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	**mercury - 0.005**
total chlorinated hydrocarbons - 0.05	**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
- ☐ Emulsion Treating
- ☐ Herding
- ☐ Cleaner
- ☐ Elasticity Modifier
- ☐ Sorbent
- ☐ Dispersant
- ☐ Surface Washing Agent/Shoreline
- ☐ 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)

	Attachment No.
Copy of Product Label	_____
Product Brochures	_____
MSDS	_____

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 _____ Mercury _____
Total chlorinated hydrocarbons_____ 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) _____ Viscosity_____ in _____ units
Conductivity _____ Flash Point_____ pH _____
Freezing Point _____ 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 LC_{50}) _____
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
Haliotis rufescens	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) _____
_____
_____

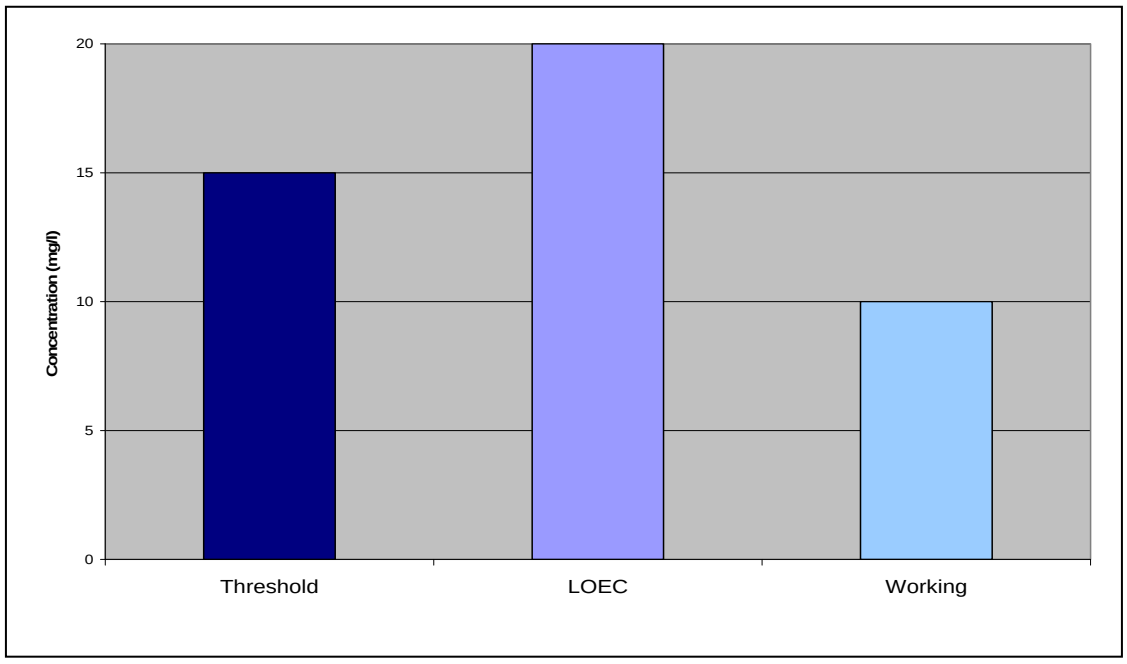
Recommended analytical method for determining as little as 5 mg/l of product in fresh and sea water _____
_____
_____

(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 _____ Alaskan North Slope Crude _____
Bunker C _____

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. <u>All Other Water-Insoluble Agents</u>

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 _____

<u>Method of Use:</u>

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