

NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATION

TITLE 27, CALIFORNIA CODE OF REGULATIONS

PROPOSED SECTION 25205 LEAD AGENCY WEBSITE

September 4, 2015

As required by Government Code section 11346.8(c), and Title 1, section 44 of the California Code of Regulations, the Office of Environmental Health Hazard Assessment (OEHHA) is providing notice of additional changes to the proposed regulation to add section 25205 to Title 27 of the California Code of Regulations.

This proposed regulation was originally the subject of a Notice of Proposed Rulemaking published on January 16, 2015, in the California Regulatory Notice Register (Register 2014, No 8-Z), which initiated a public comment period. Twenty-four written comments from the public were received during the comment period that ended April 8, 2015. In addition, OEHHA heard comments at a public hearing on the proposed regulation held on March 25, 2015. On May 22, 2015, OEHHA published a 15-day Modification of Text of the Proposed Regulation. The comment period closed on June 15, 2015. Ten comments were received during this comment period.

After careful consideration of the comments, OEHHA has modified the text of the proposed regulation. In addition to minor non-substantive corrections to the text, OEHHA made the following changes:

- Subsection (a) was modified to more accurately reflect the anticipated functions of the website.
- Subsection (a) was revised to further clarify the scope of the OEHHA disclaimer to include all information received from third parties.
- Subsection (b) was modified to respond to public comments indicating that the timeframe for a business to provide requested information is unclear and should be limited; this proposed modification would establish a 90-day period for a business to respond to a request for information.
- Subsection (b)(4) was modified to include the source of exposure to a chemical for which an environmental warning is being provided.
- Subsection (b)(10) was revised in response to comments that the scope of information requested under this section was overbroad.
- Subsection (c) was modified by striking “sole” and “solely” in response to comments that the terms were vague.
- A new subsection (d) was added in response to comments that businesses should be able to respond to lead agency requests via trade groups.
- Finally, a new subsection (f) was added in response to comments that the regulation should explicitly state that a business is not required to provide information to OEHHA that is subject to legal privileges under California law.

Included with this notice are copies of the regulatory language with the modified text provided in underline and strikethrough format. These modifications are also available on the OEHHA website at www.oehha.ca.gov, and may be requested from Monet Vela at the OEHHA Legal Office at (916) 323-2517.

Finally, pursuant to Government Code sections 11346.5(a)(11) and 11346.3(d), a state agency may not adopt a regulation requiring a business to submit a report to the agency, unless it makes a finding that the regulation is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses. This regulation will provide vital information to the people of California regarding exposures to listed chemicals and ways to avoid or minimize exposures. Therefore, OEHHA finds that it is necessary for the public health and safety of the people of this state that this proposed regulation which requires a report apply to businesses.

OEHHA will accept written comments on the amendments to the proposed regulation until **September 21, 2015 at 5:00 p.m.**

We encourage you to submit comments in electronic form, rather than in paper form. Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period. Electronic files submitted should not have any form of encryption.

Comments transmitted by e-mail should be addressed to P65Public.comments@oehha.ca.gov. Please include "Lead Agency Website" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. Mailed, faxed or hand-delivered comments should be addressed to:

Monet Vela
Office of Environmental Health Hazard Assessment
P. O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-323-2517
Fax: 916-323-2610
E-mail: P65Public.Comments@oehha.ca.gov