



# California Regulatory Notice Register

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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**

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

**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**

**AMENDMENT**

**MULTI-COUNTY:** Marin Clean Energy  
Colton Joint Unified School District  
Kings Mosquito Abatement District

A written comment period has been established commencing on September 30, 2016, and closing on November 14, 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 Section 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 November 14, 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 re-

spective 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 May 25, 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 November 21, 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 November 14, 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 the Secretary 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 it is 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 Kern County by approximately 73 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 54,165 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 two 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 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 action, 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 May 23, 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 November 21, 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

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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.

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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 it is 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 98 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 54,190 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 two 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 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 action, 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 30, 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 November 14, 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 gener-

ally 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 uninfected 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 it is 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 Stanislaus County by approximately 98 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 55,049 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 two 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 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 action, 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 August 2, 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 January 30, 2017.

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 November 14, 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 dis-

cretion 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 it is 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 53 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 55,117 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 two 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 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 action, 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 amended subsection 3591.12(a) in Title 3 of the California Code of Regulations pertaining to Peach Fruit Fly Eradication Area as an emergency action which was effective June 20, 2016. The Department intends to retain this amendment of the regulation by submitting a Certificate of Compliance no later than December 19, 2016. The Department is also proposing to amend subsection 3591.12(b), Title 3, California Code of Regulations.

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. The written comment period closes at 5:00 p.m. on November 14, 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 of Food and Agriculture, 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) Section 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, which the Secretary 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 the Secretary’s 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.

This regulation will benefit the public’s general welfare by providing authority for the State to perform detection, control and eradication activities against peach fruit fly in San Joaquin County.

The implementation of this regulation will prevent:

- Direct damage to the agricultural industry growing host fruits.
- Indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets.

- Increased production costs to the affected agricultural industries.
- Increased pesticide use by the affected agricultural industries.
- Increased costs to the consumers of host fruits.
- Increased pesticide use by homeowners and others.
- The need to implement a State interior quarantine.
- The need to implement a federal domestic quarantine.

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

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 it is the only State agency that can implement these eradication areas for plant pests. 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

San Joaquin County was added to the Peach Fruit Fly Eradication Area regulation as an emergency action. The proposed action will also make non-substantive changes to the host list of the Peach Fruit Fly Eradication Area regulation. The effect of the amendment of this regulation is to provide authority for the State to perform eradication activities against peach fruit fly in the County of San Joaquin.

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 and no nondiscretionary costs or savings to local agencies or school districts.

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 agency is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

*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 has determined the amendment of this regulation would benefit:

- The general public
- Homeowners and community gardens
- Agricultural industry
- The State’s general fund

There are no known specific benefits to worker safety or the health of California residents.

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 subsections 3591.12(a) and 3591.12(b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and re-

quest for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, 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 Laura.Petro@cdfa.ca.gov. 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 Web site ([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 of Food and Agriculture 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 PESTICIDE REGULATION**

Pesticide Use Near Schoolsites  
DPR Regulation No. 16-004

**NOTICE OF PROPOSED REGULATORY ACTION**

The Department of Pesticide Regulation (DPR) proposes to adopt sections 6690, 6691, 6692, and 6693 of Title 3, California Code of Regulations (3 CCR). In

summary, the proposed action would require growers to notify public K-12 schools, child day care facilities, and county agricultural commissioners when certain pesticide applications made for the production of an agricultural commodity near a schoolsite are planned in the coming year and also a few days prior to the applications. In addition, certain pesticide applications near these schoolsites will be prohibited at certain times.

**SUBMITTAL OF COMMENTS**

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on November 17, 2016. Comments regarding this proposed action may also be transmitted via e-mail to <[dpr16004@cdpr.ca.gov](mailto:dpr16004@cdpr.ca.gov)> or by facsimile at 916-324-1491.

Public hearings have been scheduled for the time and place stated below to receive oral or written comments regarding the proposed changes.<sup>1</sup>

**DATE:** Tuesday, November 15, 2016  
**TIME:** 6:00 p.m.  
**PLACE:** Oxnard Performing Arts and Convention Center  
Oxnard Room  
800 Hobson Way  
Oxnard, California 93030

**DATE:** Wednesday, November 16, 2016  
**TIME:** 6:00 p.m.  
**PLACE:** Tulare Veterans Memorial Building  
1771 E. Tulare Avenue  
Tulare, California 93274

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 5:00 p.m. to 6:00 p.m. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

<sup>1</sup> If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

DPR’s statutory purpose is to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management. DPR’s oversight includes: product evaluation and registration; statewide licensing of commercial and private applicators, pest control businesses, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7. Specifically, DPR is charged by FAC section 11501 to protect public health and safety while providing for the proper, safe, and efficient use of pesticides for the production of food and fiber and to protect the environment from harmful pesticides by regulating and ensuring proper stewardship of those pesticides. To effectuate this purpose, FAC gives the Director broad authority to adopt regulations that are reasonably necessary to carry out the provisions of the Code (FAC section 11456) including the authority to promulgate regulations governing the use of pesticides (FAC section 12976).

DPR continuously evaluates pesticides as mandated by FAC section 12824. DPR’s evaluation of toxicity and exposure indicate that the risk to children from agricultural pesticides applied near schools is low for most pesticides. For pesticides and situations that are identified through the evaluation process as having the potential for posing unacceptable risks, DPR imposes mitigation measures to address the risks. Nevertheless, concerns about the risks associated with pesticide use at or near schools and child day care facilities have persisted through the years due to children’s potentially increased sensitivity and exposure. The dose that may cause adverse effects in children may also be lower than adults. For example, based on current scientific findings some pesticides may cause effects to a child’s developing nervous system. Also, children may have higher exposure than adults due to their higher breathing rate relative to their body weight. While DPR accounts for these factors in its evaluation of potential toxic effects and exposure, there may be disproportionate impacts to children when unintended drift occurs. Moreover, schools and child day care facilities are considered sensitive sites because large numbers of children can be located there for extended periods of time.

The California Department of Public Health completed a study of the use of certain pesticides near a

number of schools in California. Relying on information provided by DPR and the county agricultural commissioners from 2010, the study identified pesticide uses ranging from 0.01 to 28,979 pounds within one-quarter mile of schools in 15 agricultural counties. Although the report provided valuable data on pesticide use practices, the report did “not attempt to measure school children’s exposures to pesticides and, therefore, study results cannot be used to predict possible health impact.”

During the development of the proposed regulation, DPR investigated whether there was a need to provide greater protection for school children from risks associated with agricultural pesticide use near schools. DPR’s evaluation of available data and current requirements indicates that the health risk to children and others is low when pesticides are used in compliance with the relevant regulations and label requirements. However, this low risk reflects compliance with current requirements in normal situations and does not account for exceptional circumstances or violations. More than a million pesticide applications are made to agricultural crops each year in California. Given the large number of applications that occur around schools, the risk of potential exposure, while small, is still present.

The current regulatory requirements for pesticide applications near schools vary from county to county, and are primarily designed to prevent unacceptable exposures from normal pesticide use. The purpose of this proposed regulation is to (1) provide minimum statewide standards for all agricultural pesticide applications near public K–12 schools and child day care facilities; (2) provide an extra margin of safety in case of unintended drift or when other problems with applications occur (e.g., equipment failure causes an unintended release of pesticide, or an abrupt change in weather conditions); (3) increase communication between growers and schools/child day care facilities; and (4) provide information to assist schools and child day care facilities in preparing for and responding to pesticide emergencies. The proposed regulation will address potential short-term acute exposures from pesticide applications.

DPR proposes restrictions for certain pesticide applications made within one-quarter mile of a schoolsite, Monday through Friday and during the hours between 6:00 a.m. and 6:00 p.m. Certain other pesticide applications are restricted within 25 feet or are not subject to restriction. The restriction will depend on the application equipment used and the type of pesticide applied. DPR also proposes to require the property operator to provide two separate notifications to a schoolsite — annual notification of expected applications and application-specific notification. The annual notification will provide sufficient information to the affected schoolsites

by identifying which pesticides will be applied and where, and who will make the applications within one-quarter mile of the schoolsite. The application-specific notification will provide more detailed information about a specific application that will take place within one-quarter mile of a schoolsite and are subject to the 25-foot restriction.

Adoption of these regulations will provide a benefit to public health by reducing pesticide exposure to children and other bystanders. Although this is not the primary objective of the regulation, the intent is to provide an extra margin of safety for unintended drift and other problems with pesticide applications. The proposed notification requirements will also enable schoolsites and others to take additional voluntary actions to reduce pesticide exposures.

During the process of developing these regulations, DPR conducted a search of any similar regulations on this topic and concluded that these proposed regulations are not inconsistent or incompatible with existing state regulations. DPR is the only agency that has the authority to regulate the use of pesticides.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq. There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulatory action.

County agricultural commissioner offices will be the local agencies responsible for enforcing the proposed regulations. DPR anticipates that there will be a fiscal impact to these agencies that could be absorbed. DPR negotiates an annual work plan with the commissioners for enforcement activities.

#### COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

#### EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

#### EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will have a significant cost impact on representative private persons or businesses. DPR estimated the costs required by the proposed regulation for a one-year period (July 2013–June 2014). During this one-year period, the notification costs would have been \$3.3 million, and the loss due to the proposed prohibitions would have been \$1.2 million. Total grower cost would have been \$3.3–\$4.5 million for an average cost of \$1,328–\$3,480 for each affected grower, with the same cost per grower whether or not the grower was a small business.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

Benefit to the health of California residents: The proposed action may reduce pesticide exposure to children and other bystanders, but the primary objective of the regulation is to provide an extra margin of safety for unintended drift and other problem with applications. The proposed notification requirements will also enable schools and others to take additional voluntary actions to reduce pesticide exposures. DPR does not anticipate any benefits to worker safety or the environment.

#### CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been

identified and brought to the attention of the agency, 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 or businesses than the proposed regulatory action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

#### AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456 and 12976.

#### REFERENCE

This regulatory action is to implement, interpret, or make specific FAC section 11501.

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

DPR has prepared an Initial Statement of Reasons and the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

#### AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
916-445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted below:

Randy Segawa, Special Advisor  
Pesticide Programs Division  
916-324-4137

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in an alternate form as a disability-related accommodation.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

#### TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

Pursuant to Section 44520(b) of the Health and Safety Code, the regulations being amended herewith by the California Pollution Control Financing Authority (the "Authority") are, by legislative mandate, necessary for the implementation of small business financing assistance and the immediate preservation of the public peace, health and safety, and general welfare.

#### PROPOSED REGULATORY ACTION

The Authority proposes to amend Section 8034(d) and Section 8035(e)-(f) of Title 4, Division 11, Article 3 of the California Code of Regulations (the "Amended Regulations") concerning the administration of the California Pollution Control Financing Authority's Bond Program. These Amended Regulations are necessary to implement, interpret and make specific Article 3 of the California Pollution Control Financing Authority Act (the "Act"). The current rulemaking action would make these changes permanent.

#### AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44520(b), Health and Safety Code. Section 44520(b) of the Act autho-

rizes the Authority to adopt regulations relating to small business financing as emergency regulations and instructs the Office of Administrative Law to consider such regulations to be “necessary for the immediate preservation of the public peace, health and safety or general welfare.” Section 44520(a) of the Act authorizes the Authority to adopt necessary regulations to carry out its powers and duties under this division in administering applications for financing.

Reference: Section 44520, 44525, 44537.5 and 44548, Division 27, Health and Safety Code. These Emergency Regulations implement, interpret and make specific Sections of the Act by amending Section 8034(d) and Section 8035(e)–(f) of Title 4, Division 11, Article 3 of the California Code of Regulations.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Authority to implement small business financing assistance programs pursuant to Section 44520(b) of the Health and Safety Code.

### Background of Section 8034.

Under the Authority’s regulations, applicants seeking or receiving bond financing must pay fees for reasonable and necessary administrative and program expenses connected with the sale of bonds. CPCFA has previously adopted regulations pertaining to fees associated with the refunding of bond issuances to: require a new request for financing the refunding of bonds; charge a fee in conjunction with the refunding bond issue requested; and obtain reimbursement for costs and expenses associated with the refunding issue.

The fee charged for the refunding of a prior sale of bonds approved by the Authority is two tenths of one percent (.002) of the face value of the bonds issued. This fee is expected to cover staff administrative costs both during the review of the application for the refunding and for the life of the bonds including post-issuance compliance and monitoring.

In light of the sluggish recovery from the economic recession, in an effort to provide some cost savings to applicants, in 2013, the CPCFA Board approved staff’s proposal to file emergency regulations to amend and add section (d) to section 8034 of the CPCFA regulations to provide the Authority the discretion in each case to charge the reasonable and necessary allocable expenses of reviewing the refunding request in lieu of the standard administrative fee when the refunding transaction was coupled with a new money issue. These amendments to the regulations were approved by OAL on December 26, 2013.

### Background of Section 8035.

During the late 1970s and early 1980s, the U.S. Small Business Administration (SBA) administered a special pollution control loan guarantee program for small businesses. The program offered SBA loan guarantees for federally issued tax-exempt bonds. The SBA discontinued the program in 1981, which left small businesses inadequate resources for securing cost-effective tax-exempt financing.

