



California Regulatory Notice Register

REGISTER 2016, NO. 42-Z

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Independent Cities
 Finance Authority
 Kings River Conservation District
 Desert Community College District

A written comment period has been established commencing on October 14, 2016, and closing on November 28, 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 per-

son, 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 28, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **November 17, 2016**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on November 15, 2016.**

BACKGROUND/OVERVIEW

(1) Biennial Cost of Living Adjustment for Campaign Contribution Limits, Voluntary Expenditure Ceilings,

Applicable Limit 2001	X	$\frac{255.0 \text{ (2016 annual CPI) }^*}{174.8 \text{ (CPI from 2000)}}$	= 2017 limit**
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* as forecast in the DOF Consumer Price Index Forecast, May Revise, dated April 2016.

** Rounded to the nearest \$100 for contribution limits; to nearest \$1,000 for voluntary expenditure ceilings.

The formula for calculating the adjustments to state officeholder accounts contribution limits, found in

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

and State Officeholder Contribution Limits: Adoption of Amendments to Regulations 18544 and 18545

Regulation 18545 sets forth current year contribution, voluntary expenditure and state officeholder account limits. Sections 83124, 85316(b), and 89503(f) of the Act charge the Commission with making a cost of living adjustment to the limit amounts biennially to reflect changes in the Consumer Price Index (“CPI”). The California Department of Finance (“DOF”) provides the forecast and actual annual California CPI for All Urban Consumers, based upon U.S. Bureau of Labor Statistics. (Section 82001, Regulation 18544(c).)

This amendment makes the cost of living adjustments for the period from January 1, 2017 through December 31, 2018. The adjustments are based on the California CPI for the “calendar year immediately preceding the year in which the adjustment is to take effect,” which is 2016. (Regulation 18544(c).) The DOF Consumer Price Index Forecast, May Revise (dated April 2016) states the applicable forecast annual 2016 California CPI as “255.0.”²

This amendment additionally clarifies language in Regulation 18544(c) regarding the appropriate forecast annual CPI figure and source. The amended language is in accordance with Section 82001, which defines the cost of living adjustment process under the Act.

The formula for adjusting contribution limits and the voluntary expenditure ceilings, found in Regulation 18544(a)(1) and (2), is stated in the following equation form:

Regulation 18544(b), is stated in the following equation form:

² A forecast annual CPI is used due to the fact that the actual CPI for a given year is not available until mid-January of the following year. See http://www.dof.ca.gov/Forecasting/Economics/Eco_Forecasts_Us_Ca/index.html, CPI-U all items for 2016, for the relevant CPI figure.

Applicable Limit 2007	X	255.0 (2016 annual CPI) *	=	2017 limit**
		210.5 (CPI from 2006)		

* as forecast in the DOF Consumer Price Index Forecast, May Revise, dated April 2016.
 ** Rounded to the nearest \$100.

(2) *Biennial Gift Limit Adjustments*: Adoption of Amendments to Regulations 18703.4, 18730, and 18940.2.

The gift limit must also be adjusted biennially by the Commission to reflect changes in the CPI. (Sections

87103(e) and 89503(f).) The California Department of Finance (“DOF”) provides the forecast calendar year California CPI for All Urban Consumers. The formula used to calculate the adjusted gift limit is as follows:

Applicable Limit 1990 (\$250)	X	255.0 (2016 annual CPI) *	=	2017 limit**
		135 (CPI from 1990)		

* as forecast in the DOF Consumer Price Index Forecast, May Revise, dated April 2016.
 ** Rounded to the nearest \$10.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Sections 18544 and 18545: The proposed amendments to Regulation 18545 reflect the adjusted contribution limits and voluntary expenditure ceilings for state candidates for the period of January 1, 2017 through December 31, 2018.

The proposed amendments to Regulation 18544(c) clarify language regarding the appropriate forecast annual CPI figure and source.

Amend 2 Cal. Code Regs. Sections 18700, 18730, 18940.2. The proposed amendments reflect the adjustment of the gift limit from \$460 to \$470 for the period of January 1, 2017 through December 31, 2018.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation of the CPI adjustments described above.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific the following:

Amend 2 Cal. Code Regs. Sections 18544 and 18545. Government Code Sections 83124, 85301, 85302, 85303, 85316 and 85400.

Amend 2 Cal. Code Regs. Sections 18700, 18730, and 18940.2. Government Code Sections 82028, 87100, 87103, 87300–87302, 89502, 89503 and 89506.

CONTACT

You may send inquiries to Karen Harrison, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; email: kharrison@fppc.ca.gov; telephone (916) 322–5660 or 1–866–ASK–FPPC.

Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

**TITLE 2. PUBLIC EMPLOYEES’
RETIREMENT SYSTEM**

**NOTICE THAT A PUBLIC HEARING
IS SCHEDULED**

**Title 2. Administration
Division 1. Administrative Personnel
Chapter 2. Board of Administration of Public
Employees’ Retirement System**

Tuesday, December 20, 2016
Beginning at 9:00 a.m.
CalPERS Auditorium, Lincoln Plaza North
400 Q Street
Sacramento, CA 95811

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees’ Retirement System (CalPERS) is proposing to take the regulatory action described below in the Informative Digest after considering public comments, objections, and recommendations regarding the proposed regulatory action.

IV. ACCESS TO HEARING ROOM

The CalPERS Auditorium will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulation Coordinator.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add the Section 552.1 to Article 1 of Subchapter 1 of Division 1 of Title 2 of the California Code of Regulations (CCR). The proposed regulation would (1) limit the subject matter appropriate for discussion during public comment; (2) provide a time limit on individual speakers during public comment; (3) authorize the meeting’s Presiding Officer to increase or decrease this time limit; and, (4) authorize the Presiding Officer to stop an individual speaker from continuing to speak under specified circumstances.

V. AUTHORITY AND REFERENCE

The Board’s authority to add the proposed regulation to the CCR derives from the Board’s plenary authority and fiduciary responsibility over the assets of the public retirement system and exclusive responsibility to administer the system in a manner that will assure prompt delivery of benefits and related services to the members and their beneficiaries, pursuant to the California Constitution (Section 17 of Article XVI) and in accordance with California Government Code sections 20120–20121. In addition, other Sections of the California Government Code that provide authority include section 11125.7 of the Bagley–Keene Open Meeting Act (Gov. Code § 11120 et seq., hereinafter referred to as “the Bagley–Keene Act”).

Reference citations: California Government Code Sections 11125.7, 20120, and 20121.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on October 14, 2016 and closing on November 28, 2016 at 5:00 p.m. The Regulation Coordinator must **receive** all written comments by the close of the comment period. Comments may be submitted via fax at (916) 795–4607; emailed to Regulation_coordinator@calpers.ca.gov or mailed to the following address:

Anthony Martin, Regulation Coordinator
California Public Employees’ Retirement System
P.O. Box 942702
Sacramento, CA 94229–2702
Phone: (916) 795–3038

VI. INFORMATIVE DIGEST

Article XVI, section 17 of the California Constitution grants the Board plenary authority and fiduciary responsibility for administering the retirement system and investing its assets. Government Code section 20120 similarly vests management and control of the system in the Board and section 20121 grants the Board power to make such rules as it deems proper.

The Bagley–Keene Act generally requires that state bodies conduct their business in open, noticed meetings so that the public may attend the meetings and have an opportunity to comment upon the work of the body. Government Code section 11125 requires a state body to provide notice at least 10 days in advance of its meetings. This notice must include a specific agenda that lists the items of business that the state body will act upon or discuss at the meeting. Government Code section

III. PUBLIC HEARING

A public hearing will be held before the CalPERS Board at the time, date and location listed below.

11125.7 requires that the state body provide an opportunity for members of the public to directly address the state body on each agenda item, before or during the state body's discussion or consideration of the item. As state bodies under the Bagley-Keene Act, the Board and its committees hold regular meetings and frequently receive public comment from CalPERS members, employers, stakeholders, and other members of the public.

Government Code section 11125.7 also authorizes a state body to adopt reasonable regulations to govern public comment at meetings. Section 11125.7 specifically notes that a regulation imposing time limits on individual speakers is appropriate. The Board is therefore authorized to adopt regulations over public comment.

