



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Conflict-of-Interest Code — Notice File No. Z2016-0823-05* ..... 1563

#### *Adoption*

Multi-County: South Valley Water Resources Authority

#### *Amendment*

State Agency: Lieutenant Governor’s Office

Multi-County: Turlock Unified School District

California Fair Services Authority

California Fairs Finance Authority

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Notice File No. Z2016-0823-02* ..... 1564

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Notice File No. Z2016-0823-03* ..... 1566

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Notice File No. Z2016-0823-04* ..... 1569

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Avocado Inspection Program — Notice File No. Z2016-0823-01* ..... 1572

### TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

*End of Life Option Act — Notice File No. Z2016-0823-10* ..... 1575

### TITLE 13. AIR RESOURCES BOARD

*Innovative Technology Regulation — Notice File No. Z2016-0816-11* ..... 1579

(Continued on next page)

***Time-  
Dated  
Material***

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

*Proposed Consent Decree* ..... 1587

### OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

*Public Meeting and Business Meeting* ..... 1588

## DECISION NOT TO PROCEED

### BOARD OF PHARMACY

*Concerning Reconciliation and Inventory Report (Previously Published in Notice Register 2015, No. 42–Z)* ..... 1589

## AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

### BOARD OF PHARMACY

*Annual Notice of Availability of Precedential Decision Index* ..... 1589

## SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State ..... 1589

Sections Filed, March 23, 2016 to August 24, 2016 ..... 1591

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

**CONFLICT-OF-INTEREST CODES**

**ADOPTION**

**MULTI-COUNTY:** South Valley Water Resources Authority

**AMENDMENT**

**STATE AGENCY:** Lieutenant Governor's Office  
**MULTI-COUNTY:** Turlock Unified School District  
 California Fair Services Authority  
 California Fairs Finance Authority

A written comment period has been established commencing on September 2, 2016, and closing on October 17, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Sec-

tion 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than October 17, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

**AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair

Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on June 16, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than December 13, 2016.

This notice is being provided to be in compliance with Government Code Section 11346.4.

**PUBLIC HEARING**

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on October 17, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

**Anticipated Benefits from This Regulatory Action**

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amend-

ment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

The Department has considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

The emergency rulemaking action expanded the quarantine area for ACP in Kern County by approxi-

mately 99 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,538 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in the affected area. There are fifteen citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast major-

ity of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

**ALTERNATIVES CONSIDERED**

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

**AUTHORITY**

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

**REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

**CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E–mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

**INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on June 28, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than December 27, 2016.

This notice is being provided to be in compliance with Government Code Section 11346.4.

### PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on October 17, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
 916.654.1017  
 916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

### Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida

and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

The Department has considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in San Joaquin County by approximately 34 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,825 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in

the affected area. There are zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gllstrap of California Citrus Nursery Board for citrus nursery stock value and USDA-National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State's economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on June 22, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than December 19, 2016.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov).

The written comment period closes at 5:00 p.m. on October 17, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

##### Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

The Department has considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This regular rulemaking action expanded the quarantine area for ACP in Merced County by approximately 106 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,766 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are five retail nurseries in the affected area. There are zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 a piece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area, although the loads do

not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA-National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State's economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

**Division 3. Economics**

**Chapter 1. Fruit and Vegetable Standardization  
Subchapter 4. Fresh Fruits, Nuts and Vegetables**

**Articles 4 Containers and 11 Avocados  
§ 1380.19(e) Standard Containers; 1408.2 Avocados, Maturity, Sampling and Testing Procedures; 1408.9 Avocados, Marking Requirements; 1408.10 Avocados, Marking Requirements for Irregular Containers; 1408.11 Avocados, Consumer-Type Package; 1408.13 Avocados, Packing, Sizing, and Standard Container Requirements; 1408.14 Avocados, Weight Requirements for Packed Containers; 1408.16 Avocados, Net Weight Tolerance; and 1408.17 Avocados, Sampling Procedure for Weight Requirement.**

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to amend the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed actions.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted via facsimile (FAX) at (916) 900-5345 or by e-mail to [steve.patton@cdfa.ca.gov](mailto:steve.patton@cdfa.ca.gov). The written comment period closes at **5:00 p.m. on October 17, 2016**. The Department will consider only comments received at the Department by that time. Submit comments to:

Steve Patton, Branch Chief  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street,  
Sacramento, CA 95814  
Telephone: (916) 900-5030;  
Fax: (916) 900-5345

AUTHORITY AND REFERENCE

Sections 14, 407, 42681, 42682, and 42941 of the Food and Agricultural Code authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 42681, 42682, and 42941 of the Food and Agricultural Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action amends California Code of Regulations (CCR) Title 3, Division 3, Chapter 1, Subchapter 4, Articles 4 and 11, § 1380.19(e), 1408.2, 1408.9, 1408.10, 1408.11, 1408.13, 1408.14, 1408.16, and 1408.17.

Section 14 of the Food and Agricultural Code authorizes the Department to adopt rules and regulations in accordance with the Administrative Procedure Act. Additional authority vested in this section grants the California Department of Food and Agriculture Secretary the authority to amend or repeal rules and regulations.

Section 407 of the Food and Agricultural Code authorizes the Secretary of the Department to adopt such regulations as are reasonably necessary to carry out the provisions of the Food and Agricultural Code that the Secretary is directed or authorized to administer or enforce.

Section 42681 of the Food and Agriculture Code authorizes that the director [Secretary] by regulation may prescribe methods of selecting samples of lots or containers of fruits, nuts, and vegetables on a basis of size or other specific classification, which are reasonably calculated to produce by such sampling fair representations of the entire lots or containers which are sampled, and make such other regulations as are reasonably necessary to secure uniformity in the enforcement of this division.

Section 42682 of the Food and Agricultural Code authorizes that the director [Secretary] may upon petition of a person that the director [Secretary] finds a substantial interest in the growing or handling of the particular fruit, nut, or vegetable involved, establish, modify, or rescind by the regulation which initially took effect January 1, 1971, standard container, lid, marking, sizing requirements for commodities, and packing arrangements for any fruits, nuts, or vegetables, for which specific quality standards have otherwise been provided by law or regulation.

The director [Secretary] shall not, by regulation, adopt any new container or packing requirement, unless the new container or packing requirement has previously been authorized by regulation of the director [Secretary] as an experimental container pack or container.

Section 42941 of the Food and Agricultural Code mandates that it is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any fruits, nuts, and vegetables in bulk, or in any container or subcontainer, unless such fruits, nuts, and vegetables, and their containers, conform to the provisions of this division or the regulations promulgated thereunder.

The requested regulatory amendments will simplify and modernize regulations applicable to the packing and shipment of avocados produced in California. These amendments will also benefit California avocado growers and handlers by eliminating a long-standing disparity that disadvantages California avocados in comparison to avocados that are imported into the state. Specifically, the Avocado Inspection Committee's (AIC) requested regulatory modifications leave intact the Department's robust quality inspection program and maintain existing consumer protections. Accordingly, AIC submits that the requested changes are beneficial for the Department, the California avocado industry, and California consumers.

Consumer demands have increased the need to use nonstandard type containers when packing avocados. Current regulations state that avocados are to be packed in three standard containers, in rows and layers. This proposed regulation action will allow handlers to pack in any type consumer and nonconsumer containers and not be restricted to the standard container and labeling requirements that cause confusion and misperception among consumers and retailers.

Eliminating the standard container requirement for avocados and the requirements to use the term "irregular container" when using a nonstandard container, will allow flexibility in the use of other comparable containers without compromising consumer safety or the economic interests of the industry. Additionally, these changes will allow producers and handlers of California avocados to be competitive with foreign markets.

Benefits of the Proposed Action: The proposed regulatory action will benefit California producers and packers of avocados. Avocado packers will no longer be required to pack in standard containers, and this will allow California handlers to simplify and modernize the packing of avocados. The changes will help California avocado growers and handlers by eliminating a long-standing disparity that disadvantages California avocados in comparison to avocados that are imported into the state.

CONSISTENCY EVALUATION

During the process of developing these regulations and amendments, the Department has conducted a search of any similar regulations on this topic and has

concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes that it is (1) unlikely that the proposal will eliminate/create any jobs and/or eliminate existing business; (2) likely that this proposal may create new business or expand current business opportunities for producers and packers of avocados; (3) likely that this proposal may create new businesses for avocado handlers; lastly, the proposed rulemaking will create an indirect impact to the protection of public health and safety.

Benefits of the Proposed Action: The proposed regulation will benefit California producers, and packers. Avocado packers will no longer be required to pack in standard containers or mark nonstandard containers as "irregular container." This will allow California handlers to be more competitive in today's global economy by using any type consumer and nonconsumer containers.

Significant effect on housing costs: None.

#### SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed changes to the regulations would result in no

added costs to small businesses affected by these proposed changes. This proposed regulatory action would eliminate standard containers for avocados and allow handlers to pack in any type consumer and nonconsumer containers which would reduce costs and provide additional marketing opportunities for the avocado industry. In addition, the proposed regulatory actions were initiated at the request of the impacted industry.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Steve Patton, Branch Chief  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
Telephone: (916) 900-5030;  
Fax: (916) 900-5345

The backup contact person for these inquiries is:

Laurel Rudolph, SSA  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
Telephone: (916) 900-5233;  
Fax: (916) 900-5345

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Laurel Rudolph at the above address.

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at: 2800 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice; the proposed text of the regulations; the initial statement of reasons; and petitions received from industry. Copies may be obtained by contacting Laurel Rudolph at the address or phone number listed above.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Laurel Rudolph at the address listed above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT  
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Laurel Rudolph at the address listed above.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at <http://www.cdfa.ca.gov/is/Regulations.html>.

**TITLE 12. DEPARTMENT OF  
VETERANS AFFAIRS**

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs ("CalVet") is proposing to take the action described in the Informative Digest af-

ter considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

CalVet will hold a public hearing starting at 10:00 a.m. on October 19, 2016, at the Medal of Honor Hall ("MOH"), on the first floor of CalVet's Headquarters Building located at 1227 O Street, Sacramento, California 95814. The MOH is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. CalVet requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalVet. Comments may also be submitted by facsimile (FAX) at (916) 653-2456 or by e-mail to [phil.mcallister@calvet.ca.gov](mailto:phil.mcallister@calvet.ca.gov). The written comment period closes at **5:00 p.m. on October 17, 2016**. CalVet will consider only comments received at CalVet offices by that time. Submit comments to:

Phil McAllister, Regulatory Actions Coordinator  
California Department of Veterans Affairs  
227 O Street, Suite 300  
Sacramento, California 95814

AUTHORITY AND REFERENCE

Military and Veterans Code sections 74(a), 79.2(a), 79.2(c) and 1014 authorize CalVet to adopt this proposed regulation. The proposed regulation implements, interprets, and makes specific Health and Safety Code sections and 38 CFR section 51.210.

INFORMATIVE DIGEST/ POLICY STATEMENT  
OVERVIEW

A. Informative Digest

Military and Veterans Code section 74(a) provides, in part, that the Secretary is the "chief administrative officer" of CalVet.

Military and Veterans Code section 1014 provides that the Veterans Homes of California (Homes) "shall be under the management and control of [CalVet] and subject to the policies adopted by the California Veterans Board."

Military and Veterans Code section 79.2(a) provides that the Governor shall appoint a Deputy Secretary of Veterans Homes “who shall be responsible for the administration of all sites of the California veterans home[s].”

Military and Veterans Code section 79.2(c) specifies that “the role of the deputy secretary [of veterans homes] shall be to oversee and monitor **all** aspects of medical care that is being provided to men and women veterans who are residents in any California veterans home.” (Emphasis added.)