In 1985, the State legislature established the collection of SBAF fees from large businesses obtaining conduit bond financing from CPCFA, to fill a void from the discontinuation of the SBA program, and to offset certain costs of issuance and letter of credit fees associated with the issuance of tax-exempt bonds issued on behalf of small businesses. A small business is defined as 500 employees or less. Under this legislation, large businesses began paying into SBAF to support CPCFA programs that benefit small businesses.

The fee to large businesses is up to .0066 of the face value of the bonds issued. Small businesses can receive up to \$205,000 towards their costs of bond issuance, depending on the size of the transaction.

SBAF funds also have helped small businesses through other CPCFA programs. From 1994 to 2010 about \$35 million of the SBAF funds were used as the exclusive funding source for the California Capital Access Program (CalCAP) that benefits small businesses. Since 2011, CalCAP has not relied on SBAF funds because in 2011 the program received its first State General Fund allocation of \$6 million, plus \$84 million in federal funds under the State Small Business Credit Initiative (SSBCI).

Due to the economic downturn and the receipt of other program funds for CalCAP, the Authority implemented a temporary suspension of the collection of the SBAF fee from large businesses to reduce the costs of issuance. Under regulations adopted in April 2013, the SBAF fee for large businesses was temporarily waived until June 30, 2015 pursuant to Section 8035(e) of the CPCFA regulations. In 2015, when the interest rate on lending did not rise as soon as hoped, CPCFA extended the sunset of the temporary suspension for an additional twelve months until June 30, 2016, and further added a waiver of half the fee for another six months thereafter from July 1, 2016 to December 31, 2016.

### Need for Amendments to Sections 8034 & 8035.

Business investment in California using tax-exempt bonds declined noticeably during the economic downturn beginning in 2008. Even as economic activity begins to rebound in California, the cost of financing remains prohibitive in many cases, particularly for small businesses which cannot absorb the transaction costs. In addition, the cost of conventional financing is cur-

rently very low, based on today’s interest rates, rendering the Authority’s bond issuances less attractive for many borrowers especially where the application costs exceed the benefits of the tax–exempt status. As a re-

sult, the Authority’s Private Activity Bond (PAB) Allocation has gone underutilized. CPCFA currently has \$2.3 billion in Carryforward Allocation available. Available allocation is as follows:

<b>Total 2013 – 2014 Available Carryforward Allocation Available</b>	<b>\$2,387,528,562</b>
Solid Waste Disposal	\$1,152,575,000
Sewage Facilities	\$ 234,953,562
Water Furnishing	\$1,000,000,000

*Section 8034*

Since 2014, five companies have been charged actual costs of reviewing the refunding request in lieu of the standard refunding administrative fee. The table below

outlines the savings that each company received from being charged actual costs for the refunding portion of each transaction.

<b>Company</b>	<b>Business Type</b>	<b>New Money Amount</b>	<b>Refunding Amount</b>	<b>Standard Administrative Fee</b>	<b>Actual Costs Charged at Closing</b>	<b>Company Savings</b>
Arakelian Enterprises, Inc. dba Athens Services	Large	\$55,000,000	\$83,525,000	\$167,050	\$10,000.00	\$157,050.00
Blue Line Transfer	Small	11,945,000	10,880,000	21,760	4,985.00	16,775.00
California Waste Solutions	Small	25,335,000	19,045,000	38,090	5,000.00	33,090.00
Alameda County Industries	Small	3,780,000	12,800,000	25,600	4,443.69	21,156.31
CR&R Incorporated	Large	7,145,000	54,215,000	108,430	15,332.00	93,089.00
<b>Total:</b>		<b>\$103,205,000</b>	<b>\$179,465,000</b>	<b>\$360,930</b>	<b>\$39,760.69</b>	<b>\$321,160.31</b>

Comparing the costs actually charged at closing with what CPCFA would have received under the standard fee, the companies in these transactions realized considerable savings. At the same time, the savings to the companies resulted in lost revenue to CPCFA. Thus, by limiting the refunding fee to the expenses allocable to the review of the refunding request, CPCFA opted to forego revenue calculated to support the long–tail responsibilities of staff associated with post–issuance monitoring, compliance, and reporting for the life of the issuance, often up to thirty years.

Due to rising staff and operating costs to administer CPCFA’s Bond Program and other financing programs, staff proposes to modify the 2013 discretionary waiver of refunding fees by a) limiting it to small businesses for which the costs of issuance are disproportionate, and b) only where the amount of new money being sought exceeds the amount to be refunded. This will still provide a significant benefit and incentive to seek new money and refunding through CPCFA’s pollution control bonds, and will entice small businesses to analyze their

current outstanding debt and structure through private activity bonds issued by CPCFA. At the same time, it will ensure that CPCFA’s Administrative Fund is adequately funded for sustainable operations into the foreseeable future.

Moreover, the proposed amendment to Section 8034 retains the discretionary nature of the waiver, thereby permitting the Authority to apply the standard formula for the refunding fee when warranted on a case–by–case basis. The proposed new refunding fee rule would be in effect for applications received after July 1, 2016.

*Section 8035*

CPCFA staff recommended that the SBAF fee be temporarily waived beginning in early 2013 when staff noted that business investment in California using tax–exempt bonds had declined noticeably and private activity bond allocation remained underutilized. During the last three years since the SBAF fee waiver became effective, eight (8) large businesses have benefited from the waiver and three (3) qualifying small businesses re-

requesting SBAF assistance have received it. The table below outlines the number of companies affected and amounts paid into and out of the SBAF account over the

past two years, as well as the amount that large businesses saved.

	2013	2014	2015	2016 (as of 6/01/2016)	Total
Qualifying small businesses that received SBAF assistance	0	3 companies received \$430,440	1 company received \$45,840	3 companies received \$513,070	7 companies received \$989,350
Large businesses that benefitted from the SBAF fee waiver	1 company saved \$250,800	5 companies saved \$933,042	2 companies saved \$29,667	1 company saved \$47,157	8 companies saved \$1,260,666

Anticipated Benefits from This Regulatory Action

The SBAF fund currently has a balance of approximately \$14.8 MM. To ensure that the SBAF remains a sustainable resource for CPCFA’s small business financings into the foreseeable future, it is appropriate that the fee waiver be limited in duration. At the same time, while the interest rate remains stubbornly low, stakeholders have indicated that if the SBAF fee waiver for large businesses can be extended for a short time, it would represent a significant cost savings to specific applicants sufficient to incentivize seeking financing through CPCFA this calendar year. Staff has determined that, on balance, the SBAF fund would not be unnecessarily depleted if the SBAF fee waiver was extended for an additional six months. The proposed changes will also attract businesses involved with pollution control projects. These types of projects will benefit the environment, and the public health and safety.

The proposed amendment to the current regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California.

**After conducting an evaluation for any other regulations on this area, the Authority has concluded that these are the only regulations concerning CPCFA Small Business Assistance Fund Fees and Refunding Fees. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed amendment and objective for the sections is as follows:**

Section 8034(d). Waiver of the refunding fee formula to small businesses where the new money amount issue is larger than the amount of bonds refunded. CPCFA staff anticipates that this amendment will continue to reduce transaction costs for small businesses to issue

PABS, as well as insuring that the Authority’s administrative fund continues to be adequately funded for sustainable operation in the future.

Section 8035(e). Temporary waiver of the Small Business Assistance Fund fee. CPCFA staff anticipates that the temporary fee waiver will entice large businesses to issue PABs by noticeably reducing a portion of the cost of issuance. The continuation of the fee reduction will continue to serve as an incentive for national companies to focus investment in California while their fees are lower.

Section 8035(f). Temporary waiver of half of the SBAF fee. After the fee waiver expires, CPCFA anticipates that temporarily waiving half of the SBAF fee will continue to entice large business to issue PABs by still reducing a portion of the cost of issuance and help in the transition to completely eliminate the waiver.

DISCLOSURE REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Regulations:

**Mandate on local agencies or school districts:** None.

**Cost or savings to any state agency:** None.

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

**Other non–discretionary cost or savings imposed on local agencies:** None.

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

**Significant effect on housing costs:** None.

**Cost impact on a representative private person or business:** The Authority is not aware of any cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action.

**Small Business:** The Amended Regulations will not have an adverse impact on small business in California and will not affect small business since they do not impose additional restrictions or cost on small business.

**Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:** The Authority has made an initial determination that the Amended Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

**Assessment regarding effect on jobs/businesses:** The Amended Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

**Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment:** The proposed amendments to sections 8034 and 8035 will open more financing opportunities to businesses involved in pollution control projects. These types of projects will benefit the environment and the public health and safety.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the Amended Regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended Regulations are 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 Authority invites interested parties to present statements with respect to alternatives to the Amended Regulations during the written comment period.

#### AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Regulations shall be submitted or directed to:

Andrea Gonzalez, Associate Treasury Program  
Officer  
California Pollution Control Financing Authority  
915 Capitol Mall, 5th Floor  
Sacramento, CA 95814  
Telephone: (916) 651-7284  
Fax: (916) 657-4821  
Email: [agonzalez@treasurer.ca.gov](mailto:agonzalez@treasurer.ca.gov)

Deanna Hamelin, Treasury Program Manager I  
California Pollution Control Financing Authority  
915 Capitol Mall, 5th Floor  
Sacramento, CA 95814  
Telephone: (916) 651-6503  
Fax: (916) 657-4821  
Email: [dhamelin@treasurer.ca.gov](mailto:dhamelin@treasurer.ca.gov)

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Regulations to the Authority. The written comment period on the Amended Regulations ends at **5:00 p.m. on November 14, 2016**. All the comments must be submitted in writing to the Agency Contact Person identified in the Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the proposed regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency contact person identified in this Notice.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 801 Capitol Mall, Room 266, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this

notice, the Initial Statement of Reasons and the proposed text of the Amended Regulations. Copies of these items and all the information upon which the proposed rulemaking is based are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

**PUBLIC HEARING**

CPCFA will hold a public hearing, consistent with the requirements of the California Administrative Procedure Act, to receive comments, objections, and recommendations. The hearing will begin at 2:00 p.m. on November 14, 2016 at the State Board Personnel building in room 150 located at 801 Capitol Mall, Sacramento, CA 95814. Room 150 is wheel chair accessible. At the hearings, any person may present comments orally or in writing, or both, relevant to the proposed action. The hearing will be closed when all persons present have had an opportunity to comment on the proposed action. Time limits may be placed on oral comments to ensure that all persons wishing to comment have an opportunity within the available time for the hearing. CPCFA 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.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the written comment period ends and following the public hearing, pursuant to Section 11346.8 of the Government Code, the Authority may adopt the proposed Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found at the Author-

ity's website at:  
<http://www.treasurer.ca.gov/cpcfa/index.asp>.

**TITLE 5. CALIFORNIA TEACHERS' RETIREMENT SYSTEM**

**Title 5. Education  
Division 3. Teachers' Retirement System  
Chapter 2. Compensation  
Articles 2, 3 and 5**

Amendments to sections 27300, 27301, 27400, 27401, 27600, 27601 and 27602

The California State Teachers' Retirement System ("CalSTRS") and the Teachers' Retirement Board ("board") propose to adopt amendments to regulations described here after considering all comments, objections and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Teachers' Retirement Board will hold a hearing:

Date and Time	1:30 p.m. November 17, 2016
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The hearing may be scheduled or rescheduled to occur as early as 8 a.m. or as late as 4 p.m. as it is incorporated into the board's agenda. Please consult the agenda for the meeting, which will be available at [www.CalSTRS.com/teachers-retirement-board](http://www.CalSTRS.com/teachers-retirement-board) by November 3, 2016, to confirm the exact time at which the hearing will be held.

Please arrive promptly for check in before the scheduled start time. The hearing will be closed once each speaker has provided his or her testimony.

Location	California State Teachers' Retirement System Boardroom 100 Waterfront Place West Sacramento, CA 95605
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Purpose	To receive written or oral comments about this action.
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Comments are limited to five minutes each and must not repeat comments already received in written or verbal form.

**Accessibility** The hearing room is accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the Regulations Specialist.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalSTRS. The written comment period closes at 5:00 p.m. on **November 14, 2016**. CalSTRS will only consider written comments received at CalSTRS' address as reflected below by that time. Submit comments to:

Ellen Maurizio  
Regulations Specialist, Governmental Relations  
California State Teachers' Retirement System  
P.O. Box 15275, MS-14  
Sacramento, CA 95851-0275  
Fax: (916) 414-1993  
E-Mail: [Regulations@CalSTRS.com](mailto:Regulations@CalSTRS.com)

### AUTHORITY AND REFERENCE

All Authority and Reference citations are to the California Education Code.

Section 22112.5 defines "class of employees" and provides that the board may override a determination as to whether or not a group or an individual constitutes a class of employees.

Section 22207 authorizes the board to perform any acts necessary for the administration of CalSTRS and the plan in carrying into effect the provisions of the Teachers' Retirement Law, California Education Code sections 22000 through 28101.

