

FINAL STATEMENT OF REASONS

Title 27, California Code of Regulations Proposed Amendments to Article 6 Clear and Reasonable Warnings Adoption of Sections 25607.32 and 25607.33: Hotel Exposure Warnings

SUMMARY

The Office of Environmental Health Hazard Assessment (OEHHA) published the Initial Statement of Reasons for this action on July 21, 2017. The 45-day comment period closed on September 7, 2017 and OEHHA received one comment. No public hearing was requested for this regulatory proposal.

UPDATE OF INITIAL STATEMENT OF REASONS

An update of the Initial Statement of Reasons is not necessary because no changes from the originally proposed amendments have been made.

PUBLIC COMMENT PERIOD

Comment

The California Hotel & Lodging Association provided a written comment during the public comment period. The letter expressed support for the proposed amendments to the regulations, and did not recommend any modifications to the proposed regulatory text.

Response

Comment noted. No modifications to the regulatory text were made based on this comment.

ALTERNATIVES DETERMINATION

In accordance with Government Code section 11346.9(a)(7), OEHHA has considered available alternatives to determine whether any alternative would be more effective in carrying out the purpose for which the regulations were proposed. OEHHA has also

considered whether an alternative exists that would be as 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 effective in implementing the statutory policy or other provision of law. The alternative to the addition of Sections 25607.32 and 256703.33 would be to maintain the Article 6 regulations with no specific exposure warnings for hotel exposures. This is not a reasonable alternative because many hotels and other transient lodging facilities would likely continue providing general environmental warnings and an informational brochure that includes information about many potential exposures to listed chemicals that may or may not actually require a warning. This could result in the provision of unnecessary warnings, and may be contrary to the purposes of Health and Safety Code section 25249.5, et seq. This regulation furthers the “right-to-know” purposes of the statute and provides more specificity regarding the content of safe harbor warnings for exposures that can occur at hotels and other transient lodging establishments, and the corresponding methods for providing those warnings.

LOCAL MANDATE DETERMINATION

OEHHA has determined this regulatory action will not impose 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. Local agencies and school districts are exempt from Proposition 65. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action.