

and strengthen needy families and there are no known expected costs associated to the individuals.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses because these regulations are only applicable to state and county agencies. These regulations are mandated by SB 80 and are only applicable to CalWORKs applicants and recipients; therefore, they do not have a cost impact on the private sector, including small businesses.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will benefit CalWORKs applicants and recipients. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals receiving or applying for CalWORKs benefits.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider alternatives because regulations for Welfare and Institutions Code (WIC) sections 11155, 11265.3, and 11451.5 are required by SB 80, Sections 34, 41, 42, 59 and 60. CDSS is legally bound to develop regulations for this WIC section.

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### AUTHORITY AND REFERENCE CITATIONS

Welfare and Institutions Code sections 10553, 10554, 10604, 11265, 11450, 11451, 11155, and 18900; SB 80 (Chapter 27, Statutes of 2019); 34 CFR VI.

#### EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. To allow interested persons an opportunity to submit statements or arguments concerning these regulations noticed to the public for a minimum of 45 days in accordance with Government Code Section 11346.4.

### **TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

#### **SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65**

#### **PROPOSED AMENDMENTS TO ARTICLE 6 CLEAR AND REASONABLE WARNINGS**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend certain sections of Article 6 of Title 27 of the California Code of Regulations.<sup>1</sup> OEHHA adopted new Article 6 Clear and Reasonable Warnings regulations in August 2016, which became operative in August 2018. The Article 6 regulations adopted safe harbor warning methods and content for consumer product exposures that included provisions for a short-form warning. However, there has been widespread use of short-form warnings in ways that were not intended and do not further the purposes of Proposition 65. OEHHA has also received numerous inquiries from businesses seeking clarification as to whether the short-form warning could be used to provide safe harbor warnings for food products, and for additional guidance on the safe harbor warning content for short-form food warnings. OEHHA has therefore determined that further amendments of certain sections of Article 6 are necessary. This rulemaking includes amendments to Section 25601, Safe Harbor Clear and Reasonable Warnings — Method and Content; Section 25602, Consumer Product Exposure Warnings — Methods of Transmission; Section 25603, Consumer Product Exposure Warnings — Content;

<sup>1</sup> All further references are to sections of Title 27, Cal. Code of Regs., unless indicated otherwise.

and Section 25607.1 Food Exposure Warnings — Methods of Transmission.

the public hearing date. The notice will provide the date, time, and information for accessing the hearing.

PUBLIC PROCEEDINGS

CONTACT

*Written Comment Period*

Any written comments concerning this proposed regulatory action, regardless of the form or method of transmission, must be received by OEHHA no later than March 8, 2021, the designated close of the written comment period. Due to the COVID-19 emergency, OEHHA is providing a longer period than required under the Administrative Procedure Act. All written comments will be posted on the OEHHA website at the close of the public comment period.

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela at (916) 323-2517, or by e-mail to [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov).

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).

Because of limited in-office staffing during the COVID-19 emergency, OEHHA strongly recommends that the public submit written information electronically, rather than in paper form. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below, but delays may occur if staff are unable to timely access them.

AUTHORITY

Health and Safety Code section 25249.12.

All non-electronic submissions should be directed to:

REFERENCE

Health and Safety Code sections 25249.6, 25249.7 and 25249.11(f).

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Assessment  
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INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

BACKGROUND

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and e-mail may be available to third parties.

OEHHA is the lead agency that implements Proposition 65<sup>3</sup> and has the authority to promulgate and amend regulations to further the purposes of the Act. The Act requires businesses to provide a clear and reasonable warning before they cause an exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity.<sup>4</sup> The Act also prohibits the discharge of listed chemicals to sources of drinking water.<sup>5</sup> The proposed amendments would revise the method of transmission and content of short-form warnings for consumer products. In addition, the proposed amendments would eliminate the use of short-form warnings for internet or catalog purchases.

*Public Hearing*

A public hearing on these proposed regulatory amendments will only be scheduled upon request. The hearing would be web-based due to the COVID-19 emergency<sup>2</sup>. To request a hearing, send an e-mail to Monet Vela at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) or to the address listed above. The request must be received no later than February 22, 2021. If such a request is made, OEHHA will e-mail a notice of the hearing to the requester and interested parties, and the notice will be posted on OEHHA's website at least ten days before

SPECIFIC BENEFITS OF THE  
PROPOSED REGULATIONS

The proposed regulatory action will facilitate businesses' compliance with the Act by providing clarifying guidance concerning the provision of safe

<sup>2</sup> Executive Orders N-25-20 and N-29-20.

<sup>3</sup> Health and Safety Code section 25249.5 et seq., The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65". Hereafter referred to as "Proposition 65" or "the Act".