Section 22214 provides that the board may take any action it deems necessary to ensure the continued right of members or beneficiaries to receive monthly payments.

Section 22215 provides that the board shall determine the service performed by members to be credited toward qualification for retirement.

Section 22119.2 provides that the board may determine any payments that are and are not "creditable compensation," and CalSTRS may determine any creditable compensation that has been paid to enhance a

benefit, and may determine the appropriate crediting of contributions between the Defined Benefit and the Defined Benefit Supplement programs.

Section 22119.5 provides that the board shall have final authority for determining creditable service to cover any activities not already specified in that section.

Section 22138.5 provides that the board has final authority to determine full time for purposes of crediting service.

Section 22138.6 defines "full-time equivalent" as the days or hours of creditable service that a person who is employed part-time would be required to perform in a school year if he or she were employed full time.

Section 22213 provides that the board shall regulate the duties of employers, employing agencies and other public authorities.

Section 22305 provides that any rules and regulations adopted by the board have the force and effect of law.

Section 22458 requires that employers provide the system with information regarding the compensation to be paid to employees subject to the Defined Benefit Program in that school year. The information shall be submitted annually as determined by the board and may include, but shall not be limited to, employment contracts, salary schedules and local board minutes.

Section 22905 describes the types of compensation that are creditable to the Defined Benefit Supplement Program and how related contributions are credited to that program.

These amendments to the regulations further interpret and make specific Education Code sections 22112.5, 22119.2, 22458 and 22905.

The board approved the proposed amendments on September 15, 2016, and directed CalSTRS staff to give public notice and schedule a public hearing before the board.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program. The defined benefit is based on final compensation, credited service and age at retirement. Existing law also establishes the Defined Benefit Supplement Program, a cash balance plan, which provides supplemental benefits payable in a lump-sum payment, an annuity or both. Contributions for creditable compensation are credited to either the Defined Benefit or the Defined Benefit Supplement account.

Compensation is negotiated and structured in a variety of ways by over 1,700 school employers statewide. To provide greater clarity to employers, members and other stakeholders, CalSTRS adopted creditable com-

pensation regulations, which became effective on January 1, 2015, to improve consistent and uniform reporting of creditable compensation by clarifying the direction provided in the Education Code.

The existing regulations clarify the circumstances under which CalSTRS will override an employer’s determination of a class of employees, identify defining characteristics to determine creditable compensation and define when contributions will be credited to either the Defined Benefit Program or the Defined Benefit Supplement Program.

Section 22112.5 of the Education Code defines a “class of employees” as a number of employees considered as a group because they are employed to perform similar duties, are employed in the same type of program or share other similarities related to the nature of the work being performed. The term “same type of program” is not defined in the statute, but it is specified through regulations to include a state or federal program established in law. Chapter 47, Statutes of 2013 (AB 97 — Committee on Budget), revised the public financing of educational programs by establishing the Local Control Funding Formula. Most of the categorical education programs previously established in state law were eliminated, and instead, local educational agencies became authorized to expend the funds previously allocated for those categorical education programs. The vehicle for establishing a local program is a Local Control and Accountability Plan.

The amendments proposed in this rulemaking action explicitly allow establishment of a class of employees based on employment in the same program established under a Local Control and Accountability Plan.

Section 22119.2 of the Education Code defines creditable and noncreditable compensation. It contains terms, including “salary” and “remuneration that is paid in addition to salary,” that are clarified in current regulations by describing identifying characteristics of each type of compensation in order to promote consistent understanding and application of each term.

These proposed amendments to the regulation address gaps that have been identified in those definitions, further promoting clarity and common understanding of proper reporting of compensation.

Section 22905 of the Education Code describes the allocation of contributions to the Defined Benefit Program and Defined Benefit Supplement Program accounts. If CalSTRS determines that compensation was paid to enhance a member’s benefits or to not reflect sound principles that support the integrity of the retirement fund, the related contributions are allocated to Defined Benefit Supplement accounts. Current regulations define circumstances under which CalSTRS will determine that compensation was treated inconsistent-

ly, including the circumstances under which a restructure of compensation is inconsistent.

These proposed amendments to the regulation remove an unintended loophole that was included in the original language and, instead, add a declaratory statement that compensation will not be found inconsistent solely on the basis of reduced successor pay.

While developing the text of these proposed amendments, CalSTRS searched other state regulations that related to the topics addressed in these regulations and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Anticipated benefits of these regulations include: Consistent, fair and equitable reporting of the compensation used for retirement purposes of California educators by all employers; and consistent application of the statutory principles that support the integrity of the retirement fund.

The proposed action clarifies the standards for, and promotes clear and consistent reporting of, compensation by school employers. The proposed action is expected to result in an improved understanding of creditable compensation among CalSTRS and its members and covered employers, but these positive qualitative effects are not expected to be accompanied by any associated time savings, nor any tangible monetary or other benefit.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

CalSTRS has made the following initial determinations, as required by the California Administrative Procedure Act and Office of Administrative Law regulations:

1. Mandate on local agencies and school districts: None. The proposed amendments to the regulations do not place a mandate on local agencies or school districts. They clarify an existing responsibility, the proper reporting of employee compensation to CalSTRS.
2. Cost or savings to any state agency: The proposed amendments to the regulations are not expected to result in any costs or savings to any state agency.
3. Cost to any local agency or school district which must be reimbursed in accordance with California Government Code sections 17500 through 17630: None.
4. Other nondiscretionary costs or savings imposed on local agencies: The proposed amendments to the regulations are not expected to result in any costs or savings for local agencies.

5. Cost or savings in federal funding to the state:  
None. These regulations do not relate to any federal program.
6. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:  
None. The proposed amendments to the regulations do not affect any businesses within or outside the state.
7. Cost impacts on a representative private person or business:  
The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments do not affect private persons or businesses.
8. Results of the economic impact assessment/analysis:  
These regulations are not anticipated to have any direct, indirect or induced effect on California businesses. Specifically:
- The action will not have any effect on the creation or elimination of jobs within the state.
  - The action will not affect the creation of new businesses or the elimination of existing businesses within the state.
  - The action will not affect the expansion of businesses currently doing business within the state.
  - The action will have no effect on worker safety and the state's environment.
- These regulations will not affect the health and welfare of California residents.  
The proposed action will clarify the standards for, and promote clear and consistent reporting of, compensation by public school employers. The proposed action is expected to result in an improved understanding of creditable compensation among CalSTRS and its members and covered employers, but these positive qualitative effects are not expected to be accompanied by any tangible monetary or other benefit.
9. Significant effect on housing costs:  
None. The proposed amendments do not relate directly or indirectly to housing costs.

10. Small business determination:  
The board has determined that the proposed regulations do not affect small business as small businesses are not governed or affected, either directly or indirectly, by the statute that these regulations are clarifying.

#### CONSIDERATION OF ALTERNATIVES

In accordance with paragraph (13) of subdivision (a) of section 11346.5 of the Government Code, CalSTRS and the board must determine that no reasonable alternative considered or otherwise identified and brought to its attention would be:

- More effective in carrying out the purpose for which the action is proposed,
- As effective and less burdensome to affected private persons than the proposed action, or
- More cost-effective to affected private persons and equally effective in implementing the statutory policy.

CalSTRS and the board invite interested persons to present any statements or arguments that would support an alternative to the proposed regulations in the form of written comments or by providing testimony at the public hearing.

#### CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Ellen Maurizio  
Regulations Specialist, Governmental Relations  
California State Teachers' Retirement System  
P.O. Box 15275, MS-14  
Sacramento, CA 95851-0275  
Telephone: (916) 414-1994  
Fax: (916) 414-1993  
E-Mail: [Regulations@CalSTRS.com](mailto:Regulations@CalSTRS.com)

The backup contact person for these inquiries is:

Joycelyn Martinez-Wade  
Director, Governmental Relations  
California State Teachers' Retirement System  
P.O. Box 15275, MS-14  
Sacramento, CA 95851-0275  
Telephone: (916) 414-1994  
Fax: (916) 414-1993  
E-Mail: [Regulations@CalSTRS.com](mailto:Regulations@CalSTRS.com)

Please direct requests for copies of the proposed text 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 CalSTRS using the contact information listed above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The rulemaking file is available for public inspection and copying throughout the rulemaking process at CalSTRS headquarters at 100 Waterfront Place, West Sacramento, CA, 95605. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement (STD 399).

Copies of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement are available at no charge by contacting CalSTRS using the contact information listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this notice or may, on its own motion or at the recommendation of any interested person, modify the proposed regulations.

If the board makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. The board will accept written comments on the modified regulations for 15 days after the date on which they are made available. Please refer to [www.CalSTRS.com/regulations](http://www.CalSTRS.com/regulations) or contact CalSTRS using the contact information listed above for copies of modifications, if any.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, CalSTRS will have the Final Statement of Reasons available for public inspection and copying at its headquarters, located at 100 Waterfront Place, West Sacramento, CA, 95605. Upon filing of the amended regulations with the Secretary of State, the Final Statement of Reasons will also be available temporarily on the CalSTRS website at [www.CalSTRS.com/approved-regulations](http://www.CalSTRS.com/approved-regulations).

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the proposed amendments to the regulations in underline and strike-out are posted on the CalSTRS website at: [www.CalSTRS.com/regulations](http://www.CalSTRS.com/regulations).

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE EVAPORATIVE EMISSION REQUIREMENTS FOR SMALL OFF-ROAD ENGINES

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 amendments to the evaporative requirements for off-road equipment.

DATE: November 17, 2016

TIME: 9:00 a.m.

LOCATION: California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., November 17, 2016, and may continue at 8:30 a.m. on November 18, 2016. Please consult the agenda for the hearing, which will be available at least 10 days before November 17, 2016, to determine the day on 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 hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on September 30, 2016. Written comments not physically submitted at the hearing must be submitted on or after September 30, 2016, and received **no later than 5:00 p.m. on** November 14, 2016. ARB requests that when possible, written and email statements be filed at least 10 days before the hearing to give ARB staff and Board members addition-

al time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of 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 (Gov. Code, § 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.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

#### AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, and 43013. This action is proposed to implement, interpret, and make specific sections 39600, 39601, and 43013 of the Health and Safety Code.

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

##### **Background and Effect of the Proposed Regulatory Action:**

The Federal Clean Air Act grants California the unique authority to adopt and enforce rules to control mobile source emissions within the State. In order to attain the State ambient air quality standards by the earliest practicable date as required by the California Clean Air Act, ARB seeks the maximum emissions reductions possible from vehicular and other mobile sources to protect the health and welfare of all California residents.

ARB staff proposes to amend the existing ARB regulations for controlling evaporative emissions from spark-ignited small off-road engines (SORE) rated at

or below 19 kilowatts (25 horsepower). There are more than 16 million SORE currently being used in California to power a broad range of lawn and garden equipment including lawn mowers, leaf blowers, and lawn tractors, as well as generators and small industrial equipment. Evaporative emissions from gasoline-powered SORE equipment are a significant source of reactive organic gas (ROG) and toxic air contaminant (TAC) emissions, both when stored and during operation. In 2016, evaporation of gasoline from SORE equipment in California is estimated to have produced approximately 45 tons per day of ROG, which exceeds the emissions from the more than 10,000 gas stations statewide. ROG emissions contribute to ground-level ozone formation and the nonattainment of national ambient air quality standards for ozone in parts of California, such as the South Coast Air Basin and San Joaquin Valley Air Basin, which are designated extreme nonattainment areas. Emissions of TACs such as benzene pose a near-source health risk and contribute to increased morbidity and mortality in California.

ARB first adopted regulations to reduce evaporative emissions from SORE in September 2003. SORE are split into three engine displacement categories for the purposes of evaporative emission standards: 1) engines with displacement less than or equal to 80 cc, intended for use in handheld applications; 2) engines with displacement greater than 80 cc but less than 225 cc, intended for use in walk-behind applications such as lawn mowers; and 3) engines with displacement greater than or equal to 225, intended for use in larger equipment such as riding mowers. The 2003 regulations are intended to control diurnal emissions from engines with displacement greater than 80 cc and fuel tank permeation emissions from engines with displacement less than or equal to 80 cc.

The proposed amendments include improvements to the certification procedures, revisions to the compliance testing procedure, an update of the certification test fuel to represent commercially available gasoline, and alignment of aspects of ARB's SORE requirements with those of the U.S. EPA. The proposed amendments are expected to increase compliance with the diurnal emission standards, require certification test fuel formulated to reflect motor vehicle fuel currently dispensed at California gasoline stations, and enable SORE manufacturers to obtain ARB and U.S. EPA certification for fuel tanks based on a common set of test results. The current regulatory structure requires separate fuel tank test results for ARB and U.S. EPA.

ARB may also consider other changes to the sections affected, as listed on page 4 of this notice, during the course of this rulemaking process.

