



# California Regulatory Notice Register

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JULY 7, 2017

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

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**PROPOSED ACTION ON  
REGULATIONS**

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

**TITLE 2. CALIFORNIA  
COLLABORATIVE FOR EDUCATIONAL  
EXCELLENCE**

**NOTICE OF INTENTION TO AMEND THE  
CONFLICT-OF-INTEREST CODE OF THE  
CALIFORNIA COLLABORATIVE FOR  
EDUCATIONAL EXCELLENCE**

NOTICE IS HEREBY GIVEN that the California Collaborative for Educational Excellence (“CCEE”), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established, commencing on July 7, 2017 and closing on August 21, 2017. All inquiries should be directed to the contact listed below.

The CCEE proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: (1) addition of the Director, Outreach and Communications; Director, Education; and Director, Research and Data Assessment as designated positions; (2) addition of the fourth disclosure category, relating to interests in real property of the type to be purchased or leased by the CCEE, for each designated position; and (3) other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency’s contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than August 21, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 6, 2017.

The CCEE has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Erika Barragan, Administrative Assistant, (760) 863-3207, [ebarragan@ccee-ca.org](mailto:ebarragan@ccee-ca.org).

**TITLE 2. CALIFORNIA STATE  
AUDITOR’S OFFICE**

**ADOPT SECTIONS 61200 TO 61240,  
INCLUSIVE,  
REGARDING CALIFORNIA HEALTHCARE,  
RESEARCH AND PREVENTION TOBACCO  
TAX ACT OF 2016**

**NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the California State Auditor (State Auditor or office, as appropriate) is proposing to adopt the following sections in Title 2, Division 10 of the California Code of Regulations: 61200 to 61240.

A public hearing has been scheduled for August 21, 2017. The hearing will be held at the California State Auditor’s Office located at 621 Capitol Mall, 10th Floor, Sacramento, California, beginning at 10:00 a.m. and ending at 2:00 p.m.

Notice is also given that any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to:

Brianna Carlson  
California State Auditor’s Office  
Office of Legal Services  
621 Capitol Mall, Suite 1200  
Sacramento, CA 95814  
Fax: (916) 323-0913  
E-mail: [regulations@auditor.ca.gov](mailto:regulations@auditor.ca.gov)

All written comments must be received by the office no later than August 21, 2017, the final day of the written comment period, in order for the comments to be considered by the State Auditor.

Following the written comment period, the State Auditor may adopt the proposed regulations substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the State Auditor adopts the resulting regulations. A request for copies of any modified regulations should be made to the contact person named above. The State Auditor will accept written comments on any modified regulations for 15 days after the date on which they are first made available to the public.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested in it by Revenue and Taxation Code section 30130.57, and to implement, interpret, or make more specific Revenue and Taxation Code sections 30130.56 and 30130.57, the office proposes to adopt the regulations identified under the heading Nature of Proceeding above.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Revenue and Taxation Code sections 30130.56 and 30130.57 (as added to the Revenue and Taxation Code as a result of the approval of initiative Proposition 56 by the voters on November 8, 2016 at the statewide general election) contain provisions that do the following:

- Require the State Auditor to define administrative costs for purposes of the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (the "Act"). The Act was added as Article 2.5 (commencing with section 30130.50) of Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code as a result of the approval of initiative Proposition 56 by the voters on November 8, 2016 at the statewide general election.
- Require the State Auditor, when defining administrative costs, to take into account the differing nature of the agencies or departments receiving funds pursuant to the Act.

- Require the State Auditor to conduct at least biennially an independent financial audit of the state and local agencies receiving funds pursuant to the Act; review (at a minimum) the administrative costs expended by the state agencies that administer the fund; provide public transparency with respect to revenues generated by the Act; ensure that revenues generated by the Act are used for healthcare, tobacco use prevention, and research; and make recommendations for improvements.

#### Proposed Regulations

To implement Revenue and Taxation Code sections 30130.56 and 30130.57 in a manner that furthers the intent of the voters and that informs state and local government agencies and the general public regarding how administrative costs and audits will be defined with respect to the Act, the proposed regulations will relate to the following subject areas:

- Clarify which expenditures by a state or local government agency constitute an administrative cost with respect to the Act.
- Clarify the audits that the State Auditor shall conduct as required by the Act.

The proposed regulations are not inconsistent or incompatible with existing state regulations.

#### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to part 7 (commencing with § 17500) of division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

This proposed regulatory action will not affect housing costs.

#### COST OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated. The State Auditor is required to promulgate regulations to define administrative costs with respect

to the funds state or local government agencies receive pursuant to the Act. However, these regulations do not affect the total amount of funds the state or local government agencies receive pursuant to the Act. This proposed regulatory action merely defines administrative costs and does not impose any additional responsibilities or costs on state or local government agencies.

#### ECONOMIC IMPACT AFFECTING BUSINESS

The State Auditor has made an initial determination that this 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. The proposal does not affect small businesses as defined by Government Code section 11342.610.

#### ECONOMIC IMPACT ASSESSMENT

The State Auditor has made an initial determination that this proposed regulatory action will not have any 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. The State Auditor has made an initial determination that this proposed regulatory action will not impact the health and welfare of California residents, worker safety, or the state's environment.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

#### IMPACT ON SMALL BUSINESS

The determination that this proposal would not affect small business is based upon the fact that the proposed regulations implement provisions of Revenue and Taxation Code section 30130.57, and to implement, interpret, or make more specific Revenue and Taxation Code sections 30130.56 and 30130.57. These regulations only impact state and local government agencies. Based on the limited scope of these regulations, the State Auditor determined that none of the proposed regulations have a significant adverse economic impact on business.

#### PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

From April 2017 to June 2017 the State Auditor engaged in pre-rulemaking discussions via telephone with various stakeholders, including the California Department of Education, California Department of Finance, California Department of Health Care Services, California Department of Justice, California Department of Public Health, California State Board of Equalization, University of California, and proponents of Proposition 56.

#### ALTERNATIVES CONSIDERED

The State Auditor has determined that no reasonable alternative considered by the State Auditor or that has otherwise been identified and brought to the attention of the State Auditor would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

#### CONTACT PERSON

Inquiries relating to this proposed action and written comments may be directed to:

Brianna Carlson  
California State Auditor's Office  
621 Capitol Mall, Suite 1200  
Sacramento, CA 95814  
Telephone: (916) 445-0255  
Fax: (916) 323-0913  
E-mail: [regulations@auditor.ca.gov](mailto:regulations@auditor.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION

The State Auditor has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based, including the express terms. The rulemaking file is available for public inspection on the State Auditor's website at [www.auditor.ca.gov](http://www.auditor.ca.gov) or by making a request to the contact person listed above.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations may be obtained by making a request to the contact person listed above. These proposed regulations

may also be viewed and downloaded from the State Auditor's website at [www.auditor.ca.gov](http://www.auditor.ca.gov).

If there are substantial changes to the originally proposed regulations, these change(s) will be available for public inspection 15 days prior to adoption by the State Auditor. You will be able to obtain a copy of the change(s) by making a written request to the contact person listed above. The change(s) will also be available for public inspection on the State Auditor's website at [www.auditor.ca.gov](http://www.auditor.ca.gov).

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

The express terms, the final statement of reasons, and all the information upon which the proposed regulations are based will be contained in the final rulemaking file located at 621 Capitol Mall, Suite 1200, Sacramento, California 95814. The final rulemaking file will be available for public inspection on the State Auditor's website at [www.auditor.ca.gov](http://www.auditor.ca.gov) or by making a request to the contact person listed above. 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 listed above.

#### WEB SITE ACCESS

Materials regarding this proposal can be found at [www.auditor.ca.gov](http://www.auditor.ca.gov).

