

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

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

NO SIGNIFICANT RISK LEVEL: VINYLIDENE CHLORIDE

March 2018

This is the Final Statement of Reasons for the adoption of a No Significant Risk Level (NSRL) for vinylidene chloride. On December 29, 2017, the Office of Environmental Health Hazard Assessment (OEHHA) announced the listing of vinylidene chloride as a chemical known to the state to cause cancer for purposes of Proposition 65¹. On September 22, 2017, OEHHA issued a Notice of Proposed Rulemaking to adopt a proposed amendment to Section 25705, Specific Regulatory Levels Posing No Significant Risk, identifying an NSRL of 0.88 micrograms per day ($\mu\text{g}/\text{day}$) for vinylidene chloride under Title 27, California Code of Regulations, section 25705(b)². The Initial Statement of Reasons sets forth the grounds for the amendment to the regulation. A public comment period was provided from September 22, 2017 to November 6, 2017. OEHHA received no written public comments on the proposed rulemaking.

OEHHA also provided the notice of proposed rulemaking and the Initial Statement of Reasons for the proposed NSRL for vinylidene chloride to the members of the Carcinogen Identification Committee for their review and comment as required by Section 25701(e). The committee was given at least 45 days to comment. 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 regulation was proposed, or would be as cost effective and less burdensome to affected private persons than the proposed action. No alternatives have been suggested. OEHHA has determined that no reasonable alternative would either be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, or would be more cost-

¹ 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".

² All further regulatory references are to sections of Title 27 of the Cal. Code of Regs., unless otherwise indicated.

effective to affected private persons and equally effective in implementing the statutory policy or other provision of law 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 establish a No Significant Risk Level for vinylidene chloride. At or below this level, the Act does not require a warning or prohibit discharges of the chemical to sources of drinking water. Thus, adopting this level will allow businesses subject to the Act to determine whether a given discharge to sources of drinking water or a given exposure to this chemical is subject to the warning requirement or discharge prohibition provisions of the Act (Health and Safety Code, section 25249.5 and 25349.6).

Although Section 25703 describes principles and assumptions for conducting risk assessments to derive No Significant Risk Levels, some businesses subject to the Act do not have the resources to perform these assessments. Yet each business with ten or more employees must determine whether its activities or products are subject to the discharge prohibition or warning requirements of the Act. Adopting an NSRL for this chemical provides an efficient way of determining if a business is in compliance with the Act.

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.