyrene	0.0050 (oral)
1,2-Dibromo-3-chloropropane (DBCP)	0.1
para-Dichlorobenzene	20
3,3'-Dichlorobenzidine	0.6
Dichloromethane (Methylene chloride)	200 (inhalation)
1,2-Dichloropropane	9.7
Dieldrin	0.04
Di(2-ethylhexyl)phthalate (DEHP)	310
3,3'-Dimethoxybenzidine	0.15
3,3'-Dimethoxybenzidine dihydrochloride	0.19
3,3'-Dimethylbenzidine	0.044
3,3'-Dimethylbenzidine dihydrochloride	0.059
1,4-Dioxane	30
Epichlorohydrin	9
Ethylene dibromide	0.2 (ingestion) 3 (inhalation)
Ethylene dichloride	10
Ethylene oxide	2
Hexachlorobenzene	0.4
Hexachlorodibenzodioxin	0.0002
Hexachlorocyclohexane (technical grade)	0.2
Lead	15 (oral)
Lead acetate	23 (oral)
Lead phosphate	58 (oral)
Lead subacetate	41 (oral)
2-Methylaziridine (propyleneimine)	0.028
5-Methylchrysene	0.0084 (oral)
Methylhydrazine	0.058 (oral) 0.090 (inhalation)
Methylhydrazine sulfate	0.18
5-Morpholinomethyl-3-[(5-nitrofurfurylidene) -amino]-2-oxazolidinone	0.18
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2 (5H)-furanone)	0.11
Naphthalene	5.8
Nitromethane	39
N-Nitroso-n-dibutylamine	0.06
N-Nitrosodiethylamine	0.02
N-Nitrosodimethylamine	0.04
N-Nitrosodiphenylamine	80
N-Nitrosodi-n-propylamine	0.1
N-Nitroso-N-ethylurea	0.03
N-Nitroso-N-methylurea	0.006
Phenyl glycidyl ether	5.0
Phenylhydrazine	1.0
Phenylhydrazine hydrochloride	1.4
Polybrominated biphenyls	0.02
Polygeenan	1200
2,3,7,8-Tetrachlorodibenzo-p-dioxin	0.000005
Tetranitromethane	0.059
Toxaphene	0.6
Trichloroethylene	50 (ingestion) 80 (inhalation)
2,4,6-Trichlorophenol	10
Urethane	0.7

Vinyl chloride	3
2,6-Xylidine	110

*Fibers equal to or greater than 5 micrometers in length and 0.3 micrometers in width, with a length to width ratio of greater than or equal to 3:1 as measured by phase contrast microscopy.

(2) Whenever the lead agency proposes to formally adopt, pursuant to this subsection, a level which shall be deemed to pose no significant risk of cancer, assuming daily exposure at that level, the lead agency shall provide to each member of the Carcinogen Identification Committee notice of the proposed action, a copy of the proposed level, and a copy of the initial statement of reasons supporting the proposal. The close of the public comment period for any such proposal shall be scheduled by the lead agency so as to permit the Carcinogen Identification Committee the opportunity to review such proposal and provide comment to the lead agency. Any such comment by the Carcinogen Identification Committee shall become a part of the formal rulemaking file. Nothing in this subsection shall be construed to prevent members of the Carcinogen Identification Committee from providing comments individually on any such proposal, or to require the Carcinogen Identification Committee to submit any comment.

(c) Unless a specific regulatory level for a chemical known to the state to cause cancer has been established in subsection (b), levels of exposure deemed to pose no significant risk may be determined by the lead agency based on state or federal risk assessments.

(1) Any interested party may request the lead agency to reevaluate a level established in this subsection based on scientific considerations that indicate the need for the lead agency to develop its own risk assessment or to conduct a detailed review of the risk assessment used to derive the level in question. Such request shall be made in writing, and shall include a description of the scientific considerations that indicate the need for the lead agency to develop its own risk assessment or to conduct a detailed review of the risk assessment used to derive the level in question. The lead agency may establish a level for the chemical in question in subsection (b) as it deems necessary.

(2) The following levels based on state or federal risk assessments shall be deemed to pose no significant risk:

Chemical Name	Level (micrograms/day)
Acetaldehyde	90 (inhalation)
Acrylamide	0.2
Aniline	100
Azobenzene	6
Benzo[a]pyrene	0.06
Benzyl chloride	4
Beryllium oxide	0.1
Beryllium sulfate	0.0002
Bromodichloromethane	5
1,3-Butadiene	0.4
Chlordane	0.5
Chloroform	20 (ingestion)
	40 (inhalation)
Coke oven emissions	0.3
DDVP (Dichlorvos)	2
Dichloromethane (Methylene chloride)	50
2,4-Dinitrotoluene	2
Folpet	200
Formaldehyde (gas)	40

Furmecyclox	20
Heptachlor	0.2
Heptachlor epoxide	0.08
Hexachlorocyclohexane	
alpha isomer	0.3
beta isomer	0.5
gamma isomer	0.6
Hydrazine	0.04
Hydrazine sulfate	0.2
4,4' -Methylene-Methylene bis (N,N-dimethyl)benzeneamine	20
Nickel refinery dust	0.8
Nickel subsulfide	0.4
N-Nitrosodiethanolamine	0.3
N-Nitrosomethylethylamine	0.03
N-Nitrosopyrrolidine	0.3
Pentachlorophenol	40
Polychlorinated biphenyls (PCBs)	0.09
Tetrachloroethylene	14

(d) Unless a specific regulatory level has been established for a chemical known to the state to cause cancer in subsection (b) or (c), levels of exposure deemed to pose no significant risk may be determined by the lead agency using an expedited method consistent with the procedures specified in Section 25703.

(1) Any interested party may request the lead agency to reevaluate a level established in this subsection and to consider the adoption, in subsection (c), of a level based on a state or federal risk assessment. Such request shall be made in writing, and shall include a copy of the state or federal risk assessment which the interested party wishes the lead agency to consider as the basis for a level in subsection (c). The lead agency may establish a level in subsection (c) for the chemical in question based on a state or federal risk assessment as it deems necessary.

(2) Any interested party may request the lead agency to reevaluate a level established in this subsection based on scientific considerations that indicate the need for a conventional risk assessment. Such request shall be made in writing, and shall include a description of the scientific considerations that indicate the need for a conventional risk assessment. The lead agency may conduct a conventional risk assessment for the chemical in question, and establish a level in subsection (b) as it deems necessary.

(3) The following levels of exposure based on risk assessments conducted by the lead agency using an expedited method consistent with the procedures specified in Section 25703 shall be deemed to pose no significant risk:

Chemical Name	Level (micrograms/day)
A-alpha-C (2-Amino-9H-pyridol[2,3-b]indole)	2
Acetamide	10
2-Acetylaminofluorene	0.2
Actinomycin D	0.00008
AF-2;[2-(2-furyl)-3(5-nitro-2-furyl) acrylamide]	3
2-Aminoanthraquinone	20
o-Aminoazotoluene	0.2
4-Aminobiphenyl (4-aminodiphenyl)	0.03
3-Amino-9-ethylcarbazole hydrochloride	9
l-Amino-2-methylanthraquinone	5

2-Amino-5-(5-nitro-2-furyl) -1,3,4-thiadiazole	0.04
Amitrole	0.7
o-Anisidine	5
o-Anisidine hydrochloride	7
Aramite	20
Auramine	0.8
Azaserine	0.06
Azathioprine	0.4
Benzyl violet 4B	30
beta-Butyrolactone	0.7
Carbazole	4.1
Captafol	5
Captan	300
Chlorambucil	0.002
Chlordecone (Kepone)	0.04
Chlorendic acid	8
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	8
Chloromethyl methyl ether (technical grade)	0.3
3-Chloro-2-methylpropene	5
4-Chloro-ortho-phenylenediamine	40
Chlorothalonil	200
p-Chloro-o-toluidine	3
p-Chloro-o-toluidine hydrochloride	3.3
Chlorozotocin	0.003
C. I. Basic Red 9 monohydrochloride	3
Cinnamyl anthranilate	200
p-Cresidine	5
Cupferron	3
Cyclophosphamide (anhydrous)	1
Cyclophosphamide (hydrated)	1
D&C Red No. 9	100
Dacarbazine	0.01
Daminozide	40
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	9
2,4-Diaminoanisole	30
2,4-Diaminoanisole sulfate	50
4,4' -Diaminodiphenyl ether (4,4' -Oxydianiline)	5
2,4-Diaminotoluene	0.2
Dibenz[a,h]anthracene	0.2
1,1-Dichloroethane	100
Diethylstilbestrol	0.002
Digylcidyl resorcinol ether (DGRE)	0.4
Dihydrosafrole	20
4-Dimethylaminoazobenzene	0.2
trans-2[Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	2
7,12-Dimethylbenz(a)anthracene	0.003
Dimethylcarbamyl chloride	0.05
1,2-Dimethylhydrazine	0.001
Dimethylvinylchloride	20
Direct Black 38 (technical grade)	0.09
Direct Blue 6 (technical grade)	0.09

Direct Brown 95 (technical grade)	0.1
Disperse Blue 1	200
Estradiol 17B	0.02
Ethyl-4,4' -dichlorobenzilate (chlorobenzilate)	7
Ethylene thiourea	20
Ethyleneimine	0.01
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	0.3
Glu-P-1 (2-Amino-6-methyldipyrido [1,2-a: 3', 2' -d]imidazole)	0.1
Glu-P-2 (2-Aminodipyrido[1,2-a: 3', 2' -d]imidazole)	0.5
Gyromitrin (Acetaldehyde methylformylhydrazone)	0.07
HC Blue 1	10
Hexachloroethane	20
Hydrazobenzene (1,2-Diphenylhydrazine)	0.8
IQ (2-Amino-3-methylimidazo [4,5-f]quinoline)	0.5
Isobutyl nitrite	7.4
Lasiocarpine	0.09
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	0.6
MeIQ (2-Amino-3,4-dimethylimidazo [4,5-f] quinoline)	0.46
MeIQx (2-Amino-3,8-dimethylimidazo [4,5-f] quinoxaline)	0.41
Melphalan	0.005
Methyl carbamate	160
3-Methylcholanthrene	0.03
4,4' -Methylene bis(2-chloroaniline)	0.5
4,4' -Methylene bis(2-methylaniline)	0.8
4,4' -Methylenedianiline	0.4
4,4' -Methylenedianiline dihydrochloride	0.6
Methyl methanesulfonate	7
2-Methyl-1-nitroanthraquinone (of uncertain purity)	0.2
N-Methyl-N' -nitro-N-nitrosoguanidine	0.08
Methylthiouracil	2
Michler's ketone	0.8
Mirex	0.04
Mitomycin C	0.00009
Monocrotaline	0.07
Nalidixic acid	28
2-Naphthylamine	0.4
Nitrilotriacetic acid	100
Nitrilotriacetic acid, trisodium salt monohydrate	70
5-Nitroacenaphthene	6
Nitrofen (technical grade)	9
Nitrofurazone	0.5
1-[(5-Nitrofurfurylidine)-amino]-2-imidazolidinone	0.4
N-[4-(5-Nitro-2-furyl)-2-thiazolyl] acetamide	0.5
p-Nitrosodiphenylamine	30
4-(N-Nitrosomethylamino)-1-(3-pyridyl)-	0.014

1-butanone	
N-Nitroso-N-methylurethane	0.006
N-Nitrosomorpholine	0.1
N-Nitrosonornicotine	0.5
N-Nitrosopiperidine	0.07
Phenacetin	300
Phenazopyridine	4
Phenazopyridine hydrochloride	5
Phenesterin	0.005
Phenobarbital	2
Phenoxybenzamine	0.2
Phenoxybenzamine hydrochloride	0.3
o-Phenylenediamine	26
o-Phenylenediamine dihydrochloride	44
o-Phenylphenate, sodium	200
Ponceau MX (D&C Red No. 5)	200
Ponceau 3R (FD&C Red No. 1)	40
Potassium bromate	1
Procarbazine	0.05
Procarbazine hydrochloride	0.06
1,3-Propane sultone	0.3
beta-Propiolactone	0.05
Propylthiouracil	0.7
Reserpine	0.06
Safrole	3
Sterigmatocystin	0.02
Streptozotocin	0.006
Styrene oxide	4
Sulfallate	4
1,1,2,2-Tetrachloroethane	3
Thioacetamide	0.1
4,4' -Thiodianiline	0.05
Thiourea	10
Toluene diisocyanate	20
o-Toluidine	4
o-Toluidine hydrochloride	5
Trimethyl phosphate	24
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	0.06
Tris(2,3-dibromopropyl)phosphate	0.3
Trp-P-1 (Tryptophan-P-1)	0.03
Trp-P-2 (Tryptophan-P-2)	0.2
Vinyl trichloride (1,1,2-Trichloroethane)	10

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

6. New subsection (b) filed 12-1-89; operative 12-31-89 (Register 89, No. 49).

7. Amendment of subsection (b) filed 5-16-90; operative 6-15-90 (Register 90, No. 25).

8. Amendment of subsection (b) filed 5-24-90; operative 6-23-90 (Register 90, No. 25).

9. Editorial correction of printing error in subsection (b) submitted to OAL for printing only 10-9-90 (Register 91, No. 3).

