

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**TITLE 27, CALIFORNIA CODE OF REGULATIONS**

**NOTICE OF DECISION NOT TO PROCEED**

**Pursuant to Government Code Section 11347**

**SPECIFIC REGULATORY LEVELS:  
CHEMICALS CAUSING REPRODUCTIVE TOXICITY**

**MAXIMUM ALLOWABLE DOSE LEVEL (ORAL EXPOSURE) ATRAZINE,  
PROPAZINE, SIMAZINE, 2,4-DIAMINO-6-CHLORO-S-TRIAZINE (DACT),  
DES-ETHYL ATRAZINE (DEA), AND DES-ISOPROPYL ATRAZINE (DIA)**

**JUNE 10, 2016**

On June 12, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) issued a notice of proposed rulemaking to adopt Proposition 65 Maximum Allowable Dose Levels (MADLs) for oral exposure to atrazine, propazine, simazine, 2,4-diamino-6-chloro-s-triazine (DACT)<sup>1</sup>, des-ethyl atrazine (DEA), and des-isopropyl atrazine (DIA) that induce reproductive toxicity by amending Section 25805(b) of Title 27 of the California Code of Regulations. The Notice was posted on the OEHHA website and published in the California Regulatory Notice Register (CRNR). The rulemaking in this action has been delayed because the listing of these chemicals under Proposition 65 was challenged in a legal proceeding<sup>2</sup>. Until that matter is resolved, OEHHA cannot complete the rulemaking within the one-year period required by the Administrative Procedure Act. Pursuant to Government Code Section 11347, OEHHA hereby gives notice that it has decided to withdraw the rulemaking action published in the CRNR on June 12, 2015. However, OEHHA intends to proceed with the adoption of a safe harbor level for these chemicals, assuming no stay is imposed in by the Court of Appeal. Therefore, OEHHA is concurrently opening a new rulemaking record by publishing a new notice of proposed rulemaking on June 10, 2016 to adopt MADLs for these chemicals. OEHHA is also publishing on its website the notice of the proposed regulation, the proposed regulatory text, and the Initial Statement of Reasons for this

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<sup>1</sup> DACT was incorrectly identified as 2,3-diamino-6-chloro-s-triazine (instead of 2,4-diamino-6-chloro-s-triazine), in the June 12, 2015 notice of proposed rulemaking. That typographical error will be corrected when the chemicals are ultimately added to the list.

<sup>2</sup> *Syngenta v OEHHA*, Sacramento County Superior Court case #34-2014-8000-1809. Judgment was entered in favor of OEHHA on April 8, 2016. Syngenta has appealed the decision and is asking the Third District Court of Appeal for a stay of the listing of these chemicals. However, no decision has yet been reached on that question by the Court of Appeal.

new regulatory proposal. The public may comment on the proposed rulemaking during the comment period specified in the new notice to amend Section 25805(b).

Inquiries concerning this rulemaking activity may be directed to Monet Vela at (916) 323-2517, or by e-mail at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov), or by mail to OEHHA, P.O. Box 4010, Sacramento, California 95812-4010. Mario Fernandez is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or [mario.fernandez@oehha.ca.gov](mailto:mario.fernandez@oehha.ca.gov).