These sections make clear that CalVet has authority to adopt a regulation specifying how the requirements of the Act are to be reconciled with applicable federal law, which strictly prohibits any involvement by state officials in assisting in any activities under the California End of Life Option Act (the Act). (See Cal. Code Regs., tit. 1, § 14, subd. (a)(2).)

Reconciling these conflicting legal requirements on a statewide basis is clearly an “administrative” function within the purview of the Secretary’s duties as “chief administrative officer” of CalVet. Furthermore, the Deputy Secretary of Veterans Homes is charged with the duty of “oversee[ing] and monitor[ing] all aspects of medical care . . . provided . . . in any California veterans home.” Clearly, whether or not to provide aid-in-dying drugs to Homes’ members falls within the broad category of “all aspects of medical care.”

Read together, these statutory provisions authorize CalVet to adopt statewide regulations reconciling state and federal requirements concerning one aspect of medical care — namely, the implementation of the Act.

Proposed 12 CCR 509 would provide as follows:

Section 509(a)

This subdivision states that all terminally ill members are entitled to customary medical care, including counseling, hospice and palliative care. This subdivision is needed in order to make clear that the Homes will provide all necessary end of life care to members, except for aid-in-dying drugs.

Section 509(b)

This subdivision specifies that the Homes will not provide aid-in-dying drugs, as defined in California Health and Safety Code section 443.1, subdivision (b). This subdivision is needed to make clear that the Homes will not jeopardize their continued eligibility for United States Department of Veterans Affairs (USDVA) per diem funding by providing aid-in-dying drugs to members.

This subdivision also prohibits any CalVet employee, contractor, or other person or entity from providing aid-in-dying drugs to any member. This subdivision is needed, in part, to make clear that employees, independent contractors, and other specified persons will not be

allowed to provide aid-in-dying drugs to members or to participate in any activities under the Act.

This subdivision also clarifies that the prohibition on employee participation is confined to acts on the premises of the Homes, or actions taken in the course and scope of employment by, or contract, with the Homes. This subdivision is needed to ensure that employees, independent contractors, and other specified persons do not engage in acts while on the premises of the Homes, or while acting within the course and scope of employment by, or contract with, the Homes that would jeopardize the Homes’ continued eligibility to receive USDVA per diem funding.

Section 509(c)

This subdivision states that any member desiring to take an aid-in-dying drug must first discharge from the Home. This subdivision is needed to make clear what procedure must be followed if a member wishes to exercise the end of life option.

Section 509(d)

This subdivision provides that if a member discharges from a Home in order to take an aid-in-dying drug, but has a change of heart and decides to not take the drug, then the Home is mandated to re-admit the member and again provide appropriate and necessary medical care.

**B. Policy Statement Overview**

CalVet proposes this rulemaking action to make permanent California Code of Regulations, title 12, section 509. This rulemaking action will resolve a conflict between the Act and existing federal laws governing the operations of the Homes.

Beginning in 1884 with the opening of one of the nation’s first long-term care homes for Civil War veterans, California has maintained an historic commitment to caring for veterans and their families. Under the direction of its Secretary, CalVet currently operates Homes in Yountville, Barstow, Chula Vista, Lancaster, Ventura, West Los Angeles, Fresno and Redding. The Homes, which provide long-term health care services for thousands of elderly and disabled veterans and their spouses, are certified by the United States Department of Veterans Affairs (USDVA) and licensed by the California Department of Public Health and the California Department of Social Services, allowing them to carry out CalVet’s goal of providing its Homes’ members with the continuum of long-term care needed throughout the aging process.

Once admitted to one of the Homes, each member benefits from a broad range of services throughout his or her life regardless of whether the services are provided at the Domiciliary (independent living), Residential Care for the Elderly (assisted living), Intermediate Care (licensed nursing assistance required), Skilled Nursing

(round-the-clock care by licensed nurses and certified nursing assistants), or Memory Care/Dementia Care level of care. In order to achieve the goal of providing the foregoing array of services to the Homes' members as their needs change, CalVet receives significant financial assistance in the form of per diem payments from the USDVA as it seeks to fulfill those needs through changes in programs, technology, and staffing.

**The specific problem being addressed in this regulatory action is the conflict between a recently enacted California statute and existing federal law.**

With the passage of the Act, California became the fifth state to permit physicians to prescribe terminally ill patients medication to end their lives. Specifically, the Act allows terminally ill adults who have the capacity to make medical decisions to be prescribed an aid-in-dying drug if specified conditions are met. The act went into effect on June 9, 2016, ninety (90) days after the adjournment of the special legislative session in which it was passed. (Health & Safety Code §§ 443-443.22.)

After passage (but prior to implementation) of the Act, CalVet learned of the existence of a conflict between the Act and existing federal law that significantly affects the operation of the Homes, which would prevent CalVet from permitting: (a) Homes members to consume an aid-in-dying drug while residing in a Home; or (b) Homes' employees from participating in the activities under the Act.

The Act authorizes a mentally competent adult, who has been determined by his or her attending physician (and confirmed by a consulting physician), to be suffering from a terminal disease (as specified in the Act) to make a request for a drug for the purpose of ending his or her own life. The Act further establishes a procedure for making these requests, and additionally requires specified information to be documented in the individual's medical record, including all oral and written requests for an aid-in-dying drug.

Because the Homes receive federal funding, federal law prohibits them from furnishing items or services (including assistance of any kind) for the purpose of causing (or assisting with causing) the suicide, euthanasia, or mercy killing of any individual. (42 U.S.C. § 14402; 38 C.F.R. § 51.210, subd. (s).)

On June 9, 2016, all eligible California citizens became entitled to request an aid-in-dying drug for the purpose of ending their lives. In response to the Act's implementation, CalVet filed an emergency regulatory action with the Office of Administrative Law (OAL) on June 8, 2016. OAL approved this emergency regulation on June 17, 2016.

The emergency regulation, pursuant to Government Code section 11346.1(e), will be in effect for 180 days, and thereafter repealed, unless CalVet either: (a) perma-

nently adopts it in compliance with the notice and comment requirements of the Administrative Procedure Act (APA); or (2) readopts the regulation on an emergency basis.

The purpose of this regulatory action is to make permanent the emergency regulation, pursuant to Government Code section 11346.1(e). At the conclusion of this regular rulemaking proceeding CalVet will certify that it has complied with the APA notice and comment requirements.

*Anticipated Benefits of the Proposed Regulation:*

The objective of this proposed regulation is to ensure the Homes' continued eligibility to receive \$67,721,000.00 annually (or \$185,000.00 per day) in USDVA funding.

*Determination of Inconsistency/Incompatibility with Existing State Regulations:*

After conducting an evaluation for any regulations related to this area, CalVet has found that these are the only regulations concerning end of life options for veterans in Veterans Homes in California. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations

**DISCLOSURES REGARDING THE PROPOSED ACTION**

*CalVet has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The proposed regulation would preserve approximately \$67,721,000.00 annually (or \$185,000.00 per day) in USDVA funding. This funding is returned to the General Fund and used to pay the equivalent of more than 1,200 staff members working in the Homes.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: The proposed regulation would preserve approximately \$67,721,000.00 annually (or \$185,000.00 per day) in USDVA funding. This funding is returned to the General Fund and used to pay the equivalent of more than 1,200 staff members working in the Homes.

Cost impacts on a representative private person or businesses: CalVet is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Significant effect on housing costs: None.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

CalVet does not anticipate that there will be significant impacts on the public, private persons, or business due to the proposed regulation. CalVet does not anticipate that there will be an expansion of existing business in California. No jobs will be created; none will be eliminated. No new businesses will be created; no existing businesses will be eliminated. CalVet anticipates that the regulation will result in the following benefit to the health and welfare of California residents: the regulation makes clear how issues arising under the Act will be resolved for persons who are Homes' members. CalVet has not identified any benefits in the areas of worker safety or the state's environment. Any member who discharges from the Homes under this proposed regulation would be discharged with a plan to meet his or her care needs. This plan might involve care provided by relatives, home-based care services, private facilities, or hospice.

#### *Benefits of the Proposed Action:*

The proposed regulation would preserve approximately \$67,721,000.00 annually (or \$185,000.00 per day) in USDVA funding. This funding is returned to the General Fund and used to pay the equivalent of more than 1,200 staff members working in the Homes.

#### *Small Business Determination:*

CalVet has determined that the proposed regulation will not affect small business. This proposed regulation will not affect small business because this proposed regulation simply seeks to simply reconcile the conflict between the Act and existing federal law which impacts the operation of the Homes, a state entity. This proposed regulation does not apply to small business in any manner, it simply conforms state law to federal law.

#### *Business Report*

The proposed regulation does not require a business report.

### CONSIDERATION OF ALTERNATIVES

CalVet must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative 1: Prohibit a member from consuming an aid-in-dying drug while on the grounds of the Home, and prohibit Home staff from participating in activities under the Act. If a member requests an aid-in-dying drug, the member would be entitled to transfer to a third-party facility that is willing to prescribe the drug to the member and allow the member to consume the drug at the third-party facility. The member would not discharge from the Home, and the Home would be ultimately responsible for any unreimbursed costs of care associated with the transfer to the third-party facility.

Analysis: While this alternative may be more advantageous to a member desiring to take an aid-in-dying drug, CalVet believes, based upon guidance it received from the USDVA, that this alternative would similarly jeopardize the Homes' continued eligibility to receive \$67,721,000.00 annually (or \$185,000.00 per day) in USDVA funding.

### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Phil McAllister, Regulatory Actions Coordinator  
California Department of Veterans Affairs  
1227 O Street, Suite 300  
Sacramento, California 95818  
Telephone: (916) 653-1961  
Fax: (916) 653-2456  
Email: phil.mcallister@calvet.ca.gov

The backup contact person for these inquiries is:

Todd D. Irby  
Deputy Secretary and Chief Counsel  
1227 O Street, Room 306  
Sacramento, CA 95814  
Telephone: (916) 654-7022  
Fax: (916) 653-2456  
Email: todd.irby@calvet.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Phil McAllister at the above address.

### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

CalVet will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date

this notice is published in the Notice Register, the rule-making file consists of this notice, the proposed text of the regulations, the initial statement of reasons, the text of the California End of Life Option Act and relevant federal law in conflict with the Act. Copies may be obtained by contacting Phil McAllister at the address or phone number listed above

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Phil McAllister at the address indicated above. CalVet will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Phil McAllister at the above address.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

**TITLE 13. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC MEETING TO  
CONSIDER PROPOSED REGULATION TO  
PROVIDE CERTIFICATION FLEXIBILITY  
FOR INNOVATIVE HEAVY-DUTY ENGINES  
AND CALIFORNIA CERTIFICATION AND  
INSTALLATION PROCEDURES FOR  
MEDIUM- AND HEAVY-DUTY VEHICLE  
HYBRID CONVERSION SYSTEMS  
(INNOVATIVE TECHNOLOGY REGULATION)**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed Regulation to Provide Certification Flexibility for Innovative Heavy-Duty Engines and California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems (Innovative Technology Regulation or ITR), and to approve for adoption proposed amendments to Exhaust Emissions Standards and Test Procedures — 1985 and Subsequent Model Heavy-Duty Engines and Vehicles.

DATE: October 20, 2016  
TIME: 9:00 a.m.  
LOCATION: San Joaquin Valley Air Pollution  
Control District Office  
1990 East Gettysburg Avenue  
Fresno, California 93726

This item will be considered at a one-day meeting of the Board, which will commence at 9:00 a.m., on October 20, 2016. Please consult the agenda for the meeting, which will be available at least 10 days before October 20, 2016, to determine the order in which this item will be considered.

