

NOTE: Changes to the proposed regulatory text are identified herein as follows. Additions to the regulatory text as proposed in January 2014 are indicated by underline, thus: added language; deletions from the proposed regulatory text are indicated by strikethrough, thus: ~~deleted language~~. Additions to the regulatory text, as modified in June 2014 are indicated by a double underline, thus: added language; deletions from the modified regulatory text are indicated by double strikethrough, thus: ~~~~deleted language~~~~. Additions to the regulatory text, as modified in September 2014 are indicated by italics and underline, thus: *added language*; deletions from the modified regulatory text are indicated by italics and strikethrough, thus: ~~*deleted language*~~. Additions to the regulatory text as modified in February 2015 are indicated by italics and double underline, thus: *added language*; deletions from the modified regulatory text are indicated by italics and double strikethrough, thus ~~~~*deleted language*~~~~.

Title 27 California Code of Regulations section 25904

Chemical Listings by Reference to ~~the~~ California Labor Code section 6382(b)(1)

(a) Pursuant to Section 25249.8(a) of the Act, a chemical or substance shall be included on the list of chemicals known to the state to cause cancer ~~or reproductive toxicity~~ if it is a chemical or substance identified by reference in Labor Code Section 6382(b)(1) ~~or by reference in Labor Code Section 6382(d)~~ as causing cancer ~~or reproductive toxicity~~.

~~(b)(1)~~ A chemical chemical or substance shall be included on the list if it is ~~identified-classified~~ by the International Agency for Research on Cancer (IARC) in its IARC Monographs series on the Evaluation of Carcinogenic Risks to Humans (most recent ~~edition~~ ~~edition Monograph on the chemical or substance~~) based on sufficient animal or human evidence as: or in its list of Agents Classified by the IARC Monographs, as:

- ~~(A) Carcinogenic to humans (Group 1), or~~
 - ~~(B) Probably carcinogenic to humans (Group 2A) with sufficient animal evidence, or~~
 - ~~(C) Possibly carcinogenic to humans (Group 2B) with sufficient animal evidence in Group 1, 2A or 2B and such classification is based in whole or in part on identification by IARC of sufficient evidence of carcinogenicity in humans or animals. For the purpose of this subsection, the term "sufficient evidence" as it applies to experimental animal or human evidence is as defined in the most recent IARC Monograph on the chemical or substance.~~
- (1) Carcinogenic to humans (Group 1), or
 - (2) Probably carcinogenic to humans (Group 2A) with sufficient evidence of carcinogenicity in experimental animals, or
 - (3) Possibly carcinogenic to humans (Group 2B) with sufficient evidence of carcinogenicity in experimental animals. A chemical or substance for which there is less than sufficient evidence of carcinogenicity in experimental animals and classified by IARC in Group 2B shall not be included on the list.

~~(2) A chemical shall be included on the list if it is within the scope of the Federal Hazard Communication Standard and it is identified in the most recent version of Title 29 of the Code of Federal Regulations, part 1910.1200, adopted by the federal Occupational Safety and Health Administration, as causing cancer or reproductive toxicity based on sufficient animal or human evidence.~~

~~(c)(b)~~ At least 45 days prior to adding a chemical or substance that meets the criteria established in subsection (a) to the list, the lead agency shall publish a notice of intent to list the chemical or substance and provide a 30 day public comment period on whether or not the chemical or substance has been identified by reference in ~~either~~ Labor Code section 6382(b)(1) ~~or 6382(d) or both.~~ Comment is restricted to whether the identification of the chemical or substance meets the requirements of this section. The lead agency shall not consider comments related to the underlying scientific basis for classification of a chemical by IARC as causing cancer.

~~(d)(e)~~ Any person may petition the lead agency to consider adding a chemical or substance ~~from to~~ the list pursuant to this section. The petition shall identify the chemical or substance in question, ~~the provision of subdivision subsection (a) above that provides the basis for listing the IARC Monograph that is the claimed basis for the listing,~~ and any other information necessary to determine whether the chemical or substance meets the requirements of this section.

~~(e)(d)~~ Any person may petition the lead agency to consider removing a chemical or substance from the list pursuant to this section. The petition shall identify the chemical or substance in question and the reasons why the provisions of subsection (a) are not met.

~~(d)(e) (f)~~ If the lead agency determines that a listed chemical or substance no longer meets the criteria-requirements in this section, the lead agency shall determine if the criteria for listing established in Section 25306 or Section 25902 are met. If the criteria in those sections are not met, the lead agency shall refer the chemical or substance to the ~~appropriate committee established in Section 25302, namely the~~ Carcinogen Identification Committee ~~or the Developmental and Reproductive Toxicant Identification Committee,~~ for a determination ~~recommendation~~ as to whether the chemical or substance should continue to be included on the list of chemicals known to the state to cause cancer ~~or reproductive toxicity.~~ ~~The chemical shall remain on the list pending review by the Carcinogen Identification Committee or the Developmental and Reproductive Toxicant Identification Committee.~~

NOTE: Authority Cited: Section 25249.12, Health and Safety Code. Reference: Section 25249.8(a), Health and Safety Code.