

**Department of Fish and Game
Office of Spill Prevention and Response**

November 2010

GUIDANCE DOCUMENT

for the

LICENSING, RENEWAL & EXEMPTION

of

OIL SPILL CLEANUP AGENTS

State of California

Arnold Schwarzenegger

Natural Resources Agency

Lester A. Snow, Secretary

Department of Fish and Game

John McCamman, Director

Office of Spill Prevention and Response

Stephen Edinger, Administrator

FOREWORD

The 1995 California Legislature authorized the Administrator of the Office of Spill Prevention and Response, Department of Fish and Game to license and regulate the use of oil spill cleanup agents (OSCAs). Prior to this time, OSCAs were licensed by the State Water Resources Control Board, with review and enforcement by the Department of Fish and Game.

This document was developed to assist applicants in preparation of documents for OSCA licensing, renewal of a current OSCA license or obtaining an exemption from licensing procedures. All products must be reviewed and/or licensed for use before they can be used on oil spills impacting waters of the State.



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ARNOLD SCHWARZENEGGER, Governor
John McCamman, Director



November 15, 2010

Thank you for your interest in obtaining a license for your product for use as an Oil Spill Cleanup Agent (OSCA) in the State of California. On January 1, 1996, the primary authority for licensing OSCAs was transferred from the State Water Resources Control Board (SWRCB) to the Office of Spill Prevention and Response (OSPR) pursuant to Government Code Section 8670.13.1.

There were some important changes to the licensing process. First, 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 are otherwise determined by the Administrator not to cause aquatic toxicity for purposes of oil spill response, are not subject to the licensing provisions. You may apply for an exemption from licensing if you believe your product falls into this category. Second, bioremediants that are currently listed on the National Contingency Plan (NCP) do not require additional testing to obtain a license for use in California. Third, a simplified application form is used for products requiring a California license.

All the information and forms you will need to apply for a license, a renewal of an existing license, or a license exemption can be found in this guidance document. If you have any questions regarding the information contained in this letter or the attached document, you may contact Ms. Ellen Faurot-Daniels, of our Response Technologies Support Unit, at (831) 649-2888 or efaurotd@ospr.dfg.ca.gov.

Sincerely,

Mr. Stephen Edinger
Administrator
Office of Spill Prevention and Response

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GENERAL INFORMATION AND COMMONLY ASKED QUESTIONS

Below are some commonly asked questions regarding the licensing and use of Oil Spill Cleanup Agents (OSCAs).

1. What is the statutory authority for licensing OSCAs in California?

Government Code Section 8670.13.1 requires the Administrator of the Office of Spill Prevention and Response to license all oil spill cleanup agents for use in the waters of the State.

2. What are the regulations that govern the licensing and use of OSCAs in California?

The regulations governing the licensing and use of OSCAs are set forth in Chapter 8, Sections 884-886.6, Title 14 of the California Code of Regulations. These regulations are "essentially similar to the one" previously used by the SWRCB. A copy of these regulations is included in this Guidance Document.

3. What is the definition of an OSCA?

An oil spill cleanup agent (OSCA) is defined as a chemical, or any other substance, used for removing, dispersing, or otherwise cleaning up oil or any residual products of petroleum in, or on, any waters of the state. This category of substances would include surface washing agents, dispersants, gelling agents, herding agents, emulsifiers and de-emulsifiers, chemical booms, sorbents and bioremediants.

4. What types of products are exempted from the OSCA licensing procedures?

Within the broad category of substances considered OSCAs, the statute provides an "exemption" from the licensing procedures for products that would otherwise be considered "inert." Specifically, 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.

If a determination is made that a product does not pose aquatic toxicity for purposes of oil spill response, an exemption letter will be issued to the vendor for the product. The exemption is valid indefinitely as long as the material information used in making the determination has not been altered in any substantial way. The forms and procedures required for an exemption determination are included in this Guidance Document.

*** It is important to keep in mind that a product is not necessarily "inert" simply because it is "naturally occurring." For example, sorbent clays and peat-moss products are naturally occurring and, as such, people may believe them to be "inert". However, some clays contain high heavy metal concentrations which

can leach into the water, and peat moss products can cause water acidification. Elevated heavy metal concentrations and excess hydrogen ion concentrations are deleterious to many aquatic organisms, especially in fresh water environments. It is for these reasons that it is necessary for the Administrator to make the final determination whether a product must be licensed.

