

Title 27, California Code of Regulations
Proposed Section 25904
Listings by Reference to the California Labor Code

SUPPLEMENTAL FINAL STATEMENT OF REASONS

As originally proposed Subdivision A was noticed as follows:

Title 27 California Code of Regulations section 25904.

Chemical Listings by Reference to the California Labor Code

(a) Pursuant to Section 25249.8(a), of the Act, a chemical shall be included on the list of chemicals known to the state to cause cancer or reproductive toxicity if it is a 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.

- (1) A chemical shall be included on the list if it is identified by the International Agency for Research on Cancer in its IARC Monographs series on the Evaluation of Carcinogenic Risks to Humans (most recent edition), based on sufficient animal or human evidence as:
 - a. Carcinogenic to humans (Group 1)
 - b. Probably carcinogenic to humans (Group 2A)
 - c. Possibly carcinogenic to humans (Group 2B)
- (2) A chemical shall be included on the list if it is within the scope of the Federal Hazard Communications Standard and 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.

This text was modified on February 27, 2015 and was noticed as follows:

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 in its IARC Monographs series on the Evaluation of Carcinogenic Risks to Humans (most recent ~~edition~~

~~Monograph on the chemical or substance) based on sufficient animal or human evidence 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.~~

~~(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.~~

This text was later modified and renumbered on May 1, 2015 and was noticed as follows:

Title 27 California Code of Regulations section 25904

Chemical Listings by Reference to 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 if it is a chemical or substance identified by reference in Labor Code Section 6382(b)(1) as causing cancer.

(b) A chemical or substance shall be included on the list if it is 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), or in its list of Agents Classified by the IARC Monographs, as:

(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.

Subsection (a) from the initially noticed text was divided into two subsections; subsections (a) and (b). OEHHA inadvertently did not update the references in subsections (c) and (e) to reflect that change. Subsections (c) and (e) must now reflect this modification. As such, in the latest modification, when referencing subsection (a), subsections (c) and (e) should reference both subsections (a) *and* (b). Those directly affected understood subsections (c) and (e) referenced both subsections (a) and (b).