10. Amendment of subsection (b) adding Benzene filed 11-26-90; operative 12-26-90 (Register 91, No. 3).

11. Amendment of subsection (b) adding Arsenic, Butylated hydroxyanisole, Cadmium, and Chromium filed 9-16-92; operative 10-16-92 (Register 92, No. 38).

12. Amendment of subsection (b) adding Hexachlorodibenzodioxin and 2,3,7,8-Tetrachlorodibenzo-p-dioxin filed 9-16-92; operative 10-16-92 (Register 92, No. 38).

13. Amendment of subsection (b) adding dichloromethane, trichloroethylene and vinyl chloride filed 9-24-92; operative 10-26-92 (Register 92, No. 39).

14. Amendment of subsection (a), new subsections (b)-(b)(1), renumbering of subsection (c) to (b)(2) and amendment, new subsections (c)-(d)(3) filed 10-9-92; operative 11-9-92 (Register 92, No. 41).

15. Effective 10-29-99, allyl chloride and chlorodibromomethane were removed from the list of chemicals known to the State to cause cancer. The no significant risk levels of these chemicals were also removed, effective 10-29-99, from Title 22, CCR, sections 12705(c)(2) and 12705(d)(3) (Register 2001, No. 19).

16. Amendment of subsections (b), (c)(2) and (d)(3) filed 7-18-2002; operative 8-17-2002 (Register 2002, No. 29).

17. Amendment of subsections (a) and (b)(2) and deletion of extraneous subsection (b) designator filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

18. Amendment of subsections (b)(1) and (d)(3) filed 2-25-2003; operative 3-27-2003 (Register 2003, No. 9).

19. Amendment of subsection (b)(1) filed 4-12-2004; operative 5-12-2004

(Register 2004, No. 16).

20. Amendment of subsection (b)(1) filed 6-10-2004; operative 7-10-2004 (Register 2004, No. 24).

21. Amendment of subsection (b)(1) adding "1,2-Dichloropropane" filed 12-23-2004; operative 1-22-2005 (Register 2004, No. 52).

22. Amendment of subsections (b)(1) and (d)(3) filed 8-12-2005; operative 9-11-2005 (Register 2005, No. 32).

23. Change without regulatory effect amending subsection (d)(3) filed 1-30-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 5).

24. Effective December 8, 2006, 5 nitro-o-anisidine was removed from the list of chemicals known to cause cancer. This resulted in 5 nitro-o-anisidine and its no significant risk level contained in Section 12705(d)(3) no longer being applicable effective December 8, 2006. This change without regulatory effect removing 5 nitro-o-anisidine from Section 12705(d)(3) was filed 1-30-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 5).

25. Amendment of subsection (b)(1) adding "Nitromethane" filed 3-27-2008; operative 4-26-2008 (Register 2008, No. 13).

26. Change without regulatory effect renumbering title 22, section 12705 to title 27, section 25705, including amendment of subsections (b), (d) and (d)(3), filed 6-18-2008 pursuant to
section 100, title 1, California Code ofRegulations (Register 2008, No. 25).

27. Amendment of subsection (b)(1) filed 8-8-2008; operative 9-7-2008 (Register 2008, No. 32).

27 CCR § 25705, 27 CA ADC § 25705
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This database is current through 10/17/08, Register 2008, No. 42

§ 25707. Routes of Exposure.

(a) Where scientifically valid absorption studies conducted according to generally accepted standards demonstrate that absorption of a chemical through a specific route of exposure can be reasonably anticipated to present no significant risk of cancer at levels of exposure not in excess of current regulatory levels, the lead agency may identify the chemical as presenting no significant risk by that route of exposure. Any exposure, discharge or release of a chemical so identified shall be deemed to present no significant risk to the extent that it results in exposure to humans by the identified route, and does not exceed the level established in any other applicable federal or state standard, regulation, guideline, action level, license, permit, condition, requirement or order.

(b) The following chemicals present no significant risk of cancer by the route of ingestion:

(1) Asbestos

(2) Beryllium and beryllium compounds

(3) Cadmium and cadmium compounds

(4) Chromium (hexavalent compounds)

(5) Nickel and nickel compounds

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New subsection (b)(4) filed 10-17-88 as an emergency; operative 10-27-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-24-89.

5. New section, as amended 10-27-88, refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 9). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

6. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

7. New subsection (b)(5) filed 8-30-90; operative 9-29-90 (Register 90, No. 42).

8. Change without regulatory effect renumbering title 22, section 12707 to title 27, section 25707 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 25707, 27 CA ADC § 25707
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§ 25709. Exposure to Trace Elements.

(a) Except where a specific regulatory level is established in Section 25705, exposure to a trace element listed in subsection (b) shall be deemed to pose no significant cancer risk so long as the reasonably anticipated level of exposure to the chemical does not exceed the level set forth in subsection (b).

(b)

Element	No Significant Risk Level in micrograms per day
Arsenic (inorganic)	10 (except inhalation)
Beryllium	0.1

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

6. Amendment of Arsenic and repealer of Cadmium filed 9-16-92; operative 10-16-92 (Register 92, No. 38).

7. Amendment of subsection (a) filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

8. Change without regulatory effect renumbering title 22, section 12709 to title 27, section 25709, including amendment of subsection (a), filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

27 CCR § 25709, 27 CA ADC § 25709
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§ 25711. Levels Based on State or Federal Standards.

(a) Except as otherwise provided in section 25705, 25707, or 25709, levels of exposure deemed to pose no significant risk may be determined as follows:

(1) Where a state or federal agency has developed a regulatory level for a chemical known to the state to cause cancer which is calculated to result in not more than one excess case of cancer in an exposed population of 100,000, such level shall constitute the no significant risk level.

(2) For drinking water, the following levels shall be deemed to pose no significant risk:

(A) Drinking water maximum contaminant levels adopted by the Department of Health Services for chemicals known to the state to cause cancer;

(B) Drinking water action levels for chemicals known to the state to cause cancer for which maximum contaminant levels have not been adopted;

(C) Specific numeric levels of concentration for chemicals known to the state to cause cancer which are permitted to be discharged or released into sources of drinking water by a Regional Water Quality Control Board in a water quality control plan or in waste discharge requirements, when such levels are based on considerations of minimizing carcinogenic risks associated with such discharge or release.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. Amendment filed 10-17-88 as an emergency; operative 10-27-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-24-89.

5. Amendment filed 12-21-88 as an emergency; operative 1-1-89 (Register 89, No. 1). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-1-89.

6. New section, as amended 10-27-88 and 1-1-89, refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

7. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

8. Amendment of subsection (a) filed 12-1-89; operative 12-31-89 (Register 89, No. 49).

9. Amendment of subsection (a) filed 5-16-90; operative 6-15-90 (Register 90, No. 25).

10. Amendment of subsection (a)(2) filed 5-24-90; operative 6-23-90 (Register 90, No. 25).

11. Editorial correction of printing error in subsection (a)(2) submitted to OAL for printing only 10-9-90 (Register 91, No. 3).

12. Amendment of subsection (a)(2) deleting Benzene filed 11-26-90; operative 12-26-90 (Register 91, No. 3).

13. Amendment of subsection (a)(2) filed 11-26-90; operative 12-26-90 (Register 91, No. 3).

14. Amendment of subsection (a)(2) repealing Chromium filed 9-16-92; operative 10-16-92 (Register 92, No. 38).

15. Amendment of subsection (a)(2) repealing Tetrachlorodibenzo-p-dioxin filed 9-16-92; operative 10-16-92 (Register 92, No. 38).

16. Amendment of subsection (a)(2) adding Benzyl chloride and Bromodichloromethane filed 9-16-92; operative 10-16-92 (Register 92, No. 38).

17. Amendment of subsection (a)(2) deleting trichloroethylene and vinyl chloride filed 9-24-92; operative 10-26-92 (Register 92, No. 39).

18. Repealer of subsection (a)(2) and renumbering of following subsection filed 10-9-92; operative 11-9-92 (Register 92, No. 41).

19. Amendment of subsection (a) filed 1-7-2003; operative 2-6-2003 (Register

2003, No. 2).

20. Change without regulatory effect renumbering title 22, section 12711 to title 27, section 25711, including amendment of subsection (a), filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

27 CCR § 25711, 27 CA ADC § 25711
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§ 25713. Exposure to Food, Drugs, Cosmetics and Medical Devices. [Repealed]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30). This section provides interim standards pursuant to the policy of the Health and Welfare Agency and the recommendation of the Scientific Advisory Panel.

6. Repealer filed 11-16-93; operative 12-16-93 (Register 93, No. 47).

7. Change without regulatory effect renumbering title 22, section 12713 to title 27, section 25713 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 25713, 27 CA ADC § 25713

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§ 25721. Level of Exposure to Chemicals Causing Cancer.

(a) For the purposes of the Act, "level in question" means the chemical concentration of a listed chemical for the exposure in question. The exposure in question includes the exposure for which the person n the course of doing business is responsible, and does not include exposure to a listed chemical from any other source or product.

(b) For purposes of the Act, "lifetime exposure" means the reasonably anticipated rate of exposure for an individual to a given medium of exposure measured over a lifetime of seventy years.

(c) For purposes of Section 25249.10(c) of the Act, the level of exposure to a chemical listed as causing cancer, assuming lifetime exposure at the level in question, shall be determined by multiplying the level in question (stated in terms of a concentration of a chemical in a given medium) times the reasonably anticipated rate of exposure for an individual to the given medium of exposure measured over a lifetime of seventy years.

(d) The following assumptions shall be used to calculate the reasonably anticipated rate of exposure to a chemical listed as causing cancer, unless more specific and scientifically appropriate data are available:

(1) For an exposure reasonably expected to affect the general population in any geographic area:

(A) The exposed individual ingests two liters of drinking water per day.

(B) The exposed individual inhales twenty cubic meters of air per day.

(C) The exposed individual has a lifespan of seventy years.

(2) For an exposure reasonably anticipated to affect a certain subpopulation of the general population in any geographic area, specific data (if available) relating to that subpopulation shall be used to determine the level of exposure.

(A) In the absence of more specific and scientifically appropriate data, the following assumptions should be made as appropriate:

Subpopulation	Water liters/day	Air cubic meters/day
Man (18 + years of age)	2	20
Woman (18 + years of age)	2	20
Woman with conceptus	2	20
Adolescent (10-18 years of age)	2	20
Child (2-10 years of age)	2	15
Infant (0-2 years of age)	1	4

(B) For an exposure reasonably expected to affect the conceptus (embryo or fetus), the gestation period for the exposed conceptus is nine months.

(3) For workplace exposures, the exposed worker inhales ten cubic meters of workplace air per eight-hour day, forty hours per week, fifty weeks per year over a forty-year period. The exposed individual from the general population who occasionally enters a workplace inhales 1.25 cubic meters of workplace air for one hour per month for a seventy-year lifetime.

(4) For exposures to consumer products, lifetime exposure shall be calculated using the average rate of intake or exposure for average users of the consumer product, and not on a per capita basis for the general population. The average rate of intake or exposure shall be based on data for use of a general category or categories of consumer products, such as the United States Department of Agriculture Home Economic Research Report, Foods Commonly Eaten by Individuals: Amount Per Day and Per Eating Occasion, where such data are available.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

6. Amendment of section heading and subsections (c) and (d) filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

7. Change without regulatory effect renumbering title 22, section 12721 to title 27, section 25721 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 25721, 27 CA ADC § 25721
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CHAPTER 1. SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
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§ 25801. General.

(a) The determination of whether a level of exposure to a chemical known to the state to cause reproductive toxicity has no observable effect for purposes of Section 25249.10(c) of the Act shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of a chemical as known to the state to cause reproductive toxicity. Nothing in this article shall preclude a person from using evidence, standards, assessment methodologies, principles, assumptions or levels not described in this article to establish that a level of exposure has no observable effect at one thousand (1,000) times the level in question.

(b) A level of exposure to a listed chemical shall be deemed to have no observable effect, assuming exposure at one thousand times that level, provided that the level is determined:

(1) By means of an assessment that meets the standards described in Section 25803 to determine the maximum dose level having no observable effect, and dividing that level by one thousand (1,000) to arrive at the maximum allowable dose level; or

(2) By application of a specific regulatory level for the chemical in question as provided in Section 25805.

(c) For purposes of this article, "NOEL" shall mean that no observable effect level, which is the maximum dose level at which a chemical has no observable reproductive effect.

(d) The chemicals specifically contained in this article do not include all chemicals listed as causing reproductive toxicity for which there is a level of exposure which has no observable effect assuming exposure at one thousand times the level in question. The fact that a chemical does not specifically appear in this article does not mean that it has an observable effect at any level.