5. If my product is already listed on the Federal Environmental Protection Agency (EPA) National Contingency Plan (NCP) Product Schedule, do I still need to apply for a State license?

In most cases, YES.

The EPA exempts all sorbent and sorbent-type products from listing procedures. As discussed in question #4 above, not all sorbents are specifically exempted from the State licensing process. It depends on the product's constituents.

If a product is required to be listed on the NCP for use, it will need to also be licensed for use in California. These products would include dispersants, surface washing agents, gelling agents, herding agents, emulsifiers, de-emulsifiers, and chemical boom products.

The one exception is for most bioremediants. If a bioremediant is listed on the NCP, the OSPR requests that the materials provided to obtain NCP listing also be submitted to the OSPR for review. Subsequent to this review, a license is usually listed. In a few cases, additional information may need to be submitted prior to issuing a license.

6. Do I need to have my product listed on the NCP Product Schedule as well as have a State license before it can be used in California?

YES. Federal regulations governing the listing of OSCAs state that only those products appearing on the Product Schedule can be requested for use by the Federal On-Scene Coordinator. The exception is for sorbents and a few other products, which are exempted from the NCP listing process. For more information on the federal listing process, please contact Ms. Leigh DeHaven via the NCP Information Line at (202) 260-2342.

7. Once my product has a State license and is listed on the NCP Product Schedule, what is the process for its use?

All OSCAs licensed for use in California must be approved for use on a case-by-case basis. This means that although a product can be used, it does not necessarily have to be used to address all circumstances. The Incident Commander/Unified Command will determine the appropriateness of any particular OSCA use during a given spill incident.

Once a product is listed on the NCP and has a state license, the Incident

Command/Unified Command can request its use. This is done through a formal request of the Regional Response Team (RRT), Region IX. All OSCAs (except sorbents) must be approved in advance of use by the RRT. This includes dispersants, in-situ burning and chemical OSCAs. Once the RRT grants approval, a product can be used.

8. What if I do not want to use my product to address on-water oil spills?

The licensing of an OSCA is specifically for use in or on waters of the State. If the primary use of your product is to be on land, where it will not impact waters of the State, you do not need to obtain a license for its use.

BILLING FORM*Form 1969***California State Review and Licensing of
Oil Spill Cleanup Agents (OSCA's)****Please check the appropriate box and enclose the correct dollar amount.**☐ Licensing Fee \$1000.00

This fee applies to all applications for licensing an oil spill cleanup agent.

☐ Renewal Fee \$100.00

This fee applies to all applications for renewal of a currently licensed oil spill cleanup agent.

☐ Exemption Review Fee \$100.00 - inert agents
\$250.00 - all other products

This fee is required for applicants seeking an exemption from the licensing procedures pursuant to Government Code Section 8670.13.1(b) which states that sorbents and other cleanup devices that do not employ the use of active chemical cleanup agents, or otherwise determined not to cause aquatic toxicity for purposes of oil spill response, are not subject to the licensing provisions.

TOTAL ENCLOSED \$_____**Make remittance payable to:**

Oil Spill Prevention and Administration Fund

Send a copy of this form along with the remittance and your check to:Ellen Faurot-Daniels
Department of Fish and Game, Office of Spill Prevention and Response
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940

For CDFG-OSPR internal use:

SOURCE CODE: 125600.OS

INDEX CODE: 9990

PCA CODE: 82400

LICENSING REQUIREMENTS AND PROCESS FOR OIL SPILL CLEANUP AGENTS (OSCAs)

California regulations governing the licensing and use of OSCAs require that specific information be provided to the State. This information allows an application to receive adequate review. The regulations for the information requirements are in Appendix II of this document.

It is important that the application form contain a summary of all test results, and that any reference to attached lab reports clearly specify the particular attachment number. Any application which fails to summarize all data on the application form and clearly reference attachments will result in return of the application without processing. Additionally, we request that the completed application be submitted in a binder format, with individual attachments (i.e., supporting documentation) separated by labeled tabs. This format greatly expedites review and evaluation of an application.

Once issued, a license remains valid for a period of five years unless revoked for cause. A license can be renewed for an additional five year period if the product has not changed from that described in the initial application (see renewal information on pages 18-19 of this document).

LICENSING INSTRUCTIONS

This information will help you complete the License Application Form (page 10).