### **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 code of the following:

#### CONFLICT- OF-INTEREST CODES

##### AMENDMENT

STATE AGENCY: Department of Resources,  
Recycling, and Recovery

A written comment period has been established commencing on July 7, 2017, and closing on August 21, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cesar

Cuevas, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than August 21 2017. 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 Cesar Cuevas, 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 Cesar Cuevas, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. STATE PERSONNEL BOARD**

**DATE:** July 7, 2017  
**TO:** ALL INTERESTED PARTIES  
 /s/ SUZANNE M. AMBROSE  
**FROM:** Suzanne M. Ambrose  
 Executive Officer  
**SUBJECT:** NOTICE OF PROPOSED REGULATIONS

Notice is hereby given that the State Personnel Board (Board) proposes to adopt the regulatory changes described below. The Board will consider any and all comments, objections, or recommendations that may be timely submitted regarding this proposed action.

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on August 22, 2017, at 10:00 a.m. in Room 150 at 801 Capitol Mall, Sacramento, California.

WRITTEN COMMENT PERIOD

The written comment period closes on August 21, 2017, at 5:00 p.m. Any interested party, or his or her duly authorized representative, may submit written com-

ments relevant to the proposed regulatory action to the contact person listed below.

Jeanne R. Wolfe  
 Senior Attorney  
 State Personnel Board  
 801 Capitol Mall, MS 53  
 Sacramento, CA 95814  
 Fax: (916) 653-4256  
 Email: [jeanne.wolfe@spb.ca.gov](mailto:jeanne.wolfe@spb.ca.gov)

Comments must be received by the contact person no later than 5:00 p.m. on August 21, 2017.

AUTHORITY AND REFERENCE

The Board proposes to adopt the proposed action under the authority granted by the California Constitution, article VII, sections 3 and 5, and Government Code sections 18502, 18701, 18660, and 19889 in order to implement, interpret, and make specific the provisions of the California Constitution, Article VII, sections 1 and 3, and Government Code sections 18500, 18670, 19050, 19257, 19257.5, 19572, and 19889.2.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

**A. Summary of Existing Laws and Regulations Related to the Proposed Action**

The Board is a constitutional body responsible for enforcing California's civil service statutes. (Cal. Const., art. VII, § 3.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*) The Board also establishes rules implementing and enforcing the merit principle in the state civil service system. (Gov. Code, § 18660; see Cal. Const., art. VII, § 1, subd. (b).)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§ 18211, 18215, & 18216.) The Board's regulations concerning selection, examinations, and classification may be adopted by the Board without public notice or comment; however, regulations related to selection and examinations shall be reasonably available to all interested parties. (Gov. Code, § 18213.) The rulemaking procedures set forth in Government Code section 18214 apply to the adoption of Board regulations concerning other matters.

In this instance, the subject matter of the proposed regulations relates to selection and is thus exempt from the APA process; however, the Board finds that a public comment period would be appropriate for this regulatory package.

**B. Comparable Federal Regulations or Statutes**

The Board has conducted a review of federal regulations and statutes and determined there are no comparable federal regulations or statutes.

**C. Policy Statement Overview**

This proposed regulatory action concerns the requirement that to be valid all civil service appointments must be made by the appointing power and accepted by the employee in good faith. The good faith appointment requirement remains substantially the same, although there are grammar and technical revisions made for purposes of clarity and consistency with other Board regulations. The proposed text clarifies when the Board, Executive Officer, or the California Department of Human Resources (CalHR) may correct an unlawful appointment. This clarification is intended to avoid confusion and promote a streamlined and efficient process. The standards for determining whether an unlawful appointment may be voided more than one year after the appointment are simplified by allowing such correction where the employee acted in other than good faith. Where the Board or Executive Officer determines that an appointment is unlawful one year or longer after the appointment and the appointing power, rather than the employee, acted in other than good faith, the Board or Executive Officer may take corrective action as to the appointing power only. The compensation standards are renumbered for clarity, and the section concerning remedial measures is amended for purposes of updating and consistency of style. The regulation concerning the right to respond to a voided appointment is amended to clarify that the triggering event could be based upon action by the Board, or Executive Officer, of CalHR. The rule concerning the right to appeal is renumbered with style changes.

This proposed regulatory action also concerns the good faith requirement for career executive assignments (CEAs) or CEA appointments. The proposal simplifies the good faith requirement and associated procedures by making them the same as for non-CEA civil service appointments. Other proposed changes are technical.

**D. Evaluation of Consistency and Compatibility with Existing State Regulations**

In reviewing other state regulations, the Board found that the instant regulatory proposal is consistent and compatible with existing state regulations.

**DETERMINATION OF FISCAL IMPACT ON PUBLIC AGENCIES**

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any State agency: This proposed regulatory package is intended to make more efficient and streamlined the procedure for cancelling or withdrawing a notice of rejection during probation. Therefore, the Board expects that costs or savings to State agencies will be minimal, if any.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.

**SIGNIFICANT EFFECT ON HOUSING COSTS**

None.

**ECONOMIC IMPACT ON BUSINESS**

- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Effect on small business: The proposed regulations only set standards related to state civil service probation procedures. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

**DESCRIPTION OF COST IMPACT**

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

**RESULTS OF ECONOMIC IMPACT ASSESSMENT**

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state’s environment.



It is expected that the adoption of this regulatory package will have a positive impact on the general health and welfare of California residents in that the benefits of this proposed regulatory action include updating, simplifying, and clarifying the rules related to ensuring that appointments in civil service and to CEAs are made in good faith.

**CONTACT PERSONS**

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Jeanne R. Wolfe  
 Senior Attorney  
 State Personnel Board  
 801 Capitol Mall, MS 53  
 Sacramento, CA 95814  
 Phone: (916) 653-1028  
 Fax: (916) 653-4256  
 Email: [jeanne.wolfe@spb.ca.gov](mailto:jeanne.wolfe@spb.ca.gov)

In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Lori Gillihan  
 Chief, Policy and Compliance Review Division  
 State Personnel Board  
 801 Capitol Mall, MS 53  
 Sacramento, CA 95814  
 Phone: (916) 653-1028  
[Lori.Gillihan@spb.ca.gov](mailto:Lori.Gillihan@spb.ca.gov)

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Senior Attorney Wolfe at the above address.

**AVAILABILITY OF RULEMAKING FILE**

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~ and underline;
2. A copy of this notice and statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA

95814, Fax: (916) 653-4256. Items 1 through 3 are also available on the Board's website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?" Copies may be obtained by contacting the contact person via the address, email, or phone number listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that 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 Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the contact person at the address indicated above. The Board will accept written comments only on the modified regulations for 15 days after the date on which they are made available to the public.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and ~~strikeout~~ can be accessed on the Board's website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?"

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

Notice is hereby given that the Department of Food and Agriculture (Department) intends to adopt Division 5, Livestock Drugs and create Chapter 1, Sales of Restricted Livestock Drugs (Sections 5000-5004) and Chapter 2, Sales of Medically Important Antimicrobial Drugs (Sections 5005-5012) described below. With this rulemaking, the Department will propose permanent regulations, after the consideration of all comments, objections, and recommendations. The Department is issuing this notice to meet requirements set forth in Government Code Section 11346.4.

**PUBLIC HEARING**

Any interested person, or his or her authorized representative, may present, either orally or in writing, com-

ments regarding the proposed action at one of the public hearings, to be held at the following times and locations:

**Tuesday, August 15, 2017 from 1:00 p.m. to 2:00 p.m.**

California Department of Food and Agriculture  
Office  
1910 S. Archibald Ave., Ste. Y  
Ontario, CA 91761

**Tuesday, August 22, 2017 from 10:00 a.m. to 11:00 a.m.**

California Department of Food and Agriculture  
Office  
2800 Gateway Oaks Dr., Room 101  
Sacramento, CA 95833

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may be submitted by mail to the address provided below, by facsimile (FAX) to (916) 900-5349, or by email to us [regulations@cdfa.ca.gov](mailto:regulations@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on August 22, 2017. The Department will only consider comments received at the Department by that time.

