

**FINAL STATEMENT OF REASONS  
TITLE 27, CALIFORNIA CODE OF REGULATIONS**

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

**TRICHLOROETHYLENE**

This is the Final Statement of Reasons for an update to the existing No Significant Risk Levels (NSRL) for trichloroethylene (TCE), a chemical listed as known to the State to cause cancer under Proposition 65.<sup>1</sup> On March 16, 2012, the Office of Environmental Health Hazard Assessment (OEHHA) issued a proposed amendment to adopt NSRLs of 14 micrograms per day for oral exposure and 50 micrograms per day for inhalation exposure for TCE in Title 27, California Code of Regulations, section 25705(b).<sup>2</sup> The Initial Statement of Reasons set forth the grounds for the proposed amendments. A public comment period was provided from March 16 until April 30, 2012. No public comments were received.

On March 16, 2012, OEHHA provided the notice of proposed rulemaking and the initial statement of reasons for the proposed NSRLs for TCE to the members of the Carcinogen Identification Committee for their review and comment as required by Section 25302(e). No comments were received from any committee members.

**ALTERNATIVES DETERMINATION**

In accordance with Government Code section 11346.9(a)(4), OEHHA has, throughout the adoption process of this regulation, considered available alternatives to determine whether any alternative would be more cost effective in carrying out the purpose for which the regulations were proposed, or would be as cost 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 cost effective and less burdensome to affected persons, than the proposed regulation.

For chemicals listed under the Act as known to cause cancer, the Act 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)). The Act does not specify numerical levels of exposure that represent no significant risk of cancer.

The purpose of this regulation is to update the “safe harbor” levels for TCE. At or below this level, the Act does not require a warning regarding cancer or prohibit discharges to sources of drinking water based on carcinogenicity concerns associated with TCE.

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<sup>1</sup>The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code, section 25249.5 *et seq.*, hereafter referred to as “Proposition 65” or “The Act”.

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

Thus, these levels will allow persons subject to the Act to determine whether a given discharge to sources of drinking water or exposure to people involving these chemicals is subject to the warning requirement and discharge prohibition provisions of the Act related to the risk of cancer (Health and Safety Code sections 25249.5 and 25349.6).

Although section 25703 describes principles and assumptions for conducting risk assessments to derive safe harbor levels, many businesses subject to the Act 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 of the Act. Given the use and occurrence of the chemical covered by this regulation, the absence of this regulation would leave numerous businesses without an efficient way of determining if they are in compliance with the Act 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. It should be noted that 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.