WRITTEN COMMENT PERIOD AND  
SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the meeting, and may provide comments by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on September 2, 2016. To be considered by the Board, written comments not physically submitted at the hearing, must be submitted **no later than 5:00 p.m., October 17, 2016**, and must be addressed to the following:

Postal  
mail: Clerk of the Board, Air Resources  
Board  
1001 I Street,  
Sacramento, California 95814

Electronic  
submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the meeting, so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring any suggestions for modifications of the proposed regulatory actions to staff's attention in advance of the hearing.

#### AUTHORITY AND REFERENCE

These regulatory actions are proposed under the authority granted in California Health and Safety Code sections: 38501, 38510, 38560, 38580, 39500, 39515, 39516, 39600, 39601, 40000, 43004, 43006, 43008.6, 43009.5, 43000, 43011, 43012, 43013, 43018, 43100, 43101, 43102, 43103, 43104, 43105, 43106, 43107, 43204, 43205, 43205.5, 43806; and Vehicle Code sections: 27156, 28114, and 38391. These actions are proposed to implement, interpret, and make specific Health and Safety Code sections: 38501, 38505, 38510, 38560, 39002, 39003, 39010, 39017, 39033, 39500, 39602.5, 39650, 39657, 39667, 39701, 43000, 43000.5, 43004, 43006, 43008.6, 43009, 43009.5, 43010, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43202, 43204, 43205, 43205.5, 43206, 43210, 43211, 43212, 43213 and 43806; and Vehicle Code, § 27156, 28114, and 38391.

#### INFORMATIVE DIGEST OF PROPOSED ACTIONS AND POLICY STATEMENT OVERVIEW (GOV. CODE. § 11346.5, subd. (a)(3))

**Sections Affected:** Proposed adoption to California Code of Regulations, title 13, sections 2208, 2208.1, 2208.2, including the following document incorporated by reference herein: "California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems." Proposed amendments to California Code of Regulations, title 13, section 1956.8, including the following documents in-

corporated by reference therein: "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles," as last amended September 2, 2015, and the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as last amended September 2, 2015.

#### **Documents Incorporated by Reference:**

The following documents are proposed for incorporation by reference in proposed California Code of Regulations, title 13, sections 2208, 2208.1 and 2208.2:

- U.S. EPA National Vehicle and Fuel Emissions Laboratory guidance letter CD-12-07 (Revised), dated March 30, 2012;
- "California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric and Other Hybrid Vehicles, in the Urban Bus and Heavy-Duty Vehicle Classes", amended on October 21, 2014;
- 40 Code of Federal Regulations, Part 1036.705(d), as last amended September 15, 2011
- 40 Code of Federal Regulations, Part 86.098-24, as last amended April 28, 2014
- 40 Code of Federal Regulations, Part 89.112(d), as last amended July 13, 2005
- 40 Code of Federal Regulations, Part 1065.270, as last amended April 28, 2014
- 40 Code of Federal Regulations, Part 86.004-2, as last amended on August 8, 2014

The following documents are proposed for incorporation by reference in the amendments to the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" and are thereby incorporated by reference in the proposed California Code of Regulations, title 13, sections 1956.8.

- 40 Code of Federal Regulations, Part 1036.108, as amended September 15, 2011

The following documents are proposed for incorporation by reference in the proposed new test procedures "California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems," and thereby incorporated by reference in the proposed California Code of Regulations, title 13, sections 2208, 2208.1 and 2208.2:

- 40 Code of Federal Regulations, Part 1065, Subpart K, as amended April 28, 2014
- 40 Code of Federal Regulations, Part 1037.510(a), as amended September 15, 2011
- 40 Code of Federal Regulations, Part 86, Appendix I, as amended April 28, 2014

- 40 Code of Federal Regulations, Part 1066.801(c), as amended February 19, 2015
- 40 Code of Federal Regulations, Part 1037, Appendix I, as amended September 15, 2011
- California Code of Regulations, title 13, section 1965, as amended October 8, 2015
- California Code of Regulations, title 13, section 1968.2, as amended July 25, 2016
- California Code of Regulations, title 13, section 1971.1, as amended July 25, 2016
- 40 Code of Federal Regulations, Part 1065, Subpart J, as amended April 28, 2014
- 40 Code of Federal Regulations, Part 86.004–28(i)(1), as amended April 28, 2014
- 40 Code of Federal Regulations, Part 86, as amended February 19, 2015
- 40 Code of Federal Regulations, Part 1037.525, as amended June 17, 2013
- 40 Code of Federal Regulations, Part 1037.550, as amended June 17, 2013
- 40 Code of Federal Regulations, Part 1037.615(b)(2)(iii) as amended June 17, 2013
- California Code of Regulations, title 13, sections 2112 through 2121 as amended December 5, 2014
- “California Exhaust Emission Standards and Test Procedures for 2018 and Subsequent Model Zero–Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light–Duty Truck and Medium–Duty Vehicle Classes”, amended September 3, 2015;
- “California Interim Certification Procedures for 2004 and Subsequent Model Hybrid Electric and Other Hybrid Vehicles, in the Urban Bus and Heavy–Duty Vehicle Classes”, amended on October 21, 2014;
- “Procedures for Exemption of Add–on or Modified Parts”, amended June 1, 1990;
- “California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles”, amended September 2, 2015;
- Society of Automotive Engineers (SAE) International J1094: Constant Volume Sampler System for Exhaust Emissions Measurement, September 2011;
- SAE International J1526: SAE Fuel Consumption Test Procedure (Engineering Method), September 2015;
- SAE International J1711: Recommended Practice, for Measuring the Exhaust Emissions and Fuel Economy of Hybrid–Electric Vehicles, Including Plug–in Hybrid Vehicles, June 2010;
- SAE International J1939: Serial Control and Communications Heavy Duty Vehicle Network — Top Level Document, August 2013;
- SAE International J1939–73: Applications Layer — Diagnostics, July 2013;
- SAE International J1979 “E/E Diagnostic Test Modes”, August 2014;
- SAE International J1979–DA: “Digital Annex of E/E Diagnostic Test Modes”, June 2014.
- SAE International J2711: Recommended Practice for Measuring Fuel Economy and Emissions of Hybrid–Electric and Conventional Heavy–Duty Vehicles, September 2002;
- SAE International J2841: Utility Factor Definitions for Plug–In Hybrid Electric Vehicles Using Travel Survey Data, September 2010.

**Background and Effect of the Proposed Regulation and Amendments**

California must transition to zero– and near zero–emission transportation and freight movement technologies to meet its air quality and climate goals. These goals include:

- Reducing greenhouse emissions to 40 percent below 1990 levels by 2030;<sup>1</sup>
- Reducing greenhouse gas (GHG) emissions from the transportation sector to 80 percent below 1990 levels by 2050;<sup>2</sup>
- Deploying 1.5 million zero–emission vehicles (ZEV) by 2025, as directed in Executive Order B–16–2012, and the related goal of deploying one million ZEVs and near–ZEVs by January 1, 2023, as codified in Health and Safety Code Section 44258.4(b). The California Sustainable Freight Action Plan also includes a related goal of deploying 100,000 freight vehicles and equipment capable of zero emission operation by 2030;<sup>3</sup> and
- Meeting federal health–based eight–hour ozone standards, as required, by 2023 and 2031 in the South Coast, which will require a reduction in oxides of nitrogen (NOx) emissions of approximately 70 percent by 2023 and 80 percent by 2031 from today’s levels.<sup>4</sup>

While a diversity of new zero– and near–zero emission trucks and buses will be needed to meet these goals, ARB’s comprehensive heavy–duty engine and vehicle certification requirements may deter some manufactur-

<sup>1</sup> Governor Brown’s Executive Order B–30–2015: <http://gov.ca.gov/news.php?id=18938>.

<sup>2</sup> Governor Brown’s Executive Order B–16–2012: <http://gov.ca.gov/news.php?id=17472>.

<sup>3</sup> ARB, *California Sustainable Freight Action Plan*, July 2016: [http://www.casustainablefreight.org/app\\_pages/view/154](http://www.casustainablefreight.org/app_pages/view/154).

<sup>4</sup> *Mobile Source Strategy*, May 2016. <http://www.arb.ca.gov/planning/sip/2016sip/2016mobsr.htm>.

ers from developing promising new heavy-duty vehicle technologies, in part because of high initial certification costs and engineering challenges. One element of certification — on-board diagnostic (OBD) requirements — can be particularly resource-intensive, and can pose engineering challenges for some new technologies. OBD is a critical emissions control program consisting mostly of added software to identify and address potential engine and aftertreatment failures that can lead to an increase in emissions. The initial challenge of OBD compliance could lead a manufacturer to choose not to develop, or to delay introduction of, innovative new truck or bus technologies that are uncertain to achieve market acceptance.

To address these challenges and encourage additional needed technology innovation, the proposed ITR would provide a more flexible short-term certification pathway, described below, for the following innovative truck and bus technologies:

- New heavy-duty engine technologies:
  - A heavy-duty spark-ignition engine (through the 2021 model year (MY)) or a heavy-duty compression-ignition engine (through the 2024 MY) meeting California’s optional low-NOx emission standards;
  - A heavy-duty engine that will be installed in a hybrid heavy-duty vehicle (hybrid engine) through the 2021 or 2024 MY, if the vehicle is capable of at least 35 miles all-electric range (AER);
  - A heavy-duty engine that meets the proposed ITR’s optional low-CO<sub>2</sub> emission standards, reflecting a 15 percent CO<sub>2</sub> reduction relative to a 2017 baseline engine, through the 2027 MY;

and

- Hybrid conversion systems: A hybrid conversion system installed on an ARB-certified vehicle between 6,001 and 14,000 pounds Gross Vehicle Weight Rating (GVWR) or on an ARB-certified engine installed in a vehicle over 8,500 pounds GVWR.

These technologies, described in further detail below, each play a role in helping California meet its air quality and climate goals, yet each could face certification challenges inherent in certifying a new technology for the first time.

Innovative New Heavy-Duty Engines

The proposed ITR would provide short-term, targeted certification flexibility, particularly OBD compliance flexibility, for new heavy-duty engines meeting California’s optional low-NOx standards, hybrid heavy-duty engines, and high-efficiency heavy-duty

engines. To be eligible, the engine would be required to be cleaner than required by, and not used to demonstrate compliance with, the applicable mandatory engine emission standards for NOx or CO<sub>2</sub> for the given MY in which the manufacturer seeks certification flexibility for the engine. Proposed ITR structure and certification flexibility, summarized below, is tailored specifically to each proposed technology category in order to accelerate that technology’s deployment, while still ensuring it achieves the anticipated in-use emission benefits.

*Heavy-duty Engines Meeting California’s Optional Low-NOx Standards.* California needs significant deployment of heavy-duty engines meeting ARB’s optional low-NOx engine standards to attain the National Ambient Air Quality Standard for ozone, particularly in the South Coast Air Basin, by 2023 and 2031. The proposed ITR would provide a heavy-duty spark-ignition engine meeting California’s optional 0.05 or 0.02 grams per brake-horsepower hour (g/bhp-hr) NOx standard, and a compression-ignition engine meeting the 0.10, 0.05, or 0.02 g/bhp-hr NOx standard, with up to three MYs of modest certification flexibility. This flexibility would be available to manufacturers through the 2021 MY for a spark-ignition engine, and through the 2024 MY for a compression-ignition engine. This proposed structure recognizes the relative technology readiness of spark-ignition and compression-ignition low-NOx engines, and is intended to encourage certification of a diversity of low-NOx engine sizes and types before ARB may propose a mandatory low-NOx standard in the 2024 timeframe.

