FINAL STATEMENT OF REASONS
TITLE 27, CALIFORNIA CODE OF REGULATIONS

SECTION 25705(b). SPECIFIC REGULATORY LEVELS POSING NO SIGNIFICANT RISK

TRIS (1,3-DICHLORO-2-PROPYL) PHOSPHATE

This is the Final Statement of Reasons for the adoption of a No Significant Risk Level (NSRL) for tris (1,3-dichloro-2-propyl) phosphate (TDCPP). TDCPP is a chemical listed as known to the State to cause cancer under Proposition 65.[1] On June 1, 2012, the Office of Environmental Health Hazard Assessment (OEHHA) issued a proposal to adopt an NSRL of 5.4 micrograms per day for TDCPP in Title 27, California Code of Regulations, section 25705(b).[2] The Initial Statement of Reasons set forth the grounds for the proposed amendment. A public comment period was provided from June 1 until July 16, 2012. No public comments were received.

Peer Review: To comply with Health & Safety Code section 57004 and Title 27 California Code of Regulations section 25302(e), OEHHA sent the Notice of Proposed Rulemaking and Initial Statement of Reasons to the Science Advisory Board's Carcinogen Identification Committee for review and comment. The documents were sent to the committee on June 1, 2012 and the members were given 45 days to submit their comments, concurrent with the public comment period. The committee members did not provide any comments.

ALTERNATIVES DETERMINATION

In accordance with Government Code section 11346.9(a)(4), OEHHA has, throughout the adoption process of this regulation, considered available alternatives to determine whether any alternative would be more cost effective in carrying out the purpose for which the regulation was proposed, or would be as cost effective and less burdensome to affected private persons than the proposed action. OEHHA has determined that no alternative considered would be more cost effective, or as cost effective and less burdensome to affected persons, than the proposed regulation.

For chemicals listed under the Act as known to cause cancer, the Act exempts discharges to sources of drinking water and exposures of people without provision of a warning if the exposure poses "no significant risk" of cancer (Health and Safety Code, section 25249.10(c)). The Act does not specify numerical levels of exposure that represent no significant risk of cancer.

The purpose of this regulation is to establish a No Significant Risk Level for TDCPP. At

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[1]The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code, section 25249.5 *et seq*., hereafter referred to as "Proposition 65" or "The Act".
[2] All further references are to sections of Title 27 of the California Code of Regulations, unless otherwise noted.

or below this level, the Act does not require a warning or prohibit discharges of the chemical to sources of drinking water. Thus, adopting this level will allow persons subject to the Act to determine whether a given discharge to sources of drinking water or a given exposure to this chemical is subject to the warning requirement or discharge prohibition provisions of the Act (Health and Safety Code sections 25249.5 and 25349.6).

Although section 25703 describes principles and assumptions for conducting risk assessments to derive No Significant Risk Levels, some businesses subject to the Act do not have the resources to perform these assessments. Yet each business with ten or more employees must determine whether its activities or products are subject to the discharge prohibition or warning requirements of the Act. Adopting an NSRL for this chemical provides an efficient way of determining if a business is in compliance with the Act

LOCAL MANDATE DETERMINATION

OEHHA has determined this regulatory action will not pose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action. It should be noted that Proposition 65 provides an express exemption from the warning requirement and discharge prohibition for all state and local agencies. Thus, this regulation does not impose any mandate on local agencies or school districts.