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19 *** *Pro Hac Vice application forthcoming*

20
21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**
23 **WESTERN DIVISION**

24 QUADRANT PERFORMANCE
25 MATERIALS, LLC, a Texas limited
26 liability company,

27 Plaintiff,

28 v.

KATHERINE M. BUTLER, Director of
the California Department of Toxic
Substances Control,

Defendant.

Case No. 2:26-cv-10704

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1
2 1. As a condition to sell its products in California, the State requires
3 producers of spray polyurethane foam (spray foam) to first fund private research
4 aimed at replacing the products they sell, effectively funding the termination of their
5 business—research those companies cannot direct, cannot veto, and will never
6 benefit from.

7 2. That is the bargain California's Department of Toxic Substances
8 Control (DTSC) has struck for spray foam, a widely used home-insulation product.
9 Pursuant to state law, DTSC has ordered Plaintiff Quadrant Performance Material
10 (Quadrant) to fund other people's research into an alternative for Quadrant's product
11 indefinitely and with no promise Quadrant or anyone else will ever benefit from the
12 results.

13 3. Quadrant must pay two cents for every pound of spray foam it sells in
14 California—up to or exceeding \$4 million over five years—into a fund DTSC calls
15 the Green Chemistry and Engineering Innovation Fund.

16 4. A third party, not yet named by DTSC, will decide who receives that
17 grant money and what and how they study. Quadrant cannot apply for a grant itself.
18 And if a recipient discovers an alternative technology, it owes Quadrant nothing
19 beyond, at most, the option to license the invention on the recipient's own terms.

20 5. The spray foam industry is centered in Texas, not California. Only one
21 manufacturer sells spray foam made in California; the rest, including Quadrant, ship
22 their product in from out of state. DTSC's fund falls almost entirely on companies
23 with no presence in California at all.

24 6. The Constitution does not allow this. The First Amendment forbids the
25 government from compelling anyone to subsidize speech and research they do not
26 agree with. The dormant Commerce Clause forbids a state from burdening interstate
27 commerce to shield itself, or its favored recipients, from out-of-state competition.
28

1 And the Import-Export Clause forbids a state from imposing a duty on goods brought
2 in from another state without the consent of Congress.

3 7. Quadrant brings this action to stop DTSC from conditioning its right to
4 sell spray foam in California on funding research it did not choose, cannot direct,
5 and may never benefit from. It alleges the following:

6 JURISDICTION AND VENUE

7 8. Plaintiff brings this civil rights lawsuit pursuant to 42 U.S.C. § 1983 to
8 vindicate its constitutional rights under the U.S. Constitution's First Amendment,
9 Interstate Commerce Clause, and the Import/Export Clause.

10 9. This Court has jurisdiction over these claims for declaratory and
11 injunctive relief under 28 U.S.C. § 1331 (federal question), § 1343(a) redress for
12 deprivation of civil rights), and §§ 2201–2202 (the Declaratory Judgement Act).

13 10. Venue is proper in this Court under 28 U.S.C. § 1391(b), because
14 Defendant maintains multiple offices in this district and a substantial part of the acts
15 giving rise to Plaintiff's claims have occurred and will continue to occur in the
16 Central District of California.

17 PARTIES

18 11. Plaintiff Quadrant Performance Materials is a limited liability company
19 organized under Texas law. Founded in 2022, it manufactures and distributes spray
20 foam in and from Texas. Its line of spray foam products, EnviroSeal®, are
21 environmentally friendly, have low global warming potential, and deliver superior
22 comfort and savings for home and building owners.

23 12. Quadrant regularly sells its product to contractors and distributors
24 located in the Central District of California.

25 13. Defendant Katherine M. Butler is the Director of the California
26 Department of Toxic Substances Control and holds supervisory control over it. Cal.
27 Health & Safety Code § 58002. The California Department of Toxic Substances
28 Control is charged with overseeing the Safer Consumer Products Regulations which

1 includes establishing and implementing a research fund for priority projects. Cal.
2 Code Regs. tit. 22, § 69506.8. DTSC maintains office locations in the Central
3 District of California.

4 **FACTUAL BACKGROUND**

5 **Spray Foam**

6 14. Spray foam is a plastic insulation product applied by spraying a liquid
7 mixture that expands and hardens in place, sealing cracks and gaps that other forms
8 of insulation leave open, improving energy efficiency and comfort.

9 15. The chemistry behind spray foam dates to 1937, when Otto Bayer's
10 research team at IG Farben first synthesized polyurethane. Manufacturers have used
11 that chemistry to insulate buildings since the 1960s.

12 16. According to the U.S. Department of Energy, spray foam outperforms
13 conventional insulation. Spray foam provides roughly R-6.1 of insulating value per
14 inch—nearly double the roughly R-3.5 to R-3.8 per inch of standard fiberglass batt
15 insulation. A product's R-value is a measure of thermal resistance, specifically how
16 well a two-dimensional barrier resists the conductive flow of heat in the context of
17 construction. The higher the R-value, the more insulating the material is. Higher R-
18 values can reduce heating bills in cold weather and cooling bills in hot weather.
19 Spray foam's higher R-value, means that a wall insulated with closed-cell spray
20 foam can match fiberglass's performance with substantially less material and a
21 thinner wall cavity.

22 17. This efficiency carries real climate benefits. Each year, an estimated ten
23 percent of California homes are built with Spray Polyurethane Foam spray foam
24 insulation. Stephen Wieroniey, *SPF Benefits Support California's Energy Goals*,
25 Spray Foam Magazine (Sep. 10, 2018), <https://tinyurl.com/y6dtd33c>. This results in
26 energy efficiencies that could help eliminate approximately 800,000 metric tons of
27 carbon dioxide emissions annually, the equivalent of removing 2,700 cars from
28 California's roads each year. *Id.*

1 18. Spray foam has a variety of other uses, including roofing, pipeline
2 protection, and marine flotation.

3 19. Demand for spray foam is rising. The global spray foam market was
4 valued at roughly \$2.3 billion in 2023 and is projected to reach \$3.6 billion by 2030,
5 a compound annual growth rate of about 6.5 percent, as builders increasingly turn to
6 high-performance, air-sealing insulation. Grand View Research, *Spray Foam*
7 *Market Size, Share & Growth Report, 2030*.

8 20. The spray foam industry is heavily centered in Texas. There are more
9 spray foam producers in Texas than in any other state. Foam and Coating
10 Manufacturer, Spray Polyurethane Foam Alliance, <https://tinyurl.com/42ezju5v>.
11 There is only one remaining spray foam manufacturer in California. Even that
12 company maintains manufacturing sites outside of California.

13 **Quadrant Performance Materials**

14 21. Quadrant Performance Materials, LLC (Quadrant) manufactures spray
15 foam at its facility in McKinney, Texas. Quadrant is now the fifth largest spray foam
16 manufacturer in the country.

17 22. Quadrant sells its spray foam products to contractors and distributors
18 across the country, including in California, for use in residential, commercial, and
19 industrial construction. Because Quadrant sells through a distribution chain, it often
20 does not know the specific building, project, or end use for which its product is
21 ultimately purchased.

22 23. Mr. Robert Jamieson, Quadrant's founder and CEO, has worked in the
23 spray foam industry since 2011. He built Quadrant on the conviction that spray foam
24 is a better product—better for the homeowners and businesses who rely on it, better
25 for the builders who install it, better for the environment, and better for the American
26 manufacturers and workers who produce it.

27 24. Spray foam's superior insulating performance lowers energy costs for
28 the life of the building—a benefit that matters most in California, where energy costs

1 rank among the highest in the nation. California's own building codes recognize as
2 much: it credits spray foam's performance specifically enough to relax the State's
3 own minimum attic-insulation requirements when spray foam is used.

4 25. Quadrant has built its business by winning customers away from lower-
5 performing insulation products, and it intends to keep growing—including in
6 California, where it currently sells and wishes to continue selling.

7 26. California is a significant part of Quadrant's growth plans. It intends to
8 capture a greater market share of the insulation market in the state and the spray
9 foam market more specifically.

10 27. But Quadrant operates in an already difficult cost environment. Input
11 costs for spray foam manufacturers have risen sharply in recent years, and the cost
12 of building materials generally has increased across California. *See generally,*
13 *Construction Cost Impacts Report: December 2025*, XL Construction (Dec. 18,
14 2025), <https://tinyurl.com/2hnh2zpr>. Quadrant competes in a price-sensitive market
15 with thin and shifting profit margins, where even small increases in cost materially
16 affect its competitiveness.

17 28. Contractors and distributors will not absorb DTSC's fees themselves.
18 In many of Quadrant's distribution and sales agreements, contractors and
19 distributors have refused to bear any part of the cost of a government assessment
20 like this one. Faced with paying more for Quadrant's spray foam or switching to a
21 cheaper, lower-performing alternative like fiberglass, price-sensitive contractors and
22 distributors will likely switch.

23 29. That substitution defeats the very purpose DTSC claims to serve.
24 Fiberglass insulates homes less effectively than spray foam. Consumers who end up
25 with fiberglass instead of spray foam will pay more for energy for the life of their
26 building, builders will deliver a lower-performing product, and California will lose
27 the energy savings and the emissions reductions spray foam provides—the same
28 energy savings California's own building code was written to encourage.

Challenged Law

30. In 2008, the California legislature enacted the Green Chemistry Initiative to protect its residents from toxic chemicals. This included the passage of A.B. 1879 which created the California's Department of Toxic Substances and Control's (DTSC) safer Consumer Products program which requires DTSC to evaluate chemicals of concern in products and their potential alternatives and to encourage innovations in green chemistry.

31. In 2013, DTSC adopted its regulations establishing the Safer Consumer Products Program. This program established a four-step process involving listing Candidate Chemicals of concern; identifying Priority Products containing them; requiring manufacturers to produce Alternatives Analyses studying potential substitute chemicals for their products and developing Regulatory Responses to address the purported hazards.