**Objectives and Benefits of the Proposed Regulatory Action:**

To address non-compliance with the current diurnal emission standards observed in ARB's testing, staff proposes a number of amendments to the 2003 SORE regulations, including:

- Subjecting design-certified SORE to diurnal emission standards;
- Reducing the number of SORE engine units needed to be tested before ARB can take enforcement action from five to one;
- Requiring bonds for manufacturers without sufficient U.S. assets to cover enforcement obligations;
- Requiring recertification of evaporative components every four years;
- Requiring test fuel formulation to contain 10 percent ethanol (E10) to reflect motor vehicle fuel currently available in California; and
- Aligning, where practical, and without compromising ARB requirements, SORE certification and test procedures with those of U.S. EPA.

Currently, only the individual evaporative emission system components (fuel tank, fuel lines, and carbon canisters) of design-certified SORE can be tested for compliance, without accounting for other sources of evaporative emissions, such as carburetors. Manufacturers of performance-certified SORE are only required to test a single unit for certification, while ARB currently is required to test five SORE units to determine compliance. This proposal will harmonize the number of units needed for certification and compliance, thus enabling ARB to evaluate and take potential enforcement action against a larger number of SORE manufacturers.

The proposed revision to subject design-certified SORE to diurnal emission standards will allow ARB to compliance test the assembled SORE as a unit to ensure compliance with those standards. Aligning compliance testing and certification testing requirements will also facilitate compliance testing by making the two sets of requirements comparable. This alignment will have the benefit of allowing ARB to perform more compliance tests with the same level of resources.

By establishing bonding requirements for manufacturers with less than \$3–10 million in U.S. assets, depending on the length of time they have had certified SORE in California, the proposed amendments will help ensure SORE manufacturers have the ability to meet any potential monetary obligations associated with enforcement actions, and will deter manufacturers from knowingly producing non-compliant SORE

products. The proposed bonding requirements are similar to those already adopted by U.S. EPA and in use nationally.

Certification renewal every four years for evaporative components will require Executive Order holders to assess whether any changes have been made that would affect the components' evaporative emissions. This revision will also provide ARB with a mechanism through which deficiencies can be corrected by withholding certification until information is provided that demonstrates compliance with SORE evaporative emission standards.

The proposed change in test fuel formulation will have no immediate effect on real-world ROG emissions because motor vehicle fuel dispensed at California gasoline stations has already been changed. Fuel at gasoline stations has contained 10 percent ethanol since January 2010. Therefore, SORE currently in use in California operate using E10 fuel. SORE that comply with the diurnal emission standards when tested with the current certification test fuel are expected to also comply when tested with E10 fuel. However, requiring E10 certification test fuel, along with the other proposed amendments that are intended to increase compliance rates, will help to ensure SORE introduced into California commerce meet current emission standards with commercially available gasoline. Aligning ARB SORE certification and test procedures with U.S. EPA, where possible, eliminates duplicative requirements and gives manufacturers the option to certify fuel tanks based on a common set of data acceptable to both ARB and U.S. EPA.

Staff concludes the current proposal will enhance ARB's ability to identify non-compliant equipment, while not unfairly penalizing compliant manufacturers, and recommends that the Board adopt the proposed SORE regulatory amendments. The current proposal will increase compliance with the existing diurnal emission standards, ensuring that ROG emissions reductions needed for the State Implementation Plan are achieved, while reducing near-source exposure to TACs and the associated health risk.

**Sections Affected:**

Proposed adoption of California Code of Regulations, title 13, section 2774. Proposed amendments to California Code of Regulations, title 13, section(s) 2750, 2751, 2752, 2753, 2754, 2754.1, 2754.2, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2767.1, 2768, 2769, 2770, 2771, 2772, and 2773; and proposed amendments to the following documents incorporated by reference therein:

- "CP-901, Certification and Approval Procedure for Small Off-Road Engine Fuel Tanks," adopted July 26, 2004;

- “CP-902, Certification and Approval Procedure for Evaporative Emission Control Systems,” adopted July 26, 2004;
- “TP-901, Test Procedure for Determining Permeation Emissions From Small Off-Road Engine and Equipment Fuel Tanks,” adopted July 26, 2004;
- “TP-902, Test Procedure for Determining Diurnal Evaporative Emissions From Small Off-Road Engines and Equipment,” adopted July 26, 2004.

**Documents Incorporated by Reference (Cal. Code Regs., tit. 1, § 20, subd. (c)(3)):**

**Incorporated by Reference in Appendix A to the Staff Report**

ANSI/OPEI B71.10 2013, *American National Standard for Off-Road Ground-Supported Outdoor Power Equipment — Gasoline Fuel Systems — Performance Specifications and Test Procedures*, 2013. <http://webstore.ansi.org/RecordDetail.aspx?sku=ANSI%2fOPEI+B71.10-2013>.

Society of Automotive Engineers (SAE), (2013). J1737: Test Procedure to Determine the Hydrocarbon Losses from Fuel Tubes, Hoses, Fittings, and Fuel Line Assemblies by Recirculation, Surface Vehicle Recommended Practice, Stabilized May 2013. [http://standards.sae.org/j1737\\_201305/](http://standards.sae.org/j1737_201305/).

**Incorporated by Reference in Appendices B and C to the Staff Report**

U.S. EPA, Method 301 — Field Validation of Pollutant Measurement Methods from Various Waste Media, December 29, 1992 <https://www3.epa.gov/ttn/emc/method301.html>.

**Comparable Federal Regulations:**

When California’s SORE evaporative emission standards were adopted in September 2003, no comparable federal rules existed. In 2008, the U.S. EPA adopted Title 40, Part 1060, to control evaporative emissions from new and in-use nonroad and stationary equipment. The federal rules laid out evaporative emissions standards for SORE equipment, including fuel tanks and lines, which were similar to existing California requirements for design certification. While federal and California evaporative component emissions standards are similar, there are some differences between California and federal certification and test procedures. The proposed amendments described in this staff report will help to align California’s fuel tank test procedures with federal requirements, but differences will still exist between the two regulations. Staff’s proposal would deviate from, and be more stringent than federal requirements as follows:

- Current requirements for California include diurnal emission standards that control all sources of emissions from SORE, whereas the federal requirements only control fuel tank permeation, fuel line permeation, and running loss emissions.
- The California fuel tank permeation emission standards at 40 °C are 1.5 g TOG · m<sup>-2</sup> · day<sup>-1</sup> for engines with displacement greater than 80 cc and 2.0 g TOG · m<sup>-2</sup> · day<sup>-1</sup> for engines with displacement less than or equal to 80 cc, whereas the federal fuel tank permeation emission standard at 40 °C is 2.5 g TOG · m<sup>-2</sup> · day<sup>-1</sup>. The more stringent fuel tank standards are necessary to achieve the greater level of control of evaporative emissions needed in California.
- Proposed requirements for California would continue to require testing five fuel tanks for certification, whereas comparable federal requirements would only require testing between one and three fuel tanks. By requiring testing of more fuel tanks for certification, staff expects that manufacturers will place a greater emphasis on quality control and consistently producing compliant products.
- Proposed requirements for California would require manufacturers to maintain a bond of \$500 per engine, whereas comparable federal requirements specify a bond amount of \$25–\$200 per engine. This bond requirement was chosen as a means of ensuring that manufacturers would have sufficient funds to pay the maximum penalty for one violation allowed under California statutes in the event that equipment is found to be out of compliance. Violations are determined on a per engine or component basis, and each day in which there is a violation is a separate violation.
- Preconditioning temperature profiles differ between the proposed California requirements and existing federal requirements, although staff’s proposal provides a pathway to allow a common preconditioning process to be used for both. The preconditioning temperature profile was chosen in order to accurately reflect the temperature profile that SORE equipment will be exposed to over its useful operating life in California.
- Fuel specification differs between the proposed California requirements and existing federal requirements, although staff’s proposal provides a pathway to allow a single fuel to be used for both. The test fuel was chosen in order to accurately reflect the fuel formulation that SORE equipment will be exposed to over its useful operating life in California.

**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 action, ARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE  
PROPOSED REGULATIONS

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

The determinations of the Board's Executive Officer concerning the costs or savings incurred by either public agencies or private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would create costs to ARB as a State agency for enforcement and certification by the State, pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary costs to State agencies. This regulatory action would not result in savings to any State agency, or costs or savings in federal funding to the State, costs or mandate to any local agency or school district (whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500)), or other nondiscretionary cost or savings to State or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. Staff expects that the extra cost of evaporative components to comply with the proposed regulations will be passed on to representative persons.

**Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

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

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of Califor-

nia businesses to compete with businesses in other states, or on representative private persons.

**Results of The Economic Impact Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Initial Statement of Reasons (ISOR).

**Effect on Jobs/Businesses:**

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

**Benefits of the Proposed Regulations:**

The objective of the proposed amendments is to increase compliance of SORE equipment with diurnal emission standards and require a certification fuel that reflects motor vehicle fuel currently dispensed at California gasoline stations. The proposed amendments will bring public health and environmental benefits, as well.

A summary of these benefits is provided in "Objectives and Benefits of the Proposed Regulatory Action", under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion above.

**Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); 11346.3, subd. (d)):**

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

**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. Staff expects that the extra cost of evaporative components to comply with the proposed amendments may be passed on to representative private persons.

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

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not significantly affect small businesses because staff expects that the costs may be passed on to representative private persons.

**Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, 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 provisions of law. Staff has considered a number of alternatives and recommends rejecting them, as further discussed in the staff report.

ENVIRONMENTAL ANALYSIS

ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory amendments and concluded that they are exempt pursuant to CEQA Guidelines §15061, because the action is both an Action Taken by Regulatory Agencies for Protection of the Environment (as described in CEQA Guidelines §15308 for “class 8” exemptions); and it is also exempt as described in CEQA Guidelines §15061(b)(3) (“common sense” exemption) because it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter IV of the ISOR.

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 hearing;
- 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 hearing. 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.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Christopher Dilbeck, Air Pollution Specialist, Testing and Certification Section, (916) 319-0106 or (designated back-up contact) Angus MacPherson, Supervisor, Testing and Certification Section, (916) 445-4686.

AVAILABILITY OF DOCUMENTS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: **PUBLIC HEARING TO CONSIDER THE PROPOSED AMENDMENTS TO THE EVAPORATIVE EMISSION REQUIREMENTS FOR SMALL OFF-ROAD ENGINES.**

Copies of the ISOR and the full text of the proposed regulatory language, 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, on September 27, 2016.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Nicole Hutchinson, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is 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 take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. The proposed changes could be changed further, withdrawn, or replaced with different proposals. If such modifications occur, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before final adoption.

The public may request a copy of the modified regulatory text 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 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 <https://www.arb.ca.gov/regact/2016/sore2016/sore2016>.

**TITLE 14. FISH AND GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 12013.3 of the Fish and Game Code and to implement, interpret or make specific Section 12013.3 of said Code, proposes to add Section 748.6, Title 14, California Code of Regulations, relating to establishing standards for imposing penalty en-

hancements for illegal take of game with defined characteristics.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Fish and Game Commission (Commission) proposes to implement the provisions of Fish and Game Code Section 12013.3 by adopting definitions of "trophy" deer, elk, antelope, bighorn sheep, and wild turkey for the purpose of enhanced fines and penalties for poaching animals meeting specified criteria as required below.

"(b) The Commission shall adopt regulations to implement this section, including establishing a trophy designation and monetary value based on the size or related characteristics of deer, elk, antelope, bighorn sheep, and wild turkey."

This rulemaking process proposes to add Section 748.6 to Title 14, California Code of Regulations, to establish standards that can be used by the courts when imposing criminal fines in cases where individuals are convicted of the violations set forth in Fish and Game Code section 12013.3.

SUMMARY OF PROPOSED ADDITIONS

The Commission is proposing the following regulatory changes:

Add Subsection (a) of Section 748.6

For purposes of implementing the penalty enhancements set forth in Fish and Game Code section 12013.3, the following subsections will be added to Title 14 and animals meeting the criteria specified will be designated as trophies:

*Add subsection (1) In deer hunting zones A, all B zones, D10, D11, D13, D15, and D16, any deer with four or more points on either antler (excluding eye guards) or with an outside antler spread of at least sixteen inches. In all other deer hunting zones (all X zones, all C zones, and zones D3, D4, D5, D6, D7, D8, D9, D12, D14, D 17, D19), any deer with four or more points on either antler (excluding eye guards) or with an outside antler spread of at least twenty-two inches.*

For purposes of establishing a trophy standard for deer, California's deer hunting zones are divided into two groups, each with a different standard that qualifies as a trophy.

Deer zones A, all B zones, D10, D11, D13, D15, D16: Deer having four or more points on at least one side not including eye guards or an outside spread of 16 inches or greater.

For all X zones and all C zones, and zones D3, D4, D5, D6, D7, D8, D9, D12, D14, D 17, D19 (there is no

D18 zone): Deer having four or more points on at least one side not including eye guards or an outside spread of 22 inches or greater.

*Add subsection (2) Any elk with five or more points on either antler (including eye guards);*

The standard for seven of the eight western states that have standards for elk was either five or six antler points on at least one side. In California, public outreach to elk hunting and wildlife management groups consistently supported a standard of at least five points on one side. A standard of five points on one side is a preferred and widely regarded as a trophy quality elk in California.

