

FINAL STATEMENT OF REASONS

SAFER CONSUMER PRODUCTS REGULATIONS – Adding Microplastics to the Candidate Chemicals List

Department of Toxic Substances Control Reference Number: R-2023-05R

Office of Administrative Law Notice Reference Number: Z-2025-0610-05

UPDATED INFORMATIVE DIGEST

Changes to Existing Statutes or Regulations

There have been no changes to applicable laws or to the effect of the proposed regulation from the laws and effects described in the Notice of Proposed Action dated June 20, 2025.

GENERAL INFORMATION

Update to the Initial Statement of Reasons

As authorized by Government Code section 11346.9, subsection (d), the Department of Toxic Substances Control (DTSC) incorporates by reference the Initial Statement of Reasons (ISOR) prepared for this rulemaking. DTSC published the proposed regulatory text, ISOR, Economic and Fiscal Impact Analysis, and supporting documents for public review and comment on June 20, 2025. This public review and comment period concluded on August 4, 2025.

DTSC received 189 comments; however, the regulatory text as it was originally noticed, has not been changed.

The documents relied on include

1. the DTSC 2024 Profile of microplastics. (Technical Report – Technical Document for the Proposal to Add Microplastics to the Candidate Chemicals List)
2. External Scientific Peer Review (ESPR) report

Mandates on Local Governments and School Districts

DTSC has determined that this regulatory action will not result in a mandate to any local agencies or school districts that are reimbursable by the state pursuant to part 7 (commencing with section 17500, division 4, title 2 of the Government Code).

Alternatives Considered

For the reasons set forth in the ISOR, the responses to comments received, and in this Final Statement of Reasons, DTSC determined that no alternative considered by the agency other than the Proposed Regulation would be more effective in achieving the purpose for which the regulatory action was proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law than the action taken by DTSC.

Selected Option: Add microplastics to the Candidate Chemicals List.

This is the preferred alternative, because it is the only alternative that effectively achieves the purpose of the regulation, which is to allow DTSC to evaluate consumer products containing microplastics in the future. This requires first adding microplastics to the Candidate Chemicals List. Since this regulation does not name any Priority Products, it does not have any foreseeable impact on industry or stakeholders.

Alternative 1: Narrow the definition of microplastics to specific polymers.

Narrowing the scope of the microplastics definition would severely limit SCP's ability to select Priority Products and would require significant staff resources to develop multiple rulemaking packages for each polymer. As a result, DTSC's ability to reduce hazardous chemicals in consumer products and protect the public and environment from adverse impacts associated with these chemicals would be stifled.

Alternative 2: Regulation is not adopted.

If the proposed regulation is not adopted, DTSC would not have the ability to evaluate products that contain microplastics or that release microplastics to the environment for potential listing as Priority Products. This would hinder DTSC's ability to address potentially harmful exposures to microplastics from consumer products.

Small Business Alternatives Considered

DTSC's selected option does not have any impact on businesses, including small businesses, as this regulation does not impose any requirements. There are no options that would lessen any adverse impact on small businesses since there is no impact.

CHANGES MADE TO THE ORIGINAL PROPOSAL

Non-Substantive Changes

Economic and Fiscal Impact Statement

The following change constitutes a non-substantive change to the Economic and Fiscal Impact Statement because it does not materially alter the requirements or conditions of the proposed rulemaking action:

Section B. Estimated Costs. 1a and 1b: Changed “Years” from “2024-2025” to “N/A”. DTSC is removing attachment to any specific year as the priority listing of Microplastics does not directly generate any economic costs for businesses or individuals at any point in time.

SUMMARY OF COMMENTS AND RESPONSES

List of Commenters and their Affiliations

Table 1 lists the organizations and individuals that provided comments during the comment period and the numbers DTSC assigned to their comment letters. Some of the comment letters cover more than one theme. To organize the comments, DTSC numbered individual letters, as shown, and then for letters with multiple comments, we assigned a number to each individual comment. For example, the number “CL3-02” refers to the second comment in the comment letter numbered 3. Table 2 presents an index of comments and location in comment letter for the associated responses.

Table 1: List of Commenters during the 45-Day Comment Period (June 20, 2025 - August 4, 2025)

Comment Letter	Commenter	Affiliation
CL1	William Pevac	University of California, Davis, School of Medicine; Climate Health Now
CL2	Chloe Jean Vessigault	None listed
CL3	Andrea Wald	Community for Natural Play Surfaces
CL4	Bruce England	None listed
CL5	Karen Rubio	Plant-Based Advocates
CL6	Hillary Liband	Plant-Based Advocates

Comment Letter	Commenter	Affiliation
CL7	Sharlene Liu	None listed
CL8	Robert Hall	Keep Crocker Real
CL9	Angela Dellaporta	None listed
CL10	Dennis Murphy	Acterra: Action for a Healthy Planet
CL11	Kathleen Willey	Plant-Based Advocates
CL12	Eric Newton	Zero Waste 4 LA
CL13	Stephen Hill	None listed
CL14	Sooyoung Kim	None listed
CL15	Cecilia Adams	None listed
CL16	Fred Rubio	None listed
CL17	Michelle Waters	None listed
CL18	Mary Mackey	Plant-Based Advocates
CL19	Cortney Jansen	None listed
CL20	Poonam Hemrajani	None listed
CL21	Shailaja Domala	None listed
CL22	Laura Fay	Rotary Club of Los Altos, Climate Action Committee
CL23	Elizabeth DeVincenzi	Elders Action Network
CL24	Lisa Wade	Plant-Based Advocates
CL25	Brian Kim	None listed
CL26	Sharon Saunders	None listed
CL27	Wesley Saunders	Keep Crocker Real

Comment Letter	Commenter	Affiliation
CL28	Brian Carr	None listed
CL29	Bridget May	Green Bee Botanicals
CL30	Barbara Fukumoto	None listed
CL31	Jane Ruck	None listed
CL32	Kristel Wickham	None listed
CL33	Dr Susan Anderson	Stanford
CL34	Rhonda Berry	Our City Forest
CL35	None listed	None listed
CL36	Cheryl Weiden	350 Silicon Valley
CL37	Tami Mulcahy	Environmental Sustainability Rotary Action Group - Plastic Solutions
CL38	Sven Thesen	Project Green Home
CL39	Amelie Catheline	None listed
CL40	Jerry Schneider	None listed
CL41	None listed	None listed
CL42	Tony Sehgal	None listed
CL43	Barbara Erny	Stanford University School of Medicine
CL44	Louis Yuen	Infinity Eight Productions
CL45	Lynn Hoang	None listed
CL46	Gregory Wright	Wright Thinking
CL47	Merrill Leeds	Sdeel Properties
CL48	None listed	None listed

Comment Letter	Commenter	Affiliation
CL49	Martha Booz	None listed
CL50	Mona Lewis	Sunsprite Handwork
CL51	Dr. Howard Homler	P-SNAP, ESRAG
CL52	Anna Gomes	Stanford University
CL53	Nga Trinh-Halperin	None listed
CL54	Filiberto Zaragoza	Youth United For Community Action
CL55	Rachel Corry	rachel sees snail shoes
CL56	Gerard Horan	None listed
CL57	Katherine Kennedy	None listed
CL58	Cory Gunter Brown	Fibershed
CL59	Joe Eyre	None listed
CL60	Lizbeth Valdivia Jáuregui	Cal Poly Pomona
CL61	Kathrym Bacher	None listed
CL62	T. Chupp	Elders Climate Action
CL63	Crysta Krames	Los Altos Mountain View Community Foundation
CL64	Barbara McChesney	End Plastic Soup
CL65	Pooja Kohli	Indr
CL66	None listed	None listed
CL67	Cindy Sidaris	None listed