(e) This article establishes exposure levels solely for purposes of Section 25249.10(c) of the Act. Nothing in this article shall be construed to establish exposure levels for other regulatory purposes.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88,

No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

6. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

7. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3, article 8 (sections 12801-12821) to title 27, division 4, chapter 1, article 8 (sections 25801-25821) and renumbering title 22, section 12801 to title 27, section 25801, including amendment of subsections (b)(1)-(2), filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25803. Assessment.

(a) A quantitative risk assessment which conforms to this section shall be deemed to determine the level of exposure to a listed chemical which will have no observable effect, assuming exposure at one thousand times the level in question. The assessment shall be based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for listing the chemical as known to the state to cause reproductive toxicity. In the absence of principles or assumptions scientifically more appropriate, based upon the available data, the following default principles and assumptions shall apply in any such assessment:

(1) Only studies producing the reproductive effect which provides the basis for the determination that a chemical is known to the state to cause reproductive toxicity shall be utilized for the determination of the NOEL. Where multiple reproductive effects provide the basis for the determination that a chemical is known to the state to cause reproductive toxicity, the reproductive effect for which studies produce the lowest NOEL shall be utilized for the determination of the NOEL. The NOEL shall be the highest dose level which results in no observable reproductive effect, expressed in milligrams of chemical per kilogram of bodyweight per day.

(2) The quality and suitability of available epidemiologic data shall be appraised to determine whether the study is appropriate as the basis of an assessment considering such factors as the selection of the exposed and reference groups, the reliable ascertainment of exposure, and completeness of follow-up. Biases and confounding factors shall be identified and quantified.

(3) Animal bioassay studies for assessment shall meet generally accepted scientific principles, including the thoroughness of experimental protocol, the degree to which dosing resembles the expected manner of human exposure, the temporal exposure pattern, the duration of study, the purity of test material, the number and size of exposed groups, and the route of exposure and the extent of occurrence of effects.

(4) The NOEL shall be based on the most sensitive study deemed to be of sufficient quality.

(5) The results obtained for the most sensitive study deemed to be of sufficient quality shall be applicable to all routes of exposure for which the results are relevant.

(6) When available data are of such quality that anatomic, physiologic, pharmacokinetic and metabolic considerations can be taken into account with confidence, they may be used in the assessment.

(7) When data do not allow the determination of a NOEL, the lowest observable effect level (LOEL) shall be divided by 10 to establish a NOEL for purposes of assessment.

(b) The NOEL shall be converted to a milligram per day dose level by multiplying the assumed human body weight by the NOEL. When the applicable reproductive effect is upon the male, human body weight of 70 kilograms shall be assumed. When the applicable reproductive effect is upon the female or conceptus, human body weight of 58 kilograms shall be assumed.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

6. Amendment of subsection (a) filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

7. Change without regulatory effect renumbering title 22, section 12803 to title 27, section 25803 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25805. Specific Regulatory Levels: Chemicals Causing Reproductive Toxicity.

(a) Exposure to a chemical at a level which does not exceed the level set forth in subsection (b) for such chemical has no observable effect assuming exposure at one thousand (1,000) times that level.

(b)

Chemical Name	Level (micrograms/day)
Benzene	24 (oral) 49 (inhalation)
Cadmium	4.1
2,4-D butyric acid (2,4-DB, 2,4-dichlorophenoxybutyric acid)	910
1,2-Dibromo-3-chloropropane	4.3 (inhalation) 3.1 (oral)
Di(n-butyl)phthalate (DBP)	8.7
Di(2-ethylhexyl)phthalate (DEHP), for intravenous exposures only	4200 (adults) 600 (infant boys, age 29 days-24 months) 210 (neonatal infant boys, age 0-28 days) [Levels for male children and adolescents can be calculated by application of the default body-weights specified in Title 22, California Code of Regulations, Section 12703(a)(8) to the procedure specified in Title 22, California Code of Regulations, Sections 12801 and 12803]
Di(2-ethylhexyl)phthalate (DEHP), for oral exposures only	410 (adults) 58 (infant boys, age 29

	days-24 months) 20 (neonatal infant boys, age 0-28 days) [Levels for male children and adolescents can be calculated by application of the default body-weights specified in Title 22, California Code of Regulations, Section 12703(a)(8) to the procedure specified in Title 22, California Code of Regulations, Sections 12801 and 12803]
m-Dinitrobenzene	38 (oral)
Disodium cyanodithioimidocarbonate	56 (oral)
Ethyl dipropylthiocarbamate	[170 (oral) as 32% pesticidal formulation] 700 (oral and inhalation) 6700 (dermal)
Ethylene glycol monoethyl ether (EGEE)	750 (oral) 960 (inhalation)
Ethylene glycol monoethyl ether acetate (EGEEA)	1100 (oral) 1400 (inhalation)
Ethylene glycol monomethyl ether	63 (oral)
Ethylene glycol monomethyl ether acetate	98 (oral)
Ethylene oxide	20.0
Hydramethylnon	120 (oral)
Lead	0.5
Linuron	460
Methyl bromide as a structural fumigant	810 (inhalation)
N-Methylpyrrolidone	3200 (inhalation) 17000 (dermal)
Potassium dimethyldithiocarbamate	720
Quizalofop ethyl	590
Sodium dimethyldithiocarbamate	23 (oral) [58 (oral) as 40% pesticidal formulation]
Thiophanate-methyl	600 (oral)
Toluene	7000

(c) Unless a specific level is otherwise provided in this section, an assessment by an agency of the state or federal government that is the substantial equivalent of the assessment described in subsection (a) of Section 25803, and establishes a maximum allowable dose level in the manner provided in paragraph (b)(1) of Section 25801, shall constitute the allowable dose level having no observable effect within the meaning of Section 25249.10(c) of the Act.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

6. Amendment of subsection (b) filed 4-9-92; operative 5-11-92 (Register 92, No. 15).

7. Amendment of subsection (b) filed 7-18-2002; operative 8-17-2002 (Register 2002, No. 29).

8. Amendment of section heading and subsection (c) filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

9. Amendment of subsection (b) filed 2-25-2003; operative 3-27-2003 (Register 2003, No. 9).

10. Amendment of section heading and subsection (b) filed 7-1-2003; operative 7-31-2003 (Register 2003, No. 27).

11. Amendment of section heading and subsection (b) filed 12-23-2004; operative 1-22-2005 (Register 2004, No. 52).

12. Amendment of subsection (b) filed 8-12-2005; operative 9-11-2005 (Register 2005, No. 32).

13. Amendment of subsection (b) filed 5-19-2006; operative 6-18-2006 (Register 2006, No. 20).

14. Amendment of subsection (b) filed 8-3-2006; operative 9-2-2006 (Register 2006, No. 31).

15. Amendment of subsection (b) filed 8-31-2007; operative 9-30-2007 (Register 2007, No. 35).

16. Change without regulatory effect renumbering title 22, section 12805 to title 27, section 25805, including amendment of subsection (c), filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

17. Amendment of subsection (b) filed 6-23-2008; operative 7-23-2008 (Register 2008, No. 26).

27 CCR § 25805, 27 CA ADC § 25805
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§ 25821. Level of Exposure to Chemicals Causing Reproductive Toxicity.

(a) For purposes of the Act, "level in question" means the chemical concentration of a listed chemical for the exposure in question. The exposure in question includes the exposure for which the person in the course of doing business is responsible, and does not include exposure to a listed chemical from any other source or product.

(b) For purposes of Section 25249.10(c) of the Act, the level of exposure to a chemical listed as causing reproductive toxicity shall be determined by multiplying the level in question (stated in terms of a concentration of a chemical in a given medium) times the reasonably anticipated rate of exposure for an individual to a given medium. The reasonably anticipated rate of exposure shall be based on the pattern and duration of exposure that is relevant to the reproductive effect which provided the basis for the determination that a chemical is known to the state to cause reproductive toxicity. (For example, an exposure of short duration is appropriate for a teratogenic chemical, whereas a chronic or protracted exposure is appropriate for one that retards fetal growth.)

(c) The following assumptions shall be used to calculate the reasonably anticipated rate of exposure to a chemical listed as causing reproductive toxicity, unless more specific and scientifically appropriate data are available:

(1) The assumptions set forth in subsection (d) of Section 25721 shall be used to calculate the reasonably anticipated rate of exposure to a chemical listed as causing reproductive toxicity, unless more specific and scientifically appropriate data are available.

(2) For exposures to consumer products, the level of exposure shall be calculated using the reasonably anticipated rate of intake or exposure for average users of the consumer product, and not on a per capita basis for the general population. The rate of intake or exposure shall be based on data for use of a general category or categories of consumer products, such as the United States Department of Agriculture Home Economic Research Report, Foods Commonly Eaten by Individuals: Amount Per Day and Per Eating Occasion, where such data are available.

(3) Where a maternal exposure to a chemical listed as causing reproductive toxicity has an effect on the conceptus (embryo or fetus), the level of exposure shall be based on the reasonably anticipated rate of exposure for the mother during the nine-month gestation period.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section refiled 10-17-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. Certificate of Compliance including amendment transmitted to OAL 6-9-89 and filed 7-10-89 (Register 89, No. 30).

6. Amendment of section heading and section filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

7. Change without regulatory effect renumbering title 22, section 12821 to title 27, section 25821 filed 6-18-2008, including amendment of subsection (c)(1), pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

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ARTICLE 9. MISCELLANEOUS
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§ 25900. Use of Specified Methods of Detection and Analysis as a Defense to an Enforcement Action.

(a) For purposes of Section 25249.5 of the Act, no knowing discharge or release, and for purposes of Section 25249.6 no knowing and intentional exposure occurs if a person in the course of doing business, otherwise responsible for an alleged release, discharge or exposure can show all of the following:

(1) That he or she has properly applied a method of detection and analysis as defined in subsection (g) below for the chemical in question at any time within the year prior to the service or filing of a notice or complaint concerning an alleged discharge, release or exposure to the chemical in question;

(2) That such method of detection and analysis was applied to the same matrix as defined in subsection (g) below, in which the discharge, release or exposure is alleged to have occurred or to be occurring;

(3) That the method of detection and analysis was conducted by a laboratory certified by the State of California or accredited by the State of California, a federal agency, the National Environmental Laboratory Accreditation Program or similar nationally recognized accrediting organization to perform the particular method of detection and analysis in question; and

(4) That all the reported results show that the chemical in question was not detected.

(b) The methods of detection and analysis that may be relied on for purposes of subsection (a) are those that are required or sanctioned by the federal Food and Drug Administration, the U.S. Environmental Protection Agency, the federal Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, the federal Consumer Product Safety Commission, the California Department of Health Services, the California Environmental Protection Agency and its constituent boards, departments or office; an Air District, a Regional Water Quality Control Board, a Certified Unified Program Agency, or other local enforcement agency in California with jurisdiction over the product or activity that is the cause of the alleged discharge, release or exposure.

(c) Where more than one method of detection and analysis exists that meets the criteria specified in subsection (b), the person in the course of doing business who seeks to rely on the reported results of that method of detection and analysis pursuant to subsection (a), must either use a method of detection and analysis required by that person's permit to be used for detecting or measuring the chemical in question in the relevant matrix; or the person must use the most sensitive method of detection and analysis that meets the requirements of subsection (b).

(d) In any enforcement action for an alleged violation of Section 25249.5 or 25249.6 of the Act, the person asserting this

section as an affirmative defense shall have the burden of proof as to all the facts that establish such defense including the burden of proving that all material protocols and procedures specified by the agency that requires or sanctions the method of detection and analysis applied, have been followed.

(e) Except as provided in subsection (a) of this section, nothing in this section restricts a plaintiff from proving an alleged discharge, release or exposure by any admissible evidence or a defendant from proving the absence of an alleged discharge, release or exposure by any admissible evidence, except that an alleged discharge, release, or exposure may not be established solely by applying a scientific inference that a listed chemical is present in a particular matrix at one half the limit of detection for the applicable method of detection and analysis.

(f) Nothing in this section requires any person in the course of doing business to conduct routine tests for discharges, releases or exposures to listed chemicals that may be subject to the provisions of the Act.

(g) For purposes of this section, the following definitions apply:

(1) "Method of detection and analysis" means a specific analytical testing procedure appropriate for detecting a particular chemical in a particular matrix such as air, water, soil or food that is applied for the purpose of detecting the chemical or measuring its concentration.

(2) "Matrix" means the component or substrate that contains the chemical in question.

(3) The phrase "required or sanctioned" means that an agency listed in subsection (b) has identified the method of detection and analysis in a permit (as defined below), regulation, guideline or other official action of the agency that specifies or requires the use of that method of detection and analysis for purposes of detecting or measuring the concentration of the chemical in question in the relevant matrix.

(4) "Permit" means a document, license, registration, certificate, or other written means of authorization necessary for a business activity.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 3-9-2006; operative 4-8-2006 (Register 2006, No. 10).

2. Change without regulatory effect renumbering title 22, division 2, subdivision 1, chapter 3, article 9 (sections 12900-12903 and Appendix A) to title 27, division 4, chapter 1, article 9 (sections 25900-25903 and Appendix A) and renumbering title 22, section 12900 to title 27, section 25900 filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).