32. As a part of the first step, DTSC listed thousands of chemicals "Chemicals of Concern" and then began identifying products which contained those chemicals.

33. One of those chemicals is unreacted methylene diphenyl diisocyanates (MDI) which is found in many products including spray foam. In 2014, DTSC identified spray foam products as a "Priority Product."

34. DTSC's stated concern was that the unreacted MDI in spray foam might cause workplace asthma. However, it could not cite a single incident of workplace asthma related to spray foam or MDI. In fact, to date, DTSC has never identified a single person who has been harmed by spray foam products in California.

35. Listing spray foam as a Priority Product triggered requirements for manufacturers of spray foam systems to determine if they could make those products safer. The SCP Regulations require manufacturers to either eliminate or replace MDI in their product or complete an Alternatives Analysis (AA) to continue selling their

1 product in California. Cal. Code Regs. tit. 22, § 69505.1. An Abridged AA Report
2 is submitted when manufacturers have not identified a feasible alternative.

3 36. On October 16, 2025, Quadrant submitted an Abridged AA Report.
4 Quadrant evaluated several types of alternatives, including those without MDI and
5 alternatives that may reduce exposure to MDI. They did not find these alternatives
6 to be functionally acceptable nor technically or economically feasible. DTSC issued
7 a Notice of Compliance for Quadrant's Abridged AA Report on April 28, 2026.
8 Exhibit A, Notice of Final Determination at 1.

9 37. DTSC has a range of options to respond to manufacturers who submit
10 Abridged AA Reports in order to mitigate against the unsubstantiated harms from
11 the chemical of concern within their product.

12 38. One of the options available to DTSC under Cal. Code Regs. tit. 22,
13 § 69506.8 is to "require the manufacturer to initiate a research and development
14 project or fund a challenge grant pertinent to the Priority Product that uses green
15 chemistry and/or green engineering principles to . . . design a safer alternative to
16 their product."

17 39. DTSC issued a Notice of Proposed Determination on May 14, 2026,
18 setting out the compliance requirements it intended to impose on Quadrant in order
19 to sell its products in California. DTSC issued its final determination on August 21,
20 2026. Ex. A, Notice of Final Determination.

21 **DTSC's Green Research Fund Requirements**

22 40. As a part of DTSC's Final Determination, DTSC imposed three
23 requirements on Quadrant. Cal. Code Regs. tit. 22, § 69506.8.

24 41. First, the Final Determination requires Quadrant to place safety and
25 PPE guidance information on the exterior of spray foam system drums and provide
26 further information on its website. This must be implemented within eighteen
27 months of the August notice. Quadrant does not challenge this requirement.
28

1 42. Second, the Final Determination mandates that spray foam can only be
2 applied by installers who have completed adequate health and safety training.
3 Quadrant must, in its sales agreements, require distributors and contractors doing
4 business in California to attest they require their applicators to complete the CPI
5 Spray Polyurethane Foam Health and Safety Training, or a similar program. The
6 implementation timeline for this rule is twelve months from the notice date.
7 Quadrant does not challenge this requirement.

8 43. Third, the Final Determination requires that the Quadrant pay \$0.02 per
9 pound of spray foam sold in California into a Green Chemistry and Engineering
10 Innovation Fund (Green Research Fund). The payments will last for five years or
11 until the department's funding goals are reached, on sales beginning July 1, 2026.

12 44. The extracted fees are intended to fund a grant for green research. All
13 payments will be made by Quadrant and other spray foam manufacturers subject to
14 similar determinations directly to a nongovernmental third-party administrator.

15 45. Payments are due quarterly, based on sales from the quarter two
16 quarters prior; the first payment, covering the sales quarter of July 1 through
17 September 30, 2026, is due January 1, 2027. The payments stop once the five-year
18 period is complete or until the spray foam companies have paid \$4 million,
19 whichever comes later. The \$4 million minimum includes funding provided by other
20 spray foam manufacturers.

21 46. Quadrant itself is responsible for providing the payments to the Green
22 Research Fund as a condition of selling its product in California. Ex. A, Notice of
23 Final Determination at 16.

24 47. The grant funds proposals to eliminate or reduce MDI from spray foam,
25 or engineered solutions to the tools used to apply spray foam systems that could
26 reduce exposure to MDI.
27
28

1 48. DTSC does not allow the spray foam companies to conduct their own
2 research with the allocated grant money; all money must be funneled through this
3 government-organized grant fund.

4 49. Any grant recipient that develops an innovation keeps the intellectual
5 property for it. Quadrant has no right to use the innovation unless the recipient
6 chooses to license it—and even then, only on the recipient’s own terms.

7 50. Quadrant itself is ineligible to receive grant funding.

8 51. DTSC has left Quadrant with a Hobson’s choice: fund research aimed
9 at replacing its own product—using methods and assumptions it has no control over,
10 and that could put it out of business—or stop selling spray foam in California.

11 52. Quadrant’s first payment under the Final Determination—covering
12 spray foam sold in California from July 1 through September 30, 2026—is due
13 January 1, 2027. Ex. A, Notice of Final Determination at 17. Absent an injunction,
14 Quadrant must make that payment, and every quarterly payment after it, or stop
15 selling spray foam in California.

16 53. Once paid, that money cannot be recovered. Payments go directly to a
17 nongovernmental third-party administrator, who distributes them to grant recipients
18 of the administrator’s choosing. Nothing in the Final Determination requires DTSC,
19 the administrator, or any grant recipient to return Quadrant’s payments if Quadrant
20 ultimately prevails in this action.

21 54. The harm compounds every quarter. Each payment funds research
22 aimed at replacing Quadrant’s own product, conducted using methods and
23 assumptions Quadrant cannot control, by recipients who owe Quadrant nothing in
24 return. That competitive injury—subsidizing a rival’s effort to develop a substitute
25 for one’s own product—cannot be undone by a later damages award, even assuming
26 one were available against DTSC.

27 55. Based on previous quarter sales, Quadrant expects to be required to pay
28 \$10,000 into to the Green Research Fund every quarter.

1 **CLAIMS FOR RELIEF**

2 **FIRST CAUSE OF ACTION:**

3 **Violation of the First Amendment**

4 **U.S. Const. amend. I and 42 U.S.C. § 1983**

5 56. Plaintiff realleges and incorporates by reference all allegations set forth
6 above as though fully stated herein.

7 57. The First Amendment, made applicable to the states and local
8 governments through the Fourteenth Amendment, prohibits states from “abridging
9 the freedom of speech.” U.S. Const. amend. I.

10 58. The Supreme Court has held that the freedom of speech “includes both
11 the right to speak freely and the right to refrain from speaking at all.” *Janus v. Am.*
12 *Fed’n of State, Cnty., & Mun. Emps., Council 31*, 585 U.S. 878, 892 (2018).

13 59. Compelling a person to *subsidize* the speech of other private speakers
14 raises similar First Amendment concerns. The First Amendment protects individuals
15 and businesses from government-compelled subsidization of speech to which they
16 object.

17 60. According to Thomas Jefferson, “to compel a man to furnish
18 contributions of money for the propagation of opinions which he disbelieves and
19 abhors is sinful and tyrannical.” A Bill for Establishing Religious Freedom, in 2
20 *Papers of Thomas Jefferson* 545 (J. Boyd ed. 1950).

21 61. By requiring Quadrant to pay two cents per pound of spray
22 polyurethane foam sold in the State, up to four million dollars, to a third party in
23 order to fund research, DTSC is requiring Quadrant to fund speech.

24 62. DTSC provides no mechanism for Quadrant to opt-out of funding this
25 speech, such as by doing the research itself.

26 63. Nor is this research neutral, disinterested science. While DTSC does
27 not dictate the research’s content it has predetermined its premises and its objective.
28

1 64. DTSC, without substantiation, asserts that Quadrant's product is
2 harmful; the research being funded is attempting to find a replacement for MDI
3 which Quadrant maintains does not exist or is not feasible; and California requires
4 that this research uses green chemistry and/or green engineering principles.

5 65. The Supreme Court has only asserted two narrow exceptions to this
6 general rule. When the speech being funded is government speech, or when the
7 money contributes to a broader regulatory scheme. *Johanns v. Livestock Mktg.*
8 *Ass'n*, 544 U.S. 550, 559–62 (2005) (government-speech exception); *Glickman v.*
9 *Wileman Bros. & Elliott, Inc.*, 521 U.S. 457, 469–70 (1997) (comprehensive-
10 regulatory-scheme exception); *United States v. United Foods, Inc.*, 533 U.S. 405,
11 411–16 (2001) (declining to extend either exception where neither is present).

12 66. The speech of the Green Research Fund is not government speech.

13 67. DTSC does not control the content of the research funded by the
14 mandatory assessments. The payments from the spray foam manufacturers go
15 directly to a third-party administrator. Then that nongovernmental third-party
16 administrator selects individuals or groups that will receive the money to fund
17 research proposals to eliminate or reduce MDI from spray foam.

18 68. Except to the extent that the research must use green chemistry and
19 green engineering principles, the DTSC has not prescribed the message,
20 methodology, or conclusions of that research.

21 69. DTSC has expressly disclaimed any role in administering the Green
22 Research Fund on an ongoing basis: "DTSC will have an oversight role and will
23 receive updates and reports but will not be involved in the daily operations." Ex. A,
24 Notice of Final Determination at 26. The Fund is instead run by a nongovernmental
25 third-party administrator who DTSC has not yet identified.

26 70. Because DTSC neither operates nor closely regulates the Fund it has
27 created, the comprehensive-regulatory-scheme exception recognized in *Glickman*
28 does not apply.