Section 1 - Product Trade Name

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

Section 2 - Product Classification

Check the block that is applicable to the product.

When 10 percent or more of the "agent-plus-oil" sinks, the product shall be considered a sinking agent and will not be licensed for use in the State.

A product cannot be licensed as both a dispersing agent and a surface washing agent. State law prohibits the use of a dispersant on the shoreline. Therefore, the primary mechanism of a surface washing agent shall be to "lift" oil from an oiled surface/shoreline and then floating on top of water where it can then be removed, or by preventing oil from sticking to surface or shoreline substrate prior to oiling. Surface washing agents cannot be used if they function to break up oil and disperse it into surrounding water, rather than floating it.

Bioremediation agents include those products which contain oil-degrading bacteria (which serve a seeding function) or those products which contain nutrients (which serve to enhance the growth of naturally occurring bacteria). If a product is categorized as a bioremediant and

is listed in the NCP, the OSPR will probably not require any additional information from that required by the Federal Environmental Protection Agency (EPA). To obtain a state OSCA license for an NCP-listed bioremediant, simply submit to OSPR the OSCA data as submitted to the EPA.

When submitting an OSCA license application for a bioremediant, include the Billing Form (page 4) and applicable application review fee. The OSPR will review the product information and test results and in most cases will issue a license without further data requirements. If further data are required, the applicant will be provided with a list of the additional information and/or tests required to complete the licensing process.

Elasticity modifiers increase the visco-elasticity of spilled oil, often causing it to "gel". These may also be called vaso-elastizers or solidifiers.

A herding agent acts to reduce the spread of oil by having a greater spreading pressure than the oil.

A sorbent is a product whose primary mode of action is to adsorb oil to its surface.

Emulsion treating agents act to break oil-in-water emulsions.

Section 3 - Contact Personnel

Please provide the names, addresses (postal and email) and telephone numbers (office, fax, emergency) of the applicant, manufacturer, vendor and a technical representative that can serve as a point of contact in California.

Section 4 - Product Availability

Please provide information on the availability of the product from the three points within California specified on the form.

Section 5 - General Product Information

Please provide general product information including a product label, MSDS, and any pertinent product brochures. Please reference (by attachment number) where this information can be found in the application.

Labeling Instructions: Regulations require that the following information be printed on the product label. A copy of the label must be attached to the application, and must contain the following:

- a. The name, brand or trademark, if any, under which the OSCA is sold;
- b. The name and address of the manufacturer, importer or vendor;
- c. Special handling, storage or worker safety precautions;
- d. The product's flash point and freezing point; and,

- e. Recommended application procedure(s), concentration(s) and conditions for use with regard to water salinity, water temperature, and types and ages of oils.
- f. Shelf life/Expiration date.

Section 6 - Material Classification and Analytical Data

Describe the product by chemical type and percent composition of each component. 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. Mercury, lead, cadmium and chlorinated hydrocarbons are shall not be present in the OSCA in excess of the following concentrations in parts per million or milligrams per liter of product:

lead - 0.05

total chlorinated hydrocarbons - 0.05

mercury - 0.005

cadmium – 0.01

Flash point information is required since it is possible that some oil spill cleanup agents may be used near wild fires in a disaster. In addition, containers of OSCA exposed to direct sun 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.

No specific standards or criteria are established for some other classes of information, such as solubility, freezing point, viscosity, color and conductivity. This information is necessary, however, for a complete review of the application.

Section 7 - Hazards to Operators

Describe the known hazards to operators posed by the oil spill cleanup agent. 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 regarding safeguards during use should be printed on labels and/or containers. If the OSCA constitutes a serious occupational hazard to health, it will not be licensed for use.

Section 8 –Aquatic Toxicity

All OSCAs, except for bioremediants, shall be assayed using the Red Abalone Larval Acute Toxicity Bioassay. The assay shall be conducted according to the general procedures

described in Appendix I of this Guidance Document. A complete laboratory report, detailing the methods, materials, reference toxicant and results [No Observable Effects Concentration (NOEC) and Lowest Observable Effects Concentration (LOEC)] must accompany the license application.

Section 9 - Degradation

It is important to understand the dynamics of how a specific OSCA will degrade in the environment and any toxicity associated with this degradation.