Submit comments to:

Rachelle Kennedy, Senior Environmental Scientist  
(Specialist)  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814

#### AUTHORITY AND REFERENCE

The Department is proposing changes to Title 3 of the California Code of Regulations as follows: adoption of Sections 5000-5012. Food and Agricultural Code Sections 407, 14231, 14403, and 14405 authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 14203, 14205, 14262, 14295, 14321, 14322, 14323, 14324, 14325, 14326, 14327, 14328, 14329, 14330, 14382, 14400, 14403, 14405, 14406, and 14408 of the Food and Agricultural Code, Section 4830 of the Business and Professions Code, Section 558.6(b)(3)(v) of Title 21 of the Code of Federal Regulations, Section 1780.1(g)(2) of Title 16 of the

California Code of Regulations and Division 3, Part 1, Chapter 5 of Title 2 of the Government Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Senate Bill 27 (Hill) was signed by Governor Brown on October 10, 2015 with the intent to preserve the efficacy and ensure current and future availability of medically important antimicrobial drugs for use in livestock to maintain animal health and welfare while minimizing potential public health impacts. The bill resulted in additions to the California Food and Agricultural Code (Division 7, Chapter 4.5, Sections 14400-14408) that address the use of medically important antimicrobial drugs in livestock, development of antimicrobial drug stewardship programs and best management practices, and surveillance of antimicrobial use and practices as well as antimicrobial resistance patterns in bacteria.

To implement the new provisions of Division 7, Chapter 4.5, the California Department of Food and Agriculture (hereafter referred to as "the Department") created the Antimicrobial Use and Stewardship (AUS) program. The AUS program spans two divisions within the Department, the Division of Inspection Services and the Animal Health and Food Safety Services Division. Within the Division of Inspection Services, the Livestock Drug Program is responsible for enforcing the current Livestock Drug Law (Division 7, Chapter 4 of the Food and Agricultural Code) by maintaining the registration of over-the-counter livestock drugs and licenses for the sale of restricted livestock drugs. There are two sections of Division 7, Chapter 4.5 that are subject to the current Livestock Drug Law. For this reason, the Division of Inspection Services has proposed regulations to provide improved clarity on portions of Food and Agricultural Code Division 7, Chapters 4 and 4.5 in an effort to help industry and consumers to better understand the law, while also helping the Department implement the mandates of Senate Bill 27.

Food and Agricultural Code (FAC) Section 14401 states that beginning January 1, 2018, a medically important antimicrobial drug shall not be administered to livestock unless ordered by a licensed veterinarian through a prescription or veterinary feed directive, pursuant to a veterinarian-client-patient relationship that meets the requirements of Section 2032.1 of Title 16 of the California Code of Regulations (CCR). However, to ensure that these drugs remain available to livestock producers for their appropriate use in protecting the health of the livestock population of the state, FAC Section 14403 goes on to state that medically important antimicrobial drugs may be sold by retailers licensed pursuant to FAC Division 7, Chapter 4, Article 5. This

means that businesses licensed by the Division of Inspection Services to sell restricted livestock drugs under the current Livestock Drugs Law may continue to sell medically important antimicrobial drugs after FAC Section 14401 goes into effect on January 1, 2018. However, once the law goes into effect, restricted livestock drug licensees may only sell medically important antimicrobial drugs at retail when presented with a valid prescription or veterinary feed directive from a licensed veterinarian.

The existing Livestock Drug Law (FAC Division 7, Chapter 4) would benefit from additional clarity on which types of businesses are required to have a restricted livestock drug license, how to apply for and renew a license, what information is required on the license application, and what records must be kept and for how long. The new law on livestock use of antimicrobial drugs (FAC Division 7, Chapter 4.5) lacks clarity on what restricted livestock drug licensees must do before selling medically important antimicrobial drugs at retail to ensure compliance with the law, what records must be kept and for how long, how medically important antimicrobial drugs must be stored, and how medically important antimicrobial drugs must be labeled prior to retail sale.

The proposed regulations for FAC Division 7, Chapter 4, will clarify the existing statutory requirement that all businesses selling restricted livestock drugs into California are required to have a restricted livestock drug license, will explain how to apply for and renew a license, as well as what records must be kept and how long the records must be kept. The proposed regulations for FAC Division 7, Chapter 4.5, will clarify the additional requirements associated with sales of medically important antimicrobial drugs, including what restricted livestock drug licensees are responsible for verifying prior to selling medically important antimicrobial drugs, additional recordkeeping requirements specific to retail sales of medically important antimicrobial drugs, provisions for the proper storage and inventory of medically important antimicrobial livestock drugs, and instructions for how medically important antimicrobial livestock drugs must be labeled prior to retail sale.

*Anticipated benefits of the proposed regulations:*

Clarifying that the existing livestock drug law requires all businesses, regardless of location (in state or out of state) or sales method (online, catalog, etc.), to have a restricted livestock drug license prior to selling restricted livestock drugs in California will help ensure that all restricted livestock drugs, including medically important antimicrobial drugs, are sold appropriately and in accordance with California law.

Specifying how to apply for and renew a restricted livestock drug license will provide improved clarity and uniformity for businesses and will help ensure that businesses become and remain licensed.

Explaining what records must be kept by restricted livestock drug licensees and how long the records must be kept will ensure that records of sale remain available for an adequate period of time for the Department to inspect in order to verify compliance with the requirements of the law.

Clarifying that medically important antimicrobial drugs are considered restricted livestock drugs will help ensure that businesses selling medically important antimicrobial drugs are aware that they must have a restricted livestock drug license and that they are required to comply with the laws and regulations applicable to sales of restricted livestock drugs in addition to medically important antimicrobial drugs.

Explaining what restricted livestock drug licensees are responsible for verifying prior to selling medically important antimicrobial drugs at retail will help ensure that medically important antimicrobial drugs are only sold with a valid prescription or veterinary feed directive from a licensed veterinarian.

Specifying the additional recordkeeping requirements for retail sales of medically important antimicrobial drugs will ensure that Department investigators are able to verify that restricted livestock drug licensees are complying with FAC Division 7, Chapter 4.5, by only selling medically important antimicrobial drugs when presented with a prescription or veterinary feed directive from a licensed veterinarian. The maintenance of adequate sales records will also help the Department monitor the sales and usage of medically important antimicrobial drugs and prepare a report on their use for the Legislature, as required by FAC Division 7, Chapter 4.5.

Clarifying the proper storage and inventory of medically important antimicrobial drugs will minimize the risk of theft, loss, or illegal sale and will help ensure that medically important antimicrobial drugs are only available at retail with a valid prescription or veterinary feed directive from a licensed veterinarian.

Specifying how medically important antimicrobial livestock drugs must be labeled prior to retail sale will help ensure they are administered in accordance with veterinarian guidance and will minimize the risk of improper use that may contribute to antibiotic resistance.

Overall, the broad goal of these regulations is to help ensure that medically important antimicrobial livestock drugs remain available to livestock producers for their appropriate use in protecting the health of the livestock population of the state, and that such use will in turn

benefit the general public by maintaining an abundant supply of wholesome food and fiber.

**Inconsistency with federal or state statute or regulation:** There is no existing, comparable federal statute or regulation regarding the licensing of retailers selling livestock drugs that are federally labeled for over the counter use, including medically important antimicrobial drugs, or any associated recordkeeping provisions. Title 21, Chapter I, Subchapter E: Part 558 of the Code of Federal Regulations describes restrictions on medicated animal feed and mandates the use of a veterinary feed directive. However, the proposed regulations supplement rather than conflict with federal regulations on the veterinary feed directive. The proposed regulations only seek to clarify how businesses licensed by the Department to sell restricted livestock drugs can comply with state-mandated provisions for the retail sale of medically important antimicrobial drugs. The regulations do not impact the sale of medicated animal feed by feed mills.

The Department is the only agency that can implement regulations pertaining to restricted livestock drug licensees. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations. It is important to clarify that restricted livestock drug licensees may only dispense drugs that are federally labeled as over the counter; licensees may not sell drugs that are federally labeled as prescription only. Because only over the counter drugs are sold, restricted livestock drug licensees are therefore not subject to requirements governing prescription drugs. In addition, Section 14403 expressly exempts restricted livestock drug licensees from the requirements applicable to veterinary food-animal drug retailers found in Business and Professions Code Section 4196.