*Heavy-duty Hybrid Engines.* Hybrid trucks and buses, particularly plug-in hybrids with significant AER, can potentially reduce both criteria pollutant and GHG emissions in vocational applications, and help pave the way for zero-emission heavy-duty vehicle technology. The proposed ITR would provide an engine certified by ARB for use in a hybrid heavy-duty vehicle with up to four or six consecutive MYs of ARB certification flexibility, depending upon whether or not the engine is certified for use in a vehicle that achieves at least 35 miles AER.

A hybrid engine to be installed in a vehicle that does not achieve at least 35 miles AER (including non-plug-in hybrids) would be eligible for up to two MYs of more substantial “Tier 1” certification flexibility, followed by up to an additional two MYs of more modest “Tier 2” certification flexibility, through the 2021 MY. An engine to be installed in a hybrid vehicle that achieves at least 35 miles AER would be eligible for the same Tier 1 and Tier 2 certification flexibility provisions, but for up to four MYs of Tier 1 and two MYs of Tier 2 flexibility, through the 2024 MY.

The proposed ITR also includes provisions that would enable an engine originally certified for off-road

or light- or medium-duty use to be certified as a range extender in a heavy-duty hybrid that achieves at least 35 miles AER, through the 2024 MY. The engine would have to operate at steady state to charge the vehicle batteries, would be prohibited from directly propelling the vehicle, and would be required to meet other emission and performance criteria. Should any of these hybrid configurations gain a market foothold, information gained during ITR-based certification would enable ARB staff to propose updated certification requirements.

Recent studies have illustrated the potential for some hybrid heavy-duty vehicles to emit significantly more in-use NO<sub>x</sub> relative to their non-hybrid counterparts.<sup>5</sup> In order to be eligible for the proposed ITR's certification flexibility, a new heavy-duty hybrid vehicle would be required to achieve at least a ten percent CO<sub>2</sub> reduction without increasing in-use NO<sub>x</sub>, carbon monoxide (CO), hydrocarbon (HC), or particulate matter (PM) emissions. Compliance with these emission criteria would need to be demonstrated pursuant to the proposed ITR's hybrid technology emission test procedures.

*High-Efficiency Heavy-Duty Engines.* The proposed ITR would also provide certification flexibility to significantly more-efficient 2017 through 2027 MY heavy-duty engines. In order to identify such engines, the proposed amendments add optional low-CO<sub>2</sub> emission standards, which reflect a 15 percent CO<sub>2</sub> reduction relative to a 2017 baseline diesel engine, and a greater than ten percent CO<sub>2</sub> reduction relative to Federal Phase 2 GHG Standards for the 2027 MY.<sup>6</sup> The stringency of these proposed optional low-CO<sub>2</sub> standards is based upon what ARB's *Technology and Fuels Assessment*<sup>7</sup> and interested manufacturers indicate can be achieved by potentially transformational, new heavy-duty engine architectures (such as a camless or opposed piston engine), which could provide significant efficiency gains but face initial OBD and other certification challenges. However, the standards are performance-based, such that any heavy-duty engine meeting the standard would qualify. The proposed ITR

would provide heavy-duty engines meeting these proposed optional low-CO<sub>2</sub> emission standards with up to four MYs of Tier 1 certification flexibility, followed by an additional two MYs of Tier 2 flexibility, through the 2027 MY.

#### Truck and Bus Hybrid Conversion Systems

The proposed ITR incorporates "California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems." These proposed procedures would provide ARB certification criteria, including emission, diagnostic, warranty, reporting, and other requirements, for hybrid truck and bus conversion systems to be sold and installed on California-certified base engines or vehicles. The proposed ITR would allow a manufacturer to sell increasing California volumes of its hybrid conversion system by certifying to progressively more stringent Tier 1, Tier 2, and Tier 3/Final requirements.

For hybrid conversion systems that do not achieve at least 35 miles AER, the opportunity for conversion system manufacturers to apply for less stringent Tier 1 and 2 certification requirements would sunset on January 1, 2022. For conversions that do achieve at least 35 miles AER, the opportunity for manufacturers to apply for Tiers 1 and 2 hybrid conversion system certification would sunset on January 1, 2025. A hybrid conversion system first certifying after these sunset dates would be required to meet the more stringent Tier 3/Final certification requirements.

This structure is intended to encourage early development and market launch of a diversity of hybrid conversion systems, particularly from the smaller, independent manufacturers that make up today's market, by minimizing initial engineering challenges and certification compliance costs and scaling up certification requirements as the market develops. Staff anticipates that a flourishing market for hybrid conversion systems, particularly in the medium-duty sector, could achieve near-term CO<sub>2</sub> reductions, and encourage larger, original vehicle manufacturers to enter the market with robust, vertically integrated hybrid trucks and buses.

#### OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTIONS

The proposed ITR and amendments are intended to encourage development and deployment of the next generation of truck and bus technologies that California needs to meet its air quality and climate goals. Early deployment of these technologies achieves direct emission reductions sooner than would otherwise occur, and would support development of more robust technology-advancing rulemakings. For example, early technology deployment of low-NO<sub>x</sub> engines would

<sup>5</sup> National Renewable Energy Laboratory; *Data Collection, Testing, and Analysis of Hybrid Electric Trucks and Buses Operating in California Fleets — Final Report*; June 2015; [www.nrel.gov/docs/fy15osti/62009.pdf](http://www.nrel.gov/docs/fy15osti/62009.pdf).

<sup>6</sup> United States Environmental Protection Agency and National Highway Traffic Safety Administration; *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles — Phase 2 (Final Rule)*; August 16, 2016; <https://www3.epa.gov/otaq/climate/documents/2016-08-ghg-hd-final-rule-phase2-preamble.pdf>.

<sup>7</sup> ARB; *Draft Technology Assessment; Engine/Powerplant and Drivetrain Optimization and Vehicle Efficiency*; June 2015; [http://www.arb.ca.gov/msprog/tech/techreport/epdo\\_ve\\_tech\\_report.pdf](http://www.arb.ca.gov/msprog/tech/techreport/epdo_ve_tech_report.pdf).

enable manufacturers, fleets, ARB staff, and others to assess technology feasibility, consumer acceptance, benefits, and costs, and to prepare necessary infrastructure, supply lines, and workforce training. Likewise, this proposed regulation would encourage accelerated development of robust plug-in hybrid heavy-duty vehicle technology that would support implementation of ARB's potential Advanced Clean Transit Regulation and Last Mile Delivery Regulation, if adopted. Early, accelerated technology deployment would help reduce per-unit technology cost as production volumes increase in advance of regulatory requirements. Finally, early deployment would provide an opportunity for manufacturers to anticipate and address potential technology failures before more widespread deployment could be required by regulation.

The proposed regulatory actions are also geared to support implementation of California's portfolio of funding programs for demonstrating and deploying the next generation of clean vehicles and equipment. ARB's Air Quality Improvement Program (AQIP) and Greenhouse Gas Reduction Fund (GGRF) have invested over \$200 million over the past seven years to accelerate California's transition to zero- and near-zero emission vehicles and equipment. These programs' proposed Fiscal Year 2016-17 Funding Plan, approved by the Board in June 2016, would invest an additional \$59 million to demonstrate, and \$116 million to deploy, the next generation of truck and bus technologies (contingent upon funding appropriation by the Legislature).<sup>8</sup> These include incentives to demonstrate zero- and near-zero-emission heavy-duty vehicles and equipment, and to deploy hybrid, zero-emission, and low-NOx trucks and buses. However, only two heavy-duty engines meeting optional low-NOx standards, and two hybrid heavy-duty engines (neither of which enable zero emission operation), were ARB-certified as of June 1, 2016. The regulatory actions, taken together, are intended to facilitate near-term certification of these technologies, enabling a greater diversity of promising heavy-duty engines and vehicles to be eligible for these investments and fulfilling the goal of these investment programs to foster needed technology development. The proposed regulatory actions are particularly timely given California's financial commitment to these heavy-duty vehicle demonstration and deployment projects.

ARB staff developed the proposed regulatory actions through an extensive public process. Staff made a con-

siderable effort to inform, involve, and update the public and stakeholders on staff's progress developing the proposed regulatory actions. ARB has held three public workshops, 15 topic-specific public work group meetings, and over 50 individual stakeholder meetings to inform development of the proposed regulatory actions. The workshop and work group meeting notices were posted on the Innovative Technology Regulation webpage at <http://www.arb.ca.gov/msprog/itr/itr.htm>, and distributed to the ITR rulemaking list serve, which include over 700 subscribers as of June 1, 2016.

**An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

During the process of developing the proposed regulatory actions, ARB staff has conducted a search for similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED  
REGULATION AND AMENDMENTS

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Actions (Gov. Code, § 11346.5, subds. (a)(5)&(6)):**

The proposed ITR is anticipated to require hiring two additional engineering staff persons by ARB, at a total cost of \$290,000, beginning in the 2017-2018 fiscal year and thereafter. These additional personnel would be responsible for helping review technical documents, and to test and determine OBD and overall engine or vehicle certification compliance on increasingly more complex and diverse medium-duty, heavy-duty, and hybrid vehicles. Further detail is provided in the Economic and Fiscal Impacts Statement (Form 399) prepared for these proposed regulatory actions.

Under Government Code sections 11346.6, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory actions would not impose other costs on, nor create savings for, federal, state, or local agencies. In addition, the proposed regulatory actions are unlikely to create any cost or savings in federal funding to the State.

**Cost or Savings to State Agencies**

The Executive Officer has made the determination that the proposed regulatory actions would not provide a cost or savings to state or local agencies other than the additional ARB staffing costs described above.

**Local Mandate**

The Executive Officer has made the determination that the proposed regulatory actions do not impose a mandate upon local agencies.

<sup>8</sup> ARB; Proposed Fiscal Year 2016-17 Funding Plan for Low Carbon Transportation and Fuels Investments and the Air Quality Improvement Program, Approved June 23, 2016; [http://www.arb.ca.gov/msprog/aqip/fundplan/proposed\\_fy16-17\\_fundingplan\\_full.pdf](http://www.arb.ca.gov/msprog/aqip/fundplan/proposed_fy16-17_fundingplan_full.pdf).

Costs to any Local Agency or School District Requiring Reimbursement under Section 17500 et seq.:

The Executive Officer has made the determination that the proposed regulatory actions would not impose any costs to any local agency or school district requiring reimbursement.

Other Non-Discretionary Costs or Savings to Local Agencies

The Executive Officer has made the determination that the proposed regulatory actions would not impose other non-discretionary costs or savings to local agencies.

Costs or Savings in Federal Funding to the State

The Executive Officer has made the determination that the proposed regulatory actions would not result in a significant cost or savings in federal funding to the state.

**Housing Costs**

The Executive Officer has made the determination that the proposed regulatory actions would not have an effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code §§ 11346.3, subd. (a), 11346.5, subds. (a)(7)&(8)):**

The Executive Officer has made the determination that the proposed regulatory actions would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory actions.

**Results of the Economic Impact Analysis (Gov. Code, § 11346.5 subd. (a)(10))**

Staff anticipates there are between 25 and 50 businesses that could be directly affected by the proposed regulatory actions. These include new heavy-duty engine, vehicle, and hybrid driveline manufacturers, and manufacturers and installers of aftermarket hybrid conversion systems. The thousands of truck and bus fleets in California, particularly larger fleets that are most likely to be early adopters of zero- and near-zero-emission truck and bus technologies, would also be indirectly affected by the proposed regulatory actions. These proposed regulatory actions are not expected to

eliminate any businesses in California. One hybrid heavy-duty vehicle manufacturer and two hybrid truck conversion system manufacturers have facilities in California at this time.