The proposed regulation is consistent with current law and intended to provide a clear set of rules to govern public comment at meetings of the Board and its committees.

Specifically, the proposed regulation will:

- Define the terms "Body" and "Presiding Officer," which are used throughout the proposed regulation.
- Limit public comment to the subject matter at hand during a meeting. For a particular agenda item, public comment is limited to issues germane to the topic of the agenda item. CalPERS also includes a general "public comment" agenda item during each meeting, and the proposed regulation limits public comment on this item to the subject matter jurisdiction of the respective committee, or of CalPERS in the case of the Board.
- Provide individual speakers with up to three minutes for public comment on an individual agenda item. The unused speaking time of one speaker is not transferable to another member of the public.
- Authorize the Presiding Officer to increase or decrease the time available for public comment, based upon several factors that he or she must consider when exercising this discretion.
- Authorize the Presiding Officer to stop a speaker from providing public comment when the speaker fails to adhere to the requirements in the proposed regulation, is unduly repetitious, or engages in any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the meeting.

Policy Statement Overview/Anticipated Benefits

Engagement with members, beneficiaries, stakeholders, and members of the public is important and an

essential component of good governance. CalPERS has long welcomed and afforded the opportunity for public comment at Board and committee meetings. For many years now, CalPERS has held meetings over the course of three days each month from February through June and August through December. The work involved over the course of those three days encompasses the consideration of hundreds of pages of agenda items and the meetings of several committees, culminating in a meeting of the entire Board on the third day of meetings. Through this regulation, CalPERS seeks to ensure that (1) members of the public in attendance at meetings of the Board and its committees are afforded an equal opportunity to directly address the Board; and, (2) the Board is able to accomplish its business in a reasonably efficient manner. CalPERS anticipates that the proposed regulation will increase openness and transparency by bringing greater attention to the availability of public comment and by clearly laying out the rules that govern how such comments may be made. The time limit per speaker coupled with the Presiding Officer's ability to increase or decrease that time will have several beneficial effects. Chiefly, it will promote fairness by ensuring that each member of the public wishing to speak has an opportunity to do so on an equal footing with other speakers. Secondly, it will help ensure that the Board is able to complete its agenda in a reasonably efficient manner. Furthermore, setting forth standardized rules and time limits in a formal regulation will help ensure that there is a consistent approach to public comment at Board and committee meetings and across the years as the membership of the Board inevitably changes.

Consistency and Compatibility with Existing Regulations

CalPERS evaluated whether there were any other laws or state regulations on this topic and has concluded that the proposed regulation is neither inconsistent nor incompatible with existing law or existing state regulations.

Pre-notice Consultation with the Public

No pre-notice consultation was done with the public, as the proposed regulation does not involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to CalPERS and those members of the public who attend meetings of the Board.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: The proposed regulatory action does not impose any mandates on local agencies and school districts.
- B. COSTS OR SAVINGS TO ANY STATE AGENCY: The proposed regulatory action will not result in any additional costs or savings to any State agency.
- C. COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT: The proposed regulatory action will not result in any costs on any local agency or school district.
- D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES: The proposed regulatory action does not impose any nondiscretionary costs or savings on local agencies.
- E. COSTS OR SAVINGS IN FEDERAL FUNDING. TO THE STATE: The proposed regulatory action will not result in additional costs or savings in federal funding to the State.
- F. ADVERSE ECONOMIC IMPACT: The proposed regulatory action 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.
- G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES: CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.
- H. RESULTS OF THE ECONOMIC IMPACT ANALYSIS: The proposed regulatory action: (1) will not create or eliminate jobs within California; (2) will not create new businesses or eliminate existing businesses within California; (3) will not affect the expansion of businesses currently doing business within California; and, (4) will benefit the health and welfare of California residents by providing a uniform and structured forum for members of the public to participate in Board meetings.
- I. EFFECT ON HOUSING COST: The proposed regulatory action has no effect on housing cost.

- J. COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 17500 THROUGH 17630: there are no costs to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630.

IX. CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), 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 regulatory action is proposed, or would be as effective as, 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

X. CONTACT PERSON

Please direct inquiries concerning the proposed regulatory action to:

Anthony Martin, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

The backup contact for these inquiries is:

Christina Nutley, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

Please direct requests concerning the copies of the proposed text (the "express terms") of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information about processing of this regulatory action to Anthony Martin, Regulation Coordinator, at

Regulation_coordinator@calpers.ca.gov.

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The entire rulemaking file is available for public inspection through the Regulation Coordinator at the address shown in section II. To date, the file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, the Economic Impact Assessment, and the Economic and Fiscal Impact Statement. A copy of the proposed text, the Initial Statement of Reasons, the Economic Impact Assessment, and the Economic and Fiscal Impact Statement is available at no charge upon telephone or written request to the Regulation Coordinator.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations after the public comment period closes.

If the Board modifies its regulatory action, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

XIII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Anthony Martin, Regulation Coordinator, at the address shown above in Section II.

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 grant-

ed by PC Section 5058, proposes to revise Sections 3620, 3621, and 3622 of the California Code of Regulations (CCR), Title 15, Division 3, Urinalysis Testing for parolees.

PUBLIC HEARING

Date and Time: **December 9, 2016 — 10:00 a.m. to 11:00 a.m.**
 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 **December 9, 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 Department, 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 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:

Sherri Garcia
Regulation and Policy Management Branch
Telephone (916) 445-2266

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

Roger Gold
Division of Adult Parole Operations
(916) 324-3253

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:

- Updates the revision date in regulation text for the CDCR 2249 (Rev. 10/15), Urinalysis Sample Control Log.
- Removes the requirement of having the parolee(s) sign the CDCR 2249 (Rev. 10/15), Urinalysis Sample Control Log.
- Add the requirement for staff to submit the CDCR 2249 (Rev. 10/15), Urinalysis Sample Control Log to the Unit Supervisor with the caseload roster by the last working day of the month, documenting all urinalysis testing tests taken in the month.
- Updates the revision date in regulation text for the CDCR 1515 — Addendum (Rev. 11/15), Special Conditions of Parole.

FORMS INCORPORATED BY REFERENCE

CDCR 1515 — Addendum (Rev. 11/15), Special Conditions of Parole

CDCR 2249 (Rev. 10/15), Urinalysis Sample Control Log

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulatory action may protect public health and safety and worker safety, and will benefit CDCR staff and parolees by providing direction on urinalysis sample collection. Urinalysis test kits include collection bottles with litmus paper that can instantly test the urine. This reduces the number of urine samples requiring confirmation by a laboratory. These protocols also include the use of the CDCR 2249 (Rev. 10/15), Urinalysis Sample Control Log.

The Department has determined that staff does not need to obtain the parolee’s signature on the CDCR

2249. Removing the requirement to obtain the parolee’s signature improves efficiency.

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 ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed regulatory action will not have a significant adverse impact on business in the State of California because those businesses are not affected by the internal management of offenders.

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 management of parolees. The Department has determined that the proposed regulations may ensure the health, safety and security of parolees, CDCR employees, contractors, and other persons and entities by establishing procedures for parolees required to provide a urinalysis sample.

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, 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 this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Currently, no reasonable alternatives have been brought to the attention of the Department that would alter the Department's initial determination.

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 16. CALIFORNIA ARCHITECTS BOARD/LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**California Architects Board
Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, California 95834
Wednesday, November 30, 2016
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **November 30, 2016**, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or

grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the Board. Pursuant to the authority vested by section 5630 of the Business and Professions Code (BPC), and to implement, interpret, or make specific section 5681 of said Code, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend Title 16 CCR Section 2649 — Fees

Existing law, BPC section 5681, authorizes the LATC to charge a biennial license renewal fee. CCR section 2649 (Fees) specifies that the biennial renewal fee for licenses expiring on or after July 1, 2009, is \$400; the biennial renewal fee for licenses expiring on or after July 1, 2015, is \$220; and, the biennial fee for licenses expiring on or after July 1, 2017, is \$400. This regulatory proposal would amend CCR section 2649 to extend the temporary reduction of the biennial license renewal fee to \$220 for licenses expiring on or after July 1, 2017 through June 30, 2019. On July 1, 2019, the biennial renewal fee would be \$400.