Comment Letter	Commenter	Affiliation
CL68	Nanea Alden	None listed
CL69	Susan Lapointe	None listed
CL70	Nanci Scharfen	None listed
CL71	Maureen Griffin	None listed
CL72	Deepthi K Reddy	None listed
CL73	Kent Campbell	None listed
CL74	Noelle Fa-Kaji	None listed
CL75	Kevin Liu	Silicon Valley 360
CL76	Timothy Oey	ZeroW.org
CL77	Marilyn Price	Sustainable Mill Valley
CL78	Lynn Morgan	None listed
CL79	Alison Rempel	None listed
CL80	Jessica Lu	None listed
CL81	Michele Barry	Stanford
CL82	Fatima Parker	solana beach eco rotary club
CL83	Jamie Hansen	None listed
CL84	LII D	None listed
CL85	Steven Shaffer	None listed
CL86	Sharghi Rahmanian	None listed
CL87	Frances McChesney	None listed
CL88	Shirley Freriks	WasteNOT Nevada County/Nevada County Climate Action Now

Comment Letter	Commenter	Affiliation
CL89	Kara Meister	Stanford
CL90	El Marlin	None listed
CL91	Sarah Tang	None listed
CL92	Bonnie Stoehn	None listed
CL93	Bonnie Ashkenazi	None listed
CL94	Karen Fiorito	Buddha Cat Press
CL95	Andrea Wald	Community for Natural Play Surfaces
CL96	Elizabeth Olson	Plastic Free Coastside - Sea Hugger
CL97	Julie Applewhite	None listed
CL98	Jan Liband	Plant-Based Advocates
CL99	Niels Lund	Solana Beach ECO Rotary Club
CL100	Todd Weber	Elders Climate Action (ECA) Northern California (NorCal) Chapter
CL101	Katherine Young	None listed
CL102	Ann Dorsey	None listed
CL103	Robert Feder	Climate Psychiatry Alliance
CL104	Danessa Techmanski	None listed
CL105	Joby Bernstein	Stanford
CL106	Brian Pontious	Ingevity
CL107	Hendrick Townley	Stanford
CL108	Laura Thomas	None listed
CL109	Susan Hinton	None listed

Comment Letter	Commenter	Affiliation
CL110	Kaiqing Tang	None listed
CL111	Rebecca Blais	Stanford
CL112	Suzit K	None listed
CL113	Ron Askeland	SD-SEQUEL
CL114	Alexis Fujii	The Healthy Textiles Coalition
CL115	Nary Sun	Valley Health Center Sunnyvale
CL116	John Kehoe	None listed
CL117	Teresa Morris	None listed
CL118	Amelia Meyer	Stanford
CL119	Elizabeth Archambeault	None listed
CL120	Emily Oertling	None listed
CL121	Susan Keefe	Beyond Plastics
CL122	Joanne Brasch	California Product Stewardship Council
CL123	Carrie Levin	None listed
CL124	None listed	None listed
CL125	Mia Mora	Do More Group (on Facebook)
CL126	None listed	None listed
CL127	Stephanie Brown	None listed
CL128	Jackie Nunez	Plastic Pollution Coalition
CL129	Teri Wilmoth-Olson	California Nurses for Environmental Health and Justice
CL130	Steve Levin	Leading Change

Comment Letter	Commenter	Affiliation
CL131	Walter Johnson	None listed
CL132	Vanessa Forsythe	California Nurses for Environmental Health and Justice
CL133	Lisa Charpontier	None listed
CL134	Grace Kistner	None listed
CL135	Dianne Woelke	Safe Healthy Playing Fields, Inc.
CL136	Mike McMahon	None listed
CL137	Kathy Schaeffer	Climate Reality Project and Climate Action California
CL138	Karen Duderstadt	CNEHJ
CL139	Kylie Clark	None listed
CL140	Vice Mayor Rob Moore	None listed
CL141	Celine Grenier	None listed
CL142	Suzanne Hume	CleanEarth4Kids.org
CL143	Linda Hutchins-Knowles	Mothers Out Front Silicon Valley
CL144	Jeanne Entin	Mothers Out Front Silicon Valley
CL145	Lisa Oliver	None listed
CL146	Steve Meima	Gypsum Association
CL147	Paula Wildermuth	Beyond Plastics – Local Chapter Group, Palm Desert, CA
CL148	Mariah Levin	None listed
CL149	Noelle Eveland	Stanford University student
CL150	Cynthia Fan	None listed
CL151	Sherrell Cuneo	None listed

Comment Letter	Commenter	Affiliation
CL152	None listed	Natural Resources Defense Council
CL153	Sriram Gopal	Association of Home Appliance Manufacturers
CL154	Mary Jo Aloï	None listed
CL155	Srikar Jandhyala	Stanford
CL156	Jennifer Fearing	Fearless Advocacy, Inc. (on behalf of Ocean Conservancy)
CL157	Chantal van Shooten	None listed
CL158	Erin Raden	Consumer Brands Association
CL159	Dan Selechnik	American Cleaning Institute (ACI)
CL160	Emily Jones	Alliance for Automotive Innovation
CL161	Stewart Holm	American Forest & Paper Association
CL162	Julian Hong	US Tire Manufacturers Association
CL163	Nicholas Georges	Household & Commercial Products Association (HCPA)
CL164	Riaz Zaman	American Coatings Association
CL165	Caitlin Ondracek	CHPA
CL166	Angelle Desiree LaBeaud	Stanford
CL167	Stewart Holm	American Forest & Paper Association
CL168	Tasha Stoiber	Environmental Working Group
CL169	Peter Rabinowitz	None listed
CL170	Katherine Connors	Stanford
CL171	Gabriela Facio	Sierra Club California

Comment Letter	Commenter	Affiliation
CL172	Tim Shestek	American Chemistry Council and industry coalition
CL173	Marn-Yee Lee	None listed
CL174	Rocio Herbert	Bennu Climate, Inc
CL175	Abena BakenRa	University of California, San Francisco Program on Reproductive Health and the Environment.
CL176	Anna Koster	Climate Action Committee of San Jose Friends Meeting
CL177	Mary Schilling	Personal Care Products Council
CL178	Meredith Petillo	Independent Beauty Association
CL179	Linda Hutchins-Knowles	None listed
CL180	Erika Kimball	Kimball Sustainable Healthcare
CL181	Shani Kleinhaus	Santa Clara Valley Bird Alliance
CL182	Chelsea Murtha	American Apparel & Footwear Association
CL183	Pamela Bond	None listed
CL184	Catherine Dodd PhD RN	FACTS Families Advocating for Chemical and Toxics Safety
CL185	Vivian Ho	Stanford Plastic and Health Working Group and the Environmental Working Group (EWG)
CL186	Sarah Erlich	Center for Environmental Health
CL187	Alex Truelove	Biodegradable Products Institute
CL188	Homer Swei	Fragrance Creators Association
CL189	Leah Dunlevy	None listed