71. The principal object of the program is speech and research itself; it is not some ancillary component. The mandatory payments fund only the research of third parties. *See United Foods*, 533 U.S. at 415–16 (compelled subsidy invalid where funded speech, not some broader regulatory scheme, is the principal object of the program). On its face and as applied to Plaintiff, DTSC’s requirement that Quadrant subsidize the speech of private parties through the Green Research Fund violates the First Amendment.

72. Because DTSC’s Final Determination compels Quadrant to fund and subsidize speech in violation of the First Amendment, that violation is independently irreparable. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

SECOND CAUSE OF ACTION

Violation of the Interstate Commerce Clause

U.S. Const. art. I, § 8 and 42 U.S.C. § 1983

73. Plaintiff realleges and incorporates by reference all allegations set forth above as though fully stated herein.

74. The Interstate Commerce Clause grants Congress the exclusive power “[t]o regulate Commerce . . . among the several States[.]” U.S. Const. art. I, § 8, cl. 3.

75. The negative aspect of this positive grant of power, generally known as the dormant Commerce Clause, prohibits state laws that impose undue burdens on interstate commerce. *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970).

76. Under *Pike*, a law is unconstitutional where “the burden imposed on such commerce is clearly excessive in relation to the putative local benefits.” *Id.*

77. DTSC’s Final Determination conditions access to its market on manufacturers paying a mandatory assessment of two cents per pound of spray polyurethane foam sold in the State.

1 78. These assessments do not reimburse California for administering the
2 regulatory program or inspecting products sold within its borders. Rather,
3 manufacturers must collectively finance the Green Research Fund, which distributes
4 grants to research and develop alternatives to MDI-containing spray foam.

5 79. The burdens imposed by the assessment are immediate and concrete.

6 80. Because virtually all spray foam manufacturers operate outside
7 California, the practical effect of the assessment falls almost entirely on interstate
8 commerce.

9 81. By contrast, the asserted local benefits are highly speculative and
10 attenuated.

11 82. The Green Research Fund does not itself reduce worker exposure to
12 MDI, remediate existing harms, or fund the administration of California's regulatory
13 program. Instead, it finances research that might eventually identify alternatives.

14 83. There is no assurance that any funded project will succeed, that any
15 resulting technology will prove commercially viable, that any alternative product
16 will ultimately reduce occupational exposure risks (to the extent there are any risks
17 at all), or that any alternative product will be made available to manufacturers.

18 84. California has therefore imposed present burdens on interstate
19 commerce in exchange for uncertain future benefits that will likely never
20 materialize.

21 85. On its face and as applied to Plaintiff, DTSC's Final Determination
22 requiring Quadrant to fund the Green Research Fund violates the Interstate
23 Commerce Clause.

24 **THIRD CAUSE OF ACTION**

25 **Violation of the Import-Export Clause**

26 **U.S. Const. art. I, § 10 and 42 U.S.C. § 1983**

27 86. Plaintiff realleges and incorporates by reference all allegations set forth
28 above as though fully stated herein.

1 87. The Import-Export Clause provides that “No State shall, without the
2 Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except
3 what may be absolutely necessary for executing it’s inspection Laws: and the net
4 Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be
5 for the Use of the Treasury of the United States; and all such Laws shall be subject
6 to the Revision and Control of the Congress.” U.S. Const. art. I, § 10, cl. 2.

7 88. DTSC’s Final Determination effectively imposes a tax on spray foam
8 imported into California. Quadrant manufactures its spray foam exclusively in Texas
9 and ships it into California for sale. Before Quadrant’s product may be sold in the
10 state, DTSC requires Quadrant to pay \$0.02 for every pound of that product sold in
11 California—a charge triggered solely because the product crosses state lines into
12 California’s market.

13 89. The Supreme Court has held that the Import-Export Clause applies only
14 to imports from foreign countries, not to goods brought in from sister states.
15 *Woodruff v. Parham*, 75 U.S. (8 Wall.) 123, 133–36 (1869).

16 90. Properly interpreted, however, the Import-Export Clause also prohibits
17 the states from imposing especially burdensome taxes and duties on goods imported
18 from other states, not just from foreign nations. *See Comptroller of the Treasury of*
19 *Md. v. Wynne*, 575 U.S. 542, 573 (2015) (Scalia, J., dissenting); *Camps*
20 *Newfound/Owatonna, Inc. v. Town of Harrison*, 520 U.S. 564, 621–37 (1997)
21 (Thomas, J., dissenting); *Almy v. California*, 65 U.S. (24 How.) 169, 173–75 (1860);
22 *Brown v. Maryland*, 25 U.S. (12 Wheat.) 419, 438–39, 449 (1827) (Marshall, C.J.,
23 for the Court); Brannon P. Denning, *Justice Thomas, the Import-Export Clause, and*
24 *Camps Newfound/Owatonna v. Harrison*, 70 U. Colo. L. Rev. 155 (1999).

25 91. The \$0.02-per-pound assessment DTSC imposes on Quadrant is not
26 “absolutely necessary for executing” California’s inspection laws. U.S. Const. art. I,
27 § 10. The assessment does not fund the inspection of spray foam entering California,
28 defray the cost of any inspection regime, or bear any relationship to the cost of

1 inspecting Quadrant's product. Instead, DTSC funnels the assessment to the Green
2 Research Fund, a discretionary grant program administered by a nongovernmental
3 third party that funds research into alternatives to Quadrant's product—an object
4 having nothing to do with inspecting imported goods.

5 92. Because DTSC has not obtained the consent of Congress to impose this
6 duty, and because the duty is not necessary for executing California's inspection
7 laws, DTSC's Final Determination violates the Import-Export Clause.

8 93. The Import-Export Clause, along with the commerce clause, was
9 designed to limit the state's ability to interfere with commerce.

10 94. To achieve this end, Import-Export Clause generally prohibits States
11 from imposing imposts or duties on imports and exports, absent congressional
12 consent, except for purposes of covering charges associated with their inspection
13 laws.

14 **REQUEST FOR RELIEF**

15 Plaintiff seeks the following relief:

- 16 A. A declaratory judgment that California Department of Toxic Substances
17 Control's requirement that manufacturers of spray polyurethane foam pay
18 a mandatory assessment of two cents per pound of spray polyurethane
19 foam sold in the State, on its face and as applied to Plaintiff in its Final
20 Determination, violates the First Amendment of the Constitution;
- 21 B. A declaratory judgment that California Department of Toxic Substances
22 Control's requirement that manufacturers of spray polyurethane foam pay
23 a mandatory assessment of two cents per pound of spray polyurethane
24 foam sold in the State, on its face and as applied to Plaintiff in its Final
25 Determination, violates the Interstate Commerce Clause of the
26 Constitution;
- 27 C. A declaratory judgment that California Department of Toxic Substances
28 Control's requirement that manufacturers of spray polyurethane foam pay

1 a mandatory assessment of two cents per pound of spray polyurethane
2 foam sold in the State, on its face and as applied to Plaintiff in its Final
3 Determination, violates the Import and Export Clause of the Constitution;

4 D. A preliminary and permanent injunction against Defendant, their officers,
5 their employees, agents, assigns, and all persons acting in concert with
6 them, directing them to stop enforcing or attempting to enforce its
7 requirement that manufacturers of spray polyurethane foam pay a
8 mandatory assessment of two cents per pound of spray polyurethane foam
9 sold in the State;

10 E. Attorney fees and costs pursuant to 42 U.S.C. § 1988; and

11 F. Any further legal or equitable relief that this Court may deem just and
12 proper.

13 Dated: September 15, 2026.

14 Respectfully submitted,

15 PACIFIC LEGAL FOUNDATION

16 s/ Andrew R. Quinio
17 ANDREW R. QUINIO
18 JOSHUA W. POLK*
19 CHRISTIAN G. TOWNSEND**

20 *Attorneys for Plaintiff Quadrant*
21 *Performance Materials, LLC*

22 * *bar admission application pending*
23 * *Pro Hac Vice application forthcoming*
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EXHIBIT A



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
1001 I Street
P.O. Box 806
Sacramento, California 95812-0806



Gavin Newsom
Governor

Notice of Final Determination:

Regulatory Responses for Spray Polyurethane Foam Systems Containing Unreacted Methylene Diphenyl Diisocyanate

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TABLE OF ABBREVIATIONS

Abbreviation	Meaning
AA	Alternatives Analysis
CAGR	Compound Annual Growth Rate
CalSAFER	DTSC's regulatory information management system, available at Home: CalSAFER
CFR	Code of Federal Regulations
CPI	Center for the Polyurethanes Industry
DIY	Do-It-Yourself
DTSC	Department of Toxic Substances Control
GCEIF	Green Chemistry and Engineering Innovation Fund
HMIS	Hazardous Material Identification System
HPF	High pressure SPF Systems
IP	Intellectual Property
LPF	Low pressure SPF Systems
MDI	Methylene Diphenyl Diisocyanate
NGO	Non-Governmental Organization
NOFD	Notice of Final Determination
NOPD	Notice of Proposed Determination
OSHA	Occupational Safety and Health Administration
PPE	Personal Protective Equipment
QR	Quick Response
RFP	Request for Funding Proposals
RR	Regulatory Response
SAR	Supplied Air Respirator
SCP	Safer Consumer Products
SPF Systems	Spray Polyurethane Foam Systems Containing Unreacted Methylene Diphenyl Diisocyanate
TRL	Technology Readiness Levels



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NOTICE OF FINAL DETERMINATION

The Department of Toxic Substances Control (DTSC) requires that the manufacturer of Spray Polyurethane Foam Systems Containing Unreacted Methylene Diphenyl Diisocyanate (SPF Systems) implement the following regulatory responses (RRs) to continue to introduce SPF Systems into the stream of commerce in California. These RR are necessary to protect the health of both professional and Do-It-Yourself (DIY) SPF Systems users, hereinafter referred to as “applicators” to be consistent with industry language.

