

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

Title 27, California Code of Regulations

Article 2

Section 25205

Lead Agency Website

September 4, 2015

§ 25205 Lead Agency Website

(a) The lead agency will develop and maintain a website to ~~collect and~~ provide information to the public concerning exposures to listed chemicals for which warnings are being provided pursuant to Section 25249.6 of the Act. The lead agency will:

- ~~(1) Develop an interactive web-based portal to collect and display the information provided pursuant to subsection (b) and other information compiled by the lead agency.~~
- ~~(2) Provide a process for a person to request a correction of material provided on the website. The person making such a request shall provide information showing that such material is inaccurate. Any person may provide the lead agency with information that may be posted on the website, in the lead agency's discretion.~~
- ~~(3)~~(1) Provide information to the public *on the website* concerning exposures to listed chemicals, including common routes or pathways of exposure such as:
 - (A) Ingesting foods
 - (B) Contact with or use of products or services
 - (C) Common environmental scenarios
 - (D) Occupational activities
- ~~(4)~~(2) Provide strategies for reducing or avoiding exposure to those chemicals
- ~~(5)~~(3) Provide links, as appropriate, to information compiled by other authoritative entities ~~including, but not limited to:~~ *such as* the Food and Drug Administration, the National Toxicology Program, the U.S. Surgeon General, the National Institute of Occupational Safety and Health, the National

Academy of Sciences, the U.S. Environmental Protection Agency, the International Agency for Research on Cancer, and the collective body of the National Institutes of Health, to assist individuals who wish to obtain additional information about listed chemicals, their effects, nutritional benefits, health concerns or related issues.

~~(6)~~(4) Provide reasonably available information concerning the anticipated level of human exposure to the listed chemicals.

~~(2)~~(5) Provide a process for a person to request a correction of material provided on the website. The person making such a request shall provide information showing that such material is inaccurate.

~~(7)~~(6) Provide a disclaimer indicating that OEHHA cannot assure the accuracy of information it has received from third parties. ~~under subsection (b) from manufacturers, producers, distributors, or importers of consumer products.~~

(b) Within 90 days of the lead agency's request, the ~~The~~ manufacturer, producer, distributor, or importer of a product, including food, or a particular business that is providing a warning pursuant to Health and Safety Code section 25249.6, must provide the following information, when reasonably available, ~~upon the lead agency's request, for use by the lead agency in developing content for the website and within the timeframe specified in the request:~~

(1) The name and contact information for the person providing the information.

(2) The name and contact information for the manufacturer of the product.

(3) The name of the listed chemical or chemicals for which a warning is being provided.

(4) For environmental warnings, the ~~location~~ source of the chemical or chemicals ~~in~~ and the area for which the warning is being provided.

(5) For product warnings, the location of the chemical or chemicals in the product.

(6) For product warnings, the concentration (mean, minimum, maximum) of the chemical or chemicals in the final product. If the product contains multiple component parts, the business must provide the concentrations (mean, minimum, maximum) of the chemical or chemicals in each of the component parts.

(7) For product warnings, the matrix, as defined in subsection 25900(g) of this chapter, in which the listed chemical or chemicals is found in the product and the concentration of the listed chemical(s) in the product matrix, if known.

(8) The anticipated routes and pathways of exposure to the listed chemical(s) for which the warning is being provided.

(9) The estimated level of exposure to the chemical or chemicals.

(10) Any other related information ~~that the lead agency deems necessary~~ concerning exposures to listed chemicals for which warnings are being provided pursuant to Section 25249.6 of the Act.

(c) This section does not require a business to perform any new or additional testing or analysis for the sole purpose of responding to a request made by the lead agency pursuant to subsection (b). If the requested information is not in the possession or control of a business, the business is not required to procure it solely for the purpose of providing it to the lead agency.

(d) Where the lead agency requests information under subsection (b) from two or more businesses regarding the same product or exposure, those businesses may respond to the request through their trade organization.

~~(e)~~(e) If the lead agency requests information from a business pursuant to subsection (b) that the requester claims should not be available for public inspection as a trade secret as defined in Civil Code section 3426.1, and that is exempt from disclosure under the Public Records Act (Government Code Section 6250 et seq.), Evidence Code section 1040, or Evidence Code section 1060, or that is otherwise exempt from disclosure, the response shall specifically identify the information and the basis for the claim that the information should be considered Confidential Business Information designated a trade secret. All information submitted in response to a request from the lead agency under this section shall be open for public inspection, except as otherwise specifically identified by the business under this section. All such material shall be clearly marked identified as Confidential Business Information a Trade Secret. If the lead agency determines that the information that a business claims should not be available for public inspection identified as a trade secret must be released to the public under the Public Records Act or other law, it will promptly notify the business in writing at least 15 30 days prior to disclosure. = in order to provide During this 30-day period the business with the will have an opportunity to submit additional justification for the claim or to contest the determination in an appropriate legal proceeding.

(f) This section does not require a business to provide information to the lead agency that is exempt from disclosure under the legal privileges described in Evidence Code section 954 or California Code of Civil Procedure section 2018.030.

~~(d)~~(g) Compliance with the requirements of subsection (b) shall not be deemed to constitute compliance with the requirement to provide a “clear and reasonable” warning pursuant to Section 25249.6 of the Act, nor shall failure to comply with this section constitute a violation of Section 25249.6 of the Act.

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