These proposed regulatory actions are not expected to eliminate any jobs in the state of California, since the proposed ITR is anticipated to provide certification compliance cost savings for participating manufacturers. Should the proposed ITR increase the number of manufacturers able to certify their systems in California, staff anticipates the proposed regulatory actions could potentially lead to some minor level of job and business creation for hybrid conversion system manufacturers and installers as the market expands. The proposed regulatory actions are not anticipated to have any impacts on worker safety.

Depending upon the level of manufacturer participation, the proposed regulatory actions could provide a modest reduction in NOx and CO<sub>2</sub> emissions, resulting in a modest benefit to the health and welfare of California residents, and to the state's environment.

Effect on Jobs/Businesses

The Executive Officer has determined that the proposed regulatory actions could potentially lead to some level of business expansion within California as the market for eligible truck and bus technologies expands. However, it is not anticipated that any new businesses would be created or eliminated within California as a result of the proposed regulatory actions. If the proposed regulatory actions result in the expansion of California businesses, there may be a small number of new jobs created within California. It is not anticipated that the proposed regulation will result in the elimination of any jobs in California or nationally. A detailed assessment of the economic impacts of the proposed regulatory actions can be found in the Economic Impact Analysis in the Initial Statement of Reasons (ISOR).

Benefits of the Proposed Regulation

The objective of the proposed regulation is to encourage accelerated development and deployment of innovative truck and bus technologies by providing manufacturers of these technologies targeted, short-term certification flexibility. The proposed regulatory actions are one of a suite of strategies ARB is pursuing to transition to a zero- and near-zero-emission transportation system, as needed to meet the State's air quality and climate goals.

**Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a)&(b)):**

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory actions would potentially affect small businesses. The proposed regulatory actions are anticipated to provide a potential net economic ben-

efit to participating innovative technology manufacturers, including small businesses. While few manufacturers have existing, certified innovative technologies that could potentially be eligible for this proposed regulation's certification flexibility, staff anticipates that these numbers could increase as the technologies mature. In general, existing heavy-duty low-NOx, low-CO<sub>2</sub>, and hybrid new engines tend to be manufactured and certified by larger, multi-national engine manufacturers. The certification flexibility provided by the proposed ITR (including the proposed amendments) for newly manufactured engines will likely therefore primarily benefit larger businesses.

Hybrid conversion system manufacturers, on the other hand, tend to be small businesses. These manufacturers typically purchase a truck or bus chassis from large original vehicle manufacturers for retrofit with their hybrid conversion systems. Staff anticipates that hybrid conversion systems will continue to be manufactured almost exclusively by small businesses for the foreseeable future. Should these procedures increase the number of manufacturers able to certify their systems in California, as intended, staff anticipates the proposed regulatory actions, particularly the proposed ITR, could lead to some minor level of business creation or expansion, including small business creation and expansion.

**ALTERNATIVES STATEMENTS**  
(Gov. Code, § 11346.5, subs. (a)(13))

Before taking final action on the proposed regulatory actions, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the Board's attention, would be more effective at carrying out the purpose for which the actions are proposed, would be as effective and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**BUSINESS REPORTS**

The Executive Officer has found that the requirements of the proposed regulatory actions, which apply to businesses, are necessary for the health, safety, and welfare of the people of California.

**ENVIRONMENTAL ANALYSIS**

ARB, as the lead agency for the proposed regulatory actions, has prepared an environmental analysis (EA)

under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). The EA determined that the proposed regulatory actions would not result in any significant adverse impacts on the environment. The basis for reaching this conclusion is provided in Chapter IV of the ISOR. Written comments on the EA will be accepted during a 45-day public review period starting on **September 2, 2016** and ending at **5 p.m. on October 17, 2016**.

**AVAILABILITY OF DOCUMENTS AND  
AGENCY CONTACT PERSONS**

ARB staff has prepared an ISOR for the proposed regulatory actions, which includes a summary of the economic and environmental impacts of the proposals. The report is entitled: Proposed Certification and Aftermarket Part Approval Flexibility for Innovative Medium- and Heavy-Duty Engine and Vehicle Technologies Regulation (Innovative Technology Regulation).

Copies of the ISOR and the full text of the proposed regulatory language, with the amendments in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website, listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, as of August 30, 2016.

Inquiries concerning the substance of the proposed regulatory actions may be directed to the agency representative: Joe Calavita, Staff Air Pollution Specialist, Off-Road Implementation Section, at (916) 445-4586, or (designated back-up contact) Mr. David Chen, Manager, Advanced Emission Control Strategies Section, at (626) 350-6579.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative actions may be directed is Nicole Hutchinson, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking, which includes all the information upon which the proposals are based. This material is available for inspection upon request to the contact persons.

**HEARING PROCEDURES**

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications, if the text, as modified, is sufficiently related to the originally proposed text, such that the public was adequately placed on notice and such that the regulatory language, as modified, could result from the proposed regulatory actions; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before it is adopted.

The public may request a copy of the modified regulatory text, if applicable, from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

**FINAL STATEMENT OF REASONS AVAILABILITY**

Upon its completion, the Final Statement of Reasons (FSOR) will be available, and copies may be requested from, the agency contact persons in this notice, or it may be accessed on ARB's website, listed below.

**INTERNET ACCESS**

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2016/itr2016/itr2016.htm>.

**SPECIAL ACCOMMODATION REQUEST**

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the meeting;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board meeting. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o

necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

Former Technichem, Inc., Site  
Proposed Consent Decree

4245 Halleck Street, Emeryville, California 94608

**NOTICE OF PUBLIC COMMENT PERIOD:**  
September 2, 2016, through October 2, 2016

Si usted desea informacion en espanol sobre este aviso, favor de llamar a Jesus Cruz sin cos to al (866) 495-5651.

The Department of Toxic Substances Control ("DTSC") invites you to review and comment on a proposed consent decree (the "Consent Decree") with Stephen S. Tung regarding the former Technichem, Inc., site located at 4245 Halleck Street, Emeryville, Alameda County, California 94608 (the "Site"). The Consent Decree resolves DTSC's claims against Stephen S. Tung and also against Technichem, Inc., and Mark J. Ng under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. section 9601, et seq., for the Site. DTSC filed a CERCLA lawsuit against several parties, including Stephen S. Tung, Technichem, Inc., and Mark J. Ng, to recover DTSC's costs of investigating and cleaning up hazardous substances releases at the Site. Under the Consent Decree, Stephen Tung will pay to DTSC \$940,000 to reimburse DTSC for costs it has incurred responding to the tetrachloroethylene contamination at the Site. Provided the payment is made as required by the Consent Decree, Technichem, Inc., and Mark J. Ng will be dismissed from the case without prejudice.

DTSC will consider comments received during the public comment period on the Consent Decree and file with the Court any written comments received and DTSC's responses thereto. The Court may then enter or approve the Consent Decree. DTSC also reserves the right to withdraw or withhold its consent to entry (approval) of the Consent Decree if comments regarding the Consent Decree disclose facts or considerations that indicate the Consent Decree is inappropriate, improper or inadequate.

**WHERE DO I SUBMIT MY COMMENTS?**

DTSC will consider comments that are postmarked or received by October 2, 2016. Please submit comments by October 2, 2016 to:

Karen Toth, Project Manager  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710  
[Karen.Toth@dtsc.ca.gov](mailto:Karen.Toth@dtsc.ca.gov)

You may view documents at the following locations:  
The Consent Decree and background documents may be examined on the DTSC EnviroStor website at: [http://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=80001769](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=80001769).

You may also review documents in the File Room at DTSC's Berkeley office (by appointment only) located at:

Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710  
Call (510) 540-3800 for an appointment

For questions on the Technichem, Inc. Site or the proposed Consent Decree:

Karen Toth, Project Manager  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710  
(510) 540-3834  
[Karen.Toth@dtsc.ca.gov](mailto:Karen.Toth@dtsc.ca.gov)

**OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING AND  
BUSINESS MEETING**

Pursuant to Government Code Section 11346.4 and

the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

**PUBLIC**

**MEETING:** On **October 20, 2016**, at 10:00 a.m. in the Auditorium of the Harris State Building  
1515 Clay Street,  
Oakland, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**BUSINESS**

**MEETING:** On **October 20, 2016**, at 10:00 a.m. in the Auditorium of the Harris State Building  
1515 Clay Street,  
Oakland, California.

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE:** Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**DECISION NOT TO PROCEED**

**BOARD OF PHARMACY**

**Re: Notice of Proposed Rulemaking concerning Reconciliation and Inventory Report**

Pursuant to Government Code Section 11347, the California Board of Pharmacy (board) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on October 16, 2015, Register 2015, No. 42-Z. The proposed rulemaking concerned Reconciliation and Inventory Report. (OAL Notice Z2015-1006-04.)

Any interested person with questions concerning this rulemaking should contact Lori Martinez at either 916-574-7917 or by e-mail at: [Lori.Martinez@dca.ca.gov](mailto:Lori.Martinez@dca.ca.gov).

The board will also post this Notice of Decision Not to Proceed on its website.

**AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS**

**BOARD OF PHARMACY**

**ANNUAL NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX**

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (Board), pursuant to section 11425.60 of the Government Code, the Board maintains an index of precedential decisions, which is annually made available by the Board to the public by e-mail subscription. To join the Board's e-mail list, go to [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov). The index and the text of the precedent decisions are continuously available on the Board's website at <http://www.pharmacy.ca.gov/enforcement/precedential.shtml>.

For additional information, contact:

Lori Martinez  
California State Board of Pharmacy  
1625 N. Market Blvd., Suite N219  
Sacramento, CA 95834  
Telephone: (916) 574-7917  
Fax: (916) 574-7918  
E-mail: [Lori.Martinez@dca.ca.gov](mailto:Lori.Martinez@dca.ca.gov)

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2016-0803-02  
BALDWIN HILLS CONSERVANCY  
Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing.

Title 2  
AMEND: 59000  
Filed 08/17/2016  
Effective 09/16/2016  
Agency Contact: Avril Labelle (323) 290-5270

File# 2016-0720-04  
BOARD OF REGISTERED NURSING  
Sponsoring Entity Registration and Requirements

This change without regulatory effect filing by the Board of Registered Nursing revises Form 901-A, which is incorporated by reference into section 1495.1 of title 16 of the California Code of Regulations, to include updated contact information. A corresponding change is made to section 1495.1 to reflect a new revision date for the incorporated form.

Title 16  
AMEND: 1495.1  
Filed 08/22/2016  
Agency Contact: Ronnie Whitaker (916) 574-8257

File# 2016-0720-01  
DENTAL BOARD OF CALIFORNIA  
Sponsored Free Health Care Events

This change without regulatory effect filing by the Dental Board of California revises Form 901-A, which is incorporated by reference into section 1023.16 of title 16 of the California Code of Regulations, to include updated contact information. A corresponding change is made to section 1023.16 to reflect a new revision date for the incorporated form.

Title 16  
AMEND: 1023.16  
Filed 08/22/2016  
Agency Contact: Lusine Sarkisyan (916) 263-2027

File# 2016-0713-04  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Cell Phone Accessories and Inmate Discipline

This action by the Department of Corrections and Rehabilitation amends sections in title 15 of the California Code of Regulations to better align the regulations with Penal Code section 4576. Specifically, this action provides that any accessory or component of a cellular telephone or wireless communication device (e.g., SIM card, memory storage device, cellular phone battery, wired or wireless headset, or cellular phone charger) is “contraband,” and reduces the penalty for possession to a Division “F” offense, which can result in 0-30 days of credit forfeiture. This action further clarifies that any cellular telephone or wireless communication device capable of making or receiving wireless communications is “dangerous contraband,” and the penalty for possession of said devices is a Division “D” offense, which can result in 61-90 days of credit forfeiture.