BPC section 128.5 requires agencies within the Department of Consumer Affairs (DCA) to reduce license or other fees if the fund balance meets or exceeds 24 months in reserve at the end of any fiscal year (FY). The LATC had 24.7 months of funds in reserve at the end of FY 2012–13 which exceeded the limit outlined in BPC 128.5. To address the fund condition, the LATC sought revenue savings measures consisting of a negative budget change proposal to reduce LATC’s spending authority by \$200,000, and implemented a temporary license renewal fee reduction from \$400 to \$220 for one license renewal cycle, July 1, 2015 through June 30, 2017, with the intention of extending the license renewal fee reduction for an additional renewal cycle if the fund condition did not drop below the 24–month reserve level.

FY 2015–16, the LATC had 27.4 months of funds in reserve. Based on projections including the current temporary license renewal fee reduction of \$220, at the end of FY 2016–17, there will be approximately 20.6 months of funds in reserve. Due to the excess fund bal-

ance, LATC is proposing to extend the license renewal fee reduction through June 30, 2019. Once the reduction completes its term, the LATC is projected to have 7.1 months of funds in reserve. To extend the reduction of the license renewal fee, a regulatory change to amend Title 16 CCR section 2649 is necessary.

This regulatory proposal would amend Title 16 CCR section 2649, subsection (f), to reduce the fee for the biennial renewal of a license from \$400 to \$220 for licenses expiring on or after July 1, 2017 through June 30, 2019. LATC will continue to monitor the fund condition and assess whether an ongoing reduction is necessary.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The Board is proposing to extend a reduction of the license renewal fee to ensure compliance with existing law. Licensees would benefit from this proposal by temporarily lowering the cost to maintain their license.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State

By extending the license renewal fee reduction at \$220 for FY 2017–18 and 2018–19, the LATC’s annual revenue will decrease by approximately \$323,460 in FY 2017–18 and 2018–19. The LATC has sufficient reserves to cover this loss in revenue without adversely affecting any of its operations. The LATC has determined that the license renewal fee reduction will have no fiscal impact on other state agencies or any federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies

None.

Local Mandate

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement

None.

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

No businesses or individuals would incur any additional costs as a result of this proposal. This proposal, temporarily reducing license renewal fees, would save money for licensees. While this proposal would also

raise the license renewal fee on July 1, 2019, it would only return to the prior level, thus incurring no additional costs.

The table below details the total estimated savings of the affected licensee population which includes the current (FY's 2015/16–2016/17) license renewal fee reduction and proposed (FY's 2017/18–2018/19) license renewal fee reduction.

Fiscal Year	*Estimated Total Annual Renewal Fee Revenue	Estimated Revenue Savings FY 15/16 – 19/20	Estimated Revenue Savings FY 17/18 – 18/19
2015-16	\$394,102	\$322,447	
2016-17	\$395,340	\$323,460	
2017-18	\$395,340	\$323,460	\$323,460
2018-19	\$395,340	\$323,460	\$323,460
2019-20	\$718,800	\$0	
Total Estimated Revenue Savings Which Includes the Current and Proposed License Renewal Fee Reduction		\$1,292,827	\$646,920

* FY 15/16 is based on actual revenue received. FY's 16/17-19/20 are based on estimated revenue received from half the 3,593 (1,797) licensee population as of July 1, 2016.

The savings realized by licensees is projected to be approximately \$323,460 each year or \$646,920 total over the two-year duration of the temporary license renewal fee reduction.

Cost Impact on Representative Private Person or Business

This proposal would reduce the fee for renewal of a license from \$400 to \$220 from July 1, 2017 through June 30, 2019. The license renewal fee would return to \$400 on July 1, 2019. Therefore, this proposal would affect private persons by lowering their cost to maintain their license.

Effect on Housing Costs

None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses because it only affects licensees.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination was made be-

cause the proposed changes, which would spread approximately \$646,920 among nearly 3,593 licensees over the two-year duration of the proposal, are not sufficient to create or eliminate jobs or businesses.

Benefits of Regulation

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment:

This regulatory proposal would benefit the welfare of California residents by spreading approximately \$646,920 among nearly 3,593 licensees over the two-year duration of the proposal. Most of these licensees are California residents.

This regulatory proposal does not affect worker safety because it is not related to worker safety in any manner.

This regulatory proposal does not affect the state's environment because it is not related to the environment in any manner.

CONSIDERATION OF ALTERNATIVES

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

tive in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834, or by contacting the individuals listed below.

**AVAILABILITY AND LOCATION OF THE FINAL
STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person, named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Tremaine Palmer
Address: California Architects Board
Landscape Architects Technical
Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone
No.: (916) 575-7233
Fax No.: (916) 575-7283
E-mail
Address: Tremaine.Palmer@dca.ca.gov

The backup contact person is:

Name: Trish Rodriguez
Address: California Architects Board
Landscape Architects Technical
Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone
No.: (916) 575-7231
Fax No.: (916) 575-7283
E-mail
Address: Trish.Rodriguez@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.latc.ca.gov.

**TITLE 27. OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENT**

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

**AMENDMENT TO SECTION 25204(f)
SAFE USE DETERMINATION**

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes amending Section 25204(f) of Title 27 of the California Code of Regulations¹ to provide for an optional public hearing concerning an accepted Safe Use Determination (SUD) request.

PUBLIC PROCEEDINGS

Any written comments concerning this proposed action, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **November 28, 2016**, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include "Section 25204(f) SUD Hearings" in the subject line. Hard-copy comments may be mailed,

¹ All further references are to sections of Title 27, Cal. Code of Regs., unless otherwise indicated.

faxed, or delivered in person to the appropriate address below.

Mailing

Address: Ms. Monet Vela
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-23B
Sacramento, California
95812-4010
Fax: (916) 323-2610
Street
Address: 1001 I Street
Sacramento, California 95814

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. Comments on all regulatory and other actions are routinely posted on our website. By sending us your comments you are waiving any right to privacy you may have in the information you provide. Individual commenters should advise OEHHA when submitting documents to request redaction of home address or personal telephone numbers. Names of commenters will not be redacted.

A public hearing on this proposed regulatory amendment will be scheduled on request. To request a hearing send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above by no later than **November 14, 2016**, which is 14 days before the close of the comment period. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or monet.vela@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela, in writing at the address given above, via e-mail to monet.vela@oehha.ca.gov or (916) 323-2517. Carl DeNigris will be a back-up contact. He can be contacted at (916) 322-5624 or carl.denigris@oehha.ca.gov.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual². The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water³. Warnings are not required and the discharge prohibition does not apply when exposures are insignificant.⁴ SUDs represent OEHHA's best judgment concerning the application of the Act to a particular exposure represented in a SUD request.

Section 25204 of the California Code of Regulations, Title 27, sets out the procedures and criteria for requesting that OEHHA issue a formal written opinion known as a SUD. Currently, section 25204(f) states that interested persons will be advised that they may comment on an accepted SUD request "in writing or in person at a public hearing which shall be held on a date not less than 30 days after the notice is published." Under this language, OEHHA is required to hold a public hearing even if one is not necessary. SUD hearings often are not well attended and members of the public seldom make comments at the hearing. Committing the agency to hold a public hearing in all instances is neither necessary nor prudent in establishing an efficient SUD process.

The proposed regulation would adopt the following underlined language:

(f) In the case of a request for safe use determination that appears to comply with these procedures, the lead agency shall issue a written acceptance of the request. At the same time, a public notice of the acceptance of the request will be submitted for publication in the California Regulatory Notice Register and sent to interested

²Health and Safety Code section 25249.6.

³Health and Safety Code section 25249.5.

⁴Health and Safety Code sections 25249.9 and 25249.10.

persons. The public notice will include the text or a summary of the request as appropriate. It will advise interested persons that they may comment on the request in writing or in person if a public hearing is requested. Any interested person may request at a public hearing no later than 15 days prior to the close of the written comment period. If requested, the hearing which shall be held on a date not less than 30 days after the notice is published.