Table 2: Index of Comments

Comment Number	Location in Comment Letter
CL1	Page 2, paragraph 2
CL2	Page 1, paragraph 1
CL3-01	Page 1, paragraph 4
CL3-02	Page 1, paragraph 5
CL4	Full letter
CL5	Page 2, paragraph 2
CL6	Page 1, paragraph 1
CL7	Full letter
CL8	Full letter
CL9	Full letter
CL10	Full letter
CL11	Full letter
CL12	Full letter
CL13	Full letter
CL14	Full letter
CL15	Full letter
CL16	Full letter
CL17	Full letter
CL18	Page 1, paragraph 1
CL19	Full letter

Comment Number	Location in Comment Letter
CL20-01	Page 1, paragraph 1
CL20-02	Page 1, paragraph 2
CL21	Full letter
CL22	Full letter
CL23	Full letter
CL24	Full letter
CL25	Full letter
CL26	Full letter
CL27	Full letter
CL28	Full letter
CL29	Full letter
CL30	Full letter
CL31	Full letter
CL32	Full letter
CL33	Full letter
CL34	Full letter
CL35	Full letter
CL36	Full letter
CL37	Page 1, paragraph 2
CL38	Full letter

Comment Number	Location in Comment Letter
CL39	Full letter
CL40	Full letter
CL41	Full letter
CL42	Full letter
CL43	Page 1, paragraph 1
CL44	Page 1, paragraph 1
CL45	Full letter
CL46	Full letter
CL47	Full letter
CL48	Full letter
CL49	Full letter
CL50	Full letter
CL51	Page 1, paragraph 1
CL52	Full letter
CL53	Full letter
CL54	Full letter
CL55	Full letter
CL56	Full letter
CL57	Full letter
CL58	Full letter

Comment Number	Location in Comment Letter
CL59	Full letter
CL60	Full letter
CL61	Full letter
CL62	Full letter
CL63	Full letter
CL64	Full letter
CL65	Full letter
CL66	Full letter
CL67	Full letter
CL68	Full letter
CL69	Full letter
CL70	Full letter
CL71	Full letter
CL72	Full letter
CL73	Full letter
CL74-01	Page 1, paragraph 1
CL74-02	Page 1, paragraph 1
CL75	Full letter
CL76	Full letter
CL77	Full letter

Comment Number	Location in Comment Letter
CL78	Full letter
CL79	Full letter
CL80	Full letter
CL81	Full letter
CL82	Full letter
CL83	Full letter
CL84	Full letter
CL85	Full letter
CL86	Full letter
CL87	Full letter
CL88	Full letter
CL89	Full letter
CL90	Full letter
CL91	Full letter
CL92	Full letter
CL93	Full letter
CL94	Full letter
CL95	Full letter
CL96	Full letter
CL97	Full letter

Comment Number	Location in Comment Letter
CL98	Full letter
CL99	Full letter
CL100	Full letter
CL101	Full letter
CL102	Full letter
CL103	Page 1, paragraph 1
CL104	Full letter
CL105	Full letter
CL106-01	Page 1, paragraph 4
CL106-02	Page 2, paragraph 3
CL107	Page 1, paragraph 1
CL108	Full letter
CL109	Full letter
CL110	Full letter
CL111	Full letter
CL112	Full letter
CL113	Full letter
CL114	Page 2, paragraph 5
CL115	Full letter
CL116	Full letter

Comment Number	Location in Comment Letter
CL117	Full letter
CL118-01	Page 1, paragraph 1
CL118-02	Page 2, paragraph 1
CL118-03	Page 2, paragraph 3
CL118-04	Page 2, paragraph 4
CL118-05	Page 2, paragraph 7
CL118-06	Page 2, paragraph 6
CL119	Full letter
CL120	Page 2, paragraph 3
CL121	Page 2, paragraph 2
CL122-01	Page 1, paragraph 1
CL122-02	Page 2, "CPSC's Recommendations"
CL122-03	Page 2, "CPSC's Recommendations"
CL122-04	Page 3, "CPSC's Recommendations"
CL123	Page 2, paragraph 1
CL124	Full letter
CL125	Full letter
CL126	Full letter
CL127	Full letter
CL128	Full letter

Comment Number	Location in Comment Letter
CL129	Page 1, paragraph 1
CL130	Full letter
CL131	Page 1, paragraph 1
CL132	Full letter
CL133	Full letter
CL134	Full letter
CL135-01	Page 1, heading 1
CL135-02	Page 8, paragraph 2
CL136	Full letter
CL137	Full letter
CL138	Full letter
CL139	Page 1, paragraph 1
CL140	Page 1, paragraph 1
CL141	Page 1, paragraph 1
CL142	Page 1, paragraph 1
CL143	Page 2, paragraph 2
CL144	Full letter
CL145	Page 1, paragraph 1
CL146-01	Page 1, paragraph 4
CL146-02	Page 1, paragraph 5

Comment Number	Location in Comment Letter
CL146-03	Page 2, paragraph 4
CL146-04	Page 2, paragraph 4
CL146-05	Page 2, paragraph 4
CL147	Full letter
CL148	Full letter
CL149	Page 1, paragraph 1
CL150-01	Page 1, paragraph 1
CL150-02	Page 2, paragraph 1
CL150-03	Page 2, paragraph 3
CL150-04	Page 3, paragraph 3
CL150-05	Page 3, paragraph 5
CL151	Page 1, paragraph 1
CL152-01	Page 1, paragraph 1
CL152-02	Page 3, paragraph 5
CL153-01	Page 1, heading 1
CL153-02	Page 3, heading 1
CL153-03	Page 3, paragraph 2
CL154	Full letter
CL155	Full letter
CL156-01	Page 1, paragraph 1

Comment Number	Location in Comment Letter
CL156-02	Page 2, paragraph 2
CL157	Full letter
CL158-01	Page 2, paragraph 1
CL158-02	Page 2, paragraph 1
CL158-03	Page 3, paragraph 2
CL158-04	Page 5, paragraph 5
CL158-05	Page 7, paragraph 5
CL159-01	Page 2, heading 1
CL159-02	Page 3, heading 1
CL159-03	Page 3, heading 2
CL159-04	Page 4, paragraph 2
CL159-05	Page 4, paragraph 3
CL159-06	Page 5, paragraph 1
CL159-07	Page 5, paragraph 3
CL160-01	Page 3, paragraph 2
CL160-02	Page 3, paragraph 3
CL161-01	Page 1, paragraph 1
CL161-02	Page 2, paragraph 1
CL161-03	Page 2, heading A
CL162-01	Page 1, heading I

Comment Number	Location in Comment Letter
CL162-02	Page 3, heading II
CL162-03	Page 3, heading III
CL163-01	Page 2, heading I
CL163-02	Page 3, paragraph 3
CL163-03	Page 3, paragraph 3
CL163-04	Page 3, paragraph 3
CL163-05	Page 3, paragraph 3
CL163-06	Page 4, paragraph 1
CL163-07	Page 5, paragraph 1
CL163-08	Page 5, paragraph 1
CL164-01	Page 1, paragraph 2
CL164-02	Page 2, heading II
CL164-03	Page 4, paragraph 4
CL164-04	Page 4, paragraph 4
CL164-05	Page 5, heading IV
CL164-06	Page 5, heading V
CL164-07	Page 6, paragraph 1
CL165-01	Page 1, heading 1
CL165-02	Page 1, heading 2
CL165-03	Page 2, heading 3