Title 15  
AMEND: 3000, 3306, 3323  
Filed 08/17/2016  
Effective 08/17/2016  
Agency Contact: Anthony Carter (916) 445-2220

File# 2016-0819-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture expands the quarantine for the Asian Citrus Psyllid (“ACP”) *Diaphorina citri* near the Traver area of Tulare County into an incorporated area of Kings County. This emergency action will provide authority for the state to perform quarantine activities against ACP within this additional area.

Title 3  
AMEND: 3435(b)  
Filed 08/23/2016  
Effective 08/23/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0819-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by ap-

proximately 97 square miles in the Lockeford area of San Joaquin County and 120 square miles in the Escalon area of San Joaquin County. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area.

Title 3  
AMEND: 3435(b)  
Filed 08/24/2016  
Effective 08/24/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0822-04  
DEPARTMENT OF FOOD AND AGRICULTURE  
Denial Suspension or Revocation of a Registration Certificate

In this File and Print Only action, the Department of Food and Agriculture (the “Department”) is amending section 1358.7 in title 3 of the California Code of Regulations. Section 1358.7 sets forth procedures relating to the denial, suspension, or revocation of an egg handling or egg producer certificate of registration. In this action, the Department is correcting two citations in subdivision (f) of Section 1358.7. This filing is exempt from the Administrative Procedure Act pursuant to Food and Agricultural Code section 27561.5, subdivision (c)(2).

Title 3  
AMEND: 1358.7  
Filed 08/24/2016  
Effective 08/24/2016  
Agency Contact:  
Jacqueline Vaughn (916) 403-6728

File# 2016-0713-01  
DEPARTMENT OF MOTOR VEHICLES  
Driver’s Licenses: Assembly Bill (AB) 60

In this regular rulemaking, the Department of Motor Vehicles (the “Department”) is amending sections 16.06 and 16.08, as well as an appendix in title 13 of the California Code of Regulations. Vehicle Code section 12801.9, subdivision (a), requires that the Department “issue an original driver’s license to a person who is unable to submit satisfactory proof that the applicant’s presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the [D]epartment of his or her identity and California residency.” These amendments add several documents to the list of approved documents that an applicant may use to establish his or her identity in obtaining a driver’s license pursuant to Vehicle Code section 12801.9, subdivision (a). Additionally, this rulemaking changes the standards foreign passports must meet in order to establish proof of an applicant’s identity.

Title 13  
 AMEND: 1606, 16.08, Appendix  
 Filed 08/23/2016  
 Effective 10/01/2016  
 Agency Contact: Randi Calkins (916) 657-8898

File# 2016-0706-02  
 DEPARTMENT OF SOCIAL SERVICES  
 Crisis Nurseries Regulations

This change without regulatory effect filing by the Department of Social Services amends twenty sections in title 22 of the California Code of Regulations and the Manual of Policies and Procedures to align the regulations with statutory changes pursuant to Senate Bill 1214 (Stats. 2010, ch. 519), Senate Bill 1319 (Stats. 2012, ch. 663), and Assembly Bill 2228 (Stats. 2014, ch. 735).

Title 22, MPP  
 AMEND: 86500, 86501, 86501.5, 86505.1, 86506, 86522, 86524, 86528, 86561, 86565, 86565.5, 86568.1, 86568.2, 86568.4, 86570, 86575, 86577, 86580, 86587, 86587.1  
 Filed 08/17/2016  
 Agency Contact: Oliver Chu (916) 657-3588

File# 2016-0722-03  
 FAIR POLITICAL PRACTICES COMMISSION  
 Definition of Lobbyist

This rulemaking action by the Fair Political Practices Commission amends the definition of “lobbyist” in section 18239 of title 2 of the California Code of Regulations.

Title 2  
 AMEND: 18239  
 Filed 08/17/2016  
 Effective 09/16/2016  
 Agency Contact: Cesar R. Cuevas (916) 324-3854

File# 2016-0706-04  
 STATE WATER RESOURCES CONTROL BOARD  
 Los Angeles Region Basin Plan GW Control Measures for LSCR SNMP

On July 9, 2015, the Los Angeles Regional Water Quality Control Board (the “LARWQCB”) adopted Resolution No. R15-007, which amends the Los Angeles Region’s Basin Plan by incorporating stakeholder-developed groundwater quality management measures for salts and nutrients in the Lower Santa Clara River Groundwater Basins of Ventura County into Chapter 8 (“Groundwater Quality Management — Sustainability and Basin-specific Protection of Groundwater”). The stakeholder-developed management strategies for salt and nutrients are designed to maintain current water

quality conditions in the groundwater basin, prevent additional loading in localized areas with elevated levels of salts and nutrients, and manage additional loads from future recycled water projects in a manner that is protective of beneficial uses. On December 1, 2015, the State Water Resources Control Board approved the amendment under Resolution No. 2015-0071.

Title 23  
 ADOPT: 3939.50  
 Filed 08/17/2016  
 Effective 08/17/2016  
 Agency Contact: Ginachi Amah (213) 576-6685

File# 2016-0712-01  
 VETERINARY MEDICAL BOARD  
 Civil Penalties for Citation

This rulemaking action by the Veterinary Medical Board (Board) amends section 2043 of title 16 of the California Code of Regulations, which governs the assessment of civil penalties for violation of the Board’s rules. This amendment reclassifies the existing three categories of citations issued by the Board, including accompanying fines, and adds new rules regarding orders of abatement and public disclosure of citations.

Title 16  
 AMEND: 2043  
 Filed 08/23/2016  
 Effective 10/01/2016  
 Agency Contact: Elizabeth Bynum (916) 515-5237

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN March 23, 2016 TO  
 August 24, 2016**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**  
 08/17/16 AMEND: 18239  
 08/17/16 AMEND: 59000  
 07/29/16 ADOPT: 599.860  
 07/13/16 AMEND: 1859.2, 1859.102 REPEAL:  
 1866, 1866.1, 1866.2, 1866.3, 1866.4,  
 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4,  
 1866.4.6, 1866.4.7, 1866.5, 1866.5.1,  
 1866.5.2, 1866.5.3, 1866.5.4, 1866.5.5,

	1866.5.6, 1866.5.7, 1866.5.8, 1866.5.9, 1866.7, 1866.8, 1866.9, 1866.9.1, 1866.10, 1866.12, 1866.13, 1866.14	07/25/16 AMEND: 3435(b)
07/11/16	AMEND: 59560	07/21/16 AMEND: 3435(b)
06/27/16	AMEND: 1897	07/20/16 AMEND: 3435(b)
06/23/16	ADOPT: 17010, 17011, 17012, 17013, 17014, 17030, 17031, 17032, 17033, 17034, 17035, 17036, 17037, 17038, 17039, 17040, 17041, 17042, 17043, 17044, 17045, 17046, 17047 REPEAL: 17010, 17030, 17111, 17112, 17113, 17120, 17121, 17122, 17130, 17140, 17141, 17142, 17150, 17151, 17152, 17153, 17160, 17200, 17201, 17210, 17220, 17300, 17400, 17402, 17403, 17404, 17405, 17406, 17408, 17412, 17414, 17416, 17418, 17420, 17422, 17424, 17426, 17430, 17432, 17434, 17435, 17436, 17440, 17442, 17444, 17446, 17448, 17450, 17452, 17454, 17458, 17460, 17461, 17463, 17464, 17466, 17468, 17470, 17471, 17473, 17475, 17477, 17478, 17481, 17482, 17483, 17485, 17486, 17488, 17490, 17491, 17493, 17495, 17498, 17500, 17502, 17504, 17508, 17510, 17512, 17514, 17515, 17516, 17518, 17519, 17520, 17521, 17525, 17527, 17528, 17530, 17532, 17534, 17538, 17542, 17544, 17546, 17548, 17550, 17551, 17552, 17553, 17554, 17555, 17556, 17557, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 17565, 17566, 17567, 17570, 17571, 17572, 17575, 17576, 17580, 17581, 17582, 17588, 17590, 17592	07/07/16 AMEND: 3435(b)
		07/05/16 AMEND: 3435(b)
		07/05/16 AMEND: 3435(b)
		06/30/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452
		06/30/16 AMEND: 3435(b)
		06/30/16 AMEND: 3435(b)
		06/28/16 AMEND: 3435(b)
		06/22/16 AMEND: 3435(b)
		06/22/16 AMEND: 3435(b)
		06/20/16 AMEND: 3591.12
		06/16/16 AMEND: 3435(b)
		06/13/16 AMEND: 3435(b)
		06/13/16 AMEND: 3435(b)
		06/08/16 AMEND: 850
		06/06/16 ADOPT: 1358.7
		06/02/16 AMEND: 3439(b)
		06/02/16 AMEND: 3435(b)
		06/01/16 AMEND: 3435(b)
		05/25/16 AMEND: 3435(b)
		05/23/16 AMEND: 3435(b)
		05/18/16 AMEND: 3435
		05/17/16 AMEND: 3906
		05/12/16 AMEND: 3435(b)
		05/12/16 AMEND: 3435(b)
		05/11/16 AMEND: 3435(b)
		05/11/16 AMEND: 3435(b)
		05/10/16 AMEND: 3435(b)
		05/09/16 ADOPT: 3591.27
		04/25/16 AMEND: 3435(b)
		04/07/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452
05/25/16	AMEND: 604	04/05/16 AMEND: 3589
05/23/16	AMEND: 23000	03/29/16 AMEND: 3435(b)
05/19/16	ADOPT: 18750 REPEAL: 18750, 18750.1, 18750.2, 18752	
04/21/16	AMEND: 599.744	
04/12/16	AMEND: 18239	
04/12/16	AMEND: 18616	
<b>Title 3</b>		<b>Title 4</b>
08/24/16	AMEND: 3435(b)	08/09/16 AMEND: 10031, 10032, 10033, 10035, 10036
08/24/16	AMEND: 1358.7	07/25/16 AMEND: 1581, 1843
08/23/16	AMEND: 3435(b)	07/19/16 AMEND: 5170
08/03/16	AMEND: 3435(b)	07/19/16 ADOPT: 1866.1 AMEND: 1844
08/02/16	AMEND: 3435(b)	07/05/16 AMEND: 1689.1
08/01/16	AMEND: 3435(b)	06/29/16 AMEND: 8034, 8035
08/01/16	AMEND: 3435(b)	06/15/16 ADOPT: 299 AMEND: 297, 300
07/25/16	AMEND: 3024.5	06/14/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230
07/25/16	AMEND: 3435(b)	04/27/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12
07/25/16	AMEND: 3435(b)	04/25/16 ADOPT: 1866.1 AMEND: 1844
07/25/16	AMEND: 3435(b)	04/21/16 ADOPT: 610

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 36-Z**

04/13/16 ADOPT: 10091.1, 10091.2, 10091.3,  
10091.4, 10091.5, 10091.6, 10091.7,  
10091.8, 10091.9, 10091.10, 10091.11,  
10091.12, 10091.13, 10091.14, 10091.15  
04/12/16 AMEND: 1489  
03/28/16 AMEND: 10176(d), 10181  
03/23/16 ADOPT: 12465 AMEND: 12460, 12461,  
12462, 12463, 12464, 12466