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§ 25901. Methods of Detection. [Repealed]

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6 and 25249.11, Health and Safety Code.

HISTORY

1. New section filed 2-24-88 as an emergency; operative 2-27-88 (Register 88, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-27-88.

2. New section refiled 6-27-88 as an emergency; operative 6-27-88 (Register 88, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-25-88.

3. New section with amendment of subsections (a) and (b), renumbering and amendment of subsections (c) and (d) to subsections (e) and (f), and new subsections (c), (d) and (g) refiled 10-21-88 as an emergency; operative 10-25-88 (Register 88, No. 44). A Certification of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-22-89.

4. New section, as amended 10-25-88, refiled 2-21-89 as an emergency; operative 2-22-89 (Register 89, No. 10). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-22-89.

5. New section refiled 6-19-89 as an emergency; operative 6-22-89 (Register 89, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-20-89.

6. Certificate of Compliance as to 6-19-89 order transmitted to OAL 10-20-89 and filed 11-20-89 (Register 89, No. 48).

7. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

8. Change without regulatory effect amending subsection (b) filed 9-11-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 37).

9. Repealer filed 3-3-2005; operative 4-2-2005 (Register 2005, No. 9).

10. Change without regulatory effect renumbering title 22, section 12901 to title 27, section 25901 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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§ 25902. Formally Required to Be Labeled or Identified As Causing Cancer or Reproductive Toxicity.

(a) In accordance with Section 25249.8(b), of the Act, a chemical is known to the state to cause cancer or reproductive toxicity within the meaning of the Act, and shall be listed pursuant to Section 25249.8(a), of the Act, if the lead agency determines that an agency of the state or federal government has formally required the chemical to be labeled or identified as causing cancer or reproductive toxicity. In making such determination, the lead agency shall act in accordance with this section.

(b) The following definitions shall apply to this section:

(1) "agency of the state or federal government" means the United States Congress or the California State Legislature acting through legislation, any agency, department, office, officer, division, bureau, board, or commission of California state government (excluding political subdivisions thereof) or of the United States government, which has the statutory or regulatory authority to require a person or entity outside of that agency to label or identify a chemical as causing cancer or reproductive toxicity.

(2) "formally required" means that a mandatory instruction, order, condition, or similar command, has been issued in accordance with established policies and procedures of an agency of the state or federal government, to a person or legal entity outside of the agency. The action of such agency may be directed at one or more persons or legal entities and may include formal requirements of general application.

(3) "labeled" means that a warning message about the carcinogenicity or reproductive toxicity of a chemical is printed, stamped, written, or in any other manner placed upon the container in which the chemical is present or its outer or inner packaging including any material inserted with, attached to, or otherwise accompanying such chemical.

(4) "identified" means that a required message about the carcinogenicity or reproductive toxicity of the chemical is to be disclosed in any manner to a person or legal entity other than the person or legal entity who is required to make such disclosure.

(5) "as causing cancer or reproductive toxicity" means:

(A) For chemicals that cause cancer, the required label or identification uses any words or phrases intended to

communicate a risk of cancer or tumors.

(B) For chemicals that cause reproductive toxicity, the required label or identification uses any words or phrases intended to communicate a risk of reproductive harm to men or women or both, or a risk of birth defects or other developmental harm.

(c) Any person may petition the lead agency to consider listing a chemical pursuant to this section. The petition shall be considered only if the petition contains sufficient information to support a determination by the lead agency that substantial evidence exists to support a finding that the chemical meets the requirements of this section.

(d) Any determination by the lead agency under this section may be rescinded or modified in light of additional evidence received by the lead agency establishing that the listing does not satisfy the definitions set forth in this section. Any such action to rescind or modify shall be done pursuant to this section.

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.8, Health and Safety Code.

HISTORY

1. New section filed 3-1-90; operative 3-31-90 (Register 90, No. 11).

2. Amendment of subsection (a), repealer of subsection (b)(1), subsection renumbering and amendment of newly designated subsection (b)(2) filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

3. Change without regulatory effect renumbering title 22, section 12902 to title 27, section 25902 filed 6-18-2008 pursuant to section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 27. ENVIRONMENTAL PROTECTION
DIVISION 4. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
CHAPTER 1. SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
ARTICLE 9. MISCELLANEOUS
This database is current through 10/17/08, Register 2008, No. 42

§ 25903. Notices of Violation.

(a) For purposes of Section 25249.7(d) of the Act, "notice of the violation which is the subject of the action" (hereinafter "notice") shall mean a notice meeting all requirements of this section. No person shall commence an action to enforce the provisions of the Act "in the public interest" pursuant to Section 25249.7(d) of the Act except in compliance with all requirements of this section.

(b) Contents of Notice.

(1) General Information. Each notice shall include as an attachment a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" (see Appendix A) prepared by the lead agency. This attachment need not be included in the copies of notices sent to public enforcement agencies. A copy of this attachment may be obtained by writing to the Office of Environmental Health Hazard Assessment at P.O. Box 4010, Sacramento, CA 95812- 4010.

(2) Description of Violation. A notice shall provide adequate information from which to allow the recipient to assess the nature of the alleged violation, as set forth in this paragraph. The provisions of this paragraph shall not be interpreted to require more than reasonably clear information, expressed in terms of common usage and understanding, on each of the indicated topics.

(A) For all notices, the notice shall identify:

1. the name, address, and telephone number of the noticing individual or a responsible individual within the noticing entity and the name of the entity;

2. the name of the alleged violator or violators;

3. the approximate time period during which the violation is alleged to have occurred; and

4. the name of each listed chemical involved in the alleged violation;

(B) For notices of violations of Section 25249.5 of the Act, a general identification of the discharge or release and of the source of drinking water into which the discharges are alleged to have occurred, to be occurring or to be likely to occur.

(C) For all notices of violation of Section 25249.6 of the Act, the route of exposure by which exposure is alleged to occur (e.g., by inhalation, ingestion, dermal contact);

(D) For notices of violation of Section 25249.6 of the Act involving consumer product exposures, the name of the consumer product or service, or the specific type of consumer product or services, that cause the violation, with sufficient specificity to inform the recipients of the nature of the items allegedly sold in violation of the law and to distinguish those products or services from others sold or offered by the alleged violator for which no violation is alleged. The identification of a chemical pursuant to subsection (b)(2)(A)4. must be provided for each product or service identified in the notice.

(E) For notices of violation of Section 25249.6 of the Act involving occupational exposures:

1. the general geographic location of the unlawful exposure to employees, or where the exposure occurs at many locations, a description of the occupation or type of task performed by the exposed persons;

2. where the alleged violator is the manufacturer or distributor of the chemical or products causing the exposure, the notice shall identify products in the same manner as set forth for consumer product exposures in subparagraph (b)(2)(D), above;

(F) For notices of violation of Section 25249.6 of the Act involving environmental exposures as defined in subsection 25601(d) of this chapter, the notice shall identify, the location of the source of the exposure. Where numerous sources of the exposure are alleged, the location need not be listed if the notice identifies each facility or source of exposure by stating those common characteristics that result in the allegedly unlawful exposure in a manner sufficient to distinguish those facilities or sources from others for which no violation is alleged. The notice shall state whether the exposure for which a warning allegedly is required occurs beyond the property owned or controlled by the alleged violators.

(3) Where the alleged violations fall within more than one of the categories described in subparagraph (b)(2)(B) to (b)(2)(F) above, then the notice shall comply with all applicable requirements.

(4) A notice is not required to contain the following information:

(A) The specific retail outlet or time or date at which any product allegedly violating the Act was purchased;

(B) The level of exposure to the chemical in question;

(C) The specific admissible evidence by which the person providing the notice will attempt to prove the violation;

(D) For products, the UPC number, SKU number, model or design number or stock number or other more specific identification of products;

(E) For geographic areas, the lot, block, or other legal description of the property in question.

(c) Service of Notice.

(1) Notices shall be served by first class mail or in any manner that would be sufficient for service of a summons and complaint under the California Code of Civil Procedure.

(2) A certificate of service shall be attached to each notice listing the time, place, and manner of service and each of the parties upon which the notice was served.

(3) Notices shall be served upon each alleged violator, the Attorney General, the district attorney of every county in which a violation is alleged to have occurred, and upon the city attorneys of any cities with populations according to the most recent decennial census of over 750,000 and in which the violation is alleged to have occurred.

(4) Where the alleged violator has a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel of the corporation, the notice shall be addressed to one of those persons.

(d) Computation of Time.

(1) An action is deemed to have been "commenced more than sixty days after the person has given notice" where more than sixty days have elapsed from the date of service of the notice, as that date would be calculated for service of a document pursuant to the provisions of Code of Civil Procedure Section 1013.

(2) Where the sixtieth day after giving notice is a day identified as a "holiday" as defined in Code of Civil Procedure Section 12a, then the "sixtieth day" shall be extended to the next day which is not a "holiday".

(3) Determination of the first and last day shall be made in accordance with Section 12 of the Code of Civil Procedure.

Note: Authority cited: Sections 25249.12, Health and Safety Code. Reference: Section 25249.7, Health and Safety Code.

HISTORY

1. New section and Appendix A filed 4-22-97; operative 4-22-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 17).

2. Amendment of section and Appendix A filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

3. Change without regulatory effect renumbering title 22, section 12903 and Appendix A to title 27, section 25903 and Appendix A, including amendment of subsection (b)(2)(F) and appendix, filed 6-18-2008 pursuant to section 100,title 1, California Code of Regulations (Register 2008, No. 25).

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TITLE 27. ENVIRONMENTAL PROTECTION
DIVISION 4. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
CHAPTER 1. SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
ARTICLE 9. MISCELLANEOUS
This database is current through 10/17/08, Register 2008, No. 42

§ 27000. Chemicals Required by State or Federal Law to Have Been Tested for Potential to Cause Cancer or Reproductive Toxicity, but Which Have Not Been Adequately Tested As Required.

(a) The Safe Drinking Water and Toxic Enforcement Act of 1986 requires the Governor to publish a list of chemicals formally required by state or federal agencies to have testing for carcinogenicity or reproductive toxicity, but that the state's qualified experts have not found to have been adequately tested as required [Health and Safety Code Section 25249.8(c)].

Readers should note a chemical that already has been designated as known to the state to cause cancer or reproductive toxicity is not included in the following listing as requiring additional testing for that particular toxicological endpoint. However, the "data gap" may continue to exist, for purposes of the state or federal agency's requirements. Additional information on the requirements for testing may be obtained from the specific agency identified below.

(b) Chemicals required to be tested by the California Department of Pesticide Regulation.

The Birth Defect Prevention Act of 1984 (SB 950) mandates that the California Department of Pesticide Regulation (CDPR) review chronic toxicology studies supporting the registration of pesticidal active ingredients. Missing or unacceptable studies are identified as data gaps. The studies are conducted to fulfill generic data requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which is administered by the United States Environmental Protection Agency (U.S. EPA). The studies are reviewed by CDPR according to guidelines and standards promulgated under FIFRA. Thus, older studies may not meet current guidelines.

The existence of a data gap for a compound does not indicate a total lack of information on the carcinogenicity or reproductive toxicity of the compound. In some cases, information exists in the open scientific literature, but SB 950 requires specific additional information. A data gap does not necessarily indicate that an oncogenic or reproductive hazard exists. For the purposes of this list, a data gap is still considered to be present until the study is reviewed and found to be acceptable.

Following is a listing of SB 950 data gaps for oncogenicity, reproduction, and teratology studies for the non-200 pesticidal active ingredients. This list will change as data gaps are filled by additional data or replacement studies.

For purposes of this section, "onc mouse" means oncogenicity in mice, "onc rat" means oncogenicity in rats, "repro" means reproduction, "tera rat" means teratogenicity in rats, "tera rabbit" means teratogenicity in rabbits.