Biochemical oxygen demand (BOD) data will include the five-day, ultimate, and rate of reaction (K) values. How BOD is determined is at the discretion of the applicant although the method used must be reported.

Decision-makers use BOD information to help regulate the oxygen load placed on limited flow areas (e.g., harbors) where insufficient oxygen may already be a limiting factor. In addition, BOD rate is useful in assessing the biodegradability of the product, especially when compared to toxicity decay results.

Applicants are asked to estimate the half-life of a product in the environment of use. How that half-life is determined is at the discretion of the applicant although the method used must be reported.

Section 10 - Analytical Procedures

Please describe the procedures for identifying the product in its “neat” (100% concentration) form, and for identifying the product in the environment once treatment has occurred.

Methods used for qualitative and quantitative analysis for product identification are at the applicant's choosing; however, the actual procedures used must be reported along with the results.

Section 11 - Treatment Concentrations

Please indicate the recommended amount of product needed to address a spill of 3 liters. This information will be used to estimate the toxicity of the treatment concentration relative to the NOEC/LOEC measurements identified by the Red Abalone Larval Assay.

Section 12 - Performance Efficacy

Please complete the section appropriate to the type of OSCA submitted for licensing, and provide documentation regarding the performance efficacy of the product. Appropriate testing protocols for dispersants and surface washing agents can be found in Appendix I of this document.

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

LICENSE APPLICATION FORM*Form 1959*

California State Review and Licensing of an

Oil Spill Cleanup Agent (OSCA)

Date of Request: _____

SECTION 1**Product Trade Name** _____Synonyms: (1) _____
(2) _____
(3) _____
(4) _____**SECTION 2****Product Classification** (check all boxes that apply)

- | | |
|--|--|
| ☐ Collecting Agent | ☐ Dispersant |
| ☐ Emulsion Treating | |
| ☐ Herding
Cleaner | ☐ Surface Washing Agent/Shoreline |
| ☐ Elasticity Modifier | |
| ☐ Sorbent | ☐ Bioremediant/Bioenzymatic Cleaner |

SECTION 3**Contact Personnel****Applicant:**Contact Person _____
Company Name _____
Street Address _____
City/State _____
Telephone _____ FAX _____
Emergency _____ Email _____

SECTION 3, continued**Contact Personnel, continued**

Manufacturer:	Contact Person _____
	Company Name _____
	Street Address _____
	City/State _____
	Telephone _____ FAX _____
	Emergency _____ Email _____
Vendor in California:	Contact Person _____
	Company Name _____
	Street Address _____
	City/State _____
	Telephone _____ FAX _____
	Emergency _____ Email _____
Technical Representative:	Contact Person _____
	Company Name _____
	Street Address _____
	City/State _____
	Telephone _____ FAX _____
	Emergency _____ Email _____

SECTION 4**Product Availability**

	OSCA Amount	Delivery Time	Storage Location
Los Angeles	_____	_____	_____
	gallons	hours	Address _____
			Telephone _____ / FAX _____
San Francisco	_____	_____	_____
	gallons	hours	Address _____
			Telephone _____ / FAX _____
Eureka	_____	_____	_____
	gallons	hours	Address _____
			Telephone _____ / FAX _____

SECTION 5

Product Information (general)

Copy of Product Label
Product Brochures
MSDS

Attachment No.

SECTION 6

Material Classification and Analytical Data

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

Concentrations (in mg/l) of:

Lead _____

Total chlorinated hydrocarbons _____

Mercury _____

Cadmium _____

(Supporting documentation is in Attachment No. _____)

Physical Properties:

Solubility of 15°C in Water of:

Less than 0.5 parts per thousand salinity: _____

30 parts per thousand salinity: _____

Color (visual) _____

Conductivity _____

Freezing Point _____

Viscosity _____ in _____ units

Flash Point _____ pH _____

Specific gravity _____

(Supporting documentation is in Attachment No. _____)

SECTION 7

Hazards to Operators

In addition to the Material Safety Data Sheet, please attach 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 _____

SECTION 8

Aquatic Toxicity

Acute Toxicity of Agent to Aquatic Organisms

SPECIES	TYPE OF WATER	NOEC	LOEC
<i>Haliotis rufescens</i>	Lab Seawater		

(Supporting documentation is in Attachment No. _____)

SECTION 9

Degradation/(B.O.D.)