**Title 5**

08/16/16 ADOPT: 80022 AMEND: 80025.3  
08/03/16 AMEND: 19810  
07/27/16 AMEND: 19810  
07/20/16 AMEND: 30950, 30951, 30951.1,  
30952, 30953, 30954, 30955, 30956,  
30957, 30958, 30959  
07/14/16 ADOPT: 74117 AMEND: 74110, 74112  
07/05/16 REPEAL: 6100, 6101, 6102, 6103, 6104,  
6105, 6110, 6111, 6112, 6113, 6115,  
6116, 6120, 6125, 6126  
06/15/16 REPEAL: 3820, 3822, 3823, 3824, 3831,  
3840, 3860, 3870  
05/31/16 REPEAL: 9517.1, 9531, 9532, 9535  
05/31/16 ADOPT: 11533, 11534 AMEND: 11530,  
11531  
05/31/16 ADOPT: 11524, 11525 AMEND: 11520,  
11521, 11522  
05/18/16 ADOPT: 851.5, 853.6, 853.8, 860  
AMEND: 850, 851, 853, 853.5, 853.7,  
855, 857, 858, 859, 861, 862, 862.5, 863,  
864  
04/25/16 AMEND: 41906.5, 41906.6  
03/28/16 ADOPT: 1700

**Title 8**

08/02/16 ADOPT: 346, 346.1, 346.2, 350.3, 350.4,  
355.1, 355.2, 355.3, 355.4, 355.5, 372.8,  
372.9, 376.8 AMEND: 347, 348, 352,  
354, 356, 356.1, 356.2, 359, 359.1, 361.3,  
364.2, 371, 371.1, 371.2, 372.6, 376.1,  
376.4, 376.7, 378, 380, 383, 391.1, 392,  
392.4, 392.5 REPEAL: 355  
07/28/16 ADOPT: 9792.24.4 AMEND: 9792.23,  
9792.24.2  
06/28/16 AMEND: 5148(c)  
05/18/16 AMEND: 362, 364, 364.1  
04/12/16 AMEND: 3207, 3212  
03/23/16 AMEND: 9789.12.2, 9789.12.6,  
9789.12.8, 9789.12.13, 9789.13.1,  
9789.15.4, 9789.16.1, 9789.16.2,  
9789.17.1, 9789.19

**Title 9**

06/27/16 ADOPT: 4600, 4601, 4602  
06/06/16 AMEND: 811, 812, 823, 836.2, 862, 865,  
865.4, 865.5

05/31/16 ADOPT: 7006.5 AMEND: 7019.1, 7020,  
7024, 7029.9, 7054, 7055, 7060, 7062,  
7062.3, 7122, 7143, 7157, 7164, 7164.4,  
7194, 7198 REPEAL: 7004.3, 7019.2, 7022,  
7029.3  
05/12/16 AMEND: 7140, 7142, 7142.5, 7143.5,  
7164.6, 7196, 7211, 7290, 7353.6  
04/21/16 REPEAL: 1700, 1701, 1702, 1703, 1704,  
1705, 1706, 1707, 1708, 1709, 1710,  
1711, 1712, 1713, 1714, 1715, 1716,  
1717, 1718, 1719, 1720, 1721, 1722,  
1723, 1724, 1725, 1726, 1727, 1728,  
1729, 1730, 1731, 1739, 1740, 1741,  
1742, 1743, 1744, 1745, 1746, 1747,  
1748, 1749, 1750, 1751, 1752, 1753,  
1754, 1755, 1765, 1766, 1767, 1768,  
1769, 1770, 1771, 1772, 1773, 1774,  
1775, 1776, 1777, 1778, 1779, 1790,  
1791, 1792, 1793, 1794, 1795, 1796,  
1797, 1798, 1799

**Title 10**

08/10/16 AMEND: 250.30 REPEAL: 5.2000,  
5.2001  
08/09/16 AMEND: 2498.6  
08/09/16 AMEND: 2498.4.9  
08/09/16 AMEND: 2498.6  
08/09/16 AMEND: 2498.4.9, 2498.6  
08/08/16 AMEND: 2498.5  
07/11/16 AMEND: 2053, 2053.1, 2054, 2054.1,  
2054.2, 2054.3, 2054.5, 2054.6, 2054.7,  
2055, 2056, 2057, 2058, 2059, 2061,  
2061.1, 2061.2, 2061.3, 2061.4, 2061.5,  
2062, 2062.1, 2062.2, 2063, 2063.1,  
2063.2, 2063.3, 2064, 2065, 2066,  
2066.1, 2066.2, 2066.3, 2066.4, 2066.5,  
2067, 2068, 2069, 2070, 2071, 2072,  
2073, 2074, 2075, 2076, 2077, 2077.1,  
2078, 2079, 2079.1, 2080, 2081, 2082,  
2083, 2083.1, 2084, 2086, 2087, 2088,  
2088.1, 2088.2, 2088.3, 2089, 2090,  
2091, 2092, 2094, 2094.1, 2094.2, 2095,  
2096, 2097, 2098, 2099, 2100, 2101,  
2101.1, 2101.2, 2101.3, 2102, 2103,  
2104 REPEAL: 2054.4, 2060  
06/14/16 ADOPT: 6540, 6542, 6544, 6546, 6548,  
6550, 6552  
06/07/16 ADOPT: 8100, 8110, 8120, 8130, 8140,  
8150  
06/06/16 ADOPT: 6408, 6410, 6450, 6452, 6454,  
6470, 6472, 6474, 6476, 6478, 6480,  
6482, 6484, 6486, 6490, 6492, 6494,  
6496, 6498, 6500, 6502, 6504, 6506,  
6508, 6510, 6600, 6602, 6604, 6606,

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 36-Z**

	6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622	07/27/16	ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1
05/31/16	AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502	07/27/16	ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1
05/26/16	ADOPT: 6858	07/25/16	AMEND: 13055
05/23/16	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718	07/18/16	AMEND: 1038
05/11/16	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516	07/07/16	AMEND: 1120 REPEAL: 1121
05/10/16	AMEND: 2318.6, 2353.1, 2354	06/30/16	AMEND: 190, 195
05/10/16	AMEND: 2353.1	06/30/16	AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34
<b>Title 11</b>		06/23/16	AMEND: 502, 507
08/02/16	AMEND: 1003, 1055, 1081, 1950, 1959	06/16/16	AMEND: 120.7
07/28/16	AMEND: 1005, 1007, 1008	06/15/16	ADOPT: 8.01
07/08/16	AMEND: 310, 312, 999.1	06/09/16	AMEND: 7.50
06/22/16	AMEND: 1004, 1011	05/25/16	AMEND: 1670
06/09/16	AMEND: 1005, 1007, 1008, 1009, 1010, 1011, 1054, 1058, 1070, 1081, 1082, 1084, 1960	05/11/16	AMEND: 17852
06/01/16	AMEND: 51.22	05/02/16	AMEND: 29.85
04/28/16	ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132	04/28/16	ADOPT: 131
04/25/16	ADOPT: 50.24	04/27/16	AMEND: 27.80
04/06/16	ADOPT: 28.5	04/26/16	AMEND: 29.45
04/06/16	ADOPT: 28.6	04/26/16	AMEND: 28.20
03/23/16	ADOPT: 4250, 4251, 4251.5, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4559	04/20/16	ADOPT: 1760.1, 1779.1
		04/06/16	AMEND: 1038
		03/29/16	AMEND: 27.80
		03/28/16	ADOPT: 8.01
<b>Title 12</b>		<b>Title 15</b>	
06/17/16	ADOPT: 509	08/17/16	AMEND: 3000, 3306, 3323
05/23/16	ADOPT: 462	08/11/16	AMEND: 3375.1, 3377
<b>Title 13</b>		07/13/16	AMEND: 8000, 8001, 8100, 8901
08/23/16	AMEND: 1606, 16.08, Appendix	06/29/16	AMEND: 3000, 3054, 3054.1, 3054.2, 3054.3, 3054.4, 3054.5
07/25/16	AMEND: 1202.1, 1202.2, 1232	06/21/16	ADOPT: 3359.8
07/25/16	AMEND: 1900, 1956.8, 1968.2, 1968.5, 1971.1, 1971.5, 2485, 95302, 95662	06/02/16	AMEND: 3000, 3084.7, 3312, 3313, 3314, 3315, 3316, 3317, 3317.1, 3317.2, 3320, 3322, 3326, 3340, 3341.3, 3376, 3378.6
07/07/16	AMEND: 15.01	05/24/16	ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317
06/23/16	ADOPT: 15.08 AMEND: 15.07	05/11/16	AMEND: 3000, 3213
06/23/16	AMEND: 268.10	05/10/16	AMEND: 3173.2
05/09/16	AMEND: 156.00, 156.01	04/28/16	AMEND: 3000
04/06/16	ADOPT: 150.10	03/30/16	AMEND: 8004.2
<b>Title 14</b>		03/30/16	REPEAL: 3999.16
08/15/16	ADOPT: 1666.0, 1666.1, 1666.2, 1666.3, 1666.4, 1666.5, 1666.6, 1666.7, 1666.8, 1666.9, 1666.10, 1666.11, 1666.12, 1666.13, 1666.14, 1666.15, 1666.16 AMEND: 1665.2 REPEAL: 1665.8	03/29/16	AMEND: 3315, 3375.2
08/03/16	AMEND: 29.85	03/29/16	AMEND: 3000, 3078.1, 3078.2, 3078.3, 3078.4
08/01/16	ADOPT: 131	<b>Title 16</b>	
08/01/16	AMEND: 1724.9	08/23/16	AMEND: 2043
		08/22/16	AMEND: 1023.16
		08/22/16	AMEND: 1495.1
		08/15/16	AMEND: 4110
		08/10/16	ADOPT: 1730.2
		08/03/16	AMEND: 1397.12 (renumbered to section 1395.2)

08/01/16 ADOPT: 2071.1, 2087, 2087.1, 2087.2, 2087.3 AMEND: 2034, 2035, 2036.5  
 07/28/16 ADOPT: 3395.5 AMEND: 3340.1, 3340.10, 3340.28, 3395.4  
 07/19/16 AMEND: 1355.35  
 07/12/16 AMEND: 36.1  
 07/12/16 ADOPT: 1399.469.3  
 06/22/16 AMEND: 438  
 06/16/16 AMEND: 109  
 06/07/16 ADOPT: 1100  
 06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126, 1127, 1133  
 06/07/16 ADOPT: 1104, 1104.1, 1104.2  
 05/26/16 ADOPT: 1815.5  
 05/13/16 AMEND: 910  
 05/10/16 AMEND: 2403  
 05/04/16 AMEND: 4170  
 05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326, 2326.1, 2326.5  
 04/28/16 AMEND: 1417  
 04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, 1106  
 04/20/16 AMEND: 1715, 1784  
 04/11/16 AMEND: 1399.523  
 04/08/16 ADOPT: 1746.1  
 04/04/16 AMEND: 974

**Title 17**

08/11/16 AMEND: 6901, 6902, 6903  
 07/25/16 ADOPT: 51000, 51001, 51002  
 07/01/16 AMEND: 6540  
 07/01/16 AMEND: 6508  
 05/25/16 AMEND: 1050  
 05/24/16 AMEND: 2500, 2502, 2505  
 04/25/16 AMEND: 100800  
 04/04/16 ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.50, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78, 6501.5 AMEND: 6500.35, 6500.39, 6500.45, 6501, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67