**Documents incorporated by reference:** None.

DISCLOSURES REGARDING THE PROPOSED ACTION

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

**Cost or savings to any state agency:** The Department has anticipated costs resulting from the adoption of the regulations on sales of medically important antimicrobial drugs. The additional expenditures for the implementation of the proposed regulations have been included on 2017-2018 Budget Request Name 8570-007-BCP-CP-2017-GB. The cost for the Inspection Services portion of the Antimicrobial Use and Stewardship program for the 2017/2018 fiscal year is budgeted at \$827,000. The ongoing cost for the next

two fiscal years is budgeted at \$827,000 per year; this cost is expected to be permanent.

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

**Other nondiscretionary cost or savings imposed upon local agencies:** None.

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

**Cost impacts on a representative person or business:** Based on investigator observations in the field, the Department anticipates that compliance with the proposed regulations will only require use of existing facilities and basic office equipment for the majority of restricted livestock drug licensees and has concluded that cost impacts will not be significant. The Department has prepared an estimate of possible costs for small and typical businesses; please reference the Initial Statement of Reasons for additional information.

**Persons/businesses affected by this proposal:** This proposal affects businesses selling restricted livestock drugs in the state of California. In addition, some provisions of this proposal impose requirements specifically on those restricted livestock drug licensees that sell medically important antimicrobial drugs at retail.

**Anticipated compliance requirements as a result of this proposal:** The proposed regulations clarify the existing requirement that any businesses selling restricted livestock drugs into California, including alternative methods of sale (e.g., online) and businesses based out of state, must have a restricted livestock drug license issued by the Department. In addition, the proposed regulations clarify that all restricted livestock drug licensees are responsible for complying with the recordkeeping provisions for sales of restricted livestock drugs, as well as the additional verification, recordkeeping, storage, and labeling provisions for retail sales of medically important antimicrobial drugs.

**Business reporting requirement:** The proposed regulation clarifies that records relating to sales of restricted livestock drugs and medically important antimicrobial drugs must be maintained for three years and are subject to audit by the Secretary of the Department. However, the regulations do not impose a mandatory reporting requirement.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department has initially determined that the proposed regulatory action will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business within the State of California.

**Benefits of the proposed action:** The Department believes that the proposed regulations will benefit the health and welfare of California residents. The proposed regulations will bring clarity to the existing law and will reduce the likelihood of unlawful sales. The lawful sale of restricted livestock drugs, including medically important antimicrobial drugs, will help ensure that a safe supply of livestock drugs remain available to producers for their appropriate use in protecting the health of the livestock population of the state, thereby maintaining an abundant supply of wholesome food and fiber. This will also help to preserve the efficacy and ensure current and future availability of medically important antimicrobial drugs while minimizing potential public health impacts.

**Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:** Although the proposed action will directly affect businesses statewide, including small businesses, the Department concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

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

#### SMALL BUSINESS DETERMINATION

The Department has determined that the proposed action will affect small business.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSONS

Mail and telephone inquiries concerning the proposed administrative action may be directed to:

Rachelle Kennedy, Senior Environmental Scientist  
(Specialist)  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
Telephone: 916-900-5022

The backup contact person for these inquiries is:

Erika Lewis, Associate Governmental Program  
Analyst  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
Telephone: 916-900-5022

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rule-making is based, to Rachelle Kennedy at the above address.

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 2800 Gateway Oaks Drive, Sacramento, CA 95833. As of the date this notice is published in the Notice Register, the rule-making file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Rachelle Kennedy.

#### AVAILABILITY OF CHANGED OR MODIFIED 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. Please send requests for copies of any modified regulations to the attention of Rachelle Kennedy. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Rachelle Kennedy.

**AVAILABILITY OF DOCUMENTS ON  
THE INTERNET**

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

**TITLE 13. CALIFORNIA  
HIGHWAY PATROL**

**AMEND TITLE 13, CALIFORNIA CODE OF  
REGULATIONS, DIVISION 2, CHAPTER 6  
ARTICLE 1, SECTION 1153**

**Explosive Routes and Stopping Places  
(CHP-R-2017-02)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR) Section 1153, Safe Stopping and Parking Places, related to the designation of safe stopping places, safe parking places, inspection stops, and required inspection stops for highway commercial vehicles transporting explosives in the state.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Pursuant to Section 31616 of the California Vehicle Code (CVC), Designation of Routes, the CHP shall prescribe, by regulation, a list of safe stopping places for commercial vehicles transporting explosives on highways. Section 31616 CVC further requires the CHP to revise the list and keep it current. The proposed amendments will update the list of safe stopping places, safe parking places, inspection stops, and required inspection stops in the regulation.

The CHP's field commands conduct annual surveys on the explosives routes and safe stopping places to determine if changes are necessary. The CHP field commands inspected the locations of listed business establishments serving as safe stopping and parking places. Business owners expressed their willingness to provide their business location and service information in the

CCR by signing the CHP 114, Designation as Safe Stopping Place, and/or CHP 114A, Designation as Safe Parking Place.

The proposed amendments will not change any explosives routes and will only update the list of safe stops to be used by carriers transporting explosives along the designated explosives routes. These updates are mostly due to business closures and ownership changes. The CHP has also received the concurrence with the proposed regulation amendment from the State Fire Marshal.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of health, safety, and welfare of California's residents, workers, and environment because changes to the application of the regulation are not substantive, and bring the regulation in conformance with existing statute. Updating safe stops designated for carriers transporting explosives is clarifying in nature and are all for transportation safety and public health.

During the process of developing these regulations and amendments, the CHP has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing federal and state regulations.

**PUBLIC COMMENT**

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
Attention: Dr. Tian-Ting Shih  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., August 21, 2017.

**PUBLIC HEARINGS**

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

**AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text in

strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP at the address above, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. Facsimile requests for information should include the following information: the title of the rule-making package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 B North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at either of the above noted addresses. Copies will also be posted on the CHP website.

#### CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Officer Adam Roha at (916) 843-3400.

#### ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

#### FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Sections 17500-17630 of the Government Code (GC) require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the

State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) 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.

Benefits of the Proposed Action: The proposed regulation updating safe stops designated for carriers transporting explosives will continue to provide benefits, which include a nonmonetary benefit to the protection of public health and safety for residents and workers, and the protection to the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

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

The CHP 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 CHP has determined the proposed regulatory action may affect small businesses. If a business can no longer meet the requirements for safety, they will be deleted from the list of safe stopping and safe parking places. However, due to the very limited amount of commercial vehicles transporting explosives on the designated routes in the state, no foreseeable economic impact is projected for the small business to be removed from the list.

#### ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, 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. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 31616 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 31303, 31304, 31601, 31602, 31607, 31611, 31614, and 31616 CVC.

**TITLE 13. DEPARTMENT OF MOTOR VEHICLES**

I. NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Section 160.00 and adopt Sections 160.02, 160.04, 160.06, 160.08, 161.00, 161.02, 161.04, and 161.06 in Article 3.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to California sponsored license plate programs including Special Interest License Plates, Specialized License Plates, and Commemorative Collegiate License Plates.

- **Public Hearing:** A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.
- **Deadline for Written Comments:** Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **August 21, 2017**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.
- **Authority and Reference:** The department proposes to adopt this regulation under the authority granted by Vehicle Code sections 1651 and 5110 in order to implement, interpret, or make specific Vehicle Code sections 1653, 1653.3, 1653.5, 1808, 4150, 4460, 4466, 4850, 5024, 5060, 5101, 5105, 5106, 5110, 5155, 5156, 5157, 5159, 5160 and 8802; Sections 2721 through 2725, Title 18, United States Code; and *Walker v. Texas*, 135 S.Ct. 2239 (2015).

II. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The department registers vehicles and vessels, and provides license plates for registered vehicles. The department relies on specifications in the Vehicle Code for the size of the plate and the location of some identifying criteria, and on the Department of California Highway Patrol (CHP) to determine safety and visibility standards for plates. Plate colors and designs have changed over the decades, but each plate bears a unique number regardless of its color or series. The department creates and manages many specialized and specialty license plates in addition to creating and assigning regular series license plates for all vehicles. In Articles 8, 8.4, 8.5 and 8.6, of Chapter 1 of Division 3 of the Vehicle Code, license plate programs allow sponsors to propose plate programs to the department to raise revenue for specified programs. Vehicle Code section 5024 allows a college to sponsor a commemorative collegiate license plate to raise money for the California Student Aid Commission. In Article 8.6, state agencies may sponsor plate programs to raise money for a variety of programs. These are called Specialized License Plates (SLP). Some plate proposals are specified in the Vehicle Code, and direct an agency to develop a plate, but there is a general provision allowing any state agency to independently apply to the department to sponsor a plate even without a specific legislative directive to do so. Also, although currently suspended by legislation, Article 8.4 allowed some private entities to sponsor plate programs to raise money for private use. These are known as Special Interest License Plates (SILP). A well-known example of this is the Yosemite plate created in Vehicle Code section 5064.

Each of these sponsored plate statutes have similar requirements. They require the sponsor to design a plate, enroll a large number of potential participants into the proposed program before it is approved, to collect pre-payments from participants, and to notify participants after a year if the enrollment threshold is not achieved. For state agency sponsors, the enrollment period can be extended to two years. For plate programs where the sponsor also receives the revenue from the department, the department is responsible for reviewing annual accounting reports, and is required to discontinue plate programs if excessive funds are spent on administration of the plate program. Termination of each sponsored plate programs is also required if participation by registered owners falls below statutory minimums.

The department deducts its administrative costs from the statutory fees required to obtain a sponsored plate. Then the department transfers net revenue to the designated programs.



Sponsored plates can also reflect a personalized registration number, at the request of the registrant. There is an added fee for this personalized option, and the revenue from personalization goes to the Environmental License Plate fund established in Article 8.5.

Historically, messages and images on license plates were considered by the federal courts to be either a public forum for private speech, or mixed government and private speech, and therefore implicate the First Amendment rights of those who wish to use the license plate forum to express a viewpoint or message. However, in June of 2015, the U.S. Supreme Court ruled in the case of *Walker v. Texas*, 135 S.Ct. 2239, that all messages and images on license plates are government speech. The government can decide the content of a plate regardless of the potential impact of not including some citizens' message, and not be considered to be infringing upon the first amendment rights of individuals.

The department anticipates more agencies will apply for plate programs. This proposal establishes uniform and efficient requirements any sponsor must follow in order to establish a license plate program.

**Problems the Department Intends to Address Through This Proposed Regulatory Action:**

1. Individualized procedures for each sponsor consume staff resources to advise sponsors at each step in the process.
2. Untimely transfer of applications and fees to the department delays production of plates.
3. Sponsors distributing erroneous information in marketing materials misleads the public.
4. Sponsors obtain personally identifying information from registered owners, and currently there is no requirement to maintain its confidentiality.
5. The submission and acceptance of multiple designs for prototype testing delays program development and consumes resources unnecessarily.
6. Failed plate programs that are cancelled due to lack of interest consume department resources that can never be recovered since no plate sales occur from which administrative costs are to be deducted.

**Effect of the proposed rulemaking:**

The effect will be more efficient and successful plate program developments by state agencies and colleges, which in turn raises more revenue for government programs and student aid.

**Anticipated Benefits and Broad Objectives of the Proposal:**

These proposed regulations will provide clear, specific and effective requirements for sponsors of Spe-

cialized and Commemorative Collegiate plates to efficiently develop a plate program. These programs are designed in the statutes to be cost neutral to the department and at the same time easy to develop and promote by sponsors. Plates that are visually appealing, support popular government programs or schools, and have no negative impact on safety are needed to meet the fundraising purposes.

Specific changes are as follows:

Section 160.00

This revised section contains definitions used in these proposals. Sections of existing 160.00 regarding annual reporting of administrative costs by a Special Interest Plate sponsors are moved to new section 160.02.

Section 160.02

Any sponsor of a successful plate program who receives the funds generated by the program is required to complete a report of expenditures, including administrative costs, and submit it to the department.

Section 160.04

This section contains the information a sponsor must submit to the department to initiate a plate program. This includes the technical specifications for plates, agreeing to indemnify the department for claims arising out of the plate, a marketing plan and a financial plan.

Section 160.06

This section prohibits a sponsor from advertising that a plate is available prior to approval of the plate program by the department, and limits design changes after department approval has been given.

Section 160.08

This section clarifies that upfront costs may be invoiced by the department and charged to the sponsor.

Section 161.00

This section describes how a sponsor enrolls potential participants, including the information and fees to be collected, limitations on plate orders paid for by someone other than the registered owner, limitations on the sponsors' use of enrolling registered owners' personal information, and reporting requirements during the enrollment period. This section also requires the sponsor to refund fees during the enrollment period if requested by an enrolled registered owner.

Section 161.02

This section contains the process the department uses after the minimum number of enrollees have joined the proposed plate program. The rules here pertain to delivering the fees and the list of enrollees to the department for processing and verification.

Section 161.04

This section describes the process for redesigning a plate after it is put into production.

Section 161.06

This section contains the unique requirements for a Commemorative Collegiate Plate, such as the qualifications of a sponsor and limitations on the design criteria.

**Additional Determinations:**

- **Consistency and Compatibility with State Regulations:** The department has conducted a review of other regulations related to the issuance of motor vehicle license plates. In doing so, the department has determined that this regulatory action is both consistent and compatible with other state regulations.
- **Comparable Federal Statutes or Regulations:** The department has conducted review of federal and state statutes and determined none fulfill this purpose or achieve the benefit of these proposals, or are otherwise comparable.
- **Documents Incorporated by Reference:**
  - CA Department of Motor Vehicles License Plate Template, Form REG 933 (VER. 9/6/2016)  
 These documents will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties on the department’s internet website or by contacting the department representative identified below.
- **Federal Law or Regulation Mandate:** These regulations are not mandated by federal law or regulations.
- **Local Agency/School District Mandate:** The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

III. IMPACT ASSESSMENTS

**Economic and Fiscal Determinations:**

The department has made the following initial determinations concerning the proposed regulatory action:

- **Cost or Savings to Any State Agency:** None.
- **Other Non-Discretionary Cost or Savings to Local Agencies:** None.

- **Costs or Savings in Federal Funding to the State:** None.
- **Effects on Housing Costs:** None.
- **Impacts Directly Affecting Businesses:** The proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- **Cost Impact 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.
- **Small Business Impact:** The proposal will not have an economic or fiscal impact on small business. There is no impact because the requirements only affect government or other entities who wish to sponsor or who currently sponsor a license plate program.
- **Cost to Any Local Agency or School District Requiring Reimbursement Under Part 7 of Division 4, Commencing with Section 17500 of the Government Code:** None.

**Results of the Economic Impact Statement:**

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

- **Creation or Elimination of Jobs Within the State of California:**  
 The proposed action establishes procedures for specialized and collegiate plate sponsors to follow when seeking approval from the department to launch a plate program to fund designated programs. Because the proposal only imposes requirements on government entities who seek to raise funds, the department does not anticipate any impact on the creation or elimination of jobs within California.
- **Creation or Elimination of Existing Businesses Within the State of California:** The proposed action establishes requirements for specialized and collegiate plate sponsors to follow when seeking approval from the department to launch a plate program to fund designated programs. Because the proposal only imposes requirements on government entities who seek to raise funds, the department does not anticipate any impact on the

creation or elimination of existing businesses within California.