Method used: _____

5-Day _____ Ultimate _____ (K) _____

Shelf Life: _____ Opened _____ Sealed _____

Estimated Half-Life in Ocean Waters: _____

Explain Computation Method _____

(Supporting documentation is in Attachment No. _____)

SECTION 10

Analytical Procedures (Chemical)

Analytical methods to identify product (neat) _____

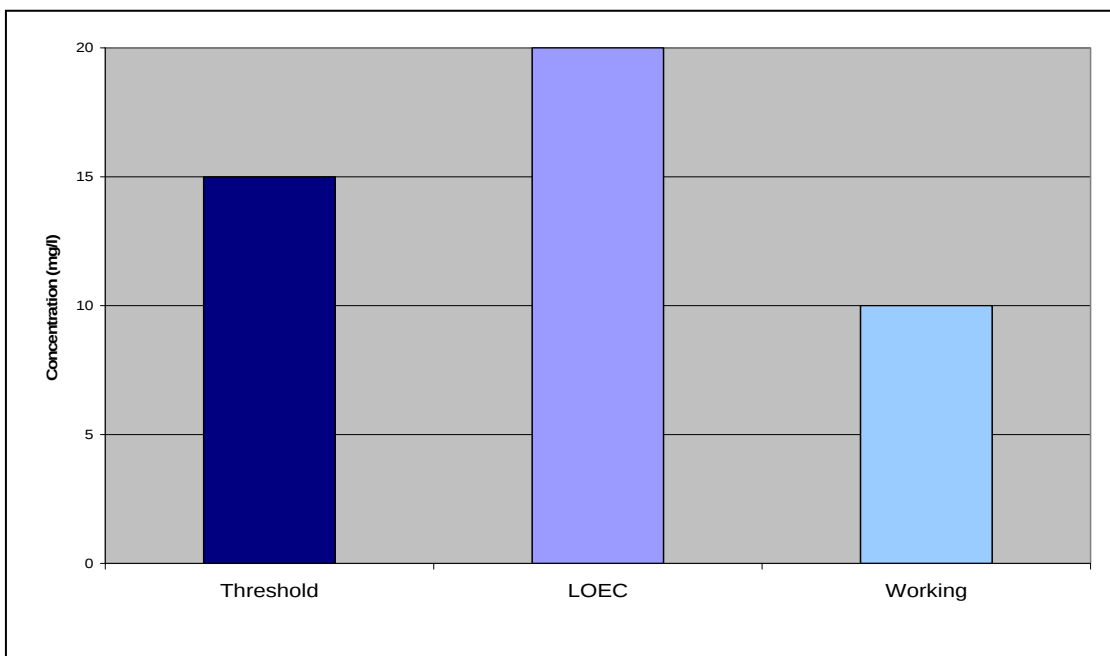
Recommended analytical method for determining as little as 5 mg/l of product in fresh and sea water _____

(Supporting documentation is in Attachment No. _____)

SECTION 11

Treatment Concentrations

Information in this section will be used to identify the margin of safety between the recommended working concentration of the product in the environment (as suggested by the vendor/manufacturer) and the NOEC/LOEC concentrations as determined by the toxicity assay data. The following chart, or something comparable, can be used to graphically illustrate to the applicant which data will be solicited and how the data will be compared.



This section of the application should reference a scenario of a 3 mm thick oil slick spread over 1 square meter of water surface (equivalent to 3 l of oil).

Please provide the amount of product (by volume or weight) that would be required to treat 3 liters of the following petroleum hydrocarbons:

Diesel _____
Bunker C _____

Alaskan North Slope Crude _____

SECTION 12

Performance Efficacy

A. Dispersing Agents

The information requested in this section applies to dispersants only.

Method of Use

Describe recommended procedures for product use in open ocean, bays and estuaries, docking areas, marinas or any other areas proposed for use.

(Supporting documentation is in Attachment No. _____)

B. Sorbents

The information requested in this question applies to sorbents only.

Performance Effectiveness

Volume of #6 fuel oil adsorbed, per volume of product, in:

2 hours _____ 6 hours _____

Percent by volume of sorbent-oil mixture that sinks in 6 hours: _____

Method of Use:

Describe recommended procedures for product use in open ocean, bays and estuaries, docking areas, marinas or any other areas proposed for use. Additionally, describe proven harvesting techniques and recommended method of disposal of OSCA-oil mass.