Further details on the basis for the proposed amendment to Section 25204(f) are provided in the Initial Statement of Reasons for this regulatory amendment, which is available on request from Monet Vela and is posted on the OEHHA web site at www.oehha.ca.gov.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The agency, the public, and the business community will benefit from the proposed amendment because it will save the time and resources necessary for holding a public hearing in many instances where no hearing is needed, and potentially streamline the SUD request process. The voluntary SUD process provides a way for affected businesses to determine whether a warning is required for a specific exposure, or whether a specific discharge of a listed chemical to a source of drinking water is prohibited. This amendment is likely to make that process less burdensome on the businesses that use it while maintaining the openness and transparency in the Safe Use Determination process.

NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

OEHHA has determined that the proposed amendment is neither inconsistent nor incompatible with existing state regulations because it does not address compliance with any other law or regulation. On the contrary, it is consistent with the hearing process of the California Administrative Procedure Act, which allows an agency not to hold a rulemaking hearing if there are no requests for one.⁵

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 expressly⁶ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does

it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because this regulatory amendment will reduce the number of public hearings that OEHHA is required to hold, this action is likely to result in significant cost savings to OEHHA. No other savings or increased costs to any other State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

Because Proposition 65 expressly⁷ does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

Because the proposed regulatory amendment does not impose any mandatory requirements on businesses subject to the Act, OEHHA has made an initial determination that this amendment 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 ANALYSIS (Gov. Code section 11346.3(b))

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses in California

This regulatory proposal will not affect the creation or elimination of jobs or businesses within the State of California, nor will it impact the expansion of existing businesses in the State. Proposition 65 requires businesses with ten or more employees to provide warnings when they expose people to chemicals that are known to

⁵ See Government Code sections 11346.5(a)(17) and 11346.8.

⁶ See Health and Safety Code section 25249.11(b).

⁷ See Health and Safety Code section 25249.11(b).

cause cancer or reproductive harm. The law also prohibits the discharge of listed chemicals into sources of drinking water. The voluntary SUD process provides a way for affected businesses to determine whether a warning is required for a specific exposure, or whether a specific discharge of a listed chemical to a source of drinking water is prohibited.

This regulatory proposal does not create additional compliance requirements, but instead removes a requirement that a public hearing be held after the acceptance of any SUD request. This amendment is likely to make that process less burdensome on businesses that choose to make use of the process.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5(a)(13) requires that OEHHA must determine that no reasonable alternative considered by OEHHA or that has otherwise been identified and brought to the attention of OEHHA 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 than the proposal described in this Notice.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed amendment will not impose any mandatory requirements on small business. Rather, the amendment will benefit small businesses subject to the Act because it will simplify a process that helps determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of the Act.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, which contains the text of the regulation, and all the information upon which the regulation is based (rulemaking file). A copy of the Initial Statement of Reasons and the text of the regulation, as well as the complete rulemaking file, are available upon request from OEHHA at the address, e-mail address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHA Web site at www.oehha.ca.gov.

AVAILABILITY OF FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA at the address, e-mail address and telephone number indicated above, and on the OEHHA website at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

PROPOSED CHANGES TO 1915(i) PROGRAM

The Department of Health Care Services (DHCS), working in conjunction with the Department of Developmental Services (DDS), will submit a Medi-Cal

State Plan Amendment (SPA) 16–047 with the intention to include the following changes to the 1915(i) Program, effective October 1, 2016:

- Add a median rate methodology for Licensed/Certified Residential Services, a sub–component of Habilitation–Community Living Arrangement Services. This methodology requires that rates negotiated for new providers may not exceed the regional center’s current median rate for the same service, or the statewide median rate, whichever is lower. The addition of this rate methodology will expand the number of residential facilities available to 1915(i) participants.
- Add Participant direction of services as an option for the already approved Respite, Nursing and Non–Medical Transportation services.

- Add Community–Based Training Services as a new service as well as associated rate methodology. The rate is established in state law (Welfare and Institutions Code Section 4688.21(c)(7)) at \$14.99 per hour.
- Add Financial Management Services as a new service to support the participant direction of services as referenced above. The rates for this service are established in state regulation (Title 17, California Code of Regulations, Section 58888(b)), and range from \$45.88 to \$96.86 per month based on the number of participant directed services used or the type of financial management arrangement.

The total estimated 2016–17 and 2017–18 fiscal impact of these proposed changes is \$12,670,000 and \$13,070,000 respectively. The fiscal impact by service is as follows:

	2016-17	2017-18
Median rate methodology for Licensed/Certified Residential Services	\$11,350,000	\$11,690,000
Participant Directed Respite	\$650,000	\$670,000
Participant Directed Nursing Services	\$180,000	\$190,000
Participant Directed Non-medical Transportation	\$210,000	\$220,000
Community-Based Training Services	\$100,000	\$110,000
Financial Management Services	<u>\$180,000</u>	<u>\$190,000</u>
	\$12,670,000	\$13,070,000

These changes will increase reimbursement and will not decrease access to services.

Public Review and Comments

A copy of the 1915(i) state plan amendment will be available at: http://www.dhcs.ca.gov/formsandpubs/laws/Pages/Pro_SPA.aspx. If you would like to view the state plan amendment in person, please, visit your local regional center or county welfare department/county health department, or contact the email address and mail address below. Comments regarding the 1915(i) state plan amendment will be accepted through **October 30, 2016** and can be sent via email to Ashley Draper at ashley.draper@dds.ca.gov or via hard copy to:

Department of Developmental Services
 Community Services Division
 1600 Ninth Street, Room 320 (M.S. 3–8)
 Sacramento, CA 95814
 ATTN: Ashley Draper

A copy of the public comments may be requested in writing to the same address and email inbox identified above. Please indicate [SPA/Proposed Rate Changes to 1915(i) Program] in the subject line or message.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
 HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES
 September 30, 2016**

**CHEMICAL LISTED EFFECTIVE SEPTEMBER
 30, 2016**

**AS KNOWN TO THE STATE OF CALIFORNIA
 TO CAUSE CANCER:
 FURFURYL ALCOHOL**

Effective **September 30, 2016**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding *furfuryl alcohol* (CAS No. 98–00–0) to the list of

chemicals known to the state to cause cancer for purposes of Proposition 65¹.

The listing of *furfuryl alcohol* is based on formal identification by the US Environmental Protection Agency (US EPA), an authoritative body², that the chemical causes cancer. The criteria used by OEHHA for the listing of chemicals under the “authoritative bodies” mechanism can be found in Title 27, Cal. Code of Regs., section 25306.

The documentation supporting OEHHA’s determination that the criteria for administrative listing have been satisfied for furfuryl alcohol is included in the “Notice of Intent to List Furfuryl Alcohol” posted on OEHHA’s website and published in the July 31, 2015 issue of the California Regulatory Notice Register (Register 2015, No 31–Z). The publication of the notice initiated a public comment period that closed on September 30, 2015. OEHHA received public comments on furfuryl alcohol. The comments and OEHHA’s responses are posted with the Notice of Intent to List.

A complete, updated chemical list will be published in the October 14, 2016 issue of the *California Regulatory Notice Register* and is available on the OEHHA website at:

<http://oehha.ca.gov/proposition-65/proposition-65-list>.

In summary, furfuryl alcohol is listed under Proposi-

tion 65 as known to the state to cause cancer, as follows:

Chemical	CAS No.	Endpoint	Listing Mechanism*
<i>Furfuryl alcohol</i>	98-00-0	Cancer	AB (US EPA)

*Listing mechanism: AB — “authoritative bodies” mechanism (Title 27, Cal. Code of Regs. section 25306).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986**

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
August 5, 2016**

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq.