Chemical	Testing Needed
Acid Blue 9*	onc rat, onc mouse, repro, tera rat, tera rabbit
Acid Yellow 23*	onc rat, onc mouse, repro
Agrobacterium radiobacter*	onc rat, onc mouse, repro, tera rat, tera rabbit

Alkyl-1,3-propylene diamine acetate alkyl	tera rat, tera rabbit (only one required)
Alkyl amino-3-amino propane hydroxy acetate alkyl derived from coconut oil fatty acids	tera rat, tera rabbit (only one required)
Ammonium thiosulfate*	onc rat, onc mouse, repro, tera rat, tera rabbit
Borax*	onc rat, repro
Bromadiolone*	onc rat, onc mouse, repro, tera rabbit
Butoxy polypropylene glycol*	onc rat, onc mouse, repro, tera rat, tera rabbit
Butoxy polypropoxy polyethoxy ethanol - iodine complex*	tera rat
Castor oil*	onc rat, onc mouse, repro, tera rat, tera rabbit
Chlorophacinone*	onc rat, onc mouse, repro
Chromic acid*	onc mouse, repro, tera rabbit
Copper salts of fatty and rosin acids*	onc rat, onc mouse, repro, tera rat, tera rabbit
Disodium octaborate tetrahydrate	onc rat, repro
Menthol*	onc rat, onc mouse, repro, tera rat, tera rabbit
Meta-cresol*	tera rat, onc rat, onc mouse, repro, tera rabbit
Methoprene*	onc mouse, onc rat, repro, tera rat, tera rabbit
Methyl isothiocyanate*	repro
2,2-(Methyl trimethylene dioxy)bis-(4-methyl-1,3,2-dioxaborinane)*	onc rat, onc mouse, repro, tera rabbit
Mineral oil*	onc rat, repro, tera rabbit
Muscalure*	Tera rat, tera rabbit (only one required)
Petroleum distillates*	onc rat, onc mouse, repro, tera rat, tera rabbit
Petroleum distillates, refined*	onc rat, onc mouse, repro, tera rat, tera rabbit
Petroleum oil, paraffin based*	onc rat, onc mouse, repro, tera rat, tera rabbit
Petroleum oil, unclassified*	onc rat, onc mouse, repro, tera rat, tera rabbit
Polyethoxy polypropoxy polyethoxy ethanol-iodine complex*	tera rat
Propylene oxide*	tera rabbit, repro, tera rat
Sabadilla alkaloids*	onc rat, onc mouse, repro, tera rabbit
Sodium chlorate*	onc rat, onc mouse, repro, tera rabbit
Sodium fluoride*	onc rat, onc mouse, repro, tera rat, tera rabbit
Sodium metaborate	onc rat, repro
Sodium phenate*	tera rat
Tetraglycine hydroperiodide*	tera rat, tera rabbit (only one required)
Triethylene glycol*	onc rat, onc mouse, repro, tera rat, tera rabbit
2,4-Xylenol*	onc rat, onc mouse, repro, tera rat, tera rabbit

*Claims are pending review that data should not be required.

(c) Chemicals required to be tested by the U.S. EPA, Office of Toxic Substances.

Under Section 4(a) of the Toxic Substances Control Act, testing of a chemical is required when that chemical may present an unreasonable risk, or is produced in substantial quantities and enters the environment in substantial quantities, or may have significant or substantial human exposure.

For purposes of this section, "tera" means teratogenicity, "rtox" means reproductive toxicity, "onc" means oncogenicity.

Chemical	Testing Needed
Ethylene dichloride	rtox
1,1,2-Trichloroethane	onc, rtox, tera

Note: The testing of the above chemicals is being carried out under "Enforceable Consent Agreements" (or ECAs) under Section 4 of TSCA. In addition, there are a number of ongoing TSCA testing action development activities that may be of interest in the context of Proposition 65. When promulgated, these TSCA Section 4 Test Rules and/or ECAs will require industry to conduct reproductive toxicity, developmental toxicity, and/or cancer studies on a number of 1) hazardous air pollutants (or HAPs), 2) chemicals frequently found at Superfund sites, and 3) U.S. high production volume (or HPV) chemicals. As these, and possibly other, TSCA Section 4 Test Rules/ECAs become effective, this table will be revised to reflect those additional chemical substances for which developmental toxicity, reproductive toxicity, and/or oncogenicity testing is currently being required under Section 4 of TSCA.

(d) Chemicals required to be tested by the U.S. EPA, Office of Pesticide Programs

The U.S. EPA is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA requires U.S. EPA to register pesticides based on data adequate to demonstrate that they will not result in unreasonable adverse effects to people or the environment when used in accordance with their U.S. EPA-approved labels.

In 1988, FIFRA was amended to strengthen U.S. EPA's pesticide regulatory authority and responsibilities to reregister pesticides registered prior to 1984 to ensure they meet today's stringent scientific and regulatory standards. Reregistration requires registrants to develop up-to-date data bases for each pesticide active ingredient. As part of the reregistration process, modifications may be made to registrations, labels or tolerances to ensure they are protective of human health and the environment. Also, reregistration reviews will identify any pesticides where regulatory action may be necessary to deal with unreasonable risks. U.S. EPA has been directed to accelerate the reregistration process so that the entire process is completed by 1997. The 1988 amendments set out a five-phase schedule to accomplish this task with deadlines applying to both pesticide registrants and the U.S. EPA. These amendments are requiring a substantial number of new studies to be conducted and old studies to be reformatted for U.S. EPA review to ensure they are adequate. U.S. EPA may, in the future, request additional data or information to further evaluate any concerns over the safety of pesticide products.

The chemicals listed below are those for which data are unavailable or inadequate to characterize oncogenicity, teratogenicity, or reproductive effects potential. For purposes of this section, "onc" means oncogenicity, "tera" means teratogenicity, and "repro" means reproductive toxicity.

Chemical	Data Requirements
Acrolein	onc, tera
Alkyl imidazolines	tera

Ametryn	repro, tera
4-Aminopyridine	onc, repro, tera
4-T-Amylphenol	onc, repro
Aquashade	onc, repro, tera
Benzisothiazoline-3-one	onc, repro, tera
Bromonitrostyrene	tera
Busan 77	repro
Chlorflurenol methyl	tera
Chromated arsenicals	tera
Cypermethrin	onc
DCNA	repro
Diclofop-methyl	onc, tera
Dicrotophos	onc, repro
Dihalodialkylhydantoins	onc, repro, tera
Dimethepin	onc, repro, tera
Dimethyldithiocarbamate	onc, repro, tera
Dinocab and its compounds	tera
Dipropyl isocinchomeronate	repro
Dodine	onc, tera
Endothall and salts	onc, repro, tera
Ethofumesate	onc
Ethoxyquin	tera
Fenthion	tera
Fenvalerate	onc, repro, tera
Fluvalinate	repro, tera
Hydroxy-methyldithiocarbamate	tera
Imazalil	onc
Inorganic chlorates	onc, repro, tera
Inorganic sulfites	onc, repro, tera
Iodine-potassium iodide	tera
Iprodione	tera
Irgasan	onc, repro, tera
Lamprecide	onc
Magnesium phosphide	onc
Malathion	onc
Maneb	onc, tera
Mepiquat chloride	tera
Metaldehyde	onc
Methoxychlor	onc, repro, tera
Methyl isothiocyanate	tera
Napthaleneacetic acid	onc, repro
Naphthenate salts	tera
Napropamide	repro
Niclosamide	onc, tera
Nicotine and derivatives	onc, tera
Nitrapyrin	onc, tera
Octhilinone	tera
Oil of Pennyroyal	tera
Omadine salts	onc, repro, tera
Oxyfluorfen	onc
Pebulate	tera
Perfluidone	tera
Phenmedipham	onc
Phenol and salts	tera
2-Phenylphenol and salts	onc, tera
Pine oils	tera
Poly (hexamethylene biguanide)	onc, repro
Polyethoxylated aliphatic alcohols	onc, repro, tera
Prometon	tera

Propanil	onc, repro
Propetamphos	tera
Propiconazole	onc
Propylene oxide	tera
Pyrazon	onc, repro
Sethoxydim	onc
Siduron	onc, repro, tera
Sodium fluoride	tera
Sulfometuron-methyl	onc, tera
TBT-containing compounds	onc, tera
TCMB	onc, repro, tera
Temephos	onc, tera
Tetrachlorovinphos	onc
Tetramethrin	onc
Thiabendazole and salts	onc, repro, tera
Thidiazuron	onc, repro, tera
Thiodicarb	tera
Thiophanate-methyl	onc, tera
Triadimefon	onc
Vernolate	onc, repro

Revised: January 1, 2006

HISTORY

1. New section submitted to OAL for printing only pursuant to GovernmentCode section 11343.8 (Register 89, No. 17).

2. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 90, No. 2).

3. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 91, No. 17).

4. Editorial correction of subsection (d) (Register 91, No. 31).

5. Editorial correction of printing error (Register 91, No. 43).

6. Editorial correction instituting inadvertently omitted amendment. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 93, No. 20).

7. Editorial correction of printing errors (Register 93, No. 45).

8. Amendment of subsection (d) filed 8-1-94. Submitted to OAL for printing only (Register 94, No. 31).

9. Amendment of subsections (b), (c), and (d) filed 12-23-94. Submitted to OAL for printing only (Register 95, No. 1).

10. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 95, No. 52).

11. Amendment filed 1-30-97; operative 1-30-97. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 97, No. 5).

12. Amendment of subsections (b), (c) and (d) filed 2-13-98; operative 2-13-98.

Submitted to OAL for printing only pursuant to
Health and Safety Codesection 25249.8 (Register 98, No. 7).

13. Amendment of subsections (b), (c) and (d) filed 3-1-2002; operative 3-1-2002. Submitted to OAL for printing only pursuant to
Health and Safety Codesection 25249.8 (Register 2002, No. 9).

14. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

15. Editorial correction implementing inadvertently omitted 1-7-2003 amendments and addingHistory14 (Register 2006, No. 3).

16. Amendment of subsections (b)-(d) filed 1-17-2006. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 2006, No. 3).

17. Change without regulatory effect renumbering title 22, section 14000 to title 27, section 27000 filed 6-18-2008 pursuant to
section 100, title 1,California Code of Regulations (Register 2008, No. 25).

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DIVISION 4. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
CHAPTER 1. SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
ARTICLE 9. MISCELLANEOUS
This database is current through 10/17/08, Register 2008, No. 42

§ 27001. Chemicals Known to the State to Cause Cancer or Reproductive Toxicity.

(a) The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list.

(b) Chemicals known to the state to cause cancer.

Chemical	*CAS Number*	*Date*
A-alpha-C (2-Amino-9H-pyrido [2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)] acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylanthraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988

Image 1 (8.5" X 7") Not available for Offline Print to STP or FAX

Chemical	*CAS Number*	*Date*
1,4–Butanediol dimethanesulfonate (Busulfan)	55–98–1	February 27, 1987
Butylated hydroxyanisole	25013–16–5	January 1, 1990
beta–Butyrolactone	3068–88–0	July 1, 1987
Cacodylic acid	75–60–5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331–39–5	October 1, 1994
Captafol	2425–06–1	October 1, 1988
Captan	133–06–2	January 1, 1990
Carbazole	86–74–8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333–86–4	February 21, 2003
Carbon tetrachloride	56–23–5	October 1, 1987
Carbon–black extracts	—	January 1, 1990
N–Carboxymethyl–N–nitrosourea	60391–92–6	January 25, 2002
Catechol	120–80–9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305–03–3	February 27, 1987
Chloramphenicol	56–75–7	October 1, 1989
Chlordane	57–74–9	July 1, 1988
Chlordecone (Kepone)	143–50–0	January 1, 1988
Chlordimeform	6164–98–3	January 1, 1989
Chlorendic acid	115–28–6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171–26–2	July 1, 1989
p–Chloroaniline	106–47–8	October 1, 1994
p–Chloroaniline hydrochloride	20265–96–7	May 15, 1998
Chloroethane (Ethyl chloride)	75–00–3	July 1, 1990
1–(2–Chloroethyl)–3–cyclohexyl–1–nitrosourea (CCNU) (Lomustine)	13010–47–4	January 1, 1988
1–(2–Chloroethyl)–3–(4–methylcyclohexyl)–1–nitrosourea (Methyl–CCNU)	13909–09–6	October 1, 1988
Chloroform	67–66–3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107–30–2	February 27, 1987
3–Chloro–2–methylpropene	563–47–3	July 1, 1989
1–Chloro–4–nitrobenzene	100–00–5	October 29, 1999
4–Chloro–ortho–phenylenediamine	95–83–0	January 1, 1988
p–Chloro–o–toluidine	95–69–2	January 1, 1990
p–Chloro–o–toltidine, strong acid salts of	—	May 15, 1998
5–Chloro–o–toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126–99–8	June 2, 2000
Chlorothalonil	1897–45–6	January 1, 1989
Chlorotrianisene	569–57–3	September 1, 1996
Chlorozotocin	54749–90–5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218–01–9	January 1, 1990
C. I. Acid Red 114	6459–94–5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569–61–9	July 1, 1989
C.I. Direct Blue 15	2429–74–5	August 26, 1997
C.I. Direct Blue 218	28407–37–6	August 26, 1997
C.I. Solvent Yellow 14	842–07–9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865–13–3 79217–60–0	January 1, 1992
Cidofovir	113852–37–2	January 29, 1999
Cinnamyl anthranilate	87–29–6	July 1, 1989
Cisplatin	15663–27–1	October 1, 1988
Citrus Red No. 2	6358–53–8	October 1, 1989
Clofibrate	637–07–0	September 1, 1996
Cobalt metal powder	7440–48–4	July 1, 1992
Cobalt [II] oxide	1307–96–6	July 1, 1992
Cobalt sulfate	10124–43–3	May 20, 2005
Cobalt sulfate heptahydrate	10026–24–1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para–Cresidine	120–71–8	January 1, 1988
Cupferron	135–20–6	January 1, 1988
Cycasin	14901–08–7	January 1, 1988
Cyclophosphamide (anhydrous)	50–18–0	February 27, 1987
Cyclophosphamide (hydrated)	6055–19–2	February 27, 1987
Cytembena	21739–91–3	May 15, 1998
D&C Orange No. 17	3468–63–1	July 1, 1990
D&C Red No. 8	2092–56–0	October 1, 1990
D&C Red No. 9	5160–02–1	July 1, 1990
D&C Red No. 19	81–88–9	July 1, 1990
Dacarbazine	4342–03–4	January 1, 1988
Daminozide	1596–84–5	January 1, 1990
Dantron (Chrysazin; 1,8–Dihydroxyanthraquinone)	117–10–2	January 1, 1992
Daunomycin	20830–81–3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72–54–8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72–55–9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50–29–3	October 1, 1987
DDVP (Dichlorvos)	62–73–7	January 1, 1989
N,N'–Diacetylbenzidine	613–35–4	October 1, 1989
2,4–Diaminoanisole	615–05–4	October 1, 1990