- **Expansion of Businesses Currently Doing Business in the State of California:** The proposed action establishes requirements for specialized and collegiate plate sponsors to follow when seeking approval from the department to launch a plate program to fund designated programs. Because the proposal only imposes requirements on government entities who seek to raise funds, the department does not anticipate any impact on the expansion of businesses currently doing business within California.
- **Benefits of Regulation to the Health and Safety of California Residents, Worker Safety and the State's Environment:**  
This action may increase benefits to Californians in that it creates streamlined and efficient plate program development requirements which will provide greater efficiency to state agencies who attempt to raise money for specific programs that may in turn impact the health and welfare of California residents.

#### IV. ADDITIONAL INFORMATION

- **Public Discussions of Proposed Regulations:** A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.
- **Alternatives Considered:** The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be 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 provisions of law.
- **Contact Person:** Any inquiries or comments concerning the proposed rulemaking action may be addressed to:  
Tracy Brazil, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division

P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8919  
Facsimile: (916) 657-1204  
E-Mail: LADRegulations@dmv.ca.gov

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

Randi Calkins, Regulations Analyst  
Telephone: (916) 657-6469

- **Availability of Statement of Reasons and Text of Proposed Regulations:** The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/dmv/dmvhomes/regulatoryactions>.

- **Availability of Modified Text:** Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified

regulations for 15 days after the date on which they are first made available to the public.

**TITLE 16. BOARD OF  
BEHAVIORAL SCIENCES**

**NOTICE OF PROPOSED CHANGES  
Subject Matter of Proposed Regulations:  
Application Processing and  
Registrant Advertising**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (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:

Board of Behavioral Sciences  
1625 N. Market Blvd.  
El Dorado Room, Suite 220  
Sacramento, CA 95834  
August 22, 2017  
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 not later than 5:00 p.m. on August 21, 2017, 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 proposals 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 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: Pursuant to the authority vested by Sections 137, 650.4, 4980.34, 4980.60, and 4990.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific Sections 137, 650.4, 651, 4980.03, 4980.09, 4980.40, 4980.44, 4982, 4989.20, 4989.49, 4989.54, 4992.2, 4992.3, 4996.2, 4996.18, 4999.12, 4999.12.5, 4999.42, 4999.46 and 4999.90 of the BPC, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as described in this Notice.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

**Amend Section 1805.1 — Permit (Application)  
Processing Times**

This regulation currently sets forth the Board’s maximum application processing time frames, the “actual” processing times based on the prior two years, and the maximum time after receipt of a complete application to issue or deny a license in accordance with the “Permit Reform Act of 1981” (PRA, Government Code sections 15374–15378).

The PRA was repealed by Assembly Bill 1757 (Chapter 229, Statutes of 2003). The proposed rule-making will amend regulations initially adopted in conformance with the PRA in a manner designed to increase this section’s helpfulness to applicants.

The proposed amendments would update the license types and application types listed, and update the maximum processing times to reflect current processing times. It would also delete the column titled, “Maximum time after receipt of a complete application to issue or deny license or registration.” This information will continue to be collected and reported to the Board. The column titled, “Actual processing times based on prior two years” is also proposed to be deleted, as this information is inaccurate and unnecessary.

The objective of this proposal is to provide applicants with a realistic expectation of how long it will take the Board to process their application. The Board established the amendments to the maximum processing times (30 or 60 business days, depending on application type) based on application volumes, staffing levels and actual processing times over the past 18 months.

Policy Statement Overview: The amendments would result in an up-to-date and accurate chart that is consistent with current processing times for all application types, thereby making the regulation more relevant and helpful for applicants. By establishing up-to-date processing times to which the Board can be held accountable, this proposal helps to ensure consumers will have a consistent supply of licensed mental health professionals, and that applicants will have reasonable waiting periods to enter their professional occupation.

**Amend Section 1811 — Advertising**

Business and Professions Code (BPC) section 651 states that it is unlawful for any healing arts licensee to disseminate any public communication containing a false, fraudulent, misleading or deceptive statement for the purpose of inducing the rendering of services in connection with the licensee’s practice.

The Board’s statutes define “advertising” as any public communication, including printed matter or business solicitations communicated by radio or television broadcasting (BPC sections 4980.03(e), 4989.49,

4992.2 and 4999.12(j)). Section 1811 specifies the minimum information which must be included in advertisements, and mandates the specific titles that a licensee or registrant must use in advertisements.

Effective January 1, 2018, a statutory change revises the existing registration titles, “Marriage and Family Therapist Intern” and “Professional Clinical Counselor Intern.” These titles will be replaced by “Associate Marriage and Family Therapist” and “Associate Professional Clinical Counselor” (Senate Bill 1478, Chapter 489, Statutes of 2016).

This regulatory proposal would implement the new statute by adding the use of “Registered Associate Marriage and Family Therapist” or “Registered Associate Professional Clinical Counselor” to the list of acceptable titles when advertising, and implements a sunset date of December 31, 2018 for the continued use of the old titles.

Existing law specifies another registrant title of “Associate Clinical Social Worker” (ASW), and this title is not changing. However, this proposal would make the advertising regulations pertaining to ASWs consistent with requirements for other registrant types. The amendment would prohibit the abbreviation “ASW” from being used in an advertisement unless the title “Registered Associate Clinical Social Worker” appears in the advertisement.

**Policy Statement Overview:** This proposal would update the regulations for consistency with statute, provide consistency between regulatory provisions for different registration types, and provide clarity in how the new registration titles can be used in advertisements. It also allows registrants enough time (one year) to use up existing stocks of printed advertising material, thereby providing the opportunity to avoid costs for compliance. It also would benefit consumers by ensuring that clear and accurate titles are used in advertising.

#### ANTICIPATED BENEFITS OF PROPOSAL

The application processing times regulation amendments (section 1805.1) would make the regulations more relevant and helpful to applicants; would help to ensure consumers will have a consistent supply of licensed mental health professionals; and ensure that applicants will have reasonable waiting periods to enter their professional occupation. The advertising regulation change (section 1811) would provide consistency and clarity for registrants, and would benefit consumers by ensuring that clear and accurate titles are used in advertising.

#### CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board of Behavioral Sciences has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

#### FORMS INCORPORATED BY REFERENCE

No forms have been incorporated by reference.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

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 business, including the ability of California businesses to compete with businesses in other states.

The following relevant data was relied upon when making the above determination:

- The proposed amendments to section 1805.1 pertaining to application processing times do not impose any new requirements on a licensee, registrant, or applicant.
- The proposed amendments to section 1811 pertaining to advertising specify a one-year phase-in to help avoid costs to individuals or businesses.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action are minor, and would result from printing costs for a new stock of business cards, or from changing the employee’s title on the business’ website. A one-year phase-in for the advertising regulation has been built in to help avoid such costs.

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.

Effect on Housing Costs: None.

### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations do affect small businesses. Any business that employs Board registrants is required to comply with the advertising portion of the proposed regulation. If the small business provides business cards for its registrants, it will need to order new ones after the title phase-in period. A small business that does not maintain its own website may also incur minimal costs for changing the employee's title on the business' website.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

- **Analysis of creation/elimination of jobs:** This proposal will not create or eliminate any jobs within California. Amendments to section 1805.1 do not impose any new requirements on a licensee, registrant, or applicant. The amendment to section 1811(a)(2)(E) imposes a very minor new requirement for ASWs if the individual uses the acronym "ASW" in advertising. Other amendments to section 1811 merely clarify implementation of new statutory requirements, and create consistency between the statutes and regulations.
- **Analysis of creation/elimination of businesses:** This proposal will not create or eliminate any businesses in California for the reasons described above.
- **Analysis of expansion of business:** This proposal will not expand any businesses in California for the reasons described above.
- **Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:** This regulatory proposal will benefit the health and welfare of California residents who seek services by ensuring that clear and accurate titles are used

in registrant advertising. This proposal will also benefit the Board's applicants by providing accurate and clear information about application processing times. By establishing up-to-date processing times, to which the Board can be held accountable, this proposal helps to ensure consumers will have a consistent supply of licensed mental health professionals, and that applicants will have reasonable waiting periods to enter their professional occupation. The proposal will have no effect on worker safety or the State's environment.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and will not eliminate any jobs or occupations. This proposal does not impact multiple industries.