1. Provide information to consumers and applicators in California (pursuant to § 69506.3 of title 22 of the California Code of Regulations¹);
2. Implement training requirements prior to the sale of the Priority Product (pursuant to § 69506.4(e)); and
3. Advance green chemistry and engineering by collectively funding grants to develop or make progress towards safer alternative(s) (pursuant to § 69506.8).

APPLICABILITY

This Notice applies to the manufacturer of SPF Systems, Quadrant Performance Materials, whose Abridged Alternatives Analysis (AA) Report received a Notice of Compliance on April 28, 2026, from DTSC, hereinafter referred to as “SPF Systems manufacturer.” Their list of SPF Systems products can be found on CalSAFER. When mergers, acquisitions, other changes in ownership, and product offerings change, the SPF Systems manufacturer is required to update their information on CalSAFER.

BACKGROUND

The mission of the California Safer Consumer Products (SCP) Program is to advance the design, development, and use of products that are chemically safer for people and

¹ All subsequent citations refer to title 22 of the California Code of Regulations, Chapter 55 (Safer Consumer Products Framework Regulations), unless otherwise noted.

the environment. To accomplish this, the SCP Framework Regulations establish a process for regulating product-chemical combinations, referred to as Priority Products, that have the potential to cause harm. This process is outlined on the [DTSC website](#) and is discussed in the context of SPF Systems, below.

In 2018, pursuant to the process developed in the SCP Framework Regulations, DTSC finalized a rulemaking to list SPF Systems as a Priority Product. Priority Products are those identified by DTSC to have potential for exposure to the Chemical of Concern, in this case methylene diphenyl diisocyanate (MDI), and the potential for that exposure to result in significant or widespread impacts. The primary objective of regulating SPF Systems as a Priority Product was to determine if there were safer alternatives to SPF Systems to protect applicators of SPF Systems from exposure to MDI.

The Priority Product listing was supported by DTSC's [Technical Report](#) that documented the potential for exposure to MDI during use of SPF Systems, and the potential for such exposures to result in adverse health impacts. MDI can elicit allergic responses in both the respiratory system, such as asthma, and in the skin, as allergic contact dermatitis. Applicators of SPF Systems may become sensitized to MDI after just one exposure. People who become sensitized to MDI can experience life-threatening asthma attacks when subsequently exposed to extremely low levels of MDI. In laboratory animals, long-term exposure to high concentrations of MDI caused fibrosis, or scarring, in the respiratory system.

DTSC listed SPF Systems as a Priority Product to protect applicators of two types of SPF Systems: high pressure SPF Systems (HPF), used by professionals, and low pressure SPF Systems (LPF), used primarily by professionals but also DIY applicators for small jobs. These systems spray reactive chemicals onto walls, roofs, and other building surfaces. As the chemicals react, they form a foam that expands and then cures (hardens), forming the insulation. The exposure is highest when the chemicals are initially sprayed and persists until the product cures. Professional spray foam installers have the greatest potential for exposure since they use SPF Systems routinely.

Listing SPF Systems as a Priority Product triggered requirements for manufacturers of SPF Systems to determine if they could make SPF Systems safer. The SCP Regulations require manufacturers to either eliminate or replace MDI in their product or complete an Alternatives Analysis to continue selling their product in California.

Once the Alternatives Analysis is submitted, DTSC evaluates a menu of potential RRs. DTSC selects RRs that it determines will best prevent or manage the potential adverse impacts of exposure to a Chemical of Concern from a Priority Product or selected

alternative, thereby protecting public health and the environment. In this evaluation, DTSC gives preference to RRs providing the greatest level of inherent protection. As detailed in § 69506, DTSC may implement one or more of the following RRs:

- Supplemental Information and RR Revisions
- Product Information for Consumers
- Use Restrictions on Chemicals and Consumer Products
- Product Sales Prohibition
- Engineered Safety Measures or Administrative Controls
- End-of-Life Management Requirements
- Advancement of Green Chemistry and Green Engineering
- No RR.

On October 16, 2025, the SPF Systems manufacturer submitted an Abridged AA Report. An Abridged AA Report is submitted when manufacturers have not identified a feasible alternative. The SPF Systems manufacturer evaluated several types of alternatives, including those without MDI and alternatives that may reduce exposure to MDI. They did not find these alternatives to be functionally acceptable nor technically or economically feasible.

DTSC issued a Notice of Proposed Determination (NOPD) on May 14, 2026. A summary of public comments received regarding the NOPD, and DTSC's responses are included in Appendix B.

Pursuant to § 69505.4(b)(4), when an SPF Systems manufacturer completes an Abridged AA Report and does not select an alternative to the Priority Product, two RRs are required: 1) providing information for consumers (§ 69506.3) and 2) advancing green chemistry and engineering (§ 69506.8). Because an Abridged AA Report proposes to allow the manufacturer to continue selling a Priority Product in California, the general purpose of the first RR is to inform consumers of hazards posed by use of the product. For SPF Systems, providing hazard information to applicators of SPF Systems will give them the knowledge they need to protect themselves from MDI exposures. The purpose of the second RR is to advance research and development (R&D) into a safer alternative to the Priority Product; in the case of SPF Systems, R&D in green chemistry and engineering may result in new and safer alternatives to SPF Systems containing MDI or reduce applicators' exposure to MDI.

In addition to the above two required RRs, DTSC also determined that a third RR, a use restriction under § 69506.4(e), is necessary for SPF Systems applicators to receive

training in the proper use of SPF Systems to reduce exposures to MDI and the personal protective equipment (PPE) needed to protect them from exposures to MDI. The SPF Systems manufacturer must require purchasers of SPF Systems, or their agents, to provide attestations at the time of purchase of the product that applicators have or will have received training prior to use of the product.

Together, these three RRs are intended to better protect applicators of SPF Systems from exposure to and adverse impacts from MDI and to advance the development of chemically safer products. The following sections elaborate on each of the three selected RRs and summarize DTSC's rationale, along with the selection factors in § 69506(c), that DTSC considered in selecting them.

REGULATORY RESPONSES

1. Product Information for Consumers (§69506.3)

Rationale

Section 69505.4(b)(4) requires this RR, Product Information for Consumers, when product manufacturers submit an Abridged AA. The underlying goal of this RR is to reduce the potential impacts associated with the Priority Product until a safer alternative can be researched and developed. In the context of SPF Systems, applicators of the products need to see and understand health and safety warnings and PPE requirements before purchasing the product. Therefore, this RR requires specific information on the exterior of SPF Systems drums or on external product packaging, with further information on product websites and inside product packaging.

Required Information for Consumers

No later than eighteen months from the effective date of this Notice of Final Determination (NOFD) and continuing for as long as SPF Systems are placed into the stream of commerce in California, the SPF Systems manufacturer shall implement the following requirements.

General Communication Requirements for this RR (see § 69506.3(c)):

All required information shall be:

- Easily visible, legible, and in an understandable format;
- Provided, at minimum, in English and Spanish;
- Provided to consumers at the point of sale including:

- In a prominent location on the external product packaging or in accompanying written material that is accessible without breaking the product seal; and/or
- In a prominent place at the point of retail display. For products offered for sale online, the retail display is the web page on which the product is offered for sale; and
- Posted in a prominent place on the landing page of the product website in an accessible format.

Specific Consumer Information Requirements for Both HPF and LPF

For HPF, all information in Figure 1 shall be included on drums and on the product web page. For LPF, all information in Figure 1 shall be included on external packaging and on the product web page, to the extent applicable. The SPF Systems manufacturer shall follow all labeling and information requirements in Table 1. This is necessary to ensure required information is accessible to the applicator prior to purchasing the product.²

Figure 1. Example of graphical depictions of required PPE.



² DTSC recognizes that much of the information in Figure 1 and Table 1 is already present on SPF Systems packaging, SDSs, or manuals provided with most SPF Systems sold in California to comply with requirements of the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard, Cal/OSHA, the Consumer Product Safety Commission, and/or the Federal Hazardous Substances Act.

Table 1. Information required for product websites and labels/external packaging.

Requirement		Drums (HPF)	Product Website (HPF)	HPF-Specific Requirement	External Packaging (LPF)	Product Website (LPF)	LPF-Specific Requirement
1	Manufacturer's name and, if applicable, the name of any other relevant entity.	Yes	Yes	N/A	Yes	Yes	N/A
2	Brand name(s) and product name(s), and a description of the product.	Yes	Yes	N/A	Yes	Yes	N/A
3	The following statement or equivalent in simple, non-technical language, "This product contains methylene diphenyl diisocyanate (MDI). Exposure to MDI can cause serious damage to the respiratory system, asthma, allergic reactions, and skin and eye irritation.	Yes	Yes	N/A	Yes	Yes	N/A
3.1	Currently required Cal/OSHA Hazard Communication Standard markings, including at a minimum, the signal word, pictograms for exclamation mark and health hazard (as updated, if necessary), and precautionary statements (prevention, response, storage, and disposal).	Yes	Yes	N/A	Yes	Yes	N/A

Table 1, continued.

Requirement		Drums (HPF)	Product Website (HPF)	HPF-Specific Requirement	External Packaging (LPF)	Product Website (LPF)	LPF-Specific Requirement
4	Safe handling and storage procedures and/or other information needed to protect public health or the environment during the useful life of the product, including:						
4.1	Statement or equivalent: "Complete free health and safety training before applying this product." The Spray Polyurethane Foam Chemical Health and Safety Training offered by the Center for the Polyurethanes Industry (CPI), or equivalent training is sufficient to meet this requirement.	Yes	Yes	Bung hole covers shall include the statement with easy link to training, such as Quick Response (QR) Code.	Yes	Yes	External product packaging shall direct professional and DIY applicators to respective free online health and safety training. Include easy link(s) to training(s), such as QR Codes. See requirements for DIY training in section titled "Training requirements for DIY applicators of LPF products."
4.1.1	Statement or equivalent: "Read all instructions before applying this product."	N/A	N/A	N/A	N/A	Yes	On website and inside LPF package.