*Add subsection (3) Any pronghorn antelope with a horn that is at least fourteen inches in length;*

The standard for seven of the eight western states that have standards for antelope was a 14-inch horn on at least one side. In California, public outreach to big game hunting and wildlife management groups consistently supported a standard of at least one horn greater than or equal to 14 inches on one side. A 14-inch standard on at least one side is preferred and widely regarded as a trophy quality antelope.

*Add subsection (4) Any bighorn sheep ram as defined as follows: a male bighorn sheep (Ovis canadensis) having at least one horn, the tip of which extends beyond a point in a straight line beginning at the front (anterior) edge of the horn base, and extending downward through the rear (posterior) edge of the visible portion of the eye and continuing downward through the horn. All reference points are based on viewing the ram directly from a 90 degree angle from which the head is facing.*

The standards for bighorn sheep horn size in six of the western states surveyed were between a one-half to three-quarter curl on at least one side. Measurement standards vary with how those curl sizes are measured, however. California hunters who are drawn via lottery to hunt bighorn sheep have been held to a very high standard since sheep hunting was authorized. The standard for measurement is inflexible, is reliable for hunters on a visual basis, and is within the range of the one-half to three-quarter size curl standard used in several other states.

The Commission proposes to use the standard similar to what is stated in Section 362(c), Title 14, CCR. Relying upon strict language in 362(c), Title 14, CCR, however, would inadvertently omit Sierra Nevada bighorn sheep, a protected endangered species that is not hunted in California, so the language is modified to apply to all bighorn sheep in California.

A mature bighorn sheep ram is defined as follows: a male bighorn sheep (*Ovis canadensis*) having at least one horn, the tip of which extends beyond a point in a straight line beginning at the front (anterior) edge of the horn base, and extending downward through the rear

(posterior) edge of the visible portion of the eye and continuing downward through the horn. All reference points are based on viewing the ram directly from a 90 degree angle from which the head is facing.

*Add subsection (5) Any wild turkey with either a spur that is at least one inch in length, or a beard (measured by the longest strand of one or more beards) that is eight or more inches.*

No other state uses a measurement standard for wild turkey, so the Department proposed and solicited input from several representatives of various non-governmental hunting and wildlife conservation organizations.

The two most reliable reference points for measuring wild turkey used by hunters and biologists are the beard and spur lengths. The wild turkey beard is most prevalent on the males, is similar in look to a long tuft of hair, hence the term “beard” but in actuality is a group of modified feathers. Between 10 and 20 percent of females also have beards, but they are not usually as long, and an even lower percentage of hens have spurs.

The average lifespan of wild turkey is three years and it takes the average male bird, called a Tom, this long to develop a beard to reach a length of eight or more inches, and for the spurs to reach a length of at least one inch. Most hunters consider a bird with either of these two physical characteristics of this size a “trophy” sized animal.

Add Subsection (b) of Section 748.6

For purposes of measuring the attributes listed in Subsection (a) Section 748.6, to designate a game mammal or wild turkey a trophy, the following subsections will be added to Title 14:

*Definitions.*

(1) *A point is a projection of the antler at least one inch long and longer than the width of its base.*

(2) *The outside antler spread is measured between perpendiculars at a right angle to the center line of the skull at the widest part, whether across the main beams or points.*

(3) *An eye guard is a projection on the lower one-third of the antler.*

(4) *The length of a pronghorn antelope horn is measured with a flexible measuring tape along the center of the outer curve from the tip of the horn to a point in line with the lowest edge base, using a straight edge to establish the line end,*

(5) *The length of a wild turkey’s beard is the distance from the turkey’s skin to the tip of the longest strand of one or more beards, and the length of a spur is measured along the outside curve of the spur.*

The definitions section clarifies how the size characteristics are technically defined. They rely upon commonly used measurement standards in the hunting and

outdoors industry, as well as insure that the regulations are clear and legally enforceable.

Add Subsection (c) of Section 748.6

For purposes of assessing penalties as set forth in Fish and Game Code section 12013.3(a), the following subsection will be added to Title 14 to aid in determining the appropriate fine within the range:

*In determining the monetary value of any fine imposed pursuant to Fish and Game Code section 12013.3, courts should consider the totality of the circumstances, including but not limited to, the degree to which the standards set forth in subsection (a) are exceeded, and any prior violations of the defendant.*

This subsection will implement Fish and Game Code Section 12013.3 by encouraging courts to consider the degree by which the trophy standards are exceeded in determining the amount of criminal fines.

**BENEFITS OF THE PROPOSED REGULATIONS**

The Commission anticipates benefits to the health and welfare of California residents. Participation in hunting opportunities and the general positive support from representatives of legitimate ethical hunting organizations fosters conservation through education and appreciation of California’s wildlife.

The Commission anticipates benefits to the environment by initiating a greater deterrence to poaching crimes and increased penalties associated with poaching offenders. It is the policy of the State to encourage the conservation, maintenance, and utilization of its living resources. The proposed regulations will further this core objective.

**CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS**

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt hunting regulations (Fish and Game Code, sections 200, 202 and 205). The proposed regulations are consistent with general hunting regulations in Chapters 1 and 3 of Subdivision 2 of Division 1, Title 14, CCR. No other State agency has authority to regulate the methods and the manner by which wildlife may be taken.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hilton Garden Inn San Diego Mission Valley/Stadium, at 3805 Murphy Canyon Road, in San Diego, California, on December 8, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required,

that written comments be submitted on or before November 22, 2016, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on December 2, 2016. All comments must be received no later than December 8, 2016, at the hearing in San Diego, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The rulemaking file, which includes the text of the regulations, Initial Statement of Reasons, as well as all related documents upon which the proposal is based, is on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Caren Woodson at the preceding address or phone number. **Captain Patrick Foy, Law Enforcement Division, Department of Fish and Wildlife, phone 916–651–6692, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

If the regulations adopted by the Commission 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 representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The potential for fiscal and economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations only imposes penalty enhancements for activity which is already illegal.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulations do not add new uses or remove existing uses.

The Commission anticipates benefits to the health and welfare of California residents. Participation in hunting opportunities and the general positive support from representatives of legitimate ethical hunting organizations fosters conservation through education and appreciation of California’s wildlife.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the State’s environment. It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The proposed action will further this core objective.

- (c) Cost Impacts on a Representative Private Person or Business:

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

**TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, proposes to revise Sections 3353 and 3353.1 and add Section 3353.2 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Informed Consent and Capacity Determination and Selection of Surrogate.

**PUBLIC HEARING**

Date and Time:	<b>November 18, 2016 — 9:00 a.m. to 10:00 a.m.</b>
Place:	Department of Corrections and Rehabilitation Kern/Colorado Room 1515 S Street — North Building Sacramento, CA 95811
Purpose:	To receive comments about this action.

**PUBLIC COMMENT PERIOD**

The public comment period will close **November 18, 2016 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the De-

partment, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883,  
Sacramento, CA 94283-0001  
Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**S. Garcia  
Regulation and Policy Management Branch  
Telephone (916) 445-2266**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Bill Davies  
Office of Legal Affairs  
(916) 324-1849**

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action:

- Specifies the provisions of Penal Code 2604 and provides authority and direction to CDCR staff regarding the criteria for determination of capacity for informed consent, and selection of a surrogate decision maker.
- Establishes Procedural Due Process for affected inmates.
- Details the necessary forms to be used for Informed Consent, Capacity Determination and Selection of a Surrogate.

FORMS INCORPORATED BY REFERENCE

CDCR MH-7701 (06/16), Penal Code 2604 Rights  
CDCR MH-7702 (06/16), Petition for Capacity  
Determination  
CDCR-MH-7702-1 (06/16), Petition for Capacity  
Determination-Add-A-Page  
CDCR MH-7703 (06/16), Renewal Petition for Ca-  
pacity Determination  
CDCR MH-7704 (06/16), Penal Code 2604  
Reconsideration  
CDCR MH-7705 (06/16), Confidential Surrogate  
Decision Maker Screening  
CDCR MH-7706 (06/16), Notice of Non-Renewal  
of Penal Code 2604 Order

SPECIFIC BENEFITS ANTICIPATED BY THE  
PROPOSED REGULATIONS

The proposed regulatory action will protect public health and safety and worker safety, and benefit CDCR staff and inmates by providing direction to CDCR staff for proper identification of patients who lack capacity to give informed consent. A standardized set of due process procedures regarding forms, inmate rights, service of documents, hearing procedures, and documentation of an inmate's lack of capacity to give informed consent will be put in place by all institutions. Appointment of a surrogate decision maker provides an ethically and legally appropriate method to ensure timely care is provided within the scope of the patient's known wishes.

EVALUATION OF  
CONSISTENCY/COMPATIBILITY WITH  
EXISTING REGULATIONS

The Department has researched existing regulations and has determined that these proposed regulations are consistent and compatible with existing state laws and regulations. After a review for any regulations that would relate to or affect this area, CDCR had concluded that these are the only regulations that concern CDCR

inmates for capacity determination and selection of a surrogate decision maker.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT:

- **Cost to any local agency or school district that is required to be reimbursed:** *None.*
- **Cost or savings to any state agency:** *None.*
- **Other nondiscretionary cost or savings imposed on local agencies:** *None.*
- **Cost or savings in federal funding to the State:** *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on the state’s environment, because the proposed regulations relate strictly to the internal management of CDCR institutions. This regulatory action may ensure the health, safety and security of inmates, CDCR employees, contractors, and other persons and entities by establishing procedures for inmates needing capacity determination for informed consent or selection of a surrogate decision maker.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, 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, 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. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

Alternatives Considered:

1. Use of PC 2602 Process

The Department considered whether affected inmates could be adjudicated within the existing PC 2602 administrative process. They cannot. PC 2602 is for involuntary psychiatric medication, whereas the class of inmates who may fall under PC 2604 will be alleged to lack capacity for informed consent, who may not meet criteria for involuntary medication on the basis of being a danger to self, danger to others, or gravely disabled. For these reasons, the Department rejected this alternative.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The

proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt 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. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 20. CALIFORNIA ENERGY COMMISSION**

**NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA ENERGY COMMISSION**

NOTICE IS HEREBY GIVEN that the California Energy Commission, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on September 30, 2016 and closing on November 14, 2016. All inquiries should be directed to the contact listed below.

The California Energy Commission proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the

law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include the addition of a position in the Siting Division (Electric Generation Systems Program Specialist (All Levels)), two positions in the Office of Executive Director (Energy Commission Specialist (All Levels) and Associate Energy Specialist — both for the Compliance Assistance and Enforcement Unit within the Office of Executive Director), and the reclassification of two positions in the Renewable Energy Division (Energy Resources Specialist III (Supervisory) reclassified from Energy Commission Supervisor II positions — no ECS II positions remain, so the position will be deleted; Electric Generation Systems Specialist (All Levels) certain positions reclassified from Energy Commission Supervisor III — but ECS III positions remain, so the position will not be deleted). These new positions involve participating in making decisions that may foreseeably have a material effect on any financial interest. Other technical changes are also included in this update.

The proposed amendment is attached to this email and an explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than November 14, 2016, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than October 31, 2016.

The California Energy Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Jennifer Martin-Gallardo, Attorney, (916) 651-3748, [Jennifer.Martin-Gallardo@energy.ca.gov](mailto:Jennifer.Martin-Gallardo@energy.ca.gov).

**GENERAL PUBLIC INTEREST**

**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING AND BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

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 **November 17, 2016**, at 10:00 a.m. in the Council Chambers of the Costa Mesa City Hall 77 Fair Drive Costa Mesa, 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 **November 17, 2016**, at 10:00 a.m. in the Council Chambers of the Costa Mesa City Hall 77 Fair Drive Costa Mesa, 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.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)**

**NOTICE OF INTENT TO LIST PERTUZUMAB**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list pertuzumab as known to the state to cause reproductive toxicity (developmental endpoint) under the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup>. This action is being proposed under the “Formally Required to Be Labeled or Identified” listing mechanism<sup>2</sup>.

Chemical	CAS No.	Toxicological Endpoint	Reference
Pertuzumab	380610-27-5	Developmental toxicity	FDA (2015)

**Background on listing via the formally required to be labeled or identified mechanism:** A chemical must be listed under Proposition 65<sup>3</sup> and its implementing regulations (Section 25902<sup>4</sup>) when a state or federal agency has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

OEHHA is the lead agency for Proposition 65 implementation, and evaluates whether listing under Proposition 65 is required pursuant to the definitions set out in Section 25902. According to Section 25902(b):

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25902.

<sup>3</sup> See Health and Safety Code section 25249.8(b).

<sup>4</sup> All referenced regulatory sections are from Title 27 of the Cal. Code of Regulations.

- “[F]ormally required’ means that a mandatory instruction, order, condition, or similar command, has been issued in accordance with established policies and procedures of an agency of the state or federal government to a person or legal entity outside of the agency. The action of such agency may be directed at one or more persons or legal entities and may include formal requirements of general application”;
- “[L]abeled’ means that a warning message about the carcinogenicity or reproductive toxicity of a chemical is printed, stamped, written, or in any other manner placed upon the container in which the chemical is present or its outer or inner packaging including any material inserted with, attached to, or otherwise accompanying such a chemical”;
- “[I]dentified means that a required message about the carcinogenicity or reproductive toxicity of the chemical is to be disclosed in any manner to a person or legal entity other than the person or legal entity who is required to make such disclosure”;
- “As causing reproductive toxicity” means: “For chemicals that cause reproductive toxicity, the required label or identification uses any words or phrases intended to communicate a risk of reproductive harm to men or women or both, or a risk of birth defects or other developmental harm.”

**OEHHA’s determination:** Pertuzumab is a drug used to treat certain types of cancer. It has been identified and labeled to communicate a risk of reproductive harm (developmental endpoint) (FDA, 2015) in accordance with formal requirements by the US Food and Drug Administration (FDA). The FDA-approved label indicates that uses of *pertuzumab* during pregnancy can cause embryo–fetal death and birth defects. PERJETA® is a trade name of the drug pertuzumab.

Language from the FDA-approved product label (Reference ID 3769469; FDA, 2015) which meets the requirements of Section 25902 is quoted below:

***Pertuzumab***

**Reproductive Toxicity (Developmental Endpoint)**

Under HIGHLIGHTS OF PRESCRIBING INFORMATION:

**“WARNING: . . . EMBRYO–FETAL TOXICITY.** “Embryo–fetal Toxicity: Exposure to PERJETA can result in embryo–fetal death and birth defects. Studies in animals have resulted in oligohydramnios, delayed renal development, and death. . . . (5.2, 8.1, 8.6)”

Under FULL PRESCRIBING INFORMATION:

**“WARNING: . . . EMBRYO–FETAL TOXICITY.** “Exposure to PERJETA can result in embryo–fetal death and birth defects. Studies in animals have resulted in oligohydramnios, delayed renal development, and death. . . . (5.2, 8.1, 8.6)”

Under WARNINGS AND PRECAUTIONS:

**“5.2 Embryo–Fetal Toxicity.** PERJETA can cause fetal harm when administered to a pregnant woman. Treatment of pregnant cynomolgus monkeys with pertuzumab resulted in oligohydramnios, delayed fetal kidney development, and embryo–fetal death. If PERJETA is administered during pregnancy, or if the patient becomes pregnant while receiving this drug or within 7 months following the last dose of PERJETA in combination with trastuzumab, the patient should be apprised of the potential hazard to a fetus [*see Use in Specific Populations (8.1)*].”

“Verify pregnancy status prior to the initiation of PERJETA. Advise patients of the risks of embryo–fetal death and birth defects and the need for contraception during and after treatment. Advise patients to contact their healthcare provider immediately if they suspect they may be pregnant.”

Under USE IN SPECIFIC POPULATIONS:

**“8.1 Pregnancy. *Pregnancy Category D.***

Risk Summary

There are no adequate and well–controlled studies of PERJETA in pregnant women. Based on findings in animal studies, PERJETA can cause fetal harm when administered to a pregnant woman. The effects of PERJETA are likely to be present during all trimesters of pregnancy. Pertuzumab administered to pregnant cynomolgus monkeys resulted in oligohydramnios, delayed fetal kidney development, and embryo–fetal deaths at clinically relevant exposures of 2.5 to 20–fold greater than the recommended human dose, based on C<sub>max</sub>. If PERJETA is administered during pregnancy, or if a patient becomes pregnant while receiving PERJETA or within 7 months following the last dose of PERJETA in combination with trastuzumab, the patient should be apprised of the potential hazard to the fetus.”

“Animal Data

Reproductive toxicology studies have been conducted in cynomolgus monkeys. Pregnant monkeys were treated on Gestational Day (GD)19 with loading doses of 30 to 150 mg/kg pertuzumab, followed by bi–weekly doses of 10 to 100 mg/kg. These dose levels resulted in clinically relevant exposures of 2.5 to 20–fold greater than the recommended human dose, based on C<sub>max</sub>. Intravenous administration of pertuzumab from GD19 through GD50 (period of organogenesis) was embryotoxic, with dose–dependent increases in embryo–fetal death between GD25 to GD70. The incidences of embryo–fetal loss were 33, 50, and 85% for dams treat-

ed with bi-weekly pertuzumab doses of 10, 30, and 100 mg/kg, respectively (2.5 to 20-fold greater than the recommended human dose, based on  $C_{max}$ ). At Caesarean section on GD100, oligohydramnios, decreased relative lung and kidney weights, and microscopic evidence of renal hypoplasia consistent with delayed renal development were identified in all pertuzumab dose groups. Pertuzumab exposure was reported in offspring from all treated groups, at levels of 29% to 40% of maternal serum levels at GD100.”

**“8.6 Females of Reproductive Potential.** PERJETA can cause embryo–fetal harm when administered during pregnancy. Counsel patients regarding pregnancy prevention and planning. Advise females of reproductive potential to use effective contraception while receiving PERJETA and for 7 months following the last dose of PERJETA in combination with trastuzumab.”

Under PATIENT COUNSELING INFORMATION:

“Advise pregnant women and females of reproductive potential that PERJETA exposure can result in fetal harm, including embryo–fetal death or birth defects [see *Warnings and Precautions (5.2) and Use in Specific Populations (8.1)*].”

“Advise females of reproductive potential to use effective contraception while receiving PERJETA and for 7 months following the last dose of PERJETA in combination with trastuzumab [see *Warnings and Precautions (5.2) and Use in Special Populations (8.6)*].”

**Request for comments:** OEHHHA is requesting comments as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for listings via the formally required to be labeled or identified mechanism (Section 25902). Because this is a ministerial listing, comments should be limited to whether FDA requires that *pertuzumab* be labeled to communicate a risk of developmental harm. OEHHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by FDA when it established the labeling requirement and will not respond to such comments if they are submitted.

In order to be considered, **OEHHHA must receive comments by 5:00 p.m. on Monday, October 31, 2016.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Please include “pertuzumab” in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

**Mailing**

**Address:** Michelle Ramirez  
Proposition 65 Implementation Program  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-12B  
Sacramento, California 95812-4010

**Fax:** (916) 323-2265

**Street**

**Address:** 1001 I Street  
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHHA web site after the close of the comment period.

If you have any questions, please contact Michelle Ramirez at [Michelle.Ramirez@oehha.ca.gov](mailto:Michelle.Ramirez@oehha.ca.gov) or at (916) 445-6900.

**References**

Food and Drug Administration (FDA, 2015). FDA approved drug label for PERJETA® (pertuzumab), Reference ID 3769469, approved May-2015. Available at [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2015/125409s1051bl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2015/125409s1051bl.pdf).

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)**

**NOTICE OF INTENT TO LIST VISMODEGIB**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHHA) intends to list vismodegib as known to the state to cause reproductive toxicity (developmental, female, and male endpoints) under the Safe Drinking Wa-

ter and Toxic Enforcement Act of 1986<sup>1</sup>. This action is being proposed under the “Formally Required to Be Labeled or Identified” listing mechanism<sup>2</sup>.

Chemical	CAS No.	Toxicological Endpoint	Reference
Vismodegib	879085-55-9	Developmental toxicity Female reproductive toxicity Male reproductive toxicity	FDA (2015)

**Background on listing via the formally required to be labeled or identified mechanism:** A chemical must be listed under Proposition 65<sup>3</sup> and its implementing regulations (Section 25902<sup>4</sup>) when a state or federal agency has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

OEHHA is the lead agency for Proposition 65 implementation, and evaluates whether listing under Proposition 65 is required pursuant to the definitions set out in Section 25902. According to Section 25902(b):

- “[F]ormally required’ means that a mandatory instruction, order, condition, or similar command, has been issued in accordance with established policies and procedures of an agency of the state or federal government to a person or legal entity outside of the agency. The action of such agency may be directed at one or more persons or legal entities and may include formal requirements of general application”;
- “[L]abeled’ means that a warning message about the carcinogenicity or reproductive toxicity of a chemical is printed, stamped, written, or in any other manner placed upon the container in which the chemical is present or its outer or inner packaging including any material inserted with, attached to, or otherwise accompanying such a chemical”;
- “[I]dentified’ means that a required message about the carcinogenicity or reproductive toxicity of the chemical is to be disclosed in any manner to a person or legal entity other than the person or legal entity who is required to make such disclosure”; and

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 et seq.

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25902.

<sup>3</sup> See Health and Safety Code section 25249.8(b).

<sup>4</sup> All referenced regulatory sections are from Title 27 of the Cal. Code of Regulations.

- “As causing reproductive toxicity” means: “For chemicals that cause reproductive toxicity, the required label or identification uses any words or phrases intended to communicate a risk of reproductive harm to men or women or both, or a risk of birth defects or other developmental harm.”

**OEHHA’s determination:** *Vismodegib* is a drug used to treat certain types of skin cancer. It has been identified and labeled to communicate a risk of reproductive harm (developmental, female, and male endpoints) (FDA, 2015) in accordance with formal requirements by the US Food and Drug Administration (FDA). The FDA–approved label indicates that uses of ERIVEDGE can cause embryo–fetal death or severe birth defects. Also, studies in animal models indicate that male and female reproductive function and fertility may be impaired in patients receiving ERIVEDGE. Erivedge is a trade name of a drug that is composed of vismodegib.

Language from the FDA–approved product label (Reference ID 3762266; FDA, 2015) which meets the requirements of Section 25902 is quoted below:

*Vismodegib*

**Reproductive Toxicity (Developmental, Female and Male Endpoints**

Under HIGHLIGHTS OF PRESCRIBING INFORMATION:

“**WARNING: EMBRYO–FETAL TOXICITY.** See full prescribing information for complete boxed warning. ERIVEDGE can cause embryo–fetal death or severe birth defects when administered to a pregnant woman. ERIVEDGE is embryotoxic, fetotoxic, and teratogenic in animals. Teratogenic effects included severe midline defects, missing digits, and other irreversible malformations. . . . Advise pregnant women of the potential risks to a fetus.”

“**USE IN SPECIFIC POPULATIONS.** “Females and Males of Reproductive Potential: May cause amenorrhea in females. (8.3)”

Under FULL PRESCRIBING INFORMATION:  
 “**WARNING: EMBRYO–FETAL TOXICITY.** ERIVEDGE can cause embryo–fetal death or severe birth defects when administered to a pregnant woman. ERIVEDGE is embryotoxic, fetotoxic, and teratogenic in animals. Teratogenic effects included severe midline defects, missing digits, and other irreversible malformations. . . .

[See *Warnings and Precautions (5.1, 5.3), Use in Specific Populations (8.1, 8.3)*].”

Under WARNINGS AND PRECAUTIONS:

“**5.1 Embryo–Fetal Toxicity.** Based on its mechanism of action, ERIVEDGE can cause embryo–fetal death or severe birth defects when administered to a pregnant woman. In animal reproduction studies, vis-

modegib was embryotoxic, fetotoxic, and teratogenic at maternal exposures lower than the human exposures at the recommended dose of 150 mg/day . . . . [see *Use in Specific Populations* (8.1, 8.3) and *Clinical Pharmacology* (12.1)].”

Under ADVERSE REACTIONS:

**“6.1 Clinical Trials Experience.** “Amenorrhea: In clinical trials, a total of 3 of 10 pre-menopausal women developed amenorrhea while receiving ERIVEDGE [see *Non-Clinical Toxicology* (13.1)].”

Under USE IN SPECIFIC POPULATIONS:

**“8.1 Pregnancy.** Risk Summary. Based on its mechanism of action and animal reproduction studies, ERIVEDGE can cause fetal harm when administered to a pregnant woman [see *Clinical Pharmacology* (12.1)]. In animal reproduction studies, oral administration of vismodegib during organogenesis at doses below the recommended human dose resulted in embryotoxicity, fetotoxicity, and teratogenicity in rats [see *Data*]. There are no human data on the use of ERIVEDGE in pregnant women.”

“Data

Animal Data. In an embryo-fetal developmental toxicity study, pregnant rats were administered vismodegib orally at doses of 10, 60, or 300 mg/kg/day during the period of organogenesis. Pre- and post-implantation loss were increased at doses of  $\geq 60$  mg/kg/day (approximately  $\geq 2$  times the systemic exposure (AUC) in patients at the recommended human dose), which included early resorption of 100% of the fetuses. A dose of 10 mg/kg/day (approximately 0.2 times the AUC in patients at the recommended dose) resulted in malformations (including missing and/or fused digits, open perineum and craniofacial anomalies) and retardations or variations (including dilated renal pelvis, dilated ureter, and incompletely or unossified sternal elements, centra of vertebrae, or proximal phalanges and claws).”

**“8.3 Females and Males of Reproductive Potential.** Contraception.

Females. Based on its mechanism of action and animal data, ERIVEDGE can cause fetal harm when administered to a pregnant woman [see *Use in Specific Populations* (8.1)]. Advise females of reproductive potential to use effective contraception during therapy and for 7 months after the final dose of ERIVEDGE.”

“Infertility.

Females. Amenorrhea can occur in females of reproductive potential. Reversibility of amenorrhea is unknown [see *Adverse Reactions* (6)].”