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Chemical	*CAS Number*	*Date*
2,4–Diaminoanisole sulfate	39156–41–7	January 1, 1988
4,4′–Diaminodiphenyl ether (4,4′–Oxydianiline)	101–80–4	January 1, 1988
2,4–Diaminotoluene	95–80–7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Dianoaminobenzene	136–35–6	May 20, 2005
Dibenz[a,h]acridine	226–36–8	January 1, 1988
Dibenz[a,j]acridine	224–42–0	January 1, 1988
Dibenz[a,h]anthracene	53–70–3	January 1, 1988
7H–Dibenzo[c,g]carbazole	194–59–2	January 1, 1988
Dibenzo[a,e]pyrene	192–65–4	January 1, 1988
Dibenzo[a,h]pyrene	189–64–0	January 1, 1988
Dibenzo[a,i]pyrene	189–55–9	January 1, 1988
Dibenzo[a,l]pyrene	191–30–0	January 1, 1988
1,2–Dibromo–3–chloropropane (DBCP)	96–12–8	July 1, 1987
2,3–Dibromo–1–propanol	96–13–9	October 1, 1994
Dichloroacetic acid	79–43–6	May 1, 1996
p–Dichlorobenzene	106–46–7	January 1, 1989
3,3′–Dichlorobenzidine	91–94–1	October 1, 1987
3,3′–Dichlorobenzidine dihydrochloride	612–83–9	May 15, 1998
1,4–Dichloro–2–butene	764–41–0	January 1, 1990
3,3′–Dichloro–4,4′–diaminodiphenyl ether	28434–86–8	January 1, 1988
1,1–Dichloroethane	75–34–3	January 1, 1990
Dichloromethane (Methylene chloride)	75–09–2	April 1, 1988
1,2–Dichloropropane	78–87–5	January 1, 1990
1,3–Dichloropropene	542–75–6	January 1, 1989
Dieldrin	60–57–1	July 1, 1988
Dienestrol	84–17–3	January 1, 1990
Diepoxybutane	1464–53–5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Di(2–ethylhexyl)phthalate	117–81–7	January 1, 1988
1,2–Diethylhydrazine	1615–80–1	January 1, 1988
Diethyl sulfate	64–67–5	January 1, 1988
Diethylstilbestrol (DES)	56–53–1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101–90–6	July 1, 1989
Dihydrosafrole	94–58–6	January 1, 1988
Diisopropyl sulfate	2973–10–6	April 1, 1993
3,3′–Dimethoxybenzidine (ortho–Dianisidine)	119–90–4	January 1, 1988
3,3′–Dimethoxybenzidine dihydrochloride (ortho–Dianisidine dihydrochloride)	20325–40–0	October 1, 1990
3,3′–Dimethoxybenzidine–based dyes metabolized to 3,3′–dimethoxybenzidine	—	June 11, 2004
4–Dimethylaminoazobenzene	60–11–7	January 1, 1988
trans–2–[(Dimethylamino)methylimino]–5–[2–(5–nitro–2–furyl)vinyl]–1,3,4–oxadiazole	55738–54–0	January 1, 1988
7,12–Dimethylbenz(a)anthracene	57–97–6	January 1, 1990
3,3′–Dimethylbenzidene (ortho–Tolidine)	119–93–7	January 1, 1988
3,3′–Dimethylbenzidine dihydrochloride	612–82–8	April 1, 1992
3,3′–Dimethylbenzidine–based dyes metabolized to 3,3′–dimethylbenzidine	—	June 11, 2004
Dimethylcarbamoyl chloride	79–44–7	January 1, 1988
1,1–Dimethylhydrazine (UDMH)	57–14–7	October 1, 1989
1,2–Dimethylhydrazine	540–73–8	January 1, 1988
Dimethyl sulfate	77–78–1	January 1, 1988
Dimethylvinylchloride	513–37–1	July 1, 1989
3,7–Dinitrofluoranthene	105735–71–5	August 26, 1997
3,9–Dinitrofluoranthene	22506–53–2	August 26, 1997
1,6–Dinitropyrene	42397–64–8	October 1, 1990
1,8–Dinitropyrene	42397–65–9	October 1, 1990
Dinitrotoluene mixture, 2,4–/2,6–	—	May 1, 1996
2,4–Dinitrotoluene	121–14–2	July 1, 1988
2,6–Dinitrotoluene	606–20–2	July 1, 1995
Di–n–propyl isocinchomeronate (MGK Repellent 326)	136–45–8	May 1, 1996
1,4–Dioxane	123–91–1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57–41–0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630–93–3	January 1, 1988
Direct Black 38 (technical grade)	1937–37–7	January 1, 1988
Direct Blue 6 (technical grade)	2602–46–2	January 1, 1988
Direct Brown 95 (technical grade)	16071–86–6	October 1, 1988
Disperse Blue 1	2475–45–8	October 1, 1990
Diuron	330–54–1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316–40–9	July 1, 1987
Epichlorohydrin	106–89–8	October 1, 1987
Erionite	12510–42–8/ 66733–21–9	October 1, 1988
Estradiol 17B	50–28–2	January 1, 1988
Estragole	140–67–0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrone	53–16–7	January 1, 1988
Estropipate	7280–37–7	August 26, 1997
Ethinylestradiol	57–63–6	January 1, 1988
Ethoprop	13194–48–4	February 27, 2001
Ethyl acrylate	140–88–5	July 1, 1989
Ethylbenzene	100–41–4	June 11, 2004
Ethyl methanesulfonate	62–50–0	January 1, 1988
Ethyl–4,4′–dichlorobenzilate	510–15–6	January 1, 1990
Ethylene dibromide	106–93–4	July 1, 1987

Image 3 (8.5" X 6") Not available for Offline Print to STP or FAX

Chemical	*CAS Number*	*Date*
Ethylene dichloride (1,2–Dichloroethane)	107–06–2	October 1, 1987
Ethylene oxide	75–21–8	July 1, 1987
Ethylene thiourea	96–45–7	January 1, 1988
Ethyleneimine	151–56–4	January 1, 1988
Fenoxycarb	72490–01–8	June 2, 2000
Folpet	133–07–3	January 1, 1989
Formaldehyde (gas)	50–00–0	January 1, 1988
2–(2–Formylhydrazino)–4–(5–nitro–2–furyl) thiazole	3570–75–0	January 1, 1988
Fumonisin B_1	116355–83–0	November 14, 2003
Furan	110–00–9	October 1, 1993
Furazolidone	67–45–8	January 1, 1990
Furmecyclox	60568–05–0	January 1, 1990
Fusarin C	79748–81–5	July 1, 1995
Ganciclovir sodium	82410–32–0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812–30–0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu–P–1 (2–Amino–6–methyldipyrido [1,2–a:3′,2′–d] imidazole)	67730–11–4	January 1, 1990
Glu–P–2 (2–Aminodipyrido [1,2–a:3′, 2′–d]–imidazole)	67730–10–3	January 1, 1990
Glycidaldehyde	765–34–4	January 1, 1988
Glycidol	556–52–5	July 1, 1990
Griseofulvin	126–07–8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568–02–8	January 1, 1988
HC Blue 1	2784–94–3	July 1, 1989
Heptachlor	76–44–8	July 1, 1988
Heptachlor epoxide	1024–57–3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118–74–1	October 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465–46–8	April 1, 1988
Hexachloroethane	67–72–1	July 1, 1990
2,4–Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680–31–9	January 1, 1988
Hydrazine	302–01–2	January 1, 1988
Hydrazine sulfate	10034–93–2	January 1, 1988
Hydrazobenzene (1,2–Diphenylhydrazine)	122–66–7	January 1, 1988
1–Hydroxyanthraquinone	129–43–1	May 27, 2005
Indeno [1,2,3–cd]pyrene	193–39–5	January 1, 1988
Indium phosphide	22398–80–7	February 27, 2001
IQ (2–Amino–3–methylimidazo[4,5–f] quinoline)	76180–96–6	April 1, 1990
Iprodione	36734–19–7	May 1, 1996
Iprovalicarb	140923–17–7 & 140923–25–7	June 1, 2007
Iron dextran complex	9004–66–4	January 1, 1988
Isobutyl nitrite	542–56–3	May 1, 1996
Isoprene	78–79–5	May 1, 1996
Isoxaflutole	141112–29–0	December 22, 2000
Lactofen	77501–63–4	January 1, 1989
Lasiocarpine	303–34–4	April 1, 1988
Lead acetate	301–04–2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446–27–7	April 1, 1988
Lead subacetate	1335–32–6	October 1, 1989
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52–76–6	February 27, 2001
Mancozeb	8018–01–7	January 1, 1990
Maneb	12427–38–2	January 1, 1990
Me–A–alpha–C (2–Amino–3–methyl–9H–pyrido [2,3–b] indole)	68006–83–7	January 1, 1990
Medroxyprogesterone acetate	71–58–9	January 1, 1990
MeIQ(2–Amino–3,4–dimethylimidazo [4,5–f]quinoline)	77094–11–2	October 1, 1994
MeIQx(2–Amino–3,8–dimethylimidazo [4,5–f]quinoxaline)	77500–04–0	October 1, 1994
Melphalan	148–82–3	February 27, 1987
Merphalan	531–76–0	April 1, 1988
Mestranol	72–33–3	April 1, 1988
Metham sodium	137–42–8	November 6, 1998
8–Methoxypsoralen with ultraviolet A therapy	298–81–7	February 27, 1987
5–Methoxypsoralen with ultraviolet A therapy	484–20–8	October 1, 1988
2–Methylaziridine (Propyleneimine)	75–55–8	January 1, 1988
Methylazoxymethanol	590–96–5	April 1, 1988
Methylazoxymethanol acetate	592–62–1	April 1, 1988
Methyl carbamate	598–55–0	May 15, 1998
3–Methylcholanthrene	56–49–5	January 1, 1990
5–Methylchrysene	3697–24–3	April 1, 1988
4,4′–Methylene bis(2–chloroaniline)	101–14–4	July 1, 1987
4,4′–Methylene bis(N,N–dimethyl) benzenamine	101–61–1	October 1, 1989
4,4′–Methylene bis(2–methylaniline)	838–88–0	April 1, 1988
4,4′–Methylenedianiline	101–77–9	January 1, 1988

Image 4 (8.5" X 6.25") Not available for Offline Print to STP or FAX

Chemical	*CAS Number*	*Date*
4,4′-Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N′-nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Monocrotaline	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosonornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989

Image 5 (8.5" X 6.25") Not available for Offline Print to STP or FAX

Chemical	*CAS Number*	*Date*
Oral contraceptives, sequential	—	October 1, 1989
Oxadiazon	19666–30–9	July 1, 1991
Oxazepam	604–75–1	October 1, 1994
Oxymetholone	434–07–1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439–01–2	August 20, 1999
Palygorskite fibers (>5μm in length)	12174–11–7	December 28, 1999
Panfuran S	794–93–4	January 1, 1988
Pentachlorophenol	87–86–5	January 1, 1990
Phenacetin	62–44–2	October 1, 1989
Phenazopyridine	94–78–0	January 1, 1988
Phenazopyridine hydrochloride	136–40–3	January 1, 1988
Phenesterin	3546–10–9	July 1, 1989
Phenobarbital	50–06–6	January 1, 1990
Phenolphthalein	77–09–8	May 15, 1998
Phenoxybenzamine	59–96–1	April 1, 1988
Phenoxybenzamine hydrochloride	63–92–3	April 1, 1988
o–Phenylenediamine and its salts	95–54–5	May 15, 1998
Phenyl glycidyl ether	122–60–1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o–Phenylphenate, sodium	132–27–4	January 1, 1990
o–Phenylphenol	90–43–7	August 4, 2000
PhIP(2–Amino–1–methyl–6–phenylimidazol [4,5–b]pyridine)	105650–23–5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo–p–dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973–98–1	January 1, 1988
Ponceau MX	3761–53–3	April 1, 1988
Ponceau 3R	3564–09–8	April 1, 1988
Potassium bromate	7758–01–2	January 1, 1990
Primidone	125–33–7	August 20, 1999
Procarbazine	671–16–9	January 1, 1988
Procarbazine hydrochloride	366–70–1	January 1, 1988
Procymidone	32809–16–8	October 1, 1994
Progesterone	57–83–0	January 1, 1988
Pronamide	23950–58–5	May 1, 1996
Propachlor	1918–16–7	February 27, 2001
1,3–Propane sultone	1120–71–4	January 1, 1988
Propargite	2312–35–8	October 1, 1994
beta–Propiolactone	57–57–8	January 1, 1988
Propoxur	114–26–1	August 11, 2006
Propylene glycol mono–*t*–butyl ether	57018–52–7	June 11, 2004
Propylene oxide	75–56–9	October 1, 1988
Propylthiouracil	51–52–5	January 1, 1988
Pyridine	110–86–1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50–55–5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Riddelliine	23246–96–0	December 3, 2004
Safrole	94–59–7	January 1, 1988
Selenium sulfide	7446–34–6	October 1, 1989
Shale–oils	68308–34–9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52–01–7	May 1, 1997
Stanozolol	10418–03–8	May 1, 1997
Sterigmatocystin	10048–13–2	April 1, 1988
Streptozotocin (streptozocin)	18883–66–4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96–09–3	October 1, 1988
Sulfallate	95–06–7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599–79–1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540–29–1	September 1, 1996
Terrazole	2593–15–9	October 1, 1994
Testosterone and its esters	58–22–0	April 1, 1988
2,3,7,8–Tetrachlorodibenzo–para–dioxin (TCDD)	1746–01–6	January 1, 1988
1,1,2,2–Tetrachloroethane	79–34–5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127–18–4	April 1, 1988
p–α,α,α–Tetrachlorotoluene	5216–25–1	January 1, 1990
Tetrafluoroethylene	116–14–3	May 1, 1997
Tetranitromethane	509–14–8	July 1, 1990
Thioacetamide	62–55–5	January 1, 1988
4,4′–Thiodianiline	139–65–1	April 1, 1988

Image 6 (8.5" X 6.25") Not available for Offline Print to STP or FAX

Chemical	*CAS Number*	*Date*
Thiodicarb	59669–26–0	August 20, 1999
Thiouracil	141–90–2	June 11, 2004
Thiourea	62–56–6	January 1, 1988
Thorium dioxide	1314–20–1	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471–62–5	October 1, 1989
ortho–Toluidine	95–53–4	January 1, 1988
ortho–Toluidine hydrochloride	636–21–5	January 1, 1988
Toxaphene (Polychorinated camphenes)	8001–35–2	January 1, 1988
Treosulfan	299–75–2	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817–09–4	January 1, 1992
Trichloroethylene	79–01–6	April 1, 1988
2,4,6–Trichlorophenol	88–06–2	January 1, 1988
1,2,3–Trichloropropane	96–18–4	October 1, 1992
Trimethyl phosphate	512–56–1	May 1, 1996
2,4,5–Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76–87–9	July 1, 1992
Tris(1–aziridinyl)phosphine sulfide (Thiotepa)	52–24–4	January 1, 1988
Tris(2–chloroethyl)phosphate	115–96–8	April 1, 1992
Tris(2,3–dibromopropyl)phosphate	126–72–7	January 1, 1988
Trp–P–1 (Tryptophan–P–1)	62450–06–0	April 1, 1988
Trp–P–2 (Tryptophan–P–2)	62450–07–1	April 1, 1988
Trypan blue (commercial grade)	72–57–1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66–75–1	April 1, 1988
Urethane (Ethyl carbamate)	51–79–6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314–62–1	February 11, 2005
Vinclozolin	50471–44–8	August 20, 1999
Vinyl bromide	593–60–2	October 1, 1988
Vinyl chloride	75–01–4	February 27, 1987
4–Vinylcyclohexene	100–40–3	May 1, 1996
4–Vinyl–1–cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106–87–6	July 1, 1990
Vinyl fluoride	75–02–5	May 1, 1997
Vinyl trichloride (1,1,2–Trichloroethane)	79–00–5	October 1, 1990
2,6–Xylidine (2,6–Dimethylaniline)	87–62–7	January 1, 1991
Zileuton	111406–87–2	December 22, 2000

Image 7 (5" X 7") Not available for Offline Print to STP or FAX

(c) Chemicals known to the state to cause reproductive toxicity.

Chemical	*Type of Reproductive Toxicity*	*CAS Number*	*Date*
Acetazolamide	developmental	59–66–5	August 20, 1999
Acetohydroxamic acid	developmental	546–88–3	April 1, 1990
Actinomycin D	developmental	50–76–0	October 1, 1992
All–trans retinoic acid	developmental	302–79–4	January 1, 1989
Alprazolam	developmental	28981–97–7	July 1, 1990
Altretamine	developmental, male	645–05–6	August 20, 1999
Amantadine hydrochloride	developmental	665–66–7	February 27, 2001
Amikacin sulfate	developmental	39831–55–5	July 1, 1990
Aminoglutethimide	developmental	125–84–8	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54–62–6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774–82–4	August 26, 1997
Amitraz	developmental	33089–61–1	March 30, 1999
Amoxapine	developmental	14028–44–5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117–37–3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50–78–2	July 1, 1990
Atenolol	developmental	29122–68–7	August 26, 1997
Auranofin	developmental	34031–32–8	January 29, 1999
Azathioprine	developmental	446–86–6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534–09–8	May 15, 1998
Benomyl	developmental, male	17804–35–2	July 1, 1991
Benzene	developmental, male	71–43–2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411–22–3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154–93–8	July 1, 1990
Bromacil lithium salt	developmental	53404–19–6	May 18, 1999
	male		January 17, 2003
1–Bromopropane (1–BP)	developmental, female, male	106–94–5	December 7, 2004
2–Bromopropane (2–BP)	female, male	75–26–3	May 31, 2005

Image 8 (4.5" X 7") Not available for Offline Print to STP or FAX

Chemical	*Type of Reproductive Toxicity*	*CAS Number*	*Date*
Bromoxynil	developmental	1689–84–5	October 1, 1990
Bromoxynil octanoate	developmental	1689–99–2	May 18, 1999
Butabarbital sodium	developmental	143–81–7	October 1, 1992
1,3–Butadiene	developmental, female, male	106–99–0	April 16, 2004
1,4–Butanediol dimethanesulfonate (Busulfan)	developmental	55–98–1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85–68–7	December 2, 2005
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298–46–4	January 29, 1999
Carbon disulfide	developmental, female, male	75–15–0	July 1, 1989
Carbon monoxide	developmental	630–08–0	July 1, 1989
Carboplatin	developmental	41575–94–4	July 1, 1990
Chenodiol	developmental	474–25–9	April 1, 1990
Chlorambucil	developmental	305–03–3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620–21–9	July 1, 1987
Chlordecone (Kepone)	developmental	143–50–0	January 1, 1989
Chlordiazepoxide	developmental	58–25–3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438–41–5	January 1, 1992
1–(2–Chloroethyl)–3–cyclohexyl–1–nitrosourea (CCNU) (Lomustine)	developmental	13010–47–4	July 1, 1990
Chlorsulfuron	developmental, female, male	64902–72–3	May 14, 1999
Cidofovir	developmental, female, male	113852–37–2	January 29, 1999
Cladribine	developmental	4291–63–8	September 1, 1996
Clarithromycin	developmental	81103–11–9	May 1, 1997
Clobetasol propionate	developmental, female	25122–46–7	May 15, 1998
Clomiphene citrate	developmental	50–41–9	April 1, 1990
Clorazepate dipotassium	developmental	57109–90–7	October 1, 1992
Cocaine	developmental, female	50–36–2	July 1, 1989
Codeine phosphate	developmental	52–28–8	May 15, 1998
Colchicine	developmental, male	64–86–8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725–46–2	April 1, 1990
Cycloate	developmental	1134–23–2	March 19, 1999
Cycloheximide	developmental	66–81–9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50–18–0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055–19–2	January 1, 1989
Cyhexatin	developmental	13121–70–5	January 1, 1989
Cytarabine	developmental	147–94–4	January 1, 1989
Dacarbazine	developmental	4342–03–4	January 29, 1999
Danazol	developmental	17230–88–5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541–50–6	July 1, 1990
2,4–D butyric acid	male	94–82–6	June 18, 1999
o,p′–DDT	developmental, female, male	789–02–6	May 15, 1998
p,p′–DDT	developmental, female, male	50–29–3	May 15, 1998
Demeclocycline hydrochloride (internal use)	developmental	64–73–3	January 1, 1992
Diazepam	developmental	439–14–5	January 1, 1992
Diazoxide	developmental	364–98–7	February 27, 2001
1,2–Dibromo–3–chloropropane (DBCP)	male	96–12–8	February 27, 1987
Di–*n*–butyl phthalate (DBP)	developmental, female, male	84–74–2	December 2, 2005
Dichlorophene	developmental	97–23–4	April 27, 1999
Dichlorphenamide	developmental	120–97–8	February 27, 2001
Diclofop methyl	developmental	51338–27–3	March 5, 1999
Dicumarol	developmental	66–76–2	October 1, 1992
Di(2–ethylhexyl)phthalate (DEHP)	developmental, male	117–81–7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56–53–1	July 1, 1987
Diflunisal	developmental, female	22494–42–4	January 29, 1999
Di–*n*–hexyl phthalate (DnHP)	female, male	84–75–3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190–39–2	May 1, 1997
Di–isodecyl phthalate (DIDP)	developmental	68515–49–1 & 26761–40–0	April 20, 2007
Diltiazem hydrochloride	developmental	33286–22–5	February 27, 2001
m–Dinitrobenzene	male	99–65–0	July 1, 1990
o–Dinitrobenzene	male	528–29–0	July 1, 1990
p–Dinitrobenzene	male	100–25–4	July 1, 1990
2,4–Dinitrotoluene	male	121–14–2	August 20, 1999
2,6–Dinitrotoluene	male	606–20–2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300–45–3	April 1, 1990
Dinoseb	developmental, male	88–85–7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57–41–0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138–93–2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316–40–9	January 29, 1999
Doxycycline (internal use)	developmental	564–25–0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088–85–4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390–14–5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086–28–1	October 1, 1991
Endrin	developmental	72–20–8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106–89–8	September 1, 1996
Ergotamine tartrate	developmental	379–79–3	April 1, 1990

Image 9 (8.5" X 6.25") Not available for Offline Print to STP or FAX

Chemical	*Type of Reproductive Toxicity*	*CAS Number*	*Date*
Estropipate	developmental	7280–37–7	August 26, 1997
Ethionamide	developmental	536–33–4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl dipropylthiocarbamate	developmental	759–94–4	April 27, 1999
Ethylene dibromide	developmental, male	106–93–4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110–80–5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109–86–4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111–15–9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110–49–6	January 1, 1993
Ethylene oxide	female	75–21–8	February 27, 1987
Ethylene thiourea	developmental	96–45–7	January 1, 1993
Etodolac	developmental, female	41340–25–4	August 20, 1999
Etoposide	developmental	33419–42–0	July 1, 1990
Etretinate	developmental	54350–48–0	July 1, 1987
Fenoxaprop ethyl	developmental	66441–23–4	March 26, 1999
Filgrastim	developmental	121181–53–1	February 27, 2001
Fluazifop butyl	developmental	69806–50–4	November 6, 1998
Flunisolide	developmental, female	3385–03–3	May 15, 1998
Fluorouracil	developmental	51–21–8	January 1, 1989
Fluoxymesterone	developmental	76–43–7	April 1, 1990
Flurazepam hydrochloride	developmental	1172–18–5	October 1, 1992
Flurbiprofen	developmental, female	5104–49–4	August 20, 1999
Flutamide	developmental	13311–84–7	July 1, 1990
Fluticasone propionate	developmental	80474–14–2	May 15, 1998
Fluvalinate	developmental	69409–94–5	November 6, 1998
Ganciclovir sodium	developmental, male	82410–32–0	August 26, 1997
Gemfibrozil	female, male	25812–30–0	August 20, 1999
Goserelin acetate	developmental, female, male	65807–02–5	August 26, 1997
Halazepam	developmental	23092–17–3	July 1, 1990
Halobetasol propionate	developmental	66852–54–8	August 20, 1999
Haloperidol	developmental, female	52–86–8	January 29, 1999
Halothane	developmental	151–67–7	September 1, 1996
Heptachlor	developmental	76–44–8	August 20, 1999
Hexachlorobenzene	developmental	118–74–1	January 1, 1989
Hexamethylphosphoramide	male	680–31–9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485–29–4	March 5, 1999
Hydroxyurea	developmental	127–07–1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852–57–0	August 20, 1999
Ifosfamide	developmental	3778–73–2	July 1, 1990
Iodine–131	developmental	10043–66–0	January 1, 1989
Isotretinoin	developmental	4759–48–2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381–53–6	August 26, 1997
Levodopa	developmental	59–92–7	January 29, 1999
Levonorgestrel implants	female	797–63–7	May 15, 1998
Linuron	developmental	330–55–2	March 19, 1999
Lithium carbonate	developmental	554–13–2	January 1, 1991
Lithium citrate	developmental	919–16–4	January 1, 1991
Lorazepam	developmental	846–49–1	July 1, 1990
Lovastatin	developmental	75330–75–5	October 1, 1992
Mebendazole	developmental	31431–39–7	August 20, 1999
Medroxyprogesterone acetate	developmental	71–58–9	April 1, 1990
Megestrol acetate	developmental	595–33–5	January 1, 1991
Melphalan	developmental	148–82–3	July 1, 1990
Menotropins	developmental	9002–68–0	April 1, 1990
Meprobamate	developmental	57–53–4	January 1, 1992
Mercaptopurine	developmental	6112–76–1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963–95–9	January 1, 1991
Metham sodium	developmental	137–42–8	May 15, 1998
Methazole	developmental	20354–26–1	December 1, 1999
Methimazole	developmental	60–56–0	July 1, 1990
Methotrexate	developmental	59–05–2	January 1, 1989
Methotrexate sodium	developmental	15475–56–6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74–83–9	January 1, 1993
Methyl chloride	developmental	74–87–3	March 10, 2000
Methyl mercury	developmental	—	July 1, 1987
N–Methylpyrrolidone	developmental	872–50–4	June 15, 2001
Methyltestosterone	developmental	58–18–4	April 1, 1990
Metiram	developmental	9006–42–2	March 30, 1999
Midazolam hydrochloride	developmental	59467–96–8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614–98–7	January 1, 1992
Misoprostol	developmental	59122–46–2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476–82–3	July 1, 1990
Myclobutanil	developmental, male	88671–89–0	April 16, 1999

Image 10 (8.5" X 6.25") Not available for Offline Print to STP or FAX

Chemical	*Type of Reproductive Toxicity*	*CAS Number*	*Date*
Nabam	developmental	142–59–6	March 30, 1999
Nafarelin acetate	developmental	86220–42–0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405–10–3	October 1, 1992
Netilmicin sulfate	developmental	56391–57–2	July 1, 1990
Nickel carbonyl	developmental	13463–39–3	September 1, 1996
Nicotine	developmental	54–11–5	April 1, 1990
Nifedipine	developmental, female, male	21829–25–4	January 29, 1999
Nimodipine	developmental	66085–59–4	April 24, 2001
Nitrapyrin	developmental	1929–82–4	March 30, 1999
Nitrofurantoin	male	67–20–9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51–75–2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55–86–7	July 1, 1990
Norethisterone (Norethindrone)	developmental	68–22–4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51–98–9	October 1, 1991
Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68–22–4/57–63–6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68–22–4/72–33–3	April 1, 1990
Norgestrel	developmental	6533–00–2	April 1, 1990
Oxadiazon	developmental	19666–30–9	May 15, 1998
Oxazepam	developmental	604–75–1	October 1, 1992
Oxydemeton methyl	female, male	301–12–2	November 6, 1998
Oxymetholone	developmental	434–07–1	May 1, 1997
Oxytetracycline (internal use)	developmental	79–57–2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058–46–0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439–01–2	November 6, 1998
Paclitaxel	developmental, female, male	33069–62–4	August 26, 1997
Paramethadione	developmental	115–67–3	July 1, 1990
Penicillamine	developmental	52–67–5	January 1, 1991
Pentobarbital sodium	developmental	57–33–0	July 1, 1990
Pentostatin	developmental	53910–25–1	September 1, 1996
Phenacemide	developmental	63–98–9	July 1, 1990
Phenprocoumon	developmental	435–97–2	October 1, 1992
Pimozide	developmental, female	2062–78–4	August 20, 1999
Pipobroman	developmental	54–91–1	July 1, 1990
Plicamycin	developmental	18378–89–7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128–03–0	March 30, 1999
Pravastatin sodium	developmental	81131–70–6	March 3, 2000
Prednisolone sodium phosphate	developmental	125–02–0	August 20, 1999
Procarbazine hydrochloride	developmental	366–70–1	July 1, 1990
Propargite	developmental	2312–35–8	June 15, 1999
Propylthiouracil	developmental	51–52–5	July 1, 1990
Pyrimethamine	developmental	58–14–0	January 29, 1999
Quazepam	developmental	36735–22–5	August 26, 1997
Quizalofop–ethyl	male	76578–14–8	December 24, 1999
Resmethrin	developmental	10453–86–8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791–04–5	April 1, 1990
	male	36791–04–5	February 27, 2001
Rifampin	developmental, female	13292–46–1	February 27, 2001
Secobarbital sodium	developmental	309–43–3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128–04–1	March 30, 1999
Sodium fluoroacetate	male	62–74–8	November 6, 1998
Streptomycin sulfate	developmental	3810–74–0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883–66–4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599–79–1	January 29, 1999
Sulindac	developmental, female	38194–50–2	January 29, 1999
Tamoxifen citrate	developmental	54965–24–1	July 1, 1990
Temazepam	developmental	846–50–4	April 1, 1990
Teniposide	developmental	29767–20–2	September 1, 1996
Terbacil	developmental	5902–51–2	May 18, 1999
Testosterone cypionate	developmental	58–20–8	October 1, 1991
Testosterone enanthate	developmental	315–37–7	April 1, 1990
2,3,7,8–Tetrachlorodibenzo–para–dioxin (TCDD)	developmental	1746–01–6	April 1, 1991
Tetracycline (internal use)	developmental	60–54–8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64–75–5	January 1, 1991

Image 11 (8.5" X 6.5") Not available for Offline Print to STP or FAX

Chemical	*Type of Reproductive Toxicity*	*CAS Number*	*Date*
Thalidomide	developmental	50–35–1	July 1, 1987
Thioguanine	developmental	154–42–7	July 1, 1990
Thiophanate methyl	female, male	23564–05–8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842–07–1	July 1, 1990
Toluene	developmental	108–88–3	January 1, 1991
Triadimefon	developmental, female, male	43121–43–3	March 30, 1999
Triazolam	developmental	28911–01–5	April 1, 1990
Tributyltin methacrylate	developmental	2155–70–6	December 1, 1999
Trientine hydrochloride	developmental	38260–01–4	February 27, 2001
Triforine	developmental	26644–46–2	June 18, 1999
Trilostane	developmental	13647–35–3	April 1, 1990
Trimethadione	developmental	127–48–0	January 1, 1991
Trimetrexate glucuronate	developmental	82952–64–5	August 26, 1997
Triphenyltin hydroxide	developmental	76–87–9	March 15, 2002
Uracil mustard	developmental, female, male	66–75–1	January 1, 1992
Urethane	developmental	51–79–6	October 1, 1994
Urofollitropin	developmental	97048–13–0	April 1, 1990
Valproate (Valproic acid)	developmental	99–66–1	July 1, 1987
Vinblastine sulfate	developmental	143–67–9	July 1, 1990
Vinclozolin	developmental	50471–44–8	May 15, 1998
Vincristine sulfate	developmental	2068–78–2	July 1, 1990
Warfarin	developmental	81–81–2	July 1, 1987
Zileuton	developmental, female	111406–87–2	December 22, 2000

Image 12 (3.5" X 7") Not available for Offline Print to STP or FAX

Note: Authority cited: Section 25249.8, Health and Safety Code. Reference: Section 25249.8, Health and Safety Code.

HISTORY

1. New chapter 3 (section 12000) submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 88, No. 4).

2. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 88, No. 17).

3. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 88, No. 30).

4. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 88, No. 45).

5. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 89, No. 4).

6. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 89, No. 16).

7. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 89, No. 29).

8. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 89, No. 41).

9. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 90, No. 2).

10. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 90, No. 28).

11. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 90, No. 35).

12. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 90, No. 45).

13. Editorial correction of printer error inadvertently omitting several chemicals (Register 90, No. 45).

14. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 91, No. 15).

15. Editorial correction of errors in chemical name, CAS number, and spelling (Register 91, No. 15).

16. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 91, No. 17).

17. Editorial correction of printing errors (Register 91, No. 43).

18. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 92, No. 6).

19. Editorial correction of printing errors (Register 92, No. 29).

20. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 92, No. 43).

21. Editorial correction instituting inadvertently omitted amendment. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 93, No. 20).

22. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 93, No. 45).

23. Editorial correction of printing errors (Register 93, No. 45).

24. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 94, No. 46).

25. Amendment submitted to OAL for printing only pursuant to Government Codesection 11343.8 (Register 95, No. 52).

26. Editorial correction of printing errors (Register 96, No. 23).

27. Amendment filed 6-5-96; operative 4-23-96. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 96, No. 23).

28. Amendment of subsections (b), (c)(1) and (c)(3) filed 9-30-96; operative 9-30-96. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 96, No. 40).

29. Editorial correction of printing errors (Register 96, No. 40).

30. Amendment of subsection (c)(1) filed 10-16-96; operative 9-3-96. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8

(Register 96, No. 42).

31. Amendment of subsections (b), (c)(1) and (c)(3) filed 6-3-97; operative 6-3-97 pursuant to Government Code section 11343.4(d). Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 97, No. 23).

32. Editorial correction of spacing and alphabetical placements (Register 97, No. 39).

33. Amendment filed 9-24-97; operative 9-24-97. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 97, No. 39).

34. Amendment filed 2-3-98; operative 1-9-98. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 98, No. 6).

35. Amendment filed 6-24-98; operative 6-24-98. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 98, No. 26).

36. Amendment filed 11-9-98; operative 11-9-98 pursuant to Government Code11343.4(d). Submitted to OAL for printing only pursuant to Health and SafetyCode section 25249.8 (Register 98, No. 46).

37. Amendment of subsections (b) and (c)(1)-(c)(3) filed 3-15-99; operative 3-15-99. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 99, No. 12).

38. Amendment of subsections (b) and (c)(1)-(c)(3) filed 5-3-99; operative 5-3-99. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 99, No. 19).

39. Amendment of subsections (c)(1) and (c)(3) filed 5-28-99; operative 5-28-99. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 99, No. 22).

40. Amendment of subsections (b) and (c)(1)-(3) filed 8-10-99; operative 6-18-99. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 99, No. 33).

41. Amendment of subsections (b) and (c)(1)-(3) filed 11-10-99; operative 8-20-99. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 99, No. 46).

42. Amendment of subsections (b) and (c)(1)-(3) filed 2-2-2000; operative 10-29-99. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8. On January 1, 1990, allyl chloride, chlorodibromomethane, para-Toluidine, and zineb were all added to the list of chemicals known to the state to cause cancer. Effective October 29, 1999, those same chemicals were removed from the list of chemicals known to the state to cause cancer (Register 2000, No. 5).

43. Amendment of subsection (c)(1) filed 4-12-2000; operative 3-10-2000. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2000, No. 15).

44. Amendment of subsection (b) filed 9-12-2000; operative 8-4-2000. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 2000, No. 37).

45. Amendment of subsections (b) and (c)(1)-(3) and new Note filed 4-10-2001; operative 2-27-2001. Submitted to OAL for printing only pursuant to Healthand Safety Code section 25249.8 (Register 2001, No. 15).

46. Amendment of subsections (b) and (c)(1) filed 6-11-2001; operative 4-24-2001. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2001, No. 24).

47. Amendment of subsection (c)(1) filed 10-24-01; operative 6-22-01. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8. On June 18, 1999, 2,4-D butyric acid was added to the list of chemicals known to the State to cause developmental and male reproductive toxicity. Effective June 22, 2001, the listing of the same chemical with the endpoint of developmental toxicity was removed and the chemical was listed only as known to the State to cause male reproductive toxicity (Register 2001, No. 43).

48. Amendment of subsection (b) and redesignation and amendment of former subsections (c)(1)-(3) as subsection (c) filed 2-28-2002; operative 12-21-2001. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2002, No. 9).

49. Amendment of subsections (b) and (c) filed 4-16-2002; operative 1-25-2002. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2002, No. 16).

50. Amendment of subsections (b) and (c) filed 2-6-2003; operative 6-28-2002. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2003, No. 6).

51. Amendment of subsections (b) and (c) filed 8-7-2003; operative 6-6-2003. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2003, No. 32).

52. Amendment of subsections (b) and (c) filed 4-12-2004; operative 11-14-2003. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 2004, No. 16).

53. Amendment of subsections (b) and (c) filed 12-27-2004; operative 7-9-2004. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2004, No. 53).

54. Amendment of subsections (b) and (c) filed 1-17-2006. Submitted to OAL for printing only pursuant to Health and Safety Code section 25249.8 (Register 2006, No. 3).

55. Amendment of subsections (b) and (c) filed 1-29-2007; operative 12-8-2006. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2007, No. 5).

56. Amendment of subsections (b) and (c) filed 3-18-2008; operative 9-28-2007. Submitted to OAL for printing only pursuant to Health and Safety Codesection 25249.8 (Register 2008, No. 12).

57. Change without regulatory effect renumbering title 22, section 12000 to title 27, section 27001 filed 6-18-2008 pursuant to

section 100, title 1,California Code of Regulations (Register 2008, No. 25).

27 CCR § 27001, 27 CA ADC § 27001
1CAC

27 CA ADC § 27001

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