NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** United States of America  **If applicable, name of local government involved (Article 3.2 and 7.2):** State of California |
| **2.** | **Agency responsible:** Department of Toxic Substances Control, State of California [1824]  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Please submit comments to: USA WTO TBT Enquiry Point, Email: [usatbtep@nist.gov](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****],** **other****:** Conformity Assessment Procedure - Local Government (Article 7.2) |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Toluene; safer consumer products; Domestic safety (ICS 13.120), Products of the chemical industry (ICS 71.100) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Safer Consumer Products: Priority Products List; Nail Products Containing Toluene (8 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - The Department of Toxic Substances Control (DTSC) proposes to amend section 69511 and add section 69511.6 to Article 11 of the Safer Consumer Products (SCP) regulations. The proposed action will add nail products containing toluene as a Priority Product on the Priority Products List. The listing applies to any nail product, including nail coatings and nail polish thinners, that is placed into commerce in California that contains toluene. For the purposes of this regulation, DTSC defines nail coatings as any clear or colored paint, polish, lacquer, enamel, or gel product marketed or sold for application to fingernails or toenails. This proposed amendment pertains to identification of a Priority Product under the SCP regulations, approved by California's Office of Administrative Law (OAL) and filed with the Secretary of State on 28 August 2013 (effective date: 1 October 2013; OAL Regulatory Action Number: 2013-0718-03). |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety |
| **8.** | **Relevant documents:**  No. 40-Z, California Regulatory Notice Register 1 October (pages 1369-1376):  <https://oal.ca.gov/wp-content/uploads/sites/166/2021/10/2021-Notice-Register-Number-40-Z-October-8-2021.pdf>  Further information accessible online from the California Department of Toxic Substances Control at <https://dtsc.ca.gov/scp/nail-products-containing-toluene/> and <https://calsafer.dtsc.ca.gov/cms/commentpackage/?rid=12760>  [California Code of Regulations, title 22 (22 CCR), Division 4.5, Chapter 55, section 69511.6](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I2F61435B46FC4FC387AC51F00394FD51&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).  WTO Members and their stakeholders are asked to submit comments via e-mail to the USA TBT Enquiry Point at [usatbtep@nist.gov](mailto:usatbtep@nist.gov) by or before 4pm [EST](https://www.timetemperature.com/tzus/eastern_time_zone.shtml) on 18 November 2021. Comments received within the comment period by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared directly with the California Department of Toxic Substances Control (DTSC) and will also be submitted per instructions accessible at <https://calsafer.dtsc.ca.gov/workflows/comment/>. Public comments submitted on this action are accessible at <https://calsafer.dtsc.ca.gov/cms/search/?type=Submission&subtype=Comments&keyword=12760>. |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 18 November 2021 |
| **11.** | **Texts available from: National enquiry point [** **]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2021/TBT/USA/21_6947_00_e.pdf> |