

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