Under NONCLINICAL TOXICOLOGY:

**“13.1 Carcinogenesis, Mutagenesis, Impairment of Fertility.** Studies to assess the potential of vismodegib to affect fertility have not been conducted; however, data from repeat-dose toxicology studies in rats and dogs indicate that male and female reproductive function and fertility may be impaired in patients receiving ERIVEDGE capsule. In a 26-week toxicology study in rats, a relative decrease in percent motile sperm was observed at  $\geq 15$  mg/kg/day (approximately  $\geq 0.3$  times the AUC in patients at the recommended human dose). In dogs, increased numbers of degenerating germ cells and hypospermia were observed in young animals administered oral vismodegib for 4 weeks at  $\geq 50$  mg/kg/day (approximately  $\geq 2$  times the AUC in patients at the recommended human dose). No corresponding findings were observed in sexually mature dogs at similar doses in 13-week and 26-week toxicology studies. A decrease in the number of corpora lutea was observed in female rats administered oral vismodegib for 26 weeks at 100 mg/kg/day (approximately 0.8 times the AUC in patients at the recommended human dose).”

Under PATIENT COUNSELING INFORMATION:

“*Embryo-Fetal Toxicity.* Advise pregnant women of the potential risk to a fetus [see *Warnings and Precautions* (5.1) and *Use in Specific Populations* (8.1)].”

Under MEDICATION GUIDE:

**“ERIVEDGE can cause your baby to die before it is born (be stillborn) or cause your baby to have severe birth defects.”**

**Request for comments:** OEHHA is requesting comments as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for listings via the formally required to be labeled or identified mechanism (Section 25902). Because this is a ministerial listing, comments should be limited to whether FDA requires that *vismodegib* be labeled to communicate a risk of reproductive or developmental harm. OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by FDA when it established the labeling requirement and will not respond to such comments if they are submitted.

In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, October 31, 2016.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Please include “vismodegib” in the subject line.

Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

**Mailing**

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 95812-4010

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 Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period.

If you have any questions, please contact Michelle Ramirez at [Michelle.Ramirez@oehha.ca.gov](mailto:Michelle.Ramirez@oehha.ca.gov) or at (916) 445-6900.

**References**

Food and Drug Administration (FDA, 2015). FDA approved drug label for ERIVEDGE (vismodegib), Reference ID 3762266, revised 5-2015. Available at [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2015/203388s005s006s007s0081bl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2015/203388s005s006s007s0081bl.pdf)

**DISAPPROVAL DECISION**

**DECISION OF DISAPPROVAL OF  
 REGULATORY ACTION**

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at [www.oal.ca.gov](http://www.oal.ca.gov) under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**DEPARTMENT OF CORRECTIONS AND  
 REHABILITATION**

State of California  
 Office of Administrative Law

**In re:**  
**Department of Corrections and Rehabilitation**

**Regulatory Action:**

**Title 15, California Code of Regulations**

**Amend sections: 3173.2 Repeal sections:**

**DECISION OF DISAPPROVAL OF  
 REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2016-0804-02**

**OAL Matter Type: Certificate of Compliance (C)**

SUMMARY OF REGULATORY ACTION

The Department of Corrections and Rehabilitation (Department) submitted a timely Certificate of Compliance, which would have permanently amended title 15, section 3173.2 of the California Code of Regulations (CCR) to modify search options for individuals visiting Department facilities who alert positive as a result of passive canine air scans and to eliminate unclothed searches of visitors based solely upon a positive passive canine air scan. These regulations were adopted as an emergency in OAL File No. 2016-1103-01EON and re-adopted in OAL File No. 2016-0429-04EON.

On August 4, 2016, the Department submitted the above-referenced rulemaking action to the Office of Administrative Law (OAL) for review. On September 16, 2016, OAL notified the Department that OAL disapproved the proposed regulations. This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

DECISION

OAL disapproved the above-referenced rulemaking action for the following reasons:

1. The proposed regulation failed to comply with the consistency standard of Government Code section 11349.1, subdivision (a)(4);
2. The proposed regulation failed to comply with the clarity standard of Government Code section 11349.1, subdivision (a)(3); and
3. The proposed regulation failed to comply with the necessity standard of Government Code section 11349.1, subdivision (a)(1).

All Administrative Procedure Act (APA) issues must be resolved prior to OAL’s approval of any re-submission.

CONCLUSION

For the foregoing reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4, subdivision (a), the De-

partment may resubmit a revised regulation within 120 days of its receipt of this Decision of Disapproval. The Department shall make all substantive regulatory text changes, which are sufficiently related to the original text, and the addendum to the ISOR providing rationale for the modifications, available to the public for at least 15 days for public comment pursuant to Government Code sections 11346.8 and 11347.1. Any comments made in relation to these proposed modifications must be considered by the Department and any objections and recommendations must be summarized and responded to in the FSOR. OAL reserves the right to review the Department's resubmitted regulation and rule-making record for compliance with all substantive and procedural requirements of the APA.

Date: September 21, 2016

Peggy J. Gibson  
Senior Attorney

For: Debra M. Cornez  
Director

Original: Scott Kernan  
Copy: Sherri Garcia

**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# 2016-0805-01  
DENTAL BOARD OF CALIFORNIA  
Abandonment of Applications

This rulemaking action by the Dental Board of California amends title 16, section 1004 of the California Code of Regulations relating to the abandonment of applications.

Title 16  
AMEND: 1004  
Filed 09/15/2016  
Effective 01/01/2017  
Agency Contact: Sarah Wallace (916) 263-2187

File# 2016-0809-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Grant Administration

This action by the Department of Food and Agriculture is submitted for printing only. The adopted sections relate to the administration of grant awards pursuant to Food and Agricultural Code section 485 and are exempt from Chapter 3.5 (commencing with Section 11343) of Part 1 of Division 3 of Title 2 of the Government Code pursuant to Food and Agricultural Code section 485, subdivision (d).

Title 3  
ADOPT: 302, 303, 304, 304.1, 304.2, 305, 305.1, 305.2, 305.3, 306, 306.1, 306.2, 306.3, 307, 308, 309, 310, 310.1, 311, 312, 313, 314, 315, 316.1, 316.2, 316.3, 316.4, 317, 318, 319, 320.1, 320.2, 320.3, 321, 322, 322.1, 322.2, 322.3, 323, 323.1, 323.2, 324.1, 324.2, 325, 326, 327, 328, 329, 330.1, 330.2, 340  
Filed 09/21/2016  
Effective 01/01/2017  
Agency Contact: Crystal Meyers (916) 657-3231

File# 2016-0909-02  
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* in the Winton area of Merced County to approximately 42 square miles. The amendment provides authority for the state to perform quarantine activities against ACP within this area.

Title 3  
AMEND: 3435(b)  
Filed 09/14/2016  
Effective 09/14/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0909-03  
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 approximately 131 square miles in the Los Banos area of Merced County. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area.

Title 3  
AMEND: 3435(b)  
Filed 09/16/2016  
Effective 09/16/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0915-01  
 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 approximately 3 square miles in the San Jose area of Santa Clara County. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area.

Title 3  
 AMEND: 3435(b)  
 Filed 09/20/2016  
 Effective 09/20/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0919-01  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture (the “Department”) creates a quarantine area for the Asian Citrus Psyllid (“ACP”) *Diaphorina citri* in the Hanford area of Kings County. The Hanford quarantine area is approximately 106 square miles and is created in response to the identification of one adult ACP on September 1, 2016. This emergency action provides authority for the State to perform quarantine activities against ACP within this area.

Title 3  
 AMEND: 3435(b)  
 Filed 09/20/2016  
 Effective 09/20/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0809-01  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 Repeat Violations

This rulemaking by the Department of Industrial Relations (Department) amends section 334 in Title 8 of the California Code of Regulations regarding repeat violations of the occupational safety and health standards. Because California administers its own occupational safety and health program, the standards must be “at least as effective as” comparable federal standards. As part of the enforcement program, pursuant to section 334, violations are classified in several categories, including “Repeat” violations. Repeat violations are currently limited by time and geographic location. This rulemaking makes changes to those limitations by modifying the look back period and eliminating the fixed site and geographical limitations that are currently imposed relating to repeat violations.

Title 8  
 AMEND: 334  
 Filed 09/20/2016  
 Effective 01/01/2017  
 Agency Contact: Denise Cardoso (510) 286-7348

File# 2016-0906-02  
 DEPARTMENT OF MOTOR VEHICLES  
 Motor Carriers of Property Program

The Department of Motor Vehicles adopted sections 222.00 and 222.02 in title 13 of the California Code of Regulations. The adopted regulations will clarify criteria for requesting a hearing to challenge the suspension of a permit required under the Motor Carriers of Property Permit Act (MCPA), will provide specific exceptions to the procedural timeframes of hearings under the administrative adjudication provisions of the Administrative Procedure Act so that the timeframes of MCPA permit suspension hearings are consistent with those provided in the MCPA, and will clarify that neither the department nor an administrative law judge has authority to stay a suspension order prior to a hearing unless directed to do so by a court.

Title 13  
 ADOPT: 222.00, 222.02  
 Filed 09/20/2016  
 Effective 01/01/2017  
 Agency Contact: Tracy Brazil (916) 657-8919

File# 2016-0906-03  
 DEPARTMENT OF STATE HOSPITALS  
 Incompetent to Stand Trial Admissions Process

The Department of State Hospitals submitted this emergency action to adopt a new article and nine new sections to title 9, division 1, chapter 16 of the California Code of Regulations pertaining to admissions to state hospitals from court-ordered commitments under Penal Code section 1370, which are made when a criminal defendant is determined by a court to be incompetent to stand trial (IST). The proposed regulations will provide uniform rules to all counties regarding the admissions process for IST individuals.

Title 9  
 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717  
 Filed 09/16/2016  
 Effective 09/16/2016  
 Agency Contact: Dennalee Folks (916) 651-8544

File# 2016-0818-06  
 FAIR POLITICAL PRACTICES COMMISSION  
 Conflict-of-Interest Code Exemption

This rulemaking action by the Fair Political Practices Commission repeals existing section 18751 and adopts

new section 18751 in title 2 of the California Code of Regulations relating to conflict-of-interest code exemptions.

Title 2  
ADOPT: 18751  
REPEAL: 18751  
Filed 09/19/2016  
Effective 10/19/2016  
Agency Contact: Cesar R. Cuevas (916) 324-3859

File# 2016-0818-07  
FAIR POLITICAL PRACTICES COMMISSION  
Exceptions to Gift and Exceptions to Gift Limits

This rulemaking action by the Fair Political Practices Commission amends section 18942, of title 2 of the California Code of Regulations relating to exceptions to gifts and gift limits.

Title 2  
AMEND: 18942  
Filed 09/15/2016  
Effective 10/15/2016  
Agency Contact: Cesar R. Cuevas (916) 324-3859

File# 2016-0907-01  
FAIR POLITICAL PRACTICES COMMISSION  
Non-Substantive Amendments for September

The Fair Political Practices Commission submitted this action to amend sections 18215.3 and 18232 of title 2 of the California Code of Regulations. Section 18215.3 pertains to the reporting of behesting payments, as defined, and section 18232 pertains to salary and reimbursement for expenses or per diem received from a state, local, or federal government agency.

Title 2  
AMEND: 18215.3, 18232  
Filed 09/19/2016  
Effective 10/19/2016  
Agency Contact: Cesar R. Cuevas (916) 324-3859

File# 2016-0803-05  
FRANCHISE TAX BOARD  
Market-Based Rules-Sales Other Than Tangible Personal Property

In this rulemaking action, the Franchise Tax Board amends Title 18, section 25136-2, of the California Code of Regulations to add definitions, guidelines and examples relating to marketable securities, asset management fees, dividends, goodwill, and interest. The regulation instructs multistate taxpayers on how to assign sales of intangible personal property based on the location of the taxpayer's market.

Title 18  
AMEND: 25136-2  
Filed 09/15/2016  
Effective 01/01/2017  
Agency Contact: Christy Keith (916) 845-6080

File# 2016-0816-01  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT  
Revise CCORP Data Element-Isolated CABG

This rulemaking action by the Office of Statewide Health Planning and Development (OSHPD) amends section 97174 of Title 22 of the California Code of Regulations to require hospitals, which are reporting coronary artery bypass graft (CABG) surgery outcome data to the OSHPD, to differentiate CABG surgeries which also include valve surgery (aortic valve replacement or the repair or replacement of a mitral valve) from CABG surgeries with and without another major procedure generally when initially abstracting and reporting these data rather than having to subsequently, manually abstract and report these data.

Title 22  
AMEND: 97174  
Filed 09/16/2016  
Effective 09/16/2016  
Agency Contact: Holly Hoegh (916) 326-3868

File# 2016-0803-03  
PHYSICIAN ASSISTANT BOARD  
PAB Manual of Model Disciplinary Guidelines and Model Disciplinary Orders

This change without regulatory effect filing by the Physician Assistant Board revises the Manual of Disciplinary Guidelines and Model Disciplinary Orders, which is incorporated by reference into section 1399.523 of title 16 of the California Code of Regulations, to update the document index and correct page numbering.