Comment Number	Location in Comment Letter
CL165-04	Page 2, heading 3
CL165-05	Page 2, heading 4-5
CL166	Page 1, paragraph 1
CL167-01	Page 1, paragraph 1
CL167-02	Page 2, paragraph 1
CL167-03	Page 2, heading A
CL168	Page 1, paragraph 1
CL169	Page 1, paragraph 1
CL170	Page 2, paragraph 1
CL171	Page 1, paragraph 1
CL172-01	Page 6, heading 1
CL172-02	Page 13, paragraph 4
CL172-03	Page 14, paragraph 3
CL172-04	Page 17, paragraph 3
CL172-05	Page 17, paragraph 4
CL172-06	Page 20, paragraph 5
CL172-07	Page 21, heading a
CL172-08	Page 22, paragraph 2
CL173	Full letter
CL174	Full letter

Comment Number	Location in Comment Letter
CL175-01	Page 1, paragraph 2
CL175-02	Page 7, heading 3
CL175-03	Page 8, heading 4
CL176	Page 1, paragraph 1
CL177-01	Page 1, paragraph 3
CL177-02	Page 1, paragraph 3
CL177-03	Page 1, paragraph 3
CL177-04	Page 1, paragraph 4
CL177-05	Page 3, paragraph 3
CL177-06	Page 3, paragraph 4
CL177-07	Page 3, paragraph 5
CL177-08	Page 4, paragraph 2
CL178-01	Page 2, paragraph 5
CL178-02	Page 2, paragraph 5
CL178-03	Page 2, paragraph 5
CL178-04	Page 2, paragraph 5
CL178-05	Page 3, paragraph 5
CL178-06	Page 5, paragraph 1
CL178-07	Page 5, paragraph 1
CL179	Full letter

Comment Number	Location in Comment Letter
CL180	Page 1, paragraph 1
CL181	Page 1, paragraph 1
CL182	Page 1, paragraph 5
CL183	Page 1, paragraph 1
CL184	Page 1, paragraph 1
CL185	Page 2, paragraph 1
CL186	Page 1, paragraph 1
CL187-01	Page 1, paragraph 3
CL187-02	Page 1, paragraph 3
CL187-03	Page 1, paragraph 4
CL187-04	Page 2, paragraph 4
CL188-01	Page 3, paragraph 2
CL188-02	Page 4, paragraph 4
CL188-03	Page 5, paragraph 2
CL189	Full letter

Summary of Objections and Recommendations during the 45-Day Comment Period

The Department of Toxic Substances Control (DTSC) received 189 comment letters during the 45-day comment period from June 20, 2025, through August 4, 2025.

Of the commenters that had objections or asked for amendment, most asked for changes around four categories:

- Lower Bound
 - Asking for amendment of definition of “microplastics” to create a lower bound on the size of microplastics covered.
- Biodegradable
 - Asking for exemptions for products that contain biodegradable plastics.
- Water-Soluble
 - Asking for exemptions for products that contain water-soluble plastics.
- Secondary Microplastics
 - Asking for exemptions for products that generate secondary microplastics.

DTSC has decided not to change our proposed regulation based on these comments. This stage of our regulatory process is focused on identifying chemicals that exhibit a hazard trait and/or an environmental or toxicological endpoint. Such chemicals have the potential to negatively affect the health of Californians or the environment.

Regardless of the type of plastics or products they are derived from, microplastics are chemicals that are problematic because they display at least one of the following hazard traits: particle size and fiber dimension, persistence, and environmental mobility. There is no lower size limit that makes these hazards go away. Microplastics are contained in and generated by consumer products, have been found in California’s environment, and have the potential to cause harm to our health or to other organisms. Therefore, DTSC seeks the ability to consider products containing or generating microplastics for future regulatory action.

This initial step of listing microplastics on the Candidate Chemicals List does not ban microplastics, nor does it create any regulatory requirements for manufacturers of products that contain or generate microplastics. Any subsequently proposed Priority Products related to microplastics will involve an evaluation of potential exposures and significant or widespread adverse impacts associated with those specific products, as well as a formal rulemaking process with opportunity for public input. Any restrictions in scope would occur at that stage. Thus, our proposed regulatory text is appropriate for the stage we are at in our regulatory process.

We address below the specific comments from each of the objections and requests for amendment, along with those from the other 169 commentors that supported our rulemaking.

We grouped and summarized the comments according to the listed themes, presenting summaries and responses in each section.

- i. Comments expressing support for the proposed regulation
- ii. Comments suggesting specific products
- iii. Comment requesting microplastic maps
- iv. Comments recommending coordination with other entities
- v. Comment recommending adoption of “essential use” concept
- vi. Comment recommending reliable information considerations

- vii. Comments requesting clarification
- viii. Comments concerning Priority Product requirements
- ix. Comments challenging the rulemaking package's supporting information
- x. Comments recommending further consideration of negative impacts
- xi. Comments recommending DTSC align its work with other regulatory bodies
- xii. Comments challenging DTSCs ability to regulate products
- xiii. Comments challenging DTSC's authority
- xiv. Comments requesting a change to the proposed definition of "microplastics"
 - a. Comments requesting a lower size limit
 - b. Comments requesting alignment with the European Union definition
 - c. Comments suggesting adding a definition of "plastics"
 - d. Comment suggesting the addition of material/structure type and physical form distinctions
 - e. Comment requesting specific emphasis on microbeads, polymer types and environmental persistence
 - f. Comments requesting an exemption for biodegradable materials
 - g. Comment requesting an exemption for chemicals and primary microplastics
 - h. Comment requesting an exemption for essential-use materials
 - i. Comment requesting an exemption for inorganic materials
 - j. Comments requesting an exemption for natural polymers
 - k. Comments requesting DTSC account for modified physical properties
 - l. Comments requesting an exemption for secondary microplastics
 - m. Comments requesting an exemption for water soluble polymers
 - n. Comment requesting a focus on high-risk microplastics sources
 - o. Comment requesting precise chemical identification and polymers list
- xv. Comment with no content

i. Comments expressing support for the proposed regulation

Comments:	CL1, CL2, CL3-01, CL4, CL5, CL6, CL7, CL8, CL9, CL10, CL11, CL12, CL13, CL14, CL15, CL16, CL17, CL18, CL19, CL20-01, CL21, CL22, CL23, CL24, CL25, CL26, CL27, CL28, CL29, CL30, CL31, CL32, CL33, CL34, CL35, CL36, CL37, CL38, CL39, CL40, CL41, CL42, CL43, CL44, CL45, CL46, CL47, CL48, CL49, CL50, CL51, CL52, CL53, CL54, CL55, CL56, CL57, CL58, CL59, CL60, CL61, CL62, CL63, CL64, CL65, CL66, CL67, CL68, CL69, CL70, CL71, CL72, CL73, CL74-01, CL75, CL76, CL77, CL78, CL79, CL80, CL81, CL82, CL83, CL84, CL85, CL86, CL87, CL88, CL89, CL90, CL91, CL92, CL93, CL94, CL95, CL96, CL97, CL98, CL99, CL100, CL101, CL102, CL103, CL104, CL105, CL106-01, CL107,
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	CL108, CL109, CL110, CL111, CL113, CL114, CL115, CL116, CL117, CL118-01, CL119, CL121, CL122-01, CL123, CL124, CL125, CL126, CL127, CL128, CL129, CL130, CL131, CL132, CL133, CL134, CL135-01, CL136, CL137, CL138, CL139, CL140, CL141, CL142, CL143, CL144, CL145, CL147, CL148, CL149, CL150-01, CL151, CL152-01, CL154, CL155, CL156-01, CL157, CL166, CL168, CL169, CL170, CL171, CL173, CL174, CL175-01, CL175-02, CL176, CL179, CL180, CL181, CL184, CL185, CL186, CL189
Summary:	These comments express general support for DTSC's proposal to list microplastics as a Candidate Chemical, or they provide supplemental information that supports the rulemaking package.
DTSC Response:	DTSC acknowledges the support offered by these comments.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

ii. Comments suggesting specific products

Comments:	CL3-02, CL20-02, CL74-02, CL118-03, CL118-04, CL118-05, CL120, CL122-03, CL122-04, CL135-02, CL183
Summary:	These comments were supportive of our proposal and suggest specific products and product-types for DTSC to evaluate including textiles, children's products, agricultural products, artificial turf, playground surfaces, garden materials, packaging, and daily consumables.
DTSC Response:	DTSC appreciates the recommendations for specific products to evaluate.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

iii. Comment requesting microplastic maps

Comment:	CL118-02
Summary:	This comment requests DTSC develop maps that identify regions with high levels of microplastic generation and presence.
DTSC Response:	DTSC may consider microplastic distribution in California as a potential factor in future Priority Product listings.

Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.
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iv. Comments recommending coordination with other entities

Comments:	CL122-02, CL150-02
Summary:	These comments recommend we align our microplastics work with the Extended Producer Responsibility policy frameworks, SB 54, and the United Nations Global Plastics Treaty negotiations, in part to support environmental justice communities.
DTSC Response:	DTSC values environmental justice, and we will continue to collaborate with other entities and initiatives.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

v. Comment recommending adoption of “essential use” concept

Comment:	CL150-03, CL150-05
Summary:	These comments recommended that DTSC adopt the concept of “essential use” by only allowing the use of plastics when their use is necessary for health, safety or societal functions, no safer alternatives exist, and they can be contained or recovered without environmental release. They ask DTSC to evaluate plastic turf and determine that it is not a necessary product to have on the market.
DTSC Response:	Our Alternatives Analysis process addresses necessity and the existence of safer alternatives. While outside the scope of this rulemaking, we may consider in the future adopting other components of "essential use" into our regulatory framework.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.

vi. Comment recommending reliable information considerations

Comment:	CL175-03
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Summary:	This comment recommends that DTSC account for industry sponsorship and conflicts of interest when considering reliable information to support adding chemicals to the Candidate Chemicals List.
DTSC Response:	DTSC already accounts for industry sponsorship and author conflicts of interest when considering reliable information in support of rulemaking.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.

vii. Comments requesting clarification

Comments:	CL146-01, CL150-04, CL163-05, CL165-02, CL165-05
Summary:	These comments suggest that DTSC should clarify the rulemaking's applicability. One commenter would like DTSC to refine the "microplastics" definition by clarifying if the definition applies exclusively to finished consumer products, and to distinguish between microplastics newly introduced to the market and those already present in the environment. Commenters would also like DTSC to clarify how materials that are semi-solid or amorphous would be classified, and to indicate whether enforcement discretion would be applied to non-solid or semi-solid polymeric materials. According to one commenter "Solid" is a characteristic consistent with the concerns associated with microplastics, polymers that are not solid particles are not "microplastics", and individual molecules are not particles. Another commenter suggests that DTSC should provide more information on how secondary release will be defined during product use or end of life to avoid regulatory uncertainty and unintended consequences. Another commenter suggests that DTSC should clearly state that the Candidate Chemical Listing includes plastic particles smaller than 1 micron to ensure nanoplastics are not excluded from Priority Product consideration.
DTSC Response:	This regulation does not apply any requirements to consumer products or manufacturers of consumer products. This regulation adds microplastics to DTSC's Candidate Chemicals List so that in the future DTSC can evaluate and consider regulating products that may contain or release microplastics. Any future regulation of products would require rulemaking and an opportunity for public comment would be provided. This is all clear from the existing framework and the text of the proposed regulation. Additionally, the proposed regulation does not include a lower-limit for the size distribution of microplastics, thus all particles less than 5 millimeters in size are captured in the proposed definition of microplastics. It is clear

	from the proposed regulatory text that microplastics smaller than 1 micron (nanoplastics) are still microplastics.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

viii. Comments concerning Priority Product requirements

Comments:	CL146-02, CL153-01, CL153-03, CL161-03, CL162-03, CL163-07, CL167-03, CL172-06, CL177-03, CL178-06, CL187-04
Summary:	These comments oppose our proposal and raise concerns about potential Priority Products and the potential regulatory requirements that may follow. Commenters assert that future regulatory activity should be directed at meaningfully reducing microplastic release, and that DTSC needs to conduct an economic impact analysis and scientific analysis before listing broad product categories. Commenters are concerned that Priority Product Notifications would be unworkable for products that generate secondary microplastics, Alternatives Analyses would be problematic, and that there would be an inadequate amount of time for companies to comply. Commenters were also concerned about future regulatory action on textiles, apparel, home appliances, laundry appliances, tires, personal care products, cosmetics, over-the-counter drugs, and products containing glitter.
DTSC Response:	This proposed regulation does not pertain to any product categories, nor does it impose any requirements on manufacturers, such as submitting Priority Product Notifications or Alternatives Analyses. Listing microplastics as a Candidate Chemical will allow DTSC to evaluate a wide range of potential Priority Products that can lead to exposure to microplastics and may contribute to or cause significant or widespread impacts. Proposed Priority Product listings will go through their own rulemaking process with opportunities for public input.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

ix. Comments challenging the rulemaking package's supporting information

Comments:	CL146-03, CL164-07, CL172-04
Summary:	These comments argue that DTSC did not support this rulemaking package with "reliable information", and that further research is necessary to develop reliable information. One commenter highlighted an External Scientific Peer Reviewer's remark about the variation of

	literature findings on the persistence and half-lives of microplastics. They recommend either developing what they call “a scientifically supported” definition of microplastics, restricting the scope to toxic materials resulting in microplastic pollution, or not finalizing the listing.
DTSC Response:	DTSC's proposal is supported by reliable information. In addition, DTSC submitted its proposed rulemaking for External Scientific Peer Review as provided by Health and Safety Code section 57004. The reviewers agreed that there is sufficient scientific information to support this rulemaking package.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

x. Comments recommending further consideration of negative impacts

Comments:	CL146-05, CL158-04, CL158-05
Summary:	These comments argue that adding microplastics to the Candidate Chemicals List will create negative outcomes for consumers and businesses such as enormous compliance costs, legal uncertainty, reduced consumer choice, higher costs for consumers, loss of access to essential products, and longer construction timelines. Commenters also warn that DTSC may compromise the success of existing sustainability programs and misrepresent safe products. Commenters suggest that DTSC conduct an economic and public safety analysis.
DTSC Response:	As part of this regulatory process, DTSC has considered the impact of these regulations on consumers and businesses. Adding microplastics to the Candidate Chemicals List does not create any new regulatory requirements, and it will have no impact on consumers or businesses. If DTSC proceeds with future rulemaking on a proposed Priority Product listing, we will conduct an economic impact assessment and consider impacts to consumers and businesses at that time.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

xi. Comments recommending DTSC align its work with other regulatory bodies

Comments:	CL153-02, CL163-08, CL177-04, CL178-07, CL188-03
Summary:	These comments argue that we should align our work with other regulatory agencies, international standards, and laws under development to ensure that regulatory actions are complementary and

	avoid conflicts. Some commenters specify that we should adopt a definition of microplastics from other regulatory models. Specific agencies or initiatives mentioned include the Ocean Protection Council, State Water Resources Control Board, state ban bills, Assembly Bill 823, federal Microbead-Free Waters Act, the United Nations, the International Organization for Standardization (ISO), and the European Union Registration, Evaluation, Authorization and Restriction of Chemicals (REACH).
DTSC Response:	As part of this rulemaking process, DTSC has evaluated relevant state and federal regulations. DTSC determined that no state or federal regulations overlap or conflict with the proposed regulation. If DTSC proceeds with a proposed Priority Product listing, DTSC will evaluate potential overlaps and conflicts with state and federal regulations for that specific product-chemical combination. DTSC also coordinates with other agencies to further the mission and efficiency of our work. Different statutes and regulations, both within California and in other jurisdictions, may include the use of words and particular definitions of those words relevant to that particular law or regulation. The same is true of this proposed definition for the word “microplastics”, which is only relevant within our Safer Consumer Products framework. This means that definitions found in other regulatory settings, perhaps ones that include rule-language meant to provide exemptions to that particular regulatory scheme, would not be appropriate for adoption within our framework. While there may be value in uniformity of the substance of regulatory requirements, the form of particular schemes and the form of statutory text may vary greatly between topics, jurisdictions, nations, and continents. Our use of the word “microplastics” is particular to our regulatory scheme.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

xii. Comments challenging DTSCs ability to regulate products

Comments:	CL160-02, CL162-01, CL172-02
Summary:	These comments argue that the SCP Program was designed to regulate chemicals intentionally added to consumer products and argue that secondary microplastics are not intentionally added to products. Commenters argue that the Candidate Chemical Listing would not give DTSC authority to regulate secondary microplastics, or that the Candidate Chemical Listing would not give DTSC authority to regulate any products since most microplastics in the environment are secondary microplastics.

DTSC Response:	This proposed regulation pertains to adding microplastics to the Candidate Chemicals List. Nothing in the authorizing statutes or in the existing regulatory framework suggest that DTSC is limited to regulating only “intentionally added” chemicals found in consumer products. DTSC adds chemicals to the Candidate Chemicals List that exhibits one or more hazard traits or toxicological endpoints. While potentially relevant to future regulatory action on products containing or generating microplastics, whether microplastics are primary or secondary is irrelevant to the listing of microplastics on the Candidate Chemicals List.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

xiii. Comments challenging DTSC’s authority

Comments:	CL158-01, CL158-02, CL159-01, CL160-01, CL161-02, CL162-02, CL163-01, CL164-01, CL164-06, CL167-02, CL172-01, CL172-03, CL172-05, CL182, CL187-01
Summary:	These comments argue that DTSC did not meet all statutory and regulatory requirements to add microplastics to the Candidate Chemicals List and that microplastics do not meet the definition of "chemical". Commenters argue that DTSC failed to consider 22 CCR 69502.2 (b)(1)(A), and 22 CCR 69502.2 (b)(1)(B) which "shall" be considered. Commenters argue that microplastics do not have a particular molecular identity and that microplastics do not meet <i>all</i> of the defined molecular identity properties. Commenters argue that not all microplastics (such as biodegradable microplastics and other polymeric-based particles like silk or wool) exhibit the three hazard traits DTSC identified (environmental persistence, mobility in environmental media, and particle size or fiber dimension), and that either DTSC inadequately evaluated the potential for adverse impacts, or that there is no evidence of adverse impacts across all formulations. Commenters also argue that the SCP Regulations do not allow for including secondary microplastics in the definition of microplastics because the SCP Regulations are intended to regulate products <i>containing</i> a Candidate Chemical. Commenters argue that providing requisite specificity about chemicals at later stages, after product selection, is not supported by the statute and lacks specificity of hazard identification to notify manufacturers and the public of Candidate Chemicals.
DTSC Response:	DTSC’s authority to establish a Candidate Chemicals List is found in article 14 of chapter 6.5 of division 20 of the Health and Safety Code. “[T]he statutory scheme itself remains relatively sparse.” (<i>American Chemistry Council v. Department of Toxic Substances Control</i> (2022) 86

Cal.App.5th 146, 167.) The overall goals can be “described as ‘significantly reducing adverse health and environmental impacts of chemicals used in commerce, as well as the overall costs of those impacts to the state’s society, by encouraging the redesign of consumer products, manufacturing processes, and approaches.’” (*Id.*, at 169; Health & Saf. Code, section 25255, subd. (a).)

The statutory scheme includes a core authorization for further regulatory action. The statute requires DTSC “to adopt regulations ‘to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern.’” (*American Chemistry Council v. Department of Toxic Substances Control* (2022) 86 Cal.App.5th 146, 168; Health & Saf. Code, section 25252, subd. (a).) “These regulations must ‘establish an identification and prioritization process that includes, but is not limited to,’ three considerations: (1) the ‘volume of the chemical in commerce in this state’; (2) the ‘potential for exposure to the chemical in a consumer product’; and (3) the ‘[p]otential effects on sensitive subpopulations, including infants and children.’” (*Id.*, at 168; Health & Saf. Code, section 25252, subd. (a)(1)–(3).)

“The regulations ultimately adopted to implement the Green Chemistry law are called the Safer Consumer Products regulations.” (*American Chemistry Council v. Department of Toxic Substances Control* (2022) 86 Cal.App.5th 146, 170; See Cal. Code Regs., tit. 22, section 69501 et seq.) “Candidate chemicals are those chemicals that are considered to be ‘a candidate for designation as a Chemical of Concern’ under the regulatory scheme.” (*Id.*; Tit. 22, section 69501.1, subd. (a)(19).) “The [Candidate Chemicals List] is derived either through reference to lists created by other identified national and international bodies or through an independent evaluation by [DTSC] that considers enumerated adverse impacts, particularly on sensitive subpopulations, and both potential and actual exposure to the chemical in question.” (*Id.*; See tit. 22, section 69502.2.)

This proposed regulation is an amendment to the Safer Consumer Products regulations that will add microplastics to the Candidate Chemicals List as defined. As explained in our technical and regulatory documents, microplastics are present throughout commerce in this state, there are consumer products that may expose people and the environment to microplastics, and microplastics have potential adverse effects on all populations, including sensitive subpopulations, such as infants and children. Identifying microplastics as potential chemicals of concern is well within the statutory mandate “[...] to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern.” (Health & Saf. Code, section 25252, subd. (a).)