Table 1, continued.

Requirement		Drums (HPF)	Product Website (HPF)	HPF-Specific Requirement	External Packaging (LPF)	Product Website (LPF)	LPF-Specific Requirement
4.2	Required safety equipment along with simple graphics similar to those in the Hazardous Material Identification System (HMIS) or equivalent to Figure 1 depicting the required safety equipment along with simple and specific explanatory language including:	Yes	Yes	N/A	Yes	Yes	N/A
4.2.1	Properly fitted respirator with specific cartridge type.	Yes	Yes	Full-facepiece supplied air respirator (SAR) or full-face or loose-fitting (hooded) SAR.	Yes	Yes	Full mask respirator equipped with organic vapor cartridges with P-100 particulate pre-filters.
4.2.2	Specific type of eye protection.	Yes	Yes	N/A	Yes	Yes	N/A
4.2.3	Specific type of gloves (e.g. "nitrile").	Yes	Yes	N/A	Yes	Yes	N/A
4.2.4	A description of clothing or PPE to provide adequate skin coverage.	Yes	Yes	Full-body chemical-resistant clothing.	Yes	Yes	Full-body clothing.
4.2.5	An emergency eyewash or portable eyewash bottle.	Yes	Yes	N/A	Yes	Yes	N/A
4.2.6	Ventilation with specific number of required air changes per hour.	Yes	Yes	N/A	Yes	Yes	N/A

Table 1, continued.

Requirement		Drums (HPF)	Product Website (HPF)	HPF-Specific Requirement	External Packaging (LPF)	Product Website (LPF)	LPF-Specific Requirement
4.3	First aid measures and emergency response procedures including at minimum the following statements or equivalent:	Yes	Yes	N/A	Yes	Yes	N/A
4.3.1	IF INHALED: Remove the person from exposure area to fresh air and keep comfortable for breathing. Administer oxygen or artificial respiration as needed. Obtain medical attention.	Yes	Yes	N/A	Yes	Yes	N/A
4.3.2	IF ON SKIN, HAIR, OR CLOTHING: Immediately rinse contaminated clothing and skin with plenty of water before removing clothes. Wash contaminated clothing before reusing. Contaminated work clothing shall not be allowed out of the workplace. Call a physician if irritation or rash develops.	Yes	Yes	N/A	Yes	Yes	N/A
4.3.3	IF IN EYES: Rinse opened eye for at least 15 minutes under running water. Remove contact lenses if present and easy to do so and continue rinsing. If irritation persists, contact a physician.	Yes	Yes	N/A	Yes	Yes	N/A

Table 1, continued.

Requirement		Drums (HPF)	Product Website (HPF)	HPF-Specific Requirement	External Packaging (LPF)	Product Website (LPF)	LPF-Specific Requirement
4.3.4	IF SWALLOWED: Rinse mouth. Do NOT induce vomiting. If conscious, give 1 to 2 cups of milk or water to drink. Immediately call poison center.	Yes	Yes	N/A	Yes	Yes	N/A
4.4	Re-entry and re-occupancy statements or their equivalent:						
4.4.1	“Do not allow anyone to enter the work area without equivalent PPE to the applicator both during application and for the period after application that is recommended by the manufacturer to avoid exposure to MDI.” Include cure time specific to the product.	Yes	Yes	N/A	Yes	Yes	N/A
4.4.2	“Do not allow premature re-occupancy of the work area.” Include guidance on product-specific safe re-entry time for building occupants.	Yes	Yes	N/A	Yes	Yes	N/A
4.4.3	“Do not rely on your sense of smell to prevent exposure to MDI. MDI can cause respiratory effects at levels far below odor thresholds.”	Yes	Yes	N/A	Yes	Yes	N/A
4.4.5	“Use only in a well-ventilated area.”	Yes	Yes	N/A	Yes	Yes	N/A
4.5	Accidental release emergency procedures.	Yes	Yes	N/A	Yes	Yes	N/A

Table 1, continued.

Requirement		Drums (HPF)	Product Website (HPF)	HPF-Specific Requirement	External Packaging (LPF)	Product Website (LPF)	LPF-Specific Requirement
4.6	Store in a well-ventilated place.	Yes	Yes	N/A	Yes	Yes	N/A
4.6.1	Keep the container tightly closed.	Yes	Yes	N/A	Yes	Yes	N/A
4.6.2	Store locked up.	Yes	Yes	N/A	Yes	Yes	N/A
5	Statements regarding end-of-life management of the product. Direct applicator via an easy access link (such as a QR code) to obtain additional information about the product, the adverse impacts associated with the product, and proper end-of-life disposal or management of the product. Include any product-specific information on disposal and/or existing end-of-life management program(s) on the Safety Data Sheet.	Yes	Yes	N/A	Yes	Yes	Include any product-specific information on disposal and/or existing end-of-life management program(s) in the applicator guide within the product packaging.
5.1	Include statement or equivalent on the product web page: "Reacted product shall be disposed of or otherwise managed as specified by local, state, or federal law."	N/A	Yes	N/A	N/A	Yes	Also include this statement or equivalent in applicator guide within the product packaging.

2. Use Restrictions on Chemicals and Consumer Products (§ 69506.4(e))

Pursuant to § 69506.4, DTSC requires the following use restrictions for SPF Systems:

1. The use of HPF shall be restricted to professional applicators, managers, and helpers who have received adequate health and safety training.
2. The use of LPF by professional applicators, managers, and helpers shall be restricted to those who have received adequate health and safety training.
3. DIY applicators of LPF shall be provided with free access to health and safety training.

No later than 12 months after the effective date of this Notice of Final Determination, the SPF Systems manufacturer shall incorporate language in all sales contracts or purchase agreements for HPF and LPF made either directly with professional SPF Systems applicators or with distributors who re-sell products to professional SPF Systems applicators requiring that all professional applicators, helpers, site supervisors, and managers of HPF and LPF have successfully completed mandatory health and safety training before use of product. The goal of this RR is to increase the number of California SPF professionals who have completed an acceptable safety training program, with the goal of training all California SPF professionals. The success of the training program shall be measured through a requirement that purchasers of SPF Systems for professional use attest that applicators, helpers, site supervisors, and managers have received or will receive adequate safety training prior to use of the product, and an annual report to DTSC.

Rationale

The training program requirement for the use of SPF Systems is intended to reduce the potential impacts associated with the Priority Product until a safer alternative can be made widely available for both professional and DIY applicators.

Because the SPF Systems manufacturer's abridged AA did not identify a safer alternative, DTSC may require other ways to protect workers, such as ensuring that workers have adequate training and knowledge to protect themselves. A robust and highly utilized training program benefits manufacturers by limiting the potential for exposure to chemicals and product-related injuries.

Professional SPF Systems applicators are likely to benefit most from safety training because they face a greater chance of exposure to MDI. Although the potential for

exposure is less among DIY applicators than professionals, they also need training to protect themselves from exposure to MDI.

Training Program Requirements for Professionals

The training for HPF and LPF professional applicators and others who may be on-site such as helpers, site supervisors, and managers, shall be provided by the SPF Systems manufacturer free of charge and shall include:

- A comprehensive presentation of the hazards and risks associated with using HPF or LPF.
- A comprehensive presentation of proper use of PPE, safe handling, ventilation, and safe re-entry time.
- An exam consisting of multiple questions on chemical safety, proper PPE use, ventilation, and safe re-entry time.
- A requirement that the training be recompleted within three years or a shorter time frame.

The training program may include incentives for applicators to complete the training such as compensating workers for their time to complete the training.

In addition, the SPF Systems manufacturer shall:

- Maintain records of those who have completed training courses for 5 years, summarized and submitted in an annual report (see Annual Reporting section below), and made available to DTSC upon request.
- Maintain sales contract/purchase agreement attestations from purchasers that all applicators will successfully complete an acceptable safety training program prior to handling the product. Note that all applicators must renew training at least every three years.
- Ensure that SPF Systems distributors receive training pertaining to the use of SPF Systems and PPE required for applicators to safely use SPF Systems.
- Provide easy access to training materials for HPF and LPF professional applicators, helpers, site supervisors, and managers, made available on product labels and web pages. This requirement is detailed in the section above titled “Product Information for Consumers.”

Training equivalent to that offered by Center for the Polyurethanes Industry (CPI)³ for professional applicators meets the minimum requirements of this RR for professional applicators.

Training Requirements for DIY Applicators of LPF products

Materials and videos demonstrating how to use LPF products targeted toward DIY applicators shall include the following information in a slide or factsheet format at the beginning of the document or video:

- A statement that the chemicals in SPF Systems are hazardous.
- A statement that SPF Systems contain MDI and information on the associated health risks of exposure to MDI (e.g. respiratory sensitization/asthma, allergic contact dermatitis).
- A statement that an applicator must wear proper PPE, including:
 - Full-body clothing
 - Powered Air Purifying Respirator or Full Mask Respirator with Organic Vapor Cartridges with P-100 Particulate Pre-Filters
 - Nitrile or other appropriate chemical resistant safety gloves
 - Instructions, either provided with the product or via a link, demonstrating how to properly fit a respirator
 - Instructions on how to properly ventilate the work site and prevent early re-entry

The SPF Systems manufacturer shall provide easy access at no cost to training materials for DIY applicators of LPF products on the product packaging and web pages. This requirement is detailed in the section above titled “Product Information for Consumers.”