### 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 either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The alternatives considered were as follows:

1. Not adopt the regulations. This alternative was rejected for the following reasons:
  - Not changing section 1805.1 would leave inaccurate and misleading time frames listed in regulation, and would also leave an outdated list of application types in place, which would be confusing and unhelpful to applicants wanting an estimate of how long it might take for the Board to process their application.
  - Not changing section 1811 would leave some inconsistencies between the Board's statutes and regulations. It would be confusing to applicants, registrants and consumers to leave the inconsistencies in place.
2. Adopt the regulations. The Board determined that this alternative is the most feasible because it provides consistency between the statutes and regulations, provides clarity in the titles that can be used in advertising, and provides more useful processing time information to applicants.

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.

<http://www.bbs.ca.gov> and navigate to "Board Activity," then "Law Changes".

**GENERAL PUBLIC INTEREST**

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 person designated in the Notice under Contact Person or by accessing the Board's website at [www.bbs.ca.gov](http://www.bbs.ca.gov).

**DEPARTMENT OF TOXIC SUBSTANCES  
CONTROL**

**Covenant Not to Sue Between DTSC and  
Pasadena Gateway, LLC  
For the Space Bank Mini Storage Facility  
Formerly The Naval Information  
Research Foundation (NIRF)**

**Public Comment Period: July 7–August 21, 2017**

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.

**WHAT IS BEING PROPOSED?** The Department of Toxic Substances Control (DTSC) proposes to enter into an Amended Prospective Purchaser Agreement and Covenant Not to Sue (Agreement) as authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Agreement is between DTSC, Pasadena Gateway, LLC and the California Regional Water Quality Control Board, Los Angeles Region (RWQCB). This Agreement applies to the former Naval Information Research Foundation Under the Sea Center site (Site) located at 3202 Foothill Blvd. in Pasadena, California. In 2012 and 2014, DTSC shared previous versions of the Agreement with the public in response to comments received, and has since made revisions. The amended Agreement includes plans to purchase the Site, demolish the existing improvements and develop the Site into a mixed-use, multi-family and retail project with a total of two acres of open space to serve the needs of the San Gabriel Valley community members.

CONTACT PERSON

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

Name: Christy Berger  
Address: 1625 N. Market Blvd., Suite S–200  
Sacramento, CA 95834  
[Christy.Berger@dca.ca.gov](mailto:Christy.Berger@dca.ca.gov)

Investigations conducted at the Site have detected the presence of various metals; volatile organic compounds, including, but not limited to, tetrachloroethylene; and petroleum hydrocarbons. To date, no investigation of groundwater has been conducted.

The backup contact person is:

Name: Rosanne Helms  
Address: 1625 N. Market Blvd., Suite S–200  
Sacramento, CA 95834

Telephone  
No.: (916) 574–7897  
Fax No.: (916) 574–8626  
E-Mail  
Address: [Rosanne.Helms@dca.ca.gov](mailto:Rosanne.Helms@dca.ca.gov)

HOW DO I PARTICIPATE?

**Website Access:** Materials regarding this proposal can be found on the Board's website at [http://www.bbs.ca.gov/bd\\_activity/reg\\_pending.shtml](http://www.bbs.ca.gov/bd_activity/reg_pending.shtml). *NOTE: The Board is in the process of updating its website. Should the above link no longer work, please see*

DTSC will consider public comments on the Agreement postmarked or received by August 14, 2017. DTSC may decline to finalize the Agreement if such comments disclose facts or considerations that indicate the Agreement is inappropriate, improper or inadequate. **For more information, please contact DTSC Project Manager, Angela Garcia, at (714) 484–5310 or via e-mail at [angela.garcia@dtsc.ca.gov](mailto:angela.garcia@dtsc.ca.gov).**

WHERE DO I GET MORE INFORMATION?

Copies of these documents, key technical reports, and other site-related information are available for review at:

DTSC Regional Records Office  
5796 Corporate Avenue  
Cypress, CA 90630  
(714) 484-5336 By appointment only

**Information about the Space Bank Mini Storage Facility, Formerly The Naval Information Research Foundation (NIRF) site can be found on the DTSC EnviroStor website:** [http://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=19970020](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19970020)

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

**NOTICE OF PUBLIC COMMENT PERIOD  
July 7, 2017 to August 7, 2017**

PROSPECTIVE PURCHASER AGREEMENT  
BROOKLYN BASIN PROJECT — PARCEL A  
Oakland, California

**WHAT IS BEING PROPOSED?** — The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a Prospective Purchaser Agreement with the City of Oakland, regarding Brooklyn Basin (also known as Oak to Ninth Street) Parcel A, located along the Oakland Estuary to the west of the I-880 freeway in Oakland, California. Under the proposed Prospective Purchaser Agreement, the City of Oakland will ensure that cleanup of the parcel occurs, subject to certain conditions and reservations, in consideration of a covenant not to sue by DTSC.

**HOW CAN I GET INVOLVED?** — DTSC will consider public comments on the Prospective Purchaser Agreement that are postmarked or received by August 7, 2017. DTSC may withdraw consent on the Prospective Purchaser Agreement if such comments disclose facts or considerations that indicate the Prospective Purchaser Agreement is inappropriate, improper or inadequate. **Comments should be addressed to:**

**Homayune Atiqee**, Cleanup Program  
**(Please include “Parcel A PPA” in the subject line of your letter or email)**  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710  
[homayune.atiqee@dtsc.ca.gov](mailto:homayune.atiqee@dtsc.ca.gov)

WHERE DO I GET INFORMATION?

Copies of these documents, key technical reports, and other site-related information are available:

**In Person** (By Appointment only):

DTSC Regional Records Office  
File Room  
700 Heinz Avenue  
Berkeley, CA 94710  
(510) 540-3800

**By Internet:**

**DTSC Envirostor Website**

[https://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=70000109](https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=70000109)

Please click on the Community Involvement tab

**By Mail** (Per your request):

Homayune Atiqee — Parcel A PPA  
DTSC  
700 Heinz Avenue  
Berkeley, CA 94710  
[homayune.atiqee@dtsc.ca.gov](mailto:homayune.atiqee@dtsc.ca.gov)

**FOR ADDITIONAL INFORMATION:** If you have any questions or wish to discuss the Prospective Purchaser Agreement please contact:

For the project:

**Homayune Atiqee**

DTSC Project Manager

(510) 540-3838

[homayune.atiqee@dtsc.ca.gov](mailto:homayune.atiqee@dtsc.ca.gov)

**FISH AND GAME COMMISSION**

**NOTICE OF FINDINGS**

Foothill Yellow-Legged Frog  
(*Rana boylei*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its June 21, 2017, meeting in Smith River, California, accepted for consideration the petition submitted to list foothill yellow-legged frog as a threatened species. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the Department of Fish and Wildlife’s (Department) written report, the comments received, and the remainder of the administrative record, would lead a reasonable per-



son to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the aforementioned species is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the June 21, 2017 Commission meeting, are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS

#### Northern Spotted Owl (*Strix occidentalis caurina*)

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), at its meeting in Folsom, California on August 25, 2016, made a finding pursuant to Fish and Game Code Section 2075.5, that the petitioned action to add the northern spotted owl (*Strix occidentalis caurina*) to the list of threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) is warranted. (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i).)

**NOTICE IS ALSO GIVEN** that, at its February 8, 2017 meeting in Rohnert Park, California, the Commission considered draft findings, continued the item until its June 21, 2017 meeting in Smith River, and adopted the following findings outlining the reasons for its determination.