<sup>4</sup> Health and Safety Code section 25249.6.

<sup>5</sup> Health and Safety Code section 25249.5.

harbor warnings under Proposition 65. The health and welfare of California residents will likely benefit by increasing the public's ability to understand the warnings they receive for certain consumer products they may choose to purchase.

**NO INCONSISTENCY OR INCOMPATIBILITY  
WITH EXISTING REGULATIONS**

OEHHA has conducted an evaluation and has determined that Article 6 is the only regulation concerning Proposition 65 warnings. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with any other existing state regulations. The action does not change the existing mandatory requirements on businesses subject to Proposition 65, state or local agencies and does not address compliance with any other law or regulation.

**LOCAL MANDATE/FISCAL IMPACT**

Because Proposition 65 by its terms<sup>6</sup> does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would 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. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action, nor will there be any costs or savings to the state or in federal funding to the state because of the proposed regulatory action.

**EFFECT ON HOUSING COSTS**

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any new mandatory requirements on any business.

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS, INCLUDING  
ABILITY TO COMPETE**

The proposed regulatory action provides compliance assistance to businesses subject to the Act by providing guidance concerning an existing regulation in that it specifies the method of transmitting and the content of safe harbor short-form warnings for consumer products including food products. The proposed action modifies an optional safe-harbor method that businesses may choose to use to provide the required

<sup>6</sup> See Health and Safety Code section 25249.11(b).

warning. OEHHA has therefore made an initial determination that the adoption of this action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**RESULTS OF ECONOMIC IMPACT ANALYSIS  
(Gov. Code section 11346.3(b))**

**Creation or Elimination of Jobs within the State of California**

The proposed regulatory action will not impact the creation or elimination of jobs within California. The action will conform the short-form warning provisions to the original stated intent that a short-form warning should only be used where, due to limited label space on a consumer product, a full-length warning will not fit. The action will also provide clarification and specificity regarding the use of short-form warnings for exposures to listed chemicals from food.

**Creation of New Businesses or Elimination of Existing Businesses within the State of California**

The proposed regulatory action will not impact the creation of new businesses or the elimination of existing businesses within California. The action will conform the short-form warning provisions to the original stated intent that a short-form warning should only be used where, due to limited label space on a consumer product, a full-length warning will not fit. The action will also provide clarification and specificity regarding the use of short-form warnings for exposures to listed chemicals from food.

**The Expansion of Businesses Currently Doing Business within the State**

OEHHA does not anticipate any major impact on the expansion of businesses currently doing business within the state. The action will conform the short-form warning provisions to the original stated intent that a short-form warning should only be used where, due to limited label space on a consumer product, a full-length warning will not fit. The action will also provide clarification and specificity regarding the use of short-form warnings for exposures to listed chemicals from food.

**BENEFITS OF THE PROPOSED REGULATION**

The proposed regulatory action will benefit the health and welfare of California residents by providing more meaningful information regarding their exposures to listed chemicals. The action will also provide clarification and specificity regarding the use of short-form warnings for exposures to listed chemicals from food. The action furthers the right-to-

know purposes of the statute and therefore promotes public and worker health and safety.

**COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action. The action does not impose any new requirements upon private persons or businesses. Instead, it modifies an existing, non-mandatory safe harbor warning method.

**EFFECT ON SMALL BUSINESSES**

The proposed regulatory action will not adversely impact very small businesses because Proposition 65 is limited by its terms to businesses with 10 or more employees.<sup>7</sup>

**REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIVES**

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which Proposition 65 is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. These documents are available on OEHHA’s website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

The full text of any proposed regulation that is changed or modified from the express terms of this

<sup>7</sup> Health and Safety Code section 25249.11(b).

proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulation and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA’s website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NUMBER 2080-2020-011-01**

**Project:** Lower Moffett Creek Scour — DES Brokered Project

**Location:** Siskiyou County

**Applicant:** California Department of Transportation

**Background**

California Department of Transportation (Applicant) proposes to replace the bridge over Moffett Creek on State Route 3 (SR 3), approximately 6 miles north of Fort Jones, and 11.6 miles south of Yreka, in Siskiyou County. The Lower Moffett Creek Scour — DES Brokered Project (Project) includes the demolition of the existing bridge and replacement with a new bridge that completely spans the creek within the same alignment as the existing bridge. The existing bridge is deteriorating in the structural steel of the deck and supporting pillars. The new bridge will provide widened shoulders, reduced long-term maintenance, and will be a full span over Moffett Creek, thus eliminating a pier that is situated in Moffett Creek supporting the current bridge. The work is planned for a single work season and an alternate routing of SR 3