	In addition, adding microplastics to the Candidate Chemicals List is in line with the existing regulatory framework. All microplastics exhibit the particle size or fiber dimension hazard trait. Most microplastics also exhibit mobility in environmental media and environmental persistence. Microplastics are also ubiquitous in the environment and have been shown to cause adverse impacts to endangered or threatened species. In addition, published peer-reviewed research has suggested the potential for microplastics to harm humans, and most humans on the planet are likely exposed to microplastics daily in their environment, food, and water. Some commentors have argued that “microplastics” are more than one chemical and therefore cannot be added to the Candidate Chemicals List through one rulemaking containing one categorical definition. However, there is nothing in the statutes or regulatory history that even implies categorical identities are unauthorized. The Candidate Chemicals List already contains categorical listings, such as with per- and polyfluoroalkyl substances (PFASs). And the alternate would be absurd—a near infinite list of chemical formulas describing each possible microplastic. The definition we have provided for microplastics is a reasonable addition to the Candidate Chemicals List. “The law favors substance over form.” (Civ. Code, section 3528) There are arguments by some commentors suggesting that because much of the regulatory framework speaks of chemicals “in” a product, rather than “generated by,” that we lack the authority to regulate exposures to potential hazards to health and the environment from their products that contain one description of a chemical but generate another. They are mistaken. Our authority is not so limited. However, important for the present rulemaking, our proposed regulation does not include any prioritization of products or establish any requirements on manufactures. Arguments about our authority to take future action are not relevant to our authority to promulgate this proposed regulation.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

xiv. Comments requesting a change to the proposed definition of “microplastics”

a. Comments requesting a lower size limit

Comments:	CL159-04, CL163-06, CL164-02, CL172-08, CL177-08, CL187-03
Summary:	These comments suggest that DTSC should narrow the definition of "microplastics" by adding a lower particle size limit. Commenters argue that a lower size limit is necessary to reliably distinguish microplastics from non-microplastics with current analytical methods, to ensure the regulation can be enforced, and for consistency with other definitions.

	Suggested lower size limits include 100 nanometers and 1 µm. As an alternative, one commenter would like DTSC to at least acknowledge in the FSOR that DTSC will focus on particles above a specified lower size limit in practice.
DTSC Response:	DTSC is not including a lower size limit to its definition of "microplastics" in order to allow evaluation of a wide range of potential Priority Products that have the potential for exposures and may contribute to or cause significant or widespread impacts. There is no lower size limit at which the hazard traits identified in the technical document that forms the basis for this proposed rulemaking no longer apply.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

b. Comments requesting alignment with the European Union definition

Comments:	CL159-07, CL178-05
Summary:	These comments suggest that DTSC should revise its definition of "microplastics" by aligning it with the European Union (EU) definition. Specifically, commenters suggest that DTSC should adopt the same exclusions as the EU and include explicit timelines. Commenters argue that such revision would reinforce harmonious trade relationships, avoid conflicting requirements, ensure global competitiveness for California manufacturers, and provide clearer compliance pathways.
DTSC Response:	The EU exclusions and timelines pertain to restrictions on the use of microplastics in consumer products. In contrast, this proposed rulemaking would not set any restrictions on the use of microplastics in products. Rather, it defines and adds microplastics to DTSC's Candidate Chemicals List. Adopting specific exclusions or timelines would be premature at this point and could limit our ability to look at certain microplastics in specific products. By not including exclusions and timelines DTSC will retain its ability to subsequently evaluate specific consumer products containing or generating any microplastics for potential designation as Priority Products through the formal rulemaking process, which includes opportunity for public comment.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

c. Comments suggesting adding a definition of "plastics"

Comments:	CL152-02, CL156-02
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Summary:	These comments suggest that DTSC should revise its definition of "microplastics" to include a definition of "plastics". One commenter suggests including or referring to the definition of plastics included in SB 54 (Public Resources Code section 42041(t)). Commenters argue that this revision would provide greater clarity about the scope of the term and increase its utility.
DTSC Response:	DTSC is not explicitly defining "plastics" in the regulation because "plastics" has an ordinary English meaning.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

d. *Comment suggesting the addition of material/structure type and physical form distinctions*

Comment:	CL165-01
Summary:	This comment suggests that DTSC should revise its definition of "microplastics" by distinguishing material type or structure type, physical form, solubility, and biodegradability. The commenter argues that such revision could improve the ability to assess risk and help to avoid inadvertently including materials that do not exhibit persistence or other environmental behaviors typically associated with microplastics.
DTSC Response:	DTSC's Safer Consumer Products Regulations are designed to address chemical hazard, not risk, and the proposed regulation is not meant to improve our ability to do risk assessments. DTSC proposes adding microplastics to the Candidate Chemicals List to allow us to evaluate and potentially regulate specific consumer products that contain or generate these chemicals. All microplastics, regardless of structure type, physical form, solubility, or biodegradability, exhibit at least one hazard trait that justifies their inclusion as a chemical class on the Candidate Chemicals List. If DTSC subsequently proposes listing any Priority Products related to microplastics, the potential for exposures and significant or widespread adverse impacts will be evaluated on a case by case basis.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.

e. *Comment requesting specific emphasis on microbeads, polymer types and environmental persistence*

Comments:	CL118-06
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Summary:	This comment suggests that DTSC should enhance its definition of "microplastics" by specifically emphasizing microbeads, polymer types, and their various degradation sources and by including the persistence of microplastics in the environment.
DTSC Response:	DTSC's definition of "microplastics" already covers microbeads and all plastic polymer types, irrespective of their degradation sources. Thus, DTSC believes that specifying microbeads, polymer types, and their various degradation sources will not enhance the definition but rather might create confusion as to what is in or out of scope of the definition. Persistence is a hazard trait shared by most microplastics and is discussed as such in the technical document that forms the basis for this proposed rulemaking, but it is not necessary or appropriate to include in the definition.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.

f. Comments requesting an exemption for biodegradable materials

Comments:	CL106-02, CL159-02, CL163-03, CL164-03, CL165-04, CL177-05, CL178-03, CL188-01
Summary:	These comments suggest that DTSC should revise its definition of "microplastics" to exclude biodegradable materials. Commenters suggest adopting biodegradability criteria that aligns with international standards or the European Union, or adding exemptions for third-party certified biodegradable/compostable plastics. Commenters argue that biodegradable materials are not a source of microplastic pollution, and that treating all microplastics the same discourages innovation of greener and more sustainable alternatives. Commenters note that a biodegradable exemption is necessary to provide more regulatory precision, to focus only on persistent microplastics, to more accurately characterize risk, and to avoid inadvertently capturing synthetic polymers such as certain pharmaceutical excipients that degrade or dissolve and do not pose environmental risk.
DTSC Response:	All microplastics, including biodegradable ones, exhibit at least one hazard trait under the Safer Consumer Products Regulations, namely the particle size and fiber dimension hazard trait. Therefore, it is appropriate for DTSC to designate the entire class of microplastics as a Candidate Chemical. However, any subsequent proposed Priority Product listings related to microplastics will involve an evaluation of potential exposures and significant or widespread adverse impacts associated with those

	specific products, as well as a formal rulemaking process with opportunity for public input.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

g. Comment requesting an exemption for chemicals and primary microplastics

Comment:	CL187-02
Summary:	This comment requests that “DTSC exempt microplastics that are neither chemicals nor primary microplastics, including those related to BPI-certified, or biodegradable, products.”
DTSC Response:	All microplastics are chemicals. The specific reasons why microplastics are present in products or in the environment are beyond the scope of this regulation. This proposed regulation defines microplastics and adds them to the Candidate Chemicals List. Much of the published literature on biodegradation suggests that it may only occur at satisfactory rates under carefully controlled conditions, whereas those same plastics may not degrade so readily under certain environmental conditions.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.

h. Comment requesting an exemption for essential-use materials

Comment:	CL146-04
Summary:	This comment suggests that DTSC should revise its definition of "microplastics" to exempt essential-use materials like fire-resistant building materials.
DTSC Response:	The proposed regulation does not create any new regulatory requirements or pertain to specific products; it allows DTSC to evaluate specific product-microplastics combinations for possible designation as Priority Products. Priority Product listings need to meet a series of requirements as prescribed by the Safer Consumer Products Regulations and have their own rulemaking process, which includes the opportunity for public comments. In addition, the SCP Regulations require that when evaluating products to identify potential Priority Products, DTSC must consider whether products are regulated under “other regulatory programs”.

Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.
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i. Comment requesting an exemption for inorganic materials

Comment:	CL177-06
Summary:	This comment requests that DTSC revise its definition of "microplastics" to exempt inorganic (i.e., non-carbon based) materials, such as silica and clay.
DTSC Response:	DTSC does not need to explicitly exempt non-carbon based materials from its definition of "microplastics". The ordinary meaning of "plastic" refers to carbon-based materials.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.

j. Comments requesting an exemption for natural polymers

Comments:	CL159-05, CL163-02, CL177-01, CL178-04
Summary:	These comments request that DTSC narrow its definition of "microplastics" to exclude polymers derived in nature and natural polymers that have not been chemically modified. Commenters suggest either reinstating the same exclusion that was in DTSC's previous technical document or integrating European Union-style qualifiers to provide more regulatory precision.
DTSC Response:	A polymer that is not a plastic is also not a microplastic. This is clear in our proposed definition of microplastics. Further clarity is not needed. Back in 2023, DTSC's preliminary screening report referenced the "microplastics" definition from the State Water Resources Control Board. Since then, DTSC has further refined its "microplastics" definition to ensure greater clarity as well as to maximize DTSC's ability to address potential exposures to microplastics and their associated significant or widespread adverse impacts through its Priority Product listing process. Further regulatory precision will be provided if DTSC proposes to list any microplastics-related Priority Products, which will be done through a formal rulemaking process with opportunity for public comment.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

k. Comments requesting DTSC account for modified physical properties

Comments:	CL177-02
Summary:	This comment requests DTSC revise its definition of "microplastics" by accounting for the fact that the physical properties of a microplastic may be permanently modified during the manufacturing and the intended end use, such that the polymer would no longer meet the definition of a microplastic and should thus not be included.
DTSC Response:	If a microplastic is physically modified during the product manufacturing process such that it no longer meets our proposed definition of microplastic, then it stands to reason the final product would no longer contain a Candidate Chemical (i.e., microplastic) and could not be subjected to regulation through our Priority Product listing process.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.

l. Comments requesting an exemption for secondary microplastics

Comments:	CL159-06, CL161-01, CL164-05, CL167-01, CL172-07, CL178-01
Summary:	In an effort to limit DTSC's definition of "microplastics" to intentionally added microplastics, these comments request that DTSC exclude microplastics that are generated by the fragmentation of larger plastics from its definition. Commenters note that companies typically do not add anything called microplastics to products, and that secondary microplastics are not in consumer products, nor can they be prone to alternatives assessment or chemical substitution. Commenters also note that secondary microplastics cannot be feasibly identified, tracked, or substituted at the product level. Commenters argue that such change is necessary as a practical consideration, to provide more regulatory precision, and to integrate European Union-style qualifiers.
DTSC Response:	Manufacturers do in fact add microplastics, and even nanoplastics, to some products. These are often referred to as "nurdles" or "microbeads" in the manufacturing industry. Indeed, laws have been passed in California and elsewhere that restrict the use of microplastics in some products. In addition, there are secondary microplastics in, and released from, plastic products. For example, secondary microplastics have been detected in foods and beverages packaged in plastic, and it is well-established that secondary microplastics generated by the degradation of plastic articles are the primary source of plastic contamination in the environment.

	Regardless, the source of the microplastics is irrelevant to this proposed rulemaking. This proposed rulemaking intends to add microplastics to the Candidate Chemicals List. It is not specific to any products. If DTSC proceeds to proposing Priority Products related to microplastics, there will be a separate rulemaking with opportunity for public comment.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

m. Comments requesting an exemption for water soluble polymers

Comments:	CL159-03, CL163-04, CL164-04, CL165-03, CL177-07, CL178-02
Summary:	These comments request that DTSC revise its definition of "microplastics" to exclude water soluble polymers. Commenters suggest integrating an exclusion for polymers that meet recognized water solubility standards such as those developed by the EU. Commenters argue that treating all microplastics the same discourages innovation of greener and more sustainable alternatives. Commenters note that such change is necessary to accurately characterize risk, to avoid capturing particles that are neither persistent nor a source of microplastic pollution, and to avoid inadvertently capturing synthetic polymers such as certain pharmaceutical excipients that degrade or dissolve and do not pose environmental risk.
DTSC Response:	All microplastics, including those derived from water soluble polymers, exhibit at least one hazard trait under the Safer Consumer Products Regulations, namely the particle size and fiber dimension hazard trait. Therefore, it is appropriate for DTSC to designate the entire class of microplastics as a Candidate Chemical. However, any subsequent proposed Priority Product listings related to microplastics will involve an evaluation of potential exposures and significant or widespread adverse impacts associated with those specific products, as well as a formal rulemaking process with opportunity for public input. If a Priority Product is adopted, DTSC's Alternatives Analysis process promotes innovation and helps identify any safer alternatives.
Outcome:	No changes were made to the proposed regulation or supporting documents based on these comments.

n. Comment requesting a focus on high-risk microplastics sources

Comment:	CL158-03
Summary:	This comment requests that DTSC narrow its definition of "microplastics" to focus on specific high-risk microplastic sources. The commenter

	argues that the proposed definition sends a misleading message to consumers about product hazards and toxicity.
DTSC Response:	The proposed regulation does not pertain to any specific products or sources of microplastics. It defines microplastics and adds them to the Candidate Chemicals List because they all display at least one hazard trait according to the Safer Consumer Products Regulations.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.

o. Comment requesting precise chemical identification and polymers list

Comment:	CL188-02
Summary:	This comment requests that DTSC revise its definition of "microplastics" by providing a more precise chemical identification definition paired with a list of polymers of concern that could be updated to add or subtract certain polymers commensurate to the science. The commenter suggests a phased approach to regulating microplastics by focusing first on high-priority subclasses, and excluding materials that do not exhibit environmental persistence, environment rapid mobility, and those that are not reported in environmental monitoring studies, with data-driven expansions over time. The commenter argues that such approach would better serve the goals of the SCP Regulations.
DTSC Response:	All microplastics, regardless of the polymer type, exhibit at least one hazard trait under the Safer Consumer Products Regulations, namely the particle size and fiber dimension hazard trait. Therefore, it is appropriate for DTSC to designate the entire class of microplastics as a Candidate Chemical. However, any subsequent proposed Priority Product listings related to microplastics will involve an evaluation of potential exposures and significant or widespread adverse impacts associated with those specific products, as well as a formal rulemaking process with opportunity for public input. DTSC appreciates and will consider the suggestion to focus on higher priority microplastics when we evaluate products for potential Priority Product listing. However, attempting to classify microplastics and exclude those of "lower concern" would be premature at this point because DTSC has no way of ascertaining what microplastics in which products may or may not be of "concern." This rulemaking only adds microplastics to the Candidate Chemicals List to eventually allow us to evaluate products and make such determinations.

Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.
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xv. Comment with no content

Comment:	CL112
Summary:	This comment is blank.
DTSC Response:	Although the comment period for this rulemaking package has concluded, DTSC will continue to have opportunities to provide input on future rulemaking packages.
Outcome:	No changes were made to the proposed regulation or supporting documents based on this comment.