#### I. BACKGROUND AND PROCEDURAL HISTORY

On September 7, 2012, the Commission received the “Petition to List the Northern Spotted Owl as ‘Threatened’ or ‘Endangered’ Under the California Endangered Species Act” (September 4, 2012; hereafter, the Petition), as submitted by the Environmental Protection Information Center (Petitioner). Commission staff

transmitted the Petition to the California Department of Fish and Wildlife (Department) pursuant to Fish and Game Code Section 2073 on September 10, 2012, and the Commission published formal notice of receipt of the Petition on October 5, 2012 (Cal. Reg. Notice Register 2012, No. 40-Z, p. 1490).

The Department requested a 30-day extension on November 19, 2012, and the Commission approved the extension on December 12, 2012. After evaluating the Petition and other relevant information the Department possessed or received, the Department determined that based on the information in the Petition, there was sufficient scientific information to indicate that the petitioned action may be warranted, and recommended the Commission accept the Petition in an evaluation dated February 6, 2013. At its meeting on March 6, 2013, the Commission formally received the Department’s petition evaluation. At its meeting on April 17, 2013 the Commission considered the petition evaluation as well as an errata and corrections document filed by the Department on April 15, 2013, and postponed further deliberations concerning the petition to receive further information on questions raised during the April meeting. At its August 7, 2013 meeting, the Commission received further comments, deliberated, and voted to accept the Petition and initiate a review of the species’ status in California, finding that it contained sufficient information to indicate the petitioned action may be warranted. Upon publication of the Commission’s notice of determination as required by Fish and Game Code Section 2074.2, subdivisions (e)(2) and (f), the northern spotted owl was designated a candidate species on December 11, 2013 (Cal. Reg. Notice Register 2013, No. 52-Z, pp. 2085-2092).

Following the Commission’s designation of the northern spotted owl as a candidate species, the Department notified affected and interested parties and solicited data and comments on the petitioned action pursuant to Fish and Game Code Section 2074.4. (See also Cal. Code Regs., tit. 14, § 670.1(f)(2).) Subsequently, the Department commenced its review of the status of the species. On February 10, 2016 the Department Director delivered a status review to the Commission pursuant to Fish and Game Code Section 2074.6, including a recommendation that, based upon the best scientific information available to the Department, the petitioned action is warranted.

Final consideration of the petition, with receipt of the Department’s status review report and public comment, was scheduled for the Commission’s April 14, 2016 meeting in Santa Rosa, California, but the Commission continued the matter to its June meeting to allow written comments from the public, to be submitted to the Department no later than May 2, 2016. Notice of final consideration of the petition was published on May 27,

2016 for the Commission’s meeting on June 23, 2016 in Bakersfield, California (Cal. Reg. Notice Register 2016, No. 22–Z, p. 907) and again on August 12, 2016 for the Commission’s meeting on August 25, 2016 in Folsom, California (Cal. Reg. Notice Register 2016, No. 33–Z, p. 1464). On August 25, 2016, at its meeting in Folsom, California, the Commission received additional public and Department testimony, and voted that designating northern spotted owl as a threatened species under CESA is warranted.

### SPECIES DESCRIPTION

The northern spotted owl is a medium-sized dark brown owl, with a barred tail, round, elliptical, or irregular white spots on head, neck, back, and underparts, yellowish green bill, and dark brown, almost black eyes surrounded by prominent facial disks (Gutiérrez et al. 1995). Overall, its length is approximately 46 to 48 centimeters (18 to 19 inches) (Forsman et al. 1996). Males and females are dimorphic in size, with males averaging about 13 percent smaller than females (USFWS 2011). Males weigh between 430 and 690 grams (0.95 to 1.52 pounds), and females weigh between 490 and 885 grams (1.1 to 1.95 pounds) (Gutiérrez et al. 1995, P. Loschl and E. Forsman pers. comm. 2006 in USFWS 2011).

### FEDERAL STATUS

The United States Fish and Wildlife Service listed northern spotted owl as a threatened species under the Endangered Species Act in 1990. In 1994, the Northwest Forest Plan provided protections for the northern spotted owl and other species inhabiting late-successional forests in Washington, Oregon, and California. The northern spotted owl’s first critical habitat designation occurred in 1992 and was revised in 2008. A new final rule designating critical habitat was published in December of 2012. The USFWS first issued a recovery plan for the northern spotted owl in 2008 and revised it in 2011.

## II. STATUTORY AND LEGAL FRAMEWORK

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) The CESA listing process for northern spotted owl began in the present case with the Petitioners’ submittal of the Petition to the Commission on September 7, 2012. Pursuant to Fish and Game Code Section 2073, on September 10,

2012 the Commission transmitted the petition to the Department for review pursuant to Fish and Game Code Section 2073.5. The regulatory and legal process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114–116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541–1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111–1116.

The “is warranted” determination at issue here for northern spotted owl stems from Commission obligations established by Fish and Game Code Section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether the petitioned action is warranted or is not warranted. Here, with respect to the northern spotted owl, the Commission made the finding under Section 2075.5(e)(2) that the petitioned action is warranted.

The Commission was guided in making these determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter.” (*Id.*, § 2067.)

The Commission also considered Title 14, Section 670.1, subdivision (i)(1)(A), of the California Code of Regulations in making its determination regarding northern spotted owl. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species’ continued existence is in serious dan-

ger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

Fish and Game Code Section 2070 provides similar guidance. This section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “[l]aws providing for the conservation of natural resources’ such as the CESA ‘are of great remedial and public importance and thus should be construed liberally.’” (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal. App.4th at pp. 1545–1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party. (See, e.g., Id., §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h).) The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the candidate species’ status culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f), (h).)

### III. FACTUAL AND SCIENTIFIC BASES FOR THE COMMISSION’S FINAL DETERMINATION

The factual and scientific bases for the Commission’s determination that designating the northern spotted owl as a threatened species under CESA is warranted are set forth in detail in the Commission’s record of proceedings including the Petition, the Department’s Petition Evaluation Report, the Department’s status review, the Department’s supplemental report to respond to public comments, written and oral comments received from members of the public, the regulated community, tribal entities, the scientific community and other evidence included in the Commission’s record of proceedings.

The Commission determines that the continued existence of the northern spotted owl in the State of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations Title 14, Section 670.1, subdivision (i)(1)(A):

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission’s record constitutes the best scientific information available and establishes that designating the northern spotted owl as a threatened species under CESA is warranted. Similarly, the Commission determines that the northern spotted owl, while not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by CESA.

The items highlighted here and detailed in the following section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for the northern spotted owl. Similarly, the issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission’s final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which record is incorporated herein by reference.

## BACKGROUND

The Commission bases its “is warranted” finding for the northern spotted owl most fundamentally on the current population trend influenced by a combination of threat factors, including competition from barred owls and present or threatened modification or loss of its habitat which pose a risk to the continued existence of the species in California.

**Threats****Barred Owls**

Historically, barred owls were residents of the eastern United States and southern Canada, east of the Great Plains and south of the boreal forest, and also in disjunct regions of south-central Mexico (Mazur and James 2000). The recent range expansion into the western United States has resulted in the barred owl range completely overlapping with that of the northern spotted owl. Barred owls were first detected in California in 1976 (B. Marcot in Livezey 2009a) with the first breeding record in 1991 (T. Hacking in Dark et al. 1998). The rate of detections in California accelerated during the mid-1990s (Dark et al. 1998), and today 1,970 barred owl records exist in the Department’s species database throughout the entire range of the northern spotted owl, and even further south within the California spotted owl range in the Sierra Nevada.

There is a high degree of similarity in barred owl and northern spotted owl habitat and prey base preferences. Both species have a preference for old forests with closed canopy and a high degree of structural complexity for nesting and roosting activities (Hamer et al. 2007, Singleton et al. 2010, Weins et al. 2014, Singleton 2015, Weisel 2015). Northern spotted owl diet in California consists primarily of small mammals (mainly dusky-footed woodrats in California), though other prey (e.g. birds, bats) is also taken (Forsman et al. 1984, 2001, 2004, Zabel et al. 1995, Ward et al. 1998, Franklin et al. 2000, Hamer et al. 2001). The barred owl diet consