

FINAL STATEMENT OF REASONS
TITLE 27 CALIFORNIA CODE OF REGULATIONS
PROPOSITION 65

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

This is the Final Statement of Reasons for the adoption of specific regulatory levels for two chemicals, *p*-chloroaniline and *p*-chloroaniline hydrochloride, which are listed as known to the State to cause cancer under Proposition 65¹. On February 19, 2010, the Office of Environmental Health Hazard Assessment (OEHHA) issued a Notice of Proposed Rulemaking to adopt the proposed regulatory levels for these two chemicals in Title 27, California Code of Regulations, section 25705(b)². The Initial Statement of Reasons set forth the grounds for the proposed amendments to the regulations.

The Notice of Proposed Rulemaking opened a public comment period that commenced on February 19, 2010 and ended on April 5, 2010. The Notice stated that a public hearing would be held only on request. No request for a public hearing was received by OEHHA. No written comments were received by OEHHA.

On February 19, 2010, OEHHA provided the technical support document to the members of the Carcinogen Identification Committee for their review and comment, as allowed by Section 25302(e). The technical support document is part of the initial statement of reasons and sets forth the scientific basis for the regulatory levels proposed. No comments were received from any committee members.

ALTERNATIVES DETERMINATION

In accordance with Government Code, section 11346.5(a)(7), OEHHA has, throughout the adoption process of this regulation, considered available alternatives. OEHHA has not found any alternative more effective, or as effective and less burdensome to affected private persons than the proposed action.

For chemicals listed as known to cause cancer, Proposition 65 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)). Proposition 65 does not specify numerical levels of exposure that represent no significant risk of cancer.

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code, section 25249.5 *et seq.*)

² All further references are to sections of Title 27 of the California Code of Regulations, unless otherwise noted.

The purpose of this regulation is to provide a “safe harbor” level for a particular chemical exposure. This regulation establishes the numerical No Significant Risk Levels for two carcinogens. At or below these levels, Proposition 65 does not require a warning regarding cancer or prohibit discharges to sources of drinking water based on carcinogenicity concerns associated with the two chemicals. Thus, these levels will allow persons subject to Proposition 65 to determine whether a given discharge or exposure is subject to the warning requirement and discharge prohibition provisions (Health and Safety Code sections 25249.6).

Many businesses subject to Proposition 65 do not have the resources to perform these assessments. Yet each business with ten or more employees needs the ability to determine whether its activities or products are subject to the discharge prohibition or warning requirements. The absence of this regulation would leave businesses that use these chemicals without an efficient way of determining if they comply with Proposition 65 without the expenditure of significant resources on their part.

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. Proposition 65 provides an express exemption from the warning requirement and discharge prohibition for all state and local agencies. Thus, these regulations do not impose any mandate on local agencies or school districts.