Title 16  
AMEND: 1399.523  
Filed 09/14/2016  
Agency Contact: Anita Winslow (916) 561-8782

File# 2016-0815-01  
PHYSICIAN ASSISTANT BOARD  
Sponsoring Entity Registration and Recordkeeping Requirements

This change without regulatory effect filing by the Physician Assistant Board revises Form 901-A, which is incorporated by reference into section 1399.621 of title 16 of the California Code of Regulations, to include updated contact information. A corresponding change is made to section 1399.621 to reflect a new revision date for the incorporated form.

Title 16  
 AMEND: 1399.621  
 Filed 09/19/2016  
 Agency Contact: Anita Winslow (916) 561-8782

File# 2016-0804-04  
 STATE ATHLETIC COMMISSION  
 Therapeutic Use Exemption and Transgender Athletes

The California State Athletic Commission (Commission) is amending two sections and adopting eleven sections in title 4 of the California Code of Regulations. This rulemaking action will establish the "World Anti-Doping Code, The Prohibited List International Standard" as the source for prohibited substances and methods for athletes. Additionally, this rulemaking establishes an exemption process for athletes to allow athletes to use a medically prescribed drug that is necessary to maintain their health, before or during a match, provided said usage does not provide any advantage. Finally, this rulemaking establishes licensing requirements for transgender athletes with the Commission. The Commission is adopting regulations to establish procedures for transgender athletes and specific testing performed to ensure hormone levels are within prescribed standards. The specific testing requirements for pre-fight and day of the fight in order to establish the transgender athlete meets licensing requirements.

Title 4  
 ADOPT: 424, 425, 426, 830, 831, 832, 833, 834, 835, 836 AMEND: 201.5, 303  
 Filed 09/15/2016  
 Effective 01/01/2017  
 Agency Contact: Sophia Cornejo (916) 263-2196

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN April 20, 2016 TO  
 September 21, 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**  
 09/19/16 ADOPT: 18751 REPEAL: 18751  
 09/19/16 AMEND: 18215.3, 18232  
 09/15/16 AMEND: 18942

09/13/16 AMEND: 1181.2, 1181.3, 1181.6, 1183.1, 1183.2, 1183.3, 1183.8, 1183.9, 1183.10, 1183.11, 1183.14, 1183.15, 1183.17, 1183.18, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1187.4, 1187.6, 1187.7, 1187.8, 1187.9, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5  
 09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016  
 08/31/16 AMEND: 18531.5  
 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  
 07/11/16 AMEND: 59560  
 06/27/16 AMEND: 1897  
 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

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05/25/16 AMEND: 604  
05/23/16 AMEND: 23000  
05/19/16 ADOPT: 18750 REPEAL: 18750,  
18750.1, 18750.2, 18752  
04/21/16 AMEND: 599.744

**Title 3**

09/21/16 ADOPT: 302, 303, 304, 304.1, 304.2,  
305, 305.1, 305.2, 305.3, 306, 306.1,  
306.2, 306.3, 307, 308, 309, 310, 310.1,  
311, 312, 313, 314, 315, 316.1, 316.2,  
316.3, 316.4, 317, 318, 319, 320.1,  
320.2, 320.3, 321, 322, 322.1, 322.2,  
322.3, 323, 323.1, 323.2, 324.1, 324.2,  
325, 326, 327, 328, 329, 330.1, 330.2,  
340  
09/20/16 AMEND: 3435(b)  
09/20/16 AMEND: 3435(b)  
09/16/16 AMEND: 3435(b)  
09/14/16 AMEND: 3435(b)  
09/07/16 ADOPT: 3442  
09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004,  
3005, 3006, 3007, 3008, 3009, 3010,  
3011, 3012, 3013, 3014, 3015, 3016  
08/29/16 ADOPT: 3591.26  
08/29/16 AMEND: 3435(b)  
08/29/16 AMEND: 3591.2  
08/26/16 AMEND: 3435(b)  
08/25/16 AMEND: 3435(b)  
08/24/16 AMEND: 3435(b)  
08/24/16 AMEND: 1358.7  
08/23/16 AMEND: 3435(b)  
08/03/16 AMEND: 3435(b)  
08/02/16 AMEND: 3435(b)  
08/01/16 AMEND: 3435(b)  
08/01/16 AMEND: 3435(b)  
07/25/16 AMEND: 3024.5  
07/25/16 AMEND: 3435(b)  
07/25/16 AMEND: 3435(b)  
07/25/16 AMEND: 3435(b)  
07/21/16 AMEND: 3435(b)  
07/20/16 AMEND: 3435(b)  
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)

**Title 4**

09/15/16 ADOPT: 424, 425, 426, 830, 831, 832,  
833, 834, 835, 836 AMEND: 201.5, 303  
09/13/16 ADOPT: 1489.2  
08/29/16 ADOPT: 8078.8, 8078.9, 8078.10,  
8078.11, 8078.12, 8078.13, 8078.14  
08/09/16 AMEND: 10031, 10032, 10033, 10035,  
10036  
07/25/16 AMEND: 1581, 1843  
07/19/16 AMEND: 5170  
07/19/16 ADOPT: 1866.1 AMEND: 1844  
07/05/16 AMEND: 1689.1  
06/29/16 AMEND: 8034, 8035  
06/15/16 ADOPT: 299 AMEND: 297, 300  
06/14/16 AMEND: 5000, 5033, 5052, 5144, 5205,  
5220, 5221, 5230  
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  
04/25/16 ADOPT: 1866.1 AMEND: 1844  
04/21/16 ADOPT: 610

**Title 5**

08/30/16 ADOPT: 1700  
08/26/16 AMEND: 27000, 27004  
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

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06/15/16	REPEAL: 3820, 3822, 3823, 3824, 3831, 3840, 3860, 3870	08/29/16	AMEND: 3569
05/31/16	REPEAL: 9517.1, 9531, 9532, 9535	08/10/16	AMEND: 250.30 REPEAL: 5.2000, 5.2001
05/31/16	ADOPT: 11533, 11534 AMEND: 11530, 11531	08/09/16	AMEND: 2498.6
05/31/16	ADOPT: 11524, 11525 AMEND: 11520, 11521, 11522	08/09/16	AMEND: 2498.4.9
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	08/09/16	AMEND: 2498.6
04/25/16	AMEND: 41906.5, 41906.6	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
<b>Title 8</b>		06/14/16	ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
09/20/16	AMEND: 334	06/07/16	ADOPT: 8100, 8110, 8120, 8130, 8140, 8150
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	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, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
07/28/16	ADOPT: 9792.24.4 AMEND: 9792.23, 9792.24.2	05/31/16	AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502
06/28/16	AMEND: 5148(c)	05/26/16	ADOPT: 6858
05/18/16	AMEND: 362, 364, 364.1	05/23/16	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718
<b>Title 9</b>		05/11/16	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
09/16/16	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717	05/10/16	AMEND: 2318.6, 2353.1, 2354
06/27/16	ADOPT: 4600, 4601, 4602	05/10/16	AMEND: 2353.1
06/06/16	AMEND: 811, 812, 823, 836.2, 862, 865, 865.4, 865.5	<b>Title 11</b>	
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	09/08/16	AMEND: 1001, 1014, 1015, 1055
05/12/16	AMEND: 7140, 7142, 7142.5, 7143.5, 7164.6, 7196, 7211, 7290, 7353.6	08/30/16	ADOPT: 3205 AMEND: 3000, 3001, 3003, 3201, 3203, 3204
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	08/02/16	AMEND: 1003, 1055, 1081, 1950, 1959
<b>Title 10</b>		07/28/16	AMEND: 1005, 1007, 1008
09/01/16	ADOPT: 6864	07/08/16	AMEND: 310, 312, 999.1
08/29/16	AMEND: 3568	06/22/16	AMEND: 1004, 1011

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06/09/16 AMEND: 1005, 1007, 1008, 1009, 1010, 1011, 1054, 1058, 1070, 1081, 1082, 1084, 1960  
 06/01/16 AMEND: 51.22  
 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  
 04/25/16 ADOPT: 50.24

**Title 12**

08/31/16 AMEND: 452, 453  
 08/30/16 ADOPT: 463, 464 AMEND: 461  
 06/17/16 ADOPT: 509  
 05/23/16 ADOPT: 462

**Title 13**

09/20/16 ADOPT: 222.00, 222.02  
 09/01/16 AMEND: 550  
 08/23/16 AMEND: 1606, 16.08, Appendix  
 07/25/16 AMEND: 1202.1, 1202.2, 1232  
 07/25/16 AMEND: 1900, 1956.8, 1968.2, 1968.5, 1971.1, 1971.5, 2485, 95302, 95662  
 07/07/16 AMEND: 15.01  
 06/23/16 ADOPT: 15.08 AMEND: 15.07  
 06/23/16 AMEND: 268.10  
 05/09/16 AMEND: 156.00, 156.01

**Title 14**

09/13/16 ADOPT: 250.2  
 09/08/16 AMEND: 913.4, 933.4  
 09/01/16 ADOPT: 820.02  
 09/01/16 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 09/01/16 ADOPT: 817.04 AMEND: 790  
 08/30/16 AMEND: 699.5  
 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  
 08/03/16 AMEND: 29.85  
 08/01/16 ADOPT: 131  
 08/01/16 AMEND: 1724.9  
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 07/25/16 AMEND: 13055  
 07/18/16 AMEND: 1038  
 07/07/16 AMEND: 1120 REPEAL: 1121  
 06/30/16 AMEND: 190, 195  
 06/30/16 AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34  
 06/23/16 AMEND: 502, 507

06/16/16 AMEND: 120.7  
 06/15/16 ADOPT: 8.01  
 06/09/16 AMEND: 7.50  
 05/25/16 AMEND: 1670  
 05/11/16 AMEND: 17852  
 05/02/16 AMEND: 29.85  
 04/28/16 ADOPT: 131  
 04/27/16 AMEND: 27.80  
 04/26/16 AMEND: 29.45  
 04/26/16 AMEND: 28.20  
 04/20/16 ADOPT: 1760.1, 1779.1

**Title 15**

09/06/16 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379  
 08/17/16 AMEND: 3000, 3306, 3323  
 08/11/16 AMEND: 3375.1, 3377  
 07/13/16 AMEND: 8000, 8001, 8100, 8901  
 06/29/16 AMEND: 3000, 3054, 3054.1, 3054.2, 3054.3, 3054.4, 3054.5  
 06/21/16 ADOPT: 3359.8  
 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  
 05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317  
 05/11/16 AMEND: 3000, 3213  
 05/10/16 AMEND: 3173.2  
 04/28/16 AMEND: 3000

**Title 16**

09/19/16 AMEND: 1399.621  
 09/15/16 AMEND: 1004  
 09/14/16 AMEND: 1399.523  
 09/13/16 ADOPT: 1751.8, 1751.9, 1751.10, 1752, 1753, 1754 AMEND: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8, 1751, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8  
 09/13/16 AMEND: 2620  
 09/12/16 ADOPT: 635.1 AMEND: 631, 631.1, 633, 635  
 09/07/16 ADOPT: 1328.1  
 09/01/16 AMEND: 1399.696  
 08/30/16 REPEAL: 1054, 1054.1, 1054.2  
 08/25/16 ADOPT: 1746.4  
 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

**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

**Title 18**

09/15/16 AMEND: 25136-2  
 08/31/16 AMEND: 1597  
 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

**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

**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**

09/16/16 AMEND: 97174  
 09/12/16 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75  
 08/31/16 REPEAL: 100031, 100032, 100033, 100034, 100035, 100036, 100037, 100038, 100039, 100040, 100041, 100042  
 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  
 06/20/16 AMEND: 51179.7

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06/09/16	ADOPT: 69600.1, 69600.2, 69600.3, 69600.4, 69600.5, 69600.6, 69600.7	25606, 25607, 25607.1, 25607.2, 25607.3, 25607.4, 25607.5, 25607.6, 25607.7, 25607.8, 25607.9, 25607.10, 25607.11, 25607.12, 25607.13, 25607.14, 25607.15, 25607.16, 25607.17, 25607.18, 25607.19, 25607.20, 25607.21, 25607.22, 25607.23, 25607.24, 25607.25, 25607.26, 25607.27, 25607.28, 25607.29, 25607.30, 25607.31
06/08/16	AMEND: 7000	AMEND: 25603.3(f) (renumbered to Section 25607.30), 25603.3(g) (renumbered to Section 25607.31)
04/27/16	AMEND: 53626(a)	REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2
04/21/16	AMEND: 50188	
<b>Title 22, MPP</b>		
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	
<b>Title 23</b>		
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	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
<b>Title MPP</b>		
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	
<b>Title 25</b>		
07/28/16	ADOPT: 7062.5, 7065.5 AMEND: 7065	
07/05/16	ADOPT: 6924, 6932 REPEAL: 6924, 6932	
<b>Title 27</b>		
09/08/16	AMEND: 27001	
08/30/16	ADOPT: 25600, 25600.1, 25600.2, 25601, 25602, 25603, 25604, 25605,	