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
Aloe vera, non-decolorized whole leaf extract		December 4, 2015
2-Aminoanthraquinone	117-79-3	October 1, 1989
<i>p</i> -Aminoazobenzene	60-09-3	January 1, 1990
<i>ortho</i> -Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Anthraquinone	84-65-1	September 28, 2007
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987

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Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrifluoride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloroacetic acid	71133-14-7	July 29, 2016
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1-Bromopropane	106-94-5	August 5, 2016
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987

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Chloral	75-87-6	September 13, 2013
Chloral hydrate	302-17-0	September 13, 2013
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol <u>Delisted January 4, 2013</u>	56-75-7	October 1, 1989
Chloramphenicol sodium succinate	982-57-0	September 27, 2013
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1989
1988Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Clomiphene citrate	50-41-9	May 24, 2013
CMNP (pyrazachlor)	6814-58-0	August 21, 2015
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	—	June 22, 2012

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988Cy-
clopenta[<i>cd</i>]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N' -Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4' -Diaminodiphenyl ether (4,4' -Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed) <u>Delisted November 20, 2015</u>	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[<i>a,h</i>]acridine	226-36-8	January 1, 1988
Dibenz[<i>a,j</i>]acridine	224-42-0	January 1, 1988
Dibenzanthracenes	—	December 26, 2014
Dibenz[<i>a,c</i>]anthracene	215-58-7	December 26, 2014
Dibenz[<i>a,h</i>]anthracene	53-70-3	January 1, 1988
Dibenz[<i>a,j</i>]anthracene	224-41-9	December 26, 2014
7H-Dibenzo[<i>c,g</i>]carbazole	194-59-2	January 1, 1988
Dibenzo[<i>a,e</i>]pyrene	192-65-4	January 1, 1988
Dibenzo[<i>a,h</i>]pyrene	189-64-0	January 1, 1988
Dibenzo[<i>a,i</i>]pyrene	189-55-9	January 1, 1988
Dibenzo[<i>a,l</i>]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
<i>p</i> -Dichlorobenzene	106-46-7	January 1, 1989
3,3' -Dichlorobenzidine	91-94-1	October 1, 1987
3,3' -Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3' -Dichloro-4,4' -diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990

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Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
Dienestrol <u>Delisted January 4, 2013</u>	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisononyl phthalate (DINP)	—	December 20, 2013
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbonyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine (DMNM)	1456-28-6	February 8, 2013
N,N-Dimethyl-p-toluidine	99-97-8	May 2, 2014
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988

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Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Emissions from combustion of coal	—	August 7, 2013
Emissions from high-temperature unrefined rapeseed oil	—	January 3, 2014
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine (Aziridine)	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
<u>Furfuryl alcohol</u>	<u>98-00-0</u>	<u>September 30, 2016</u>
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Goldenseal root powder	—	December 4, 2015
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988

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HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7 140923-25-7	June 1, 2007
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
<u>Isosafrole Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malathion	121-75-5	May 20, 2016
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
Megestrol acetate	595-33-5	March 28, 2014
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyryn	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
α -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Mitoxantrone hydrochloride	70476-82-3	January 23, 2015
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
beta-Myrcene	123-35-3	March 27, 2015
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrioltriacetic acid	139-13-9	January 1, 1988
Nitrioltriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi- <i>n</i> -butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
<i>p</i> -Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi- <i>n</i> -propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethyl- <i>n</i> -butylamine	7068-83-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -decylamine	75881-22-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -dodecylamine	55090-44-3	December 26, 2014
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitrosomethyl- <i>n</i> -heptylamine	16338-99-1	December 26, 2014
N-Nitrosomethyl- <i>n</i> -hexylamine	28538-70-7	December 26, 2014
N-Nitrosomethyl- <i>n</i> -nonylamine	75881-19-5	December 26, 2014
N-Nitrosomethyl- <i>n</i> -octylamine	34423-54-6	December 26, 2014
N-Nitrosomethyl- <i>n</i> -pentylamine	13256-07-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -propylamine	924-46-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -tetradecylamine	75881-20-8	December 26, 2014

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
N-Nitrosomethyl- <i>n</i> -undecylamine	68107-26-6	December 26, 2014
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
<i>o</i> -Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Parathion	56-38-2	May 20, 2016
Pentachlorophenol	87-86-5	January 1, 1990
Pentosan polysulfate sodium	—	April 18, 2014
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Pioglitazone	111025-46-8	April 18, 2014
Pirimicarb	23103-98-2	July 2, 2008
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo- <i>p</i> -dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
d1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pulegone	89-82-7	April 18, 2014
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
Saccharin <u>Delisted April 6, 2001</u>	81-07-2	October 1, 1989
Saccharin, sodium <u>Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Sedaxane	874967-67-6	July 1, 2016
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene	100-42-5	April 22, 2016
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Teriparatide	52232-67-4	August 14, 2015
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo- <i>para</i> -dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,1,2-Tetrachloroethane	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrachlorvinphos	22248-79-9	May 20, 2016
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
<u>para-Toluidine Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
Triamterene	396-01-0	April 18, 2014
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroacetic acid	76-03-9	September 13, 2013
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
<u>Tris(aziridiny)l-para-benzoquinone (Triaziquone)</u> <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridiny)lphosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Abiraterone acetate	developmental, female, male	154229-18-2	April 8, 2016
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether <u>Delisted December 13, 2013</u>	developmental	994-05-8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Atrazine	developmental, female	1912-24-9	July 15, 2016
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA)	female	80-05-7	May 11, 2015
Bisphenol A (BPA)	developmental	80-05-7	April 11, 2013
<u>Delisted April 19, 2013</u>			
Bromacil lithium salt	developmental	53404-19-6	May 18, 1999
	male		January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
<u>Delisted April 4, 2014</u>			
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, female, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
<u>Delisted June 6, 2014</u>			
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			

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<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1999
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Des-ethyl atrazine (DEA)	developmental, female	6190-65-4	July 15, 2016
Des-isopropyl atrazine (DIA)	developmental, female	1007-28-9	<u>July 15, 2016</u>
2,4-Diamino-6-chloro-s- triazine (DACT)	developmental, female	3397-62-4	July 15, 2016
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether <u>Delisted April 4, 2014</u>	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental, male	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
<u>2,4 DP (dichloroprop)</u> <u>Delisted January 25, 2002</u>	developmental	120-36-5	April 27, 1999
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether <u>Delisted December 13, 2013</u>	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol (ingested)	developmental	107-21-1	June 19, 2015
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid <u>Delisted December 13, 2013</u>	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1990
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
HFlutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
aloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	developmental, male	684-16-2	August 1, 2008
LHexamethylphosphoramide	male	680-31-9	October 1, 1994
2,5-Hexanedione	male	110-13-4	December 4, 2015
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male	—	July 5, 2013
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meproamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl n-butyl ketone	developmental	591-78-6	December 4, 2015
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl isobutyl ketone (MIBK)	male	—	August 7, 2009
Methyl isocyanate (MIC)	developmental	108-10-1	March 28, 2014
Methyl isopropyl ketone	developmental, female	624-83-9	November 12, 2010
<u>Delisted April 4, 2014</u>	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α -Methyl styrene	female	98-83-9	July 29, 2011
<u>Delisted April 4, 2014</u>			

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone)/ Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide) <u>Delisted December 13, 2013</u>	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Phenyl glycidyl ether <u>Delisted April 4, 2014</u>	male	122-60-1	August 7, 2009
Phenylphosphine	developmental male	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propazine	developmental, female	139-40-2	July 15, 2016
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5	April 1, 1990
Rifampin	developmental, female	36791-04-5	February 27, 2001
Secobarbital sodium	developmental	13292-46-1	February 27, 2001
Sermorelin acetate	developmental	309-43-3	October 1, 1992
Simazine	developmental, female	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	122-34-9	July 15, 2016
Sodium fluoroacetate	developmental	128-04-1	March 30, 1999
Streptomycin sulfate	male	62-74-8	November 6, 1998
Streptozocin (streptozotocin)	developmental	3810-74-0	January 1, 1991
Sulfasalazine (Salicylazosulfapyridine)	developmental, female, male	18883-66-4	August 20, 1999
Sulfur dioxide	male	599-79-1	January 29, 1999
Sulindac	developmental	7446-09-5	July 29, 2011
Tamoxifen citrate	developmental, female	38194-50-2	January 29, 1999
Temazepam	developmental	54965-24-1	July 1, 1990
Teniposide	developmental	846-50-4	April 1, 1990
Terbacil	developmental	29767-20-2	September 1, 1996
Testosterone cypionate	developmental	5902-51-2	May 18, 1999
Testosterone enanthate	developmental	58-20-8	October 1, 1991
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	315-37-7	April 1, 1990
Tetracycline (internal use)	developmental	1746-01-6	April 1, 1991
Tetracyclines (internal use)	developmental	60-54-8	October 1, 1991
Tetracycline hydrochloride (internal use)	developmental	—	October 1, 1992
	developmental	64-75-5	January 1, 1991

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Topiramate	developmental	97240-79-4	November 27, 2015
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
Triclorine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene	male	2451-62-9	August 7, 2009
<u>Delisted December 13, 2013</u>			
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 1999
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: September 30, 2016

**OAL REGULATORY
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

**(Pursuant to Government Code Section 11340.5
and
Title 1, section 270, of the
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Date: October 3, 2016
 To: Mark Steward
 From: Chapter Two Compliance Unit
 Subject: **2016 OAL DETERMINATION
NO. 4 (S)
(CTU2016-0802-01)**
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging the California Department of Corrections and Rehabilitation (CDCR) Folsom State Prison DOM Supplement, Section 101040.50, titled "Recreational Activities," as an underground regulation.

On 8/2/2016, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether Folsom State Prison Department Operations Manual (DOM) Supplement Section 101040.50 "Recreational Activities" constitutes an underground regulation. Folsom State Prison is an institution under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR). The rule is in the Folsom State Prison DOM Supplement dated June 2016. Folsom State Prison DOM Supplement Section 101040.50 "Recreational Activities" was issued by

the warden at the Folsom State Prison and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal. App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

¹"Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by R.J. Rackley, Warden and L. Cahayla, Associate Warden Programs, and applies solely to the inmates of the Folsom State Prison. Inmates housed at other institutions are governed by those other institutions' criteria for access to yards for recreational activities. Therefore, the rule is a "local rule" and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

 /s/
Debra M. Cornez
Director

 /s/
Elizabeth A. Heidig
Assistant Chief Counsel

Copy: Scott Kerman, Secretary
Tim Lockwood, Chief, Regulation and Policy
Management Branch

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

- (A) The challenged rule has been superseded.
- (B) The challenged rule is contained in a California statute.
- (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
- (D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. [Emphasis added.]

**RULEMAKING PETITION
DECISION**

BOARD OF PAROLE HEARINGS

**RESPONSE TO PETITION TO ADOPT,
AMEND, OR REPEAL A REGULATION
PURSUANT TO GOVERNMENT CODE
SECTIONS 11340.6 AND 11340.7**

BPH PETITION RESPONSE 2016–04

The Board of Parole Hearings (board) received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner William Vogel on August 30, 2016. In accordance with subdivision (a) of section 11340.7, this document serves as the board's response to the petition.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

1. **NAME OF AGENCY:** Board of Parole Hearings
2. **PARTY SUBMITTING THE PETITION:** William Vogel (P88353)

3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS (CCR) REQUESTED TO BE AFFECTED:** Petitioner requested the board to repeal the California Code of Regulations, Title 15, sections 2281, 2402, 2403, 2422, 2423, 2431, 2432, and 2433.

4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner cited to Penal Code section 1170.2, Penal Code section 3041 as amended by Senate Bill 230 (2015–2016 session), *In re Rodriguez* (1975) 14 Cal.3d 639, *In re Rogers* (1980) 28 Cal.3d 429, and *In re Butler*, Stipulation and Order Regarding Settlement, First Appellate District Court of California Case No A139411, December 16, 2013; hereinafter "*Butler* 2013 stipulated agreement."

5. **REASONS SUPPORTING THE AGENCY'S DECISION:** Petitioner contends that the board is required under Penal Code section 1170.2 and the *Butler* 2013 stipulated agreement combine to require the board to fix maximum determinate terms for all inmates. Petitioner further contends that, after the inmate's term has been "fixed," the California Supreme Court's decisions in *Rodriguez, supra*, 14 Cal.3d 639 and *Rogers, supra*, 28 Cal.3d 429 mandate the board to release the inmate once he or she reaches the end of this term, regardless of the inmate's suitability for parole. Based on these contentions, Petitioner requests the board to repeal all portions of the California Code of Regulations, Title 15, sections 2281, 2402, 2403, 2422, 2423, 2431, 2432, and 2433 that authorize the board to indefinitely retain an

inmate in prison until the inmate is deemed suitable for parole at a parole consideration hearing before the board.

Petitioner's request is DENIED: Both of Petitioner's contentions supporting his request are based on a misunderstanding of the application of the language "fixing a term" under *Rodriguez, supra*, 14 Cal.3d 639, Penal Code section 1170.2, *Rogers, supra*, 28 Cal.3d 429, and the *Butler* 2013 stipulated agreement. The correct application of these laws demonstrates that the board has no legal authority to take the actions Petitioner requests.

As explained below in greater detail, the concepts of "fixing a term" in the three sources Petitioner cites actually relate to three different functions of the state's current and prior paroling authorities. Specifically, the California Supreme Court's decision in *Rodriguez, supra*, 14 Cal.3d 639, relates to the prior Adult Authority's requirements to set lower terms than the statutory indeterminate maximum for inmates sentenced to certain crimes prior to July 1, 1977, under California's previous indeterminate sentencing laws. Penal Code section 1170.2 and *Rogers, supra*, 28 Cal.3d 429, relate to a different requirement to fix determinate sentences for inmates sentenced under California's original indeterminate sentencing laws prior to July 1, 1977, but whose crimes would have received a determinate sentence under California's post-July 1, 1977 determinate sentencing scheme. Moreover, the *Butler* 2013 stipulated agreement relates to the board's separate requirement to calculate, based on the unique circumstances and gravity of the crime, the *minimum* term an inmate sentenced to a life term must serve before he or she may be legally released after the board has found the inmate suitable for parole at a parole consideration hearing.

Legal Background on California Sentencing Laws

Before July 1, 1977, California's sentencing laws were based on an indeterminate sentencing scheme. Under that scheme, penal statutes specified both a minimum and a maximum sentence for felonies. These dates often ranged broadly from as little as one year in prison to imprisonment for life. During sentencing, the trial court would impose the statutory range as the sentence, but the actual length of a defendant's term was determined by the "Adult Authority," which determined when the inmate was suitable for parole within the minimum and maximum sentence range. (*See People v. Jefferson* (1999) 21 Cal. 4th 86, 94.)

However, on July 1, 1977, the Legislature replaced California's indeterminate sentencing scheme with the Determinate Sentencing Act contained in Penal Code section 1170. Under this new sentencing scheme, most felonies specify three possible terms of imprisonment (the lower, middle, and upper terms) generally referred

to as "determinate sentences." During sentencing, the trial court imposes one of these terms. Once imposed, a determinate sentence establishes the maximum term for which the inmate may be incarcerated for this crime. Under Penal Code section 1168, however, the Legislature made clear that some crimes remain punishable by imprisonment for either some number of years to life, or simply life in prison. (*See Pen. Code*, § 1168, subd. (b) and *Jefferson, supra*, 21 Cal.4th at pp. 92–93 & fn. 2.) In those cases, the court only imposes the statutory life term. To be paroled, the inmate must be found suitable for parole by a panel of board commissioners, in accordance with Penal Code section 3041.

"Fixing a Term" Under the Prior Indeterminate Sentencing Laws and In re Rodriguez

Before the shift from California's Indeterminate Sentencing Law to the Determinate Sentencing Law, a sentencing court did not fix a specified duration of imprisonment. Rather, the court imposed the statutory minimum and maximum sentence range and the state's prior paroling authority, then called the "Adult Authority," was charged with determining the actual length of time within the statutory range imposed by the court. (*See Rodriguez, supra*, 14 Cal.3d at p. 646.) Under the laws at that time, the Adult Authority had the discretion to fix a term and set a parole date for an inmate at any time during the statutory sentence range, depending on when the Adult Authority deemed an inmate ready to parole. Generally, once fixed, the inmate would be released on the parole date; however, the Adult Authority also had discretion to revoke that date and "refix" the term up to the statutory maximum if it deemed that the inmate was not ready for parole.

In the California Supreme Court's decision in *Rodriguez*, the court was concerned with the Adult Authority's practice, at that time, of failing to fix parole dates at less than the statutory maximum until the inmate had received a grant of parole. However, the court's ruling in this case was superseded by statute in 1977 when the Legislature enacted the Determinate Sentencing Law because, with the exception of the crimes that still require life terms, the statutes now provided specific terms for the court to impose as sentences. (*Rodriguez, supra*, 14 Cal.3d 639.) Additionally, Penal Code sections 1168 and 3041 still clarify that, for crimes that carry life sentences with the possibility of parole, the court still does not fix a term of imprisonment. Rather, the inmate is sentenced to a life term and must be found suitable for parole by a panel of board commissioners before the inmate is eligible for release.

Thus, the action of "fixing a term" by the Adult Authority, as discussed in *Rodriguez*, is no longer a valid action of the state's current paroling authority.

“Fixing a Term” Under Penal Code section 1170.2 and In re Rogers

Following the shift from California’s Indeterminate Sentencing Law to the Determinate Sentencing Law, the Legislature determined that some inmates serving indeterminate terms under the prior laws had committed crimes for which the Penal Code now specified determinate sentences only. However, because the crime had been committed before July 1, 1977, the court was limited to sentencing the inmate under the prior Indeterminate Sentencing Law and imposing only the statutory range of minimum and maximum terms.

Thus, along with the Determinate Sentencing Law contained in Penal Code section 1170, the Legislature simultaneously enacted Penal Code section 1170.2. This statute required the state’s paroling authority, then called the Community Release Board (and later the Board of Prison Terms), to determine for these inmates what the specified sentence length would have been if the court had sentenced the inmate under the Determinate Sentencing Law. If the Board of Prison Terms determined that the current specific sentence length would be less than the time required under the prior Indeterminate Sentencing Law, the Board of Prison Terms was required to establish the inmate’s parole date unless it determined, based on certain specific evidence, that the inmate should serve a longer term. In its decision in *Rogers, supra*, 28 Cal.3d 429, the California Supreme Court was concerned with the Community Release Board adding extra years to a statutory determinate sentence length when fixing a term for an inmate under Penal Code section 1170.2.

All inmates sentenced to indeterminate sentence ranges for crimes committed before July 1, 1977, have had their sentences reviewed and recalculated, as appropriate. All inmates currently incarcerated with life terms were either (1) deemed under Penal Code section 1170.2 to have committed a crime before July 1, 1977, that still retained a life sentence following the enactment of the Determinate Sentencing Law or (2) properly sentenced by the court to a life term for a crime committed after July 1, 1977.

Therefore, unless an inmate is convicted in the future of a crime committed before July 1, 1977, for which the Penal Code lists no statute of limitations, the action of “fixing a term” under Penal Code section 1170.2, as discussed in *Rogers, supra*, 28 Cal.3d 429, is no longer a valid action of the state’s current paroling authority.

“Fixing a Term” Under the Butler 2013 Stipulated Agreement

Following the enactment of the Determinate Sentencing Law, the state’s paroling authority, now called the Board of Parole Hearings, only retained the jurisdiction to determine release dates for inmates sentenced to

life sentences, in accordance with Penal Code section 3041. (This was recently expanded under other laws to include youthful and elderly offenders with determinate terms; however, those inmates are not subject to term calculations as described in this section.)

To carry out the board’s requirements, the board was mandated to complete two distinct functions. First, a panel of board commissioners was required to meet with a life inmate at a parole consideration hearing and review the “the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses.” (Pen. Code, § 3041, subd. (b)(1).) Following the hearing, the panel was required to determine whether the inmate was suitable for parole, meaning the inmate no longer posed a current unreasonable risk of danger to the public such that consideration of the public safety requires a lengthier period of incarceration for that inmate. (*See* Pen. Code, § 3041, subd. (b)(1); *In re Lawrence* (2008) 44 Cal.4th 1181; *In re Shaputis* (2008) 44 Cal.4th 1241; *In re Shaputis (Shaputis II)* (2011) 53 Cal.4th 192.)

Second, at the inmate’s first parole consideration hearing, the panel was also required under Penal Code section 3041(a), as it existed at that time, to “normally set a parole release date under Penal Code section 3041.5” that would serve as the date on which an inmate could be released after being found suitable for parole. (*See* former Pen. Code, § 3041, subd. (a) as amended by Stats.2013, c. 312.) These parole release dates were calculated by selecting a “base term” from a matrix of sentence lengths based on the unique circumstances of the crime, adjusting the base term if necessary for additional crimes or enhancements to calculate an “adjusted base term,” and mitigating the adjusted base term with credits for positive institutional conduct and achievements to calculate a final term. (*See* Cal. Code Regs., tit. 15, §§ 2282–2292, 2403–2411, 2422–2429.1, and 2433–2439.1.)

The purpose of calculating a final term under Penal Code section 3041 was not to establish a fixed date of release regardless of whether the inmate was suitable for parole. Rather, the purpose was to establish a minimum amount of time that the inmate would be required to serve that would “provide uniform terms for offenses of similar gravity and magnitude with respect to their threat to the public.” (*See* former Pen. Code, § 3041, subd. (a) as amended by Stats.2013, c. 312.) However, inmates still had to be deemed suitable for parole by the panel before the inmate would be eligible for release, even after the calculated term. This means that an inmate deemed suitable for parole after the date calculated by the panel would be immediately eligible for release; however, an inmate deemed suitable for parole

before the calculated date would still remain incarcerated until he or she passed completed the board’s term.

In the *Butler* 2013 stipulated agreement, the California Court of Appeal, First Appellate District accepted the parties agreement under which the board agreed to calculate the inmate’s base or adjusted base term at his or her initial parole consideration hearing so that the inmate could preserve a proportionality challenge to the length of time in prison.

On January 1, 2016, the Legislature enacted Senate Bill 230 (2015–2016 regular session), which amended Penal Code section 3041 to remove the board’s authority to set parole release dates. The consequence of this statutory amendment was that inmates deemed suitable for parole were now eligible for immediate release following all statutory review periods, regardless of the date on which the board would have calculated a minimum term. However, despite the repeal of the board’s authority to set minimum parole release dates, the *Butler* court still required the board to calculate these minimum terms in accordance with the California Code of Regulations, Title 15, sections 2282–2292, 2403–2411, 2422–2429.1, and 2433–2439.1; these terms just no longer have any legal effect on when an inmate is actually eligible for release. Instead, eligibility for parole of a life inmate is dictated solely by when the inmate is deemed suitable for parole in accordance with Penal Code section 3041 and the California Code of Regulations, Title 15, sections 2281 and 2402.

Conclusion

As explained above, Petitioner’s contentions supporting his request are based on a misunderstanding of the application of the language “fixing a term” under *Rodriguez, supra*, 14 Cal.3d 639, Penal Code section 1170.2, and the *Butler* 2013 stipulated agreement. The concept of “fixing a term” relates to different functions of the state’s current and prior paroling authorities. The process of “fixing a term” under *Rodriguez* was superseded by the Legislature’s enactment of the Determinate Sentencing Law on July 1, 1977. The process of “fixing a term” under Penal Code section 1170.2 and *Rogers, supra*, 28 Cal.3d 429, was completed and no longer applies unless an inmate is sentenced in the future for crimes committed before July 1, 1977. Finally, the process of “calculated a term” under Penal Code section 3041, as it existed in 2015, and the *Butler* 2013 stipulated agreement relates to the process of calculating minimum term lengths an inmate must serve, and does not override the requirement that the inmate be deemed suitable for parole before the inmate is eligible for release.

To carry out the board’s current statutory mandates of (1) determining a life inmate’s suitability for parole and (2) calculating a *Butler* term, the board must follow the

requirements in each of the sections Petitioner has requested the board to repeal. Consequently, the board **DENIES** petitioner’s request because the board has no lawful authority to take the actions petitioner requests.

6. BOARD CONTACT PERSON:

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7. NOTICE TO INTERESTED PERSONS: Under subdivision (d) of Government Code section 11340.7, the board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitted such a request, please reference **BPH PETITION RESPONSE 2016–04** in the request.

DATE OF DECISION: September 28, 2016

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# 2016–0826–08
 BOARD OF BARBERING AND COSMETOLOGY
 Demonstration of Products

In this regulatory rulemaking, the Board adopts section 965.1 in Title 16 of the California Code of Regulations to define the term “demonstrating.” The definition interprets, implements, and makes specific the exception from licensing found in Business and Professions Code section 7319, subdivision (e).