Purchase Agreement Training Attestation

The SPF Systems manufacturer shall require that purchasers of SPF Systems provide an attestation that all workers who will use, assist, or supervise the use of the product shall successfully complete an acceptable safety training program prior to handling the product.

³ Training equivalent to CPI training available at [Spray Polyurethane Foam Chemical Health and Safety Training](#) as of the date of issuance of this Notice of Final Determination.

Direct Sales of HPF and LPF Systems

The SPF Systems manufacturer selling SPF Systems shall require of the purchaser or purchaser's agent an attestation in the purchase agreement that all applicators, helpers, site supervisors, and managers are trained, or will be trained, on chemical safety, proper PPE use, ventilation, and safe re-entry time, and will receive training certification prior to use of the product.

Distributor Sales of HPF and LPF Systems

The SPF Systems manufacturer selling SPF Systems to a distributor shall require an attestation in the purchase agreement that the distributor shall verify with the purchaser or purchaser's agent that all applicators, helpers, site supervisors, and managers are trained, or will be trained, on chemical safety, proper PPE use, ventilation, and safe re-entry time, and will receive training certification prior to use of the product. The SPF Systems manufacturer shall ensure that distributor representatives have completed training so that when they sell SPF Systems to applicators, they are able to provide adequate information to applicators regarding health hazards, required applicator training, and needed PPE.

Annual Reporting on the Training Program & Attestations

No later than 18 months after the effective date of this Notice of Final Determination, the SPF Systems manufacturer shall provide an annual report submitted to DTSC each year for five years, after which DTSC shall evaluate the need for continued reporting.

The report may be compiled by an industry-wide entity such as a trade organization, in aggregate for California-based training, and submitted by each SPF Systems manufacturer via CalSAFER. The report shall include California-based results from all applicable training programs, documenting:

- The number of new trainees and relevant categories such as HPF and LPF applicators, helpers, and non-applicators (e.g. site supervisors and managers) and the source of this information;
- Details on training sessions: date of training, location of training (in-person or online), and the name of the organization that provided the training;
- The number of renewing trainees;
- Estimated number of SPF workers in California, with an estimated turnover rate and an explanation of how these numbers were calculated;
- Percentage of the classes completed in each of the languages in which the trainings are available for California workers;

- Details of programs and promotions that are used to incentivize workers to take the training. These could include compensation for their time or other creative benefits, such as rebates for DIY applicators or incentives for employers;
- Details of the SPF Systems manufacturer's outreach efforts to all members of the supply chain (e.g., distributors) on the importance of completing or verifying the training;
- Details of the SPF Systems manufacturer's audits of their customers regarding training efforts; and
- The percentage of purchase agreements for SPF Systems sold in California directly to SPF Systems applicators or to distributors that include attestations that all professional applicators, helpers, site supervisors, and managers of HPF and LPF will have successfully completed mandatory health and safety training before use of product. If the percentage of sales that comply with the attestation requirements described above is below 100% of sales, the SPF Systems manufacturer shall include a statement of reasons for this outcome and the SPF Systems manufacturer's plans to improve the outcome.

3. Advancement of Green Chemistry and Engineering (§ 69506.8)

The SPF Systems manufacturer did not identify any commercially available, technically feasible alternatives to the use of MDI in SPF Systems and is therefore required to fund green chemistry or green engineering research to accelerate the development of safer alternatives to SPF Systems. Such research supports the goal of California's Green Chemistry statute to "significantly [reduce] adverse health and environmental impacts of chemicals used in commerce, as well as the overall costs of these impacts to the state's society, by encouraging the redesign of consumer products, manufacturing processes, and approaches" (Health and Safety Code § 25255).

Because the SPF Systems manufacturer did not identify any alternatives, it is likely that the research required is early stage and foundational. Projects in this stage of research do not always result in successful advancements; therefore, it is necessary to support numerous diverse projects to increase the likelihood of developing at least one effective safer alternative. For this reason, DTSC has deemed it necessary to issue a broad solicitation for research and development (R&D) proposals and provide financial support for an array of promising proposals through a Green Chemistry and Engineering Innovation Fund (GCEIF).

Based on input from experts from academia, innovation programs, and venture capital, to attract a large pool of innovators who can explore a broad range of potential alternatives, the GCEIF must have sufficient funding. Additionally, experts recommended offering a two-phased grant making approach that supports the most promising alternatives to progress further along the R&D path.

Grant Program Goals and Implementation

The goal of the Green Chemistry and Engineering RR is to advance transformative sprayable insulations that:

- Are safer throughout the entire life cycle of the product;
- Reduce hazardous chemical exposures to people involved in the manufacture, distribution, use, and end-of-life of the product, while maintaining:
 - High R-values that help to reduce greenhouse gas emissions;
 - Durability;
 - Ability to seal gaps and crevices; and/or
 - Similar performance characteristics of SPF Systems.

The GCEIF will support that goal by funding grant proposals with promise to advance either:

1. Green chemistry solutions that eliminate or reduce the use of MDI; or
2. Engineered solutions to the tools used to apply SPF Systems that could reduce exposure to MDI. Industry professionals have indicated that improvements to these devices and systems may be quicker to develop and commercialize compared to new spray foam formulations. Therefore, the GCEIF may fund proposals for such improvements while green chemistry alternatives are also being sought.

GCEIF Administrator

The GCEIF shall be managed by a third-party administrator with expertise in grant administration. DTSC will develop a memorandum of understanding with the third party to further clarify roles.

GCEIF Funding

To meet the goals of this RR, DTSC requires that the SPF Systems manufacturer provide funding at \$0.02/pound of product sold in California for five years, on sales beginning July 1, 2026, or until the GCEIF is funded to \$4 million, whichever comes second. The \$4 million minimum includes funding provided by other SPF

manufacturers. Pounds of product sold in California will be calculated based on quarterly sales data from the quarter starting six months prior to the payment due date (see Appendix A). Weight is inclusive of both A and B sides of SPF Systems. A schedule of the payment periods and due dates is provided in Appendix A. DTSC will publish annual reports outlining the amount raised by the GCEIF.

Payment Logistics

All payments shall be made by the SPF Systems manufacturer directly to the third-party administrator selected by DTSC, to be held in a secure account that will fund the GCEIF. The third-party administrator shall provide the SPF Systems manufacturer with account information for secure, accurate, and timely payments. The third-party administrator shall report all payment amount information to DTSC to assist with compliance. Each time the SPF Systems manufacturer submits a payment to the third-party administrator, the SPF Systems manufacturer shall also submit information to DTSC detailing the number of pounds sold and the total payment amount. The SPF Systems manufacturer shall submit this information using CalSAFER.

Estimated Annual Funding

Our research indicates that grants to academic, non-profit, and small business researchers are generally in the range of \$250k-300k per year and typically for three-year grants. Grants of this magnitude are more likely to attract top researchers and strong proposals. Some federal grant programs offer a smaller initial grant and then a larger second phase grant for the most promising proposals. DTSC has determined the program can be successful if funded to \$4M. Because funding depends on actual sales, DTSC will work closely with the third-party administrator to adjust actual grant amounts to meet the goals of this RR.

GCEIF Eligibility

As described above, the GCEIF must cast a broad net to attract a range of proposals. Therefore, a wide range of entities will be eligible for this funding including but not limited to businesses, academic institutions, and non-profit organizations⁴. Including these types of entities leverages different areas of expertise, purpose, and perspective to maximize the potential for innovative solutions.

The SPF Systems manufacturer did not present a safer alternative and they are not eligible for grant funding.

⁴ As defined by the Internal Revenue Code 501(c)3. For a summary, see <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-501c3-organizations> (last accessed 7/6/26).

GCEIF Structure & Phasing

As noted above, many government innovation grant programs provide grants in two phases. Given the foundational nature of the research to be funded, it is likely that some grantees will not be successful. Therefore, multiple grants are necessary to increase the likelihood of success. The GCEIF is anticipated to include two phases, outlined below:

- Phase 1 is intended to broadly solicit proposals that are at early technology readiness levels⁵ (TRLs). Phase 1 grants are intended to help grantees establish proof of concept, though proposals for research that are further along the TRL spectrum may also be evaluated. This phase will fund each selected research project not to exceed \$250,000, for a timeframe of up to 18 months. Depending on funding availability and the results of phase 1 grants, additional requests for proposals may be issued for phase 1 projects.
- Phase 2 will typically expand on successful research performed in phase 1. As such, the projects selected for additional development in this phase are heavily informed by the results from phase 1. Grantees with successful phase 1 projects may be invited to submit proposals for phase 2 funding. At the discretion of the review panel, phase 2 grants may be offered to projects with higher technology readiness levels instead of a phase 1 grant. Phase 2 will fund each selected research project for an amount up to, but not to exceed \$750,000 for a period of up to 3 years. Funds may be disbursed in smaller amounts as determined by the review panel and based on available funding.

As the timelines for completing phase 1 grants may vary, the timeline for additional phases will be determined as funding and research proposals allow. The overall timeline for the GCEIF for SPF Systems is estimated to be seven (7) years.

The phased approach allows for disbursement of sufficient funds for research while providing an evaluation after phase 1 to ensure the project will benefit from additional funding in phase 2. The complexity of the chemistry of SPF Systems and the importance of safe, effective, and energy-efficient building insulation merits an iterative approach.

⁵ Technology readiness levels (TRLs) were first defined by the [National Aeronautics and Space Administration \(NASA\)](#) and was further elucidated by the US Department of Defense, the [European Union](#) and many others. Of relevance to the GCEIF and this RR, [J. Hensen et al. \(2015\)](#) discuss TRLs, which sectors tend to be most involved at different TRLs, and at which TRLs innovation faces the greatest challenges. More recently, a TRL scale was developed by [Buechner et al. \(2019\)](#) for the chemical industry.