**Title 18**

08/16/16 AMEND: 1590  
 08/02/16 AMEND: 17000.30  
 07/27/16 ADOPT: 4076  
 07/27/16 AMEND: 1506  
 06/28/16 AMEND: 1698, 4901  
 06/21/16 AMEND: 1432  
 04/22/16 AMEND: 1668  
 04/20/16 AMEND: 5600, 5601, 5603  
 03/28/16 AMEND: 2401, 2413, 2422

**Title 19**

06/30/16 AMEND: 1980.00, 1980.02, 1980.04, 1980.05, 1980.06 1990.00, 1990.01,

1990.02, 1990.03, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.11, 1990.12

06/20/16 ADOPT: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710

05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632, 2640, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2670, 2671 AMEND: 2650 renumbered to 2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to 2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671

**Title 20**

06/30/16 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607  
 04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204, 3206, 3207  
 04/06/16 AMEND: 2401, 2402

**Title 21**

07/26/16 ADOPT: 1475, 1476, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491  
 05/09/16 ADOPT: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171 AMEND: 111, 112, 113, 114, 121, 131, 133 (renumbered to 132) REPEAL: 132, 134, 135, 136, 141, 151, 152, 153

**Title 22**

08/01/16 AMEND: 51516.1  
 07/20/16 AMEND: 97212, 97215, 97225, 97226, 97227, 97228, 97229, 97248, 97252, 97258, 97259, 97260, 97264 REPEAL: 97261  
 06/28/16 REPEAL: 75047

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 36-Z**

06/20/16 AMEND: 51179.7  
 06/09/16 ADOPT: 69600.1, 69600.2, 69600.3,  
 69600.4, 69600.5, 69600.6, 69600.7  
 06/08/16 AMEND: 7000  
 04/27/16 AMEND: 53626(a)  
 04/21/16 AMEND: 50188  
 04/19/16 AMEND: 123000  
 04/01/16 AMEND: 64417, 64418, 64418.1,  
 64418.2, 64418.3, 64418.4, 64418.5,  
 64418.6, 64418.7, 64419, 64420,  
 64420.1, 64420.2, 64420.3, 64420.4,  
 64420.5, 64420.6, 64420.7  
 03/29/16 AMEND: 51516.1

**Title 22, MPP**

08/17/16 AMEND: 86500, 86501, 86501.5,  
 86505.1, 86506, 86522, 86524, 86528,  
 86561, 86565, 86565.5, 86568.1,  
 86568.2, 86568.4, 86570, 86575, 86577,  
 86580, 86587, 86587.1  
 07/07/16 AMEND: 83074, 83087, 84074, 84087,  
 86074, 86087, 86574, 86587, 89374,  
 89387

**Title 23**

08/17/16 ADOPT: 3939.50  
 08/15/16 ADOPT: 350, 350.2, 350.4, 351, 352,  
 352.2, 352.4, 352.6, 353, 353.2, 353.4,  
 353.6, 353.8, 353.10, 354, 354.2, 354.4,  
 354.6, 354.8, 354.10, 354.12, 354.14,  
 354.16, 354.18, 354.20, 354.22, 354.24,  
 354.26, 354.28, 354.30, 354.32, 354.34,  
 354.36, 354.38, 354.40, 354.42, 354.44,  
 355, 355.2, 355.4, 355.6, 355.8, 355.10,  
 356, 356.2, 356.4, 357, 357.2, 357.4, 358,  
 358.2, 358.4  
 07/18/16 AMEND: 2922  
 07/18/16 ADOPT: 3909.2  
 07/18/16 ADOPT: 3909.4  
 07/14/16 ADOPT: 3909.3  
 07/12/16 ADOPT: 3929.14  
 07/11/16 AMEND: 3939.19  
 06/02/16 ADOPT: 3919.16  
 05/31/16 ADOPT: 863, 864, 864.5, 865, 866  
 05/17/16 ADOPT: 3991.1 REPEAL: 3989  
 05/04/16 AMEND: 3935, 3936, 3939.13  
 04/14/16 ADOPT: 3939.48  
 04/11/16 ADOPT: 3939.49  
 03/30/16 ADOPT: 876

**Title 25**

07/28/16 ADOPT: 7062.5, 7065.5 AMEND: 7065  
 07/05/16 ADOPT: 6924, 6932 REPEAL: 6924,  
 6932

**Title 27**

08/10/16 AMEND: 27001  
 08/09/16 AMEND: 27001

07/28/16 AMEND: 27001  
 07/27/16 AMEND: 25805  
 06/27/16 AMEND: 27001  
 06/22/16 AMEND: 27001  
 06/13/16 AMEND: 27001  
 06/13/16 AMEND: 25805  
 05/09/16 AMEND: 10052  
 04/18/16 AMEND: 25603.3  
 04/13/16 AMEND: 27001

**Title 28**

03/28/16 AMEND: 1010

**Title MPP**

08/16/16 ADOPT: 31-136 AMEND: 31-001,  
 31-002, 31-003, 31-005, 31-040,  
 31-066, 31-075, 31-101, 31-105,  
 31-110, 31-115, 31-120, 31-125,  
 31-135, 31-201, 31-205, 31-206,  
 31-310, 31-315, 31-335, 31-405,  
 31-406, 31-410, 31-420, 31-425,  
 31-430, 31-445, 31-510 REPEAL:  
 31-515, 31-520  
 08/01/16 ADOPT: 42-749 AMEND: 41-440,  
 42-711, 42-716, 44-207  
 07/19/16 AMEND: 30-754.2  
 06/13/16 ADOPT: 30-754 AMEND: 30-701  
 05/02/16 ADOPT: 45-102, 45-600, 45-601,  
 45-602, 45-604, 45-605, 45-606,  
 45-607 AMEND: 31-002, 31-003,  
 31-075, 31-201, 31-205, 31-206,  
 31-225, 31-425, 31-503, 90-101  
 03/30/16 REPEAL: 12-201, 12-202, 12-202.1,  
 12-202.1.11, 12-202.1.11.111,  
 12-202.2, 12-202.2.21,  
 12-202.2.21.211, 12-202.2.21.212,  
 12-202.2.22, 12-202.2.23, 12-202.2.24,  
 12-202.3, 12-202.3.31,  
 12-202.3.31.311, 12-202.3.31.312,  
 12-202.3.31.313, 12-202.3.32,  
 12-202.3.33, 12-202.3.33.331,  
 12-202.4, 12-202.4.41, 12-202.5,  
 12-202.5.51, 12-202.5.52, 12-202.5.53,  
 12-202.5.54, 12-202.6, 12-202.6.61,  
 12-202.6.61.611, 12-202.6.61.612,  
 12-202.6.61.613, 12-202.6.62,  
 12-202.7, 12-202.8, 12-202.8.81,  
 12-202.8.82, 12-202.8.83, 12-202.8.84,  
 12-202.8.84.841, 12-202.8.84.842,  
 12-202.8.85, 12-202.8.85.851, 12-203,  
 12-203.1, 12-203.1.11,  
 12-203.1.11.111, 12-203.1.11.112,  
 12-203.1.11.113, 12-203.1.11.113(a),  
 12-203.1.11.113(b),  
 12-203.1.11.113(c), 12-203.1.11.114,  
 12-203.1.11.114(a),

12-203.1.11.114(b),  
 12-203.1.11.114(c), 12-203.1.11.115,  
 12-203.2, 12-203.2.21, 12-203.2.22,  
 12-203.2.23, 12-203.3, 12-203.3.31,  
 12-203.3.32, 12-203.3.32.321,  
 12-203.3.32.322, 12-203.3.33,  
 12-203.4, 12-203.4.41, 12-203.4.42,  
 12-203.5, 12-203.6, 12-203.7,  
 12-203.7.71, 12-203.7.71.711,  
 12-203.7.71.712, 12-203.7.71.713,  
 12-203.7.72, 12-203.7.72.721,  
 12-203.7.73, 12-203.8, 12-204,  
 12-204.1, 12-204.1.11,  
 12-204.1.11.111, 12-204.1.11.112,  
 12-204.1.11.113, 12-204.1.11.114,  
 12-204.1.12, 12-204.1.13, 12-204.2,  
 12-204.3, 12-204.3.31,  
 12-204.3.31.311, 12-204.3.31.312,  
 12-204.3.31.313, 12-204.3.31.314,  
 12-204.3.31.315, 12-204.3.31.316,  
 12-205, 12-205.1, 12-205.1.11,  
 12-205.1.12, 12-205.1.13, 12-205.1.14,  
 12-205.1.15, 12-205.1.16, 12-205.1.17,  
 12-205.2, 12-205.2.21, 12-205.2.22,  
 12-205.2.23, 12-205.3, 12-205.3.31,  
 12-205.3.32, 12-205.4, 12-205.5,  
 12-205.5.51, 12-205.5.52, 12-205.5.53,  
 12-205.5.54, 12-205.5.55,  
 12-205.5.55.551, 12-205.5.55.552,  
 12-205.6, 12-205.6.61, 12-205.6.62,  
 12-205.6.62.621, 12-205.6.63,  
 12-205.6.63.631, 12-205.6.64,  
 12-205.6.65, 12-205.7, 12-206,  
 12-206.1, 12-206.2, 12-206.3,  
 12-206.3.31, 12-206.4, 12-206.4.41,  
 12-206.4.41.411, 12-206.4.41.411(a),  
 12-206.4.41.412, 12-206.4.41.412(a),  
 12-206.4.41.413, 12-206.4.41.413(a),  
 12-206.4.41.413(b),  
 12-206.4.41.413(c), 12-206.4.41.414,  
 12-206.4.41.415, 12-206.4.41.415(a),  
 12-206.4.41.416, 12-206.5, 12-207,  
 12-207.1, 12-207.1.11,  
 12-207.1.11.111, 12-207.1.11.112,  
 12-207.1.11.113, 12-207.2, 12-207.3,  
 12-207.3.31, 12-207.3.31.311,  
 12-207.3.31.312, 12-207.3.31.312(a),  
 12-207.3.31.312(b),  
 12-207.3.31.312(c), 12-207.3.32,  
 12-207.3.32.321, 12-207.3.32.322,  
 12-207.3.32.322(a),  
 12-207.3.32.322(b),  
 12-207.3.32.322(c), 12-207.4,  
 12-207.4.41, 12-207.4.42, 12-207.5,  
 12-207.5.51, 12-207.5.52, 12-207.5.53,  
 12-207.5.53.531, 12-207.5.53.532,  
 12-207.5.53.533, 12-207.6,  
 12-207.6.61, 12-207.6.62, 12-207.6.63,  
 12-207.7, 12-207.7.71,  
 12-207.7.71.711, 12-207.7.71.711(a),  
 12-207.7.71.711(b), 12-207.8,  
 12-207.8.81, 12-207.8.82, 12-210,  
 12-210.1, 12-210.1.11, 12-211,  
 12-211.1, 12-211.2, 12-222, 12-222.1,  
 12-222.1.11, 12-222.1.11.111,  
 12-222.1.12, 12-224, 12-224.1,  
 12.224.1.11, 12.224.1.12, 12.224.1.13,  
 12-224.2, 12.224.2.21, 12-224.2.22,  
 12-224.2.23, 12-225, 12-225.1,  
 12-225.2, 12-225.2.21, 12-228,  
 12-228.1, 12-228.1.11, 12-228.1.12,  
 12-228.1.13, 12-228.1.13.131,  
 12-228.1.13.132, 12-228.1.13.133,  
 12-228.1.13.134, 12-228.1.14,  
 12-228.2, 12-228.2.21,  
 12-228.2.21.211, 12-228.2.21.212,  
 12-228.2.22, 12-228.3, 12-228.4,  
 12-228.5, 12-228.6, 12-228.6.61,  
 12-228.6.62, 12-228.6.63, 12-228.6.64