Title 16
 ADOPT: 965.1
 Filed 10/05/2016
 Effective 01/01/2017
 Agency Contact: Kevin Flanagan (916) 575–7104

File# 2016-0901-02
 BUREAU OF ELECTRONIC AND APPLIANCE
 REPAIR, HOME FURNISHINGS AND THERMAL
 INSULATION
 License Fee

This action amends the license issuance and renewal fees with respect to home furnishings and insulation manufacturing.

Title 4
 AMEND: 1107
 Filed 09/28/2016
 Effective 09/28/2016
 Agency Contact: Diana Godines (916) 999-2068

File# 2016-0906-01
 BUREAU OF REAL ESTATE APPRAISERS
 Consulting Appraisals

This rulemaking action by the Bureau of Real Estate Appraisers (Bureau) updates three sections in title 10 of the California Code of Regulations for consistency with new federal requirements and to allow the Bureau to approve practicum courses for trainee appraisers.

Title 10
 AMEND: 3542, 3570, 3577
 Filed 09/29/2016
 Effective 09/29/2016
 Agency Contact: Kyle Muteff (916) 341-6126

File# 2016-0826-01
 CALIFORNIA ARCHITECTS BOARD
 Architect Registration Examination (ARE) Transition

The National Council of Architectural Registration Boards (NCARB) is the national test vendor that supplies the Architect Registration Examination (ARE) to the California Architects Board. NCARB developed a new version of the ARE and a transitional credit model for candidates. This action by the California Architects Board amends section 118.5 and adopts section 119.8 of title 16 of the California Code of Regulations to provide a transition plan for candidates for licensure who were not successful in passing all sections under the prior ARE and who are required to transition to the new ARE. This action also amends existing procedures to allow candidates who transfer to California to receive credit for passing the new ARE in another jurisdiction.

Title 16
 ADOPT: 119.8 AMEND: 118.5
 Filed 09/29/2016
 Effective 10/01/2016
 Agency Contact: Timothy Rodda (916) 575-7217

File# 2016-0926-04
 CALIFORNIA HEALTH BENEFIT EXCHANGE
 SHOP Eligibility and Enrollment Process

The California Health Benefit Exchange (HBEX) submitted this emergency readoption action to maintain the effectiveness of ten sections added to title 10 of the California Code of Regulations in OAL file nos. 2013-0920-05E, 2014-0321-01EE, 2014-0620-06EE, and 2014-0922-02EE. This action is a straight across readoption of the regulations filed in OAL file no. 2014-0922-02EE. The regulations establish criteria and procedures for qualified employers and qualified employees to enroll in health coverage under the Small Business Health Options Program (SHOP), a program that is required under both federal and state law to implement the federal Patient and Protection and Affordable Care Act. The regulations establish HBEX policies and procedures for eligibility determination and redetermination, enrollment in qualified health plans, effective dates of coverage, and termination of coverage through the SHOP.

Title 10
 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538
 Filed 09/30/2016
 Effective 09/30/2016
 Agency Contact:
 Gabriela Ventura Gonzales (916) 228-8477

File# 2016-0926-05
 CALIFORNIA HEALTH BENEFIT EXCHANGE
 Eligibility and Enrollment Process for the Individual Exchange

This emergency action was submitted for a ninth re-adopt of the regulations pursuant to Government Code section 100504(a)(6). These regulations establish the Health Benefit Exchange's policies and procedures for eligibility determination and redetermination, enrollment in qualified health plans, and termination of coverage through the Exchange in the individual Market.

Title 10
 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
 Filed 09/30/2016
 Effective 09/30/2016
 Agency Contact: Bahara Hosseini (916) 228-8486

File# 2016-0927-01
 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 14 square miles in the Arvin area of Kern County. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area.

Title 3
AMEND: 3435(b)
Filed 09/30/2016
Effective 09/30/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0926-01
DEPARTMENT OF RESOURCES RECYCLING
AND RECOVERY
Glass Container Processing Operations

The Department of Resources Recycling and Recovery is adopting one section and amending three sections in title 14 of the California Code of Regulations in this emergency action. This action allows glass processors to receive a streamlined permit instead of a full solid waste facility permit for their facilities. Currently glass processors in California are receiving enough waste mixed in with the glass they receive to require a full solid waste facility permit.

Title 14
ADOPT: 17403.3.1 AMEND: 17402, 17403.0,
17405.0
Filed 10/04/2016
Effective 10/04/2016
Agency Contact: Harlee Branch (916) 341-6056

File# 2016-0818-05
DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
California Brake Friction Material Requirements

This action adopts (1) performance requirements for testing and chemical compliance of brake friction materials; (2) marking requirements for brake friction materials; (3) certification procedures used by testing certification agencies; (4) approval standards for alternative chemical testing methods for brake friction materials; (5) approval standards for alternative laboratory accreditation; and (6) an application process for extensions of time to comply.

Title 22
ADOPT: 66387.1, 66387.2, 66387.3, 66387.4,
66387.5, 66387.6, 66387.7, 66387.8, 66387.9
Filed 09/30/2016
Effective 01/01/2017
Agency Contact: Suzanne Davis (916) 327-4206

File# 2016-0927-03
OFFICE OF SPILL PREVENTION AND RESPONSE
Statewide Oil Spill Response Organizations (OSRO)
Ratings

This emergency readopt file and print action by the Office of Spill Prevention and Response amends eight sections in title 14 of the California Code of Regulations (CCR) to implement changes to the statewide oil spill prevention and response program pursuant to Senate Bill 861 (Stats. 2014, ch. 931). This is a statutorily deemed emergency and exempt from review by the Office of Administrative Law, pursuant to Government Code section 8670.7.5.

Title 14
AMEND: 819, 819.01, 819.02, 819.03, 819.04,
819.05, 819.06, 819.07
Filed 10/04/2016
Effective 10/04/2016
Agency Contact: Christine Kluge (916) 327-0910

File# 2016-0819-04
VICTIM COMPENSATION BOARD
CalVCP Program Regulation

This rulemaking action by the California Victim Compensation Board (CalVCB) amends and repeals certain sections, and adopts one new section, in Title 2 of the California Code of Regulations concerning financial assistance to victims and derivative victims of crimes. More specifically, the action conforms CalVCB's regulations to changes made to law by Assembly Bill 1140, Chapter 569, Statutes of 2015 and Senate Bill 836, Chapter 31, Statutes of 2016, regarding, for example, the elimination of the eligibility exemption for "participation" in a crime and the need to more specifically define "involvement" in a crime for purposes of exemption from eligibility. The action adopts new provisions regarding what evidence, other than crime reports, may be considered when determining whether an individual was the victim of a sexual assault crime. In addition, the action amends certain provisions concerning available benefits to reflect CalVCB's improved financial condition.

Title 2
ADOPT: 649.49 AMEND: 649, 649.3, 649.4,
649.18, 649.50, 649.52, 649.57, 649.60 REPEAL:
649.1, 649.46, 649.51, 649.62
Filed 10/03/2016
Effective 01/01/2017
Agency Contact: Tanya Bosch (916) 491-3851

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN May 4, 2016 TO
October 5, 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

- 10/03/16 ADOPT: 649.49 AMEND: 649, 649.3, 649.4, 649.18, 649.50, 649.52, 649.57, 649.60 REPEAL: 649.1, 649.46, 649.51, 649.62
- 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

05/25/16 AMEND: 604

05/23/16 AMEND: 23000

05/19/16 ADOPT: 18750 REPEAL: 18750, 18750.1, 18750.2, 18752

Title 3

- 09/30/16 AMEND: 3435(b)
- 09/27/16 AMEND: 3435(b)
- 09/27/16 AMEND: 4603, 3883 REPEAL: 3885
- 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

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 42-Z

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

Title 4

09/28/16 AMEND: 1107
 09/28/16 AMEND: 1007
 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

Title 5

09/22/16 ADOPT: 11533, 11534 AMEND: 11530, 11531
 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
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25607.17,	25607.18,	25607.19,	06/13/16	AMEND: 25805
25607.20,	25607.21,	25607.22,	05/09/16	AMEND: 10052
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25607.26,	25607.27,	25607.28,	08/16/16	ADOPT: 31-136 AMEND: 31-001,
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25603.3(f) (renumbered to Section				31-066, 31-075, 31-101, 31-105,
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