GCEIF Proposal Selection

Grant proposals that either seek to replace MDI or to reduce exposures to MDI are eligible for GCEIF funding. The GCEIF shall support proposals that might advance a safer alternative for any of the four product types, given they have different chemistries, properties, and application requirements. Consistent with the requirements of the SCP Regulations (§ 69506.8), eligible R&D projects are those that use green chemistry or engineering to:

- Design a safer alternative to SPF Systems containing MDI;
- Improve the performance of a safer alternative to SPF Systems containing MDI;
- Decrease the cost of a safer alternative to SPF Systems containing MDI; and/or
- Increase the market penetration of a safer alternative to SPF Systems containing MDI.

A third-party administrator shall recruit and convene a proposal review panel that shall use and further refine the following selection criteria to evaluate grant proposals:

- Scientific and technical merits.
- Ability to meet the solicitation's goals and the applicability to spray foam insulation.
- Extent to which the aims of the proposal are achievable within the period of the grant.
- Risk-to-reward ratio.
- Degree and speed with which adverse impacts to workers could be reduced or eliminated.
- Potential for commercialization or progress towards commercialization.
- Extent to which green chemistry and engineering principles are used or demonstration of other beneficial impacts throughout the product's life cycle.

GCEIF Proposal Review Panel

The creation of an independent proposal review panel is critical to the scientific integrity of the GCEIF. The third-party administrator will recruit and select a proposal review panel based on consultation with DTSC and other parties with expertise in this field. This panel will create the Request for Proposals (RFP) and review all proposals received under the RFP based on the general goals and criteria listed in sections above and further refined by the panel.

The review panel shall consist of reviewers with expertise in green chemistry and sustainable materials development, toxicology, sprayable insulation chemistry and application, and product development. To ensure a diversity of perspectives, the review panel will include representatives from NGOs, academia, industry, and government agencies, as follows:

- Two (2) members nominated by SPF Systems manufacturers⁶
- Five (5) members from some combination of
 - Academia/National Laboratories
 - Government Organizations
 - NGOs
 - Industry

The third-party administrator may modify the structure of the review panel, if necessary, to ensure all required expertise is represented on the panel. Any change to the panel structure shall be approved by DTSC. In addition, one non-voting DTSC staff person shall sit on the panel. The panel will score the proposals to determine which to fund. The rationale for forming the panel is:

- Product chemistries are complex, and it takes significant expertise to understand the nuances associated with the product, especially the unique requirements of sprayable foam insulations in terms of reaction/curing time. None of the reactive polymeric spray foam products evaluated in the Abridged AA were free from sensitizers, indicating that innovation is needed to meaningfully improve the safety of these reactive sprayable foams.
- Product development expertise and industry experience are needed on the panel since the technical engineering of the SPF systems is complex. Including industry experts on the panel will help to better inform decision-making about the potential and proximity of commercialization.
- A panel of external experts representing diverse perspectives will be well equipped to evaluate all aspects of the research proposals—from the scientific aspects to commercialization potential of potential alternatives, to health, environmental, and economic impacts.

⁶ Nominees by SPF Systems manufacturers may not be employees or otherwise representatives of the SPF Systems manufacturers due to potential conflicts of interest related to intellectual property developed through the GCEIF by grantees.

- Establishing this panel will promote a cross-disciplinary, collaborative approach for the GCEIF, which is likely to prove more fruitful for advancing green chemistry and engineering.

The panel's responsibilities will include conducting the following activities for each of the two grant phases:

- Collaborate with DTSC to create RFPs for phases 1 and 2.
- Design a suitable strategy to publicize the RFP for phase 1 and to communicate with eligible grantees for phase 2.
- Develop and apply processes and criteria for evaluating phases 1 and 2 proposals and select the strongest proposals for funding.
- Determine appropriate safety and performance metrics through which to identify and evaluate alternative chemistries and/or novel mitigation technologies.
- Direct the third-party administrator to allocate or disburse funds to selected grantees.
- After each grant phase, provide a written assessment of the success of this grant program (i.e., not the research itself, just the program) and give an oral presentation to DTSC with any suggestions to improve the second phase, future GCEIFs, and the grant process.

Transparency and Reporting

Transparency is key to the success of the GCEIF, from proposal selection to documentation of the successes and challenges of the research. To ensure interim project deliverables are being met, grantees shall provide interim progress reports to the third-party administrator and DTSC on a schedule set forth in grant agreements and not less frequently than once per year. Additionally, grantees shall provide a final technical report.

Grantee reports shall be public and posted on CalSAFER, though grantees may provide a separate redacted report for public posting that protects confidential business information.

Intellectual Property

To best support the innovation goals of the GCEIF, grantees shall retain intellectual property (IP) rights to all developments made during the GCEIF process. Through multiple conversations with experts from academia, law, and federal funding programs, DTSC learned that it is common practice for grantees to retain title to their innovations for multiple reasons. Most importantly, grant programs that allow grantees to retain IP

generally result in more proposals and a better pool of options from which the review panel can choose.

However, DTSC wants to encourage further development and commercialization of any innovations that result from the GCEIF. Given that SPF Systems manufacturers may be well-positioned to support further product development, to the extent a grantee elects to license its intellectual property, the GCEIF grant agreements shall require a grantee to offer licensing options to all SPF Systems manufacturers selling into California who are compliant with DTSC regulations, along with any other entities specifically selected by the grantee. Importantly, IP licensing options shall not be limited to any one entity; all DTSC-regulated SPF Systems manufacturers shall have the opportunity to negotiate a licensing option should the grantee decide to offer any licensing.

REGULATORY RESPONSE SELECTION FACTORS

Because the SPF Systems manufacturer submitted an Abridged AA Report, both the Product Information for Consumers and Advancement of Green Chemistry and Green Engineering RRs are required for SPF Systems sold in California, pursuant to § 69505.4(b)(4).

In addition to these required RRs, DTSC determined that an additional use restriction of health and safety training for professional and DIY applicators is necessary to reduce exposures to and the potential adverse impacts of MDI from SPF Systems while a safer alternative is sought through the GCEIF. In selecting this additional regulatory response, the Department considered the following factors:

Public Health and Environmental Protection

Degree and speed with which the RRs can address the adverse impacts

DTSC recognizes that progress towards a safer alternative to the current use of SPF Systems containing MDI may be incremental and will take time. Moving towards green chemistry and a sustainable-chemistry economy will require investment and a change from traditional product innovation approaches to ones that emphasize safer chemicals. While safer alternatives are sought through the GCEIF, providing information and training to applicators is essential to reduce exposure to chemicals of concern, especially for professionals who use a product routinely. This is a lower tier of inherent protection, because it relies on compliance rather than reduction of hazard, but it will improve protection of applicators in the near-term while safer alternatives are sought through the GCEIF.

The ability of end-users to understand and act upon the RR

Regarding Product Information for Consumers, the use of images, simple statements, and multiple languages should allow applicators to understand the safety concerns associated with MDI exposure. Additionally, the SPF Systems manufacturer will have flexibility on how to best implement the mandatory safety training program. It will be the SPF Systems manufacturer's responsibility to ensure that applicators of its products are aware of, and understand, the requirements and complete the requisite training.

Will this RR place an additional burden on a sensitive subpopulation?

The Use Restriction RR will place the responsibility of ensuring applicators of SPF Systems are properly trained on the product manufacturer. Since manufacturers themselves are generally not the applicators of the product, it necessarily also places a responsibility on the applicators of the product to take the training. The SPF Systems manufacturer shall be responsible for ensuring that workers who speak languages other than English and Spanish have access to training materials in a language they understand and that workers without internet access have a way to receive the training. One concern is that workers who are paid hourly may have to complete the required training on their own time. Ideally, the SPF Systems manufacturer will provide subsidies and incentives to allow workers to be compensated for their time spent on health and safety training to ensure this burden does not fall on hourly employees.

Private Economic Interests of Responsible Entities

Existing Federal and California state regulatory requirements

Labeling of HPF is required by Occupational Safety and Health Administration (OSHA) 29 Code of Federal Regulations (CFR) Section 1910 and by the Federal Hazardous Substances Act 16 CFR sections 1500.121 (a)(1). DTSC recognizes that the SPF Systems manufacturer must comply with these existing regulations. DTSC requires additional, complementary information beyond these existing regulations to further protect applicators.

There are currently no specific mandatory training requirements for all SPF Systems workers. Some insulation contractors may have training under the California State Licensing Board for Insulation and Acoustic workers, but this training does not specifically address the hazards and safety requirements associated with installing SPF.

California Code of Regulations, Title 8, Section 3203 requires all employers to develop, implement, and maintain an effective injury and illness prevention program. If an employer has developed and implemented an adequate training program, then the chemical safety training requirements under the Use Restriction RR are likely already met for many SPF system applicators and this RR would not impose any additional costs on the business. In some cases, the SPF Systems applicators may be contractors

and not fall under any employee/employer relationship; OSHA-required training on injury and illness prevention may not currently be available to such workers. DIY applicators are not covered under OSHA requirements.

Cost of this RR relative to other RRs

The Product Information for Consumers and Advancement of Green Chemistry and Engineering RRs are required pursuant to § 69505.4; therefore, DTSC did not consider the relative cost of these RRs compared to other potential RRs. Regarding the Use Restriction RR, CPI and some individual companies already make their training programs freely available to interested applicators; there would be no further costs associated with developing the training program. If the SPF Systems manufacturer offers subsidies or other incentives for workers to complete training, there may be costs associated with such initiatives. Similarly, collecting data on the prevalence of workers taking the training and for tracking the metrics of success, as well as for annual reporting to DTSC will require the SPF Systems manufacturer to expend resources.

Practical capacity of the SPF Systems manufacturer to comply

The SPF Systems manufacturer must already provide product handling and safety information to consumers to comply with federal requirements; DTSC's requirements are consistent with and supplement existing health and safety information on the product label, within the product package, and on a website, and therefore should be achievable.