C. Surface Washing Agents

The information requested in this subsection applies to surface washing agents only.

Percent of #6 fuel oil removed, per volume of product, in:

2 hours _____

6 hours _____

Method of Use:

Describe recommended procedures for product use in open ocean, bays and estuaries, docking areas, marinas or any other areas proposed for use.

D. All Other Water-Soluble Agents

The information requested in this subsection applies to all other water-soluble oil spill cleanup agents.

Percent of #6 fuel oil removed or ,encapsulated per volume of product, in:

2 hours _____

6 hours _____

Method of Use:

Describe recommended procedures for product use in open ocean, bays and estuaries, docking areas, marinas or any other areas proposed for use.

SECTION 12, continued

Performance Efficacy, continued

E. All Other Water-Insoluble Agents

The information requested in this subsection applies to all other water-insoluble oil spill cleanup agents.

Percent of #6 fuel oil removed or encapsulated, per volume of product, in:

2 hours _____ 6 hours _____

Method of Use:

Describe recommended procedures for product use in open ocean, bays and estuaries, docking areas, marinas or any other areas proposed for use.

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.

Signatory

Printed Name

Title

Date

LICENSE RENEWAL REQUIREMENTS AND PROCESS (FOR A CURRENTLY LICENSED OSCA)

1. An OSCA license is issued for a term of five years and may not be used after the expiration date unless renewed.
2. OSCAs may be renewed if the material information used in initial licensing of the product (i.e., product formulation, appropriate treatment concentrations, heavy metal concentration), is still accurate and complete. To obtain a renewal:
 - a. Complete the License Renewal Form and submit it to the OSPR for review and approval.
 - b. Complete the Billing Form and submit it with the License Renewal Form and the appropriate fee.

LICENSE RENEWAL FORM*Form 1967*

California State Review and Licensing of an
Oil Spill Cleanup Agent (OSCA)

Date of Request: _____

1. Product Licensed Name _____

Name of Manufacturer _____

Address _____

Telephone _____

Email _____

Vendor in California _____

Address _____

Telephone _____

Email _____

Technical Representative _____

Address _____

Telephone _____

FAX _____

Email _____

2. Product Changes. (Please describe any changes from the information submitted with the original license application).

I, the signatory, do swear, under penalty of perjury, that the information submitted for initial licensing of the product named above is still true and accurate. Based on this information, the Department of Fish and Game will make a determination regarding this renewal application. I understand that the Department of Fish and Game will rely on this information in determining whether the product named above poses any aquatic toxicity or hazard that could damage the resources of California. I understand that if any information is determined to be inaccurate or incorrect, I could face civil and criminal penalties.

Signature

Printed Name

Title

Date

LICENSE EXEMPTION REQUIREMENTS AND PROCESS

LICENSE EXEMPTION CRITERIA

Government Code Section 8670.13.1(b) states that sorbents and other cleanup devices that do not use 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 to make this kind of determination.

LICENSE EXEMPTION INSTRUCTIONS

All applicants must provide the following information for OSPR review:

1. The completed **License Exemption Form**. This can be found on Page 24 of this document. Please be sure that all the information is included on the form. The applicant will need to provide 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.

The information below will help you complete the License Exemption Form.

Section 1 - Product Trade Name & Contact Personnel

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, telephone numbers (office, fax, emergency) and email addresses 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 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.

No specific standards or criteria are established for some other categories of requested information, such as solubility, freezing point, viscosity, color and conductivity, but are still 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 regarding safeguards during 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 –Aquatic Toxicity

Provide background data and/or information which sufficiently demonstrate that the product would not cause aquatic toxicity for purposes of oil spill response. The 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.

The OSPR will conduct a product review after all the required information has been received. After review, the OSPR will either issue an OSCA exemption approval letter or an exemption denial letter. If the exemption is denied, the applicant will be informed of the reasons for that 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 six weeks from date of receipt.

LICENSE EXEMPTION FORM*Form 1958*

California State Review of a Petition to Exempt from Licensing an

Oil Spill Cleanup Agent (OSCA)

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 _____
Emergency _____ Email _____

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

Vendor in California: Contact Person _____
Company Name _____
Street Address _____
City/State _____
Telephone _____ FAX _____
Emergency _____ Email _____

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

3. Material Classification and Analytical Data

Please provide the 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 demonstrate 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

Printed Name

Title

Date