

THE REQUIREMENTS FOR OBTAINING AN EXEMPTION FROM OSCA LICENSING

Government Code Section 8670.13.1(b) states that sorbents and other cleanup devices that do not employ the use of active chemical cleanup agents, or otherwise determined by the Administrator not to cause aquatic toxicity, for purposes of oil spill response, are not subject to the licensing provisions.

Any applicant wishing to obtain an exemption from the licensing procedures must demonstrate the "inert" nature of the OSCA in question. The OSPR has established a preliminary screening process designed to make this kind of determination. Although this process does not require as much effort as the licensing process, it still requires some work on the part of the applicant.

All applicants must provide the following completed information to the OSPR for review:

1. The completed Petition for Exemption from Licensing form. This can be found on Page 7 of this document. Please be sure that all the information is included on the form. In addition to the form, the applicant will need to provide some additional documentation verifying the information contained in the analytical chemistry portion of the form. This documentation may be in the form of a Material Safety Data Sheet or any other mechanism that identifies the chemical components of your product.
2. The completed Billing Form. This can be found on Page 4 of this document.

INSTRUCTIONS FOR EXEMPTION APPLICATION (FORM #1958)

Section 1 - Product Trade Name & Contact Personnel

1. Please provide the product trade name, and any other present or previous synonyms of that name.

Section 2 - Contact Personnel

Please provide the names, addresses and telephone numbers of the applicant, manufacturer, vendor and a technical representative that can serve as a point of contact in California.

Section 3 - Material Classification and Analytical Data

Describe the product by generic type and percent composition of each type. It is not

adequate to say a product is "from natural origin" and "therefore inert." All data must be verified by attached laboratory reports that identify the method, test instruments, and detection limits used in heavy metal and other analytical analyses.

Hydrogen ion activity of the product as applied to the water surface shall be between 6.5 and 8.5 pH units. Substances that are known to accumulate and be retained in fish flesh and to be harmful to human health should be restricted in their use in OSCAs.

Flash point is considered pertinent to the problem of fire hazard since it is conceivable that some oil spill cleanup agents may be used in the vicinity of wild fires in a disaster. In addition, containers of OSCA exposed to direct rays of the sun in areas of California may attain temperatures greater than 100°F. To lessen the opportunity for ignition, an open cup flash point of 170°F or greater is required.

For other information, including solubility, freezing point, viscosity, color and conductivity, no specific standards or criteria are established, but necessary for a complete review of the application.

Section 4 - Hazards to Operators:

Describe the known hazards to operators posed by the OSCA. Additionally, please attach the MSDS or the laboratory report which provides the methods and test animals used to arrive at the reported data.

Health hazards are of concern to the State with respect to the protection of persons using the chemicals as well as to the general public. The requested information pertaining to public health hazards will be subject to interpretation by the State Department of Health Services or their designee. Therefore, recommendations as to safeguards in use should be printed on labels, and/or containers. If the OSCA constitutes a serious occupational hazard to health, it will not be allowed.

Section 5 - Hazards to Aquatic Life:

Provide background data and/or information which sufficiently demonstrates that the product would not cause aquatic toxicity for purposes of oil spill response. Following is required:

Standard LC50 (48- or 96-hour) bioassay. Test Species should be *Fundulus*, *Artemia* or *Oncorhynchus* (formerly *Salmo*) *Gairdneri* or other species as approved by the Administrator

Signature Requirement

Applicants shall submit test results and supporting data, along with a certification signed by responsible corporate officials of the manufacturer and laboratory stating that the test was

conducted on a representative product sample, the testing was conducted using generally accepted laboratory practices, and they believe the results to be accurate.

Once this information is received, the OSPR will conduct a product review. Upon completion of this review, the OSPR will either issue an exemption approval letter for the OSCA or a denial letter. If denied, the applicant will be informed of the reasons for denial, and will be given a list of the additional information and tests required to complete the licensing process. The average time for a determination to be issued is approximately three weeks from date of receipt.

FORM 1958

**OFFICE OF SPILL PREVENTION AND RESPONSE
THE RESOURCES AGENCY
STATE OF CALIFORNIA
P.O. Box 944209, Sacramento California, 94244-2090**

Petition for Exemption from Licensing as an Oil Spill Clean-up Agent

Date of Request: _____

- 1. PRODUCT TRADE NAME:** _____
Synonyms: (1) _____
(2) _____
(3) _____
(4) _____

Copy of Label Attached: _____

2. CONTACT PERSONNEL

Applicant: **Contact Person** _____
 Company Name _____
 Street Address _____
 City/State _____
 Telephone _____ **FAX** _____

Manufacturer: **Contact**
Person _____
 Company Name _____
 Street Address _____
 City/State _____
 Telephone _____ **FAX** _____

Vendor in Calif.: **Contact Person** _____
 Company Name _____
 Street Address _____
 City/State _____
 Telephone _____ **FAX** _____

Technical Representative: Contact Person _____
Company Name _____
Street Address _____
City/State _____
Telephone _____ FAX _____

3. MATERIAL CLASSIFICATION AND ANALYTICAL DATA

Chemical name and percentage of each component. This information will be treated as confidential by the Department and its agents.

Physical Properties

Solubility at 15°C in water of:

Less than 0.5 parts per thousand salinity: _____
30 parts per thousand salinity: _____

Color (visual) _____ Viscosity _____ in _____ units
Conductivity _____ Flash Point _____ pH _____
Freezing Point _____ Specific gravity _____
Shelf Life/Expiration Date _____

4. HAZARDS TO OPERATORS (Please attach a Material Safety Data Sheet or any other pertinent background data).

Inhalation (acute LC₅₀): _____
Skin irritation or sensitivity concentration: _____
Eye irritation: _____
Sensory threshold properties: _____
Hazardous gases produced on combustion: _____
Chronic hazards: _____

5. **AQUATIC TOXICITY:** Please provide the background data and/or information which sufficiently demonstrates that your product would not cause aquatic toxicity for purposes of oil spill response. This information can be provided in the space below or as attachments to this application.

I declare, under penalty of perjury that the information provided in this application and any accompanying documentation is true and correct. I further certify that all tests were conducted on a representative product sample in accordance with generally accepted laboratory practices, and I believe all results to be accurate.

Signature

Title

Date