Several individual companies and CPI have already developed health and safety training programs that meet the minimum requirements. These could serve as a model for the SPF Systems manufacturer if they elect to develop their own approach, or they could rely on these existing programs to ensure that workers are trained before the sale of the product. In addition, these existing programs make compiling the statistics on training easily achievable.

The SPF Systems manufacturer has flexibility on how they institute a mandatory training program and can determine the best way to comply. DTSC has specified metrics that the SPF Systems manufacturer must collect on its training programs. These metrics will help the SPF Systems manufacturer to set goals regarding the training and help measure compliance. Some SPF Systems manufacturers already include in their contracts or purchase agreements a required attestation from purchasers or a purchaser's agent that applicators, helpers, site supervisors, and managers have been or will be trained prior to using SPF Systems. Others may not yet have this language incorporated into contracts or purchase agreements, but it is likely in their interest from a product liability perspective to ensure that those using or who could be exposed to

their products are educated about the hazards of MDI and use proper PPE. Updating contracts to include a required attestation by the purchaser that applicators, helpers, site supervisors, and managers have been or will be trained prior to using SPF Systems should be achievable.

The Advancement of Green Chemistry and Green Engineering RR was designed to promote meaningful progress on safer alternatives to the current use of SPF systems containing MDI. Pooling resources among SPF Systems manufacturers selling into California may allow faster progress on the development of a safer alternative and will facilitate the participation of smaller SPF Systems manufacturers that may not otherwise have R&D capacity. Additionally, the cost per pound structure allows the funding to adjust to market conditions.

Government Interest in Efficiency and Cost Containment

Administrative burden of the oversight of the implementation of this RR and the ease of enforcement

The administrative burden on DTSC for all proposed RRs is expected to be modest:

- Staff may monitor the manufacturer's website(s), audit manufacturer's facilities, inspect products, or visit retail sites to verify that the required label and product information are available and compliant.
- DTSC expects the SPF Systems manufacturer to ensure a mandatory training program is implemented and that workers receive safety training. The annual reports from the SPF Systems manufacturer will inform DTSC's compliance efforts. Staff will review and track these reports.
- The responsibility of funding the GCEIF rests with manufacturers of SPF systems sold in California and implementation of the GCEIF will be managed by a third-party administrator. DTSC will have an oversight role and will receive updates and reports but will not be involved in the daily operations. DTSC views this as the most efficient use of resources to pursue safer products that will benefit Californians.

NOTIFICATIONS TO DTSC

The SPF Systems manufacturer is required to notify DTSC through the [CalSAFER](#) portal after each of the RRs have been fully implemented. Note that each RR has a separate implementation timeline and may have additional reporting requirements as detailed in each RR section.

APPENDIX A: GCEIF PAYMENTS

Payment Schedule

As outlined in the Notice of Final Determination (NOFD), the SPF Systems manufacturer must fund the Green Chemistry & Engineering Innovation Fund (GCEIF) at \$0.02 per pound of SPF Systems sold (SPF Systems include both A and B sides) in California. Payments shall be submitted quarterly, based on sales data from two quarters prior. The full payment schedule is presented in Table 2.

Table 2. Payment schedule for GCEIF payments.

Sales Period	Payment Due Date
July 1 – September 30, 2026	January 1, 2027
October 1 – December 31, 2026	April 1, 2027
January 1 – March 31, 2027	July 1, 2027
April 1 – June 30, 2027	October 1, 2027
July 1 – September 30, 2027	January 1, 2028
October 1 – December 31, 2027	April 1, 2028
January 1 – March 31, 2028	July 1, 2028
April 1 – June 30, 2028	October 1, 2028
July 1 – September 30, 2028	January 1, 2029
October 1 – December 31, 2028	April 1, 2029
January 1 – March 31, 2029	July 1, 2029
April 1 – June 30, 2029	October 1, 2029
July 1 – September 30, 2029	January 1, 2030
October 1 – December 31, 2029	April 1, 2030
January 1 – March 31, 2030	July 1, 2030
April 1 – June 30, 2030	October 1, 2030
July 1 – September 30, 2030	January 1, 2031
October 1 – December 31, 2030	April 1, 2031
January 1 – March 31, 2031	July 1, 2031
April 1 – June 30, 2031	October 1, 2031
Payments will continue on this schedule each year until the GCEIF reaches a total of \$4 million if the GCEIF is not funded to \$4 million at the end of 5 years.	

APPENDIX B: RESPONSE TO PUBLIC COMMENTS ON NOPD

In response to the Notice of Proposed Determination (NOPD), DTSC received one public comment expressing concerns with specific portions of the regulatory responses proposed. The comment and DTSC's response are listed in Table 3 below.

Table 3. Summary table of comment received in response to the NOPD and DTSC's response.

Comment Summary	Response to Comment
CPI states DTSC's requirement for a full mask respirator when applying low pressure SPF is inconsistent with industry standards and other sections of the NOPD. CPI recommends changing the requirement by removing the reference to "full mask respirator" in the section "Training Requirements for DIY Applicators of LPF products."	There is no conflict; a full mask respirator is a type of air purifying respirator. The PPE requirement for LPF is full-face mask respirators. To enhance clarity, we edited "air purifying respirator" to "full mask respirator" in requirement 4.2.1 in Table 1 for the LPF-specific requirements. Note: this is the minimum amount of PPE required to keep LPF applicators safe. They may instead use a powered air purifying respirator for even further protection as indicated on page 14 of this Notice of Final Determination.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐) Quadrant Performance Materials, LLC, a Texas limited liability company,	DEFENDANTS (Check box if you are representing yourself ☐) Katherine M. Butler, Director of the California Department of Toxic Subst
(b) County of Residence of First Listed Plaintiff <u>Collin, Texas</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant <u>Los Angeles</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Joshua Polk, Andrew Quinio, Pacific Legal Foundation, 555 Capitol Mall, Suite 1290, Sacramento, CA 95814, (916) 419-7111; Christian Townsend, 3100 Clarendon Blvd., Suite 1000, Arlington, VA 22201, (202) 888-6881	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.) ☐ 1. U.S. Government Plaintiff ☒ 3. Federal Question (U.S. Government Not a Party) ☐ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table border="1" style="width:100%"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td>☐ 1</td><td>☐ 1</td><td>Incorporated or Principal Place of Business in this State</td><td>☐ 4</td><td>☐ 4</td></tr><tr><td>Citizen of Another State</td><td>☐ 2</td><td>☐ 2</td><td>Incorporated and Principal Place of Business in Another State</td><td>☐ 5</td><td>☐ 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td>☐ 3</td><td>☐ 3</td><td>Foreign Nation</td><td>☐ 6</td><td>☐ 6</td></tr></tbody></table>		PTF	DEF		PTF	DEF	Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4	Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5	Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4																				
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5																				
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6																				

IV. ORIGIN (Place an X in one box only.)							
☒ 1. Original Proceeding	☐ 2. Removed from State Court	☐ 3. Remanded from Appellate Court	☐ 4. Reinstated or Reopened	☐ 5. Transferred from Another District (Specify) _____	☐ 6. Multidistrict Litigation - Transfer	☐ 8. Multidistrict Litigation - Direct File	

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)	
CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No	MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 42 U.S.C. § 1983. California Department of Toxic Substances Control requires Plaintiff to pay \$0.02 per pound of spray foam sold in California into a Green Chemistry and Engineering Innovation Fund, in violation of the First Amendment and Interstate Commerce Clause.	
Does this case involve claimed Lemon Law violations of the federal Magnuson-Moss Warranty Act and/or the California Song-Beverly Consumer Warranty Act? YES NO X	

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES ☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce/ICC Rates/Etc. ☐ 460 Deportation ☐ 470 Racketeer Influenced & Corrupt Org. ☐ 480 Consumer Credit 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Info. Act ☐ 896 Arbitration ☐ 899 Admin. Procedures Act/Review of Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes	CONTRACT ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loan (Excl. Vet.) ☐ 153 Recovery of Overpayment of Vet. Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment	REAL PROPERTY CONT. ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property TORTS PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Fed. Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury-Med Malpractice ☐ 365 Personal Injury-Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability	IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions TORTS PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability BANKRUPTCY ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 American with Disabilities-Employment ☐ 446 American with Disabilities-Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus/Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Ret. Inc. Security Act	PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 (DTSA) SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405 (g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405 (g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number:

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? ☐ Yes ☒ No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	☐ Los Angeles, Ventura, Santa Barbara, or San Luis Obispo		Western
	☐ Orange		Southern
	☐ Riverside or San Bernardino		Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? ☐ Yes ☒ No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i>	☐ YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. ☐ NO. Continue to Question B.2.
B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i>	☐ YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. ☐ NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.	

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? ☐ Yes ☒ No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i>	☐ YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. ☐ NO. Continue to Question C.2.
C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i>	☐ YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. ☐ NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.	

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☐
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	☐	☐	☒

D.1. Is there at least one answer in Column A? ☐ Yes ☐ No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right.	D.2. Is there at least one answer in Column B? ☐ Yes ☐ No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below.
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QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above:	Western

QUESTION F: Northern Counties?
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? ☐ Yes ☒ No

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court?☒ NO☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?☒ NO☐ YES

If yes, list case number(s): _____

If yes, you must file a Notice of Related Cases. See Local Rule 83-1.3.**Civil cases** are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. STATEWIDE OR NATIONWIDE RELIEF: Does this case seek to bar or mandate enforcement of a state or federal law and seek declaratory or injunctive relief on a statewide or nationwide basis?☒ NO☐ YES**If yes, see Local Rule 83-11 for additional requirements.****XI. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):**

/s/ Joshua Polk

DATE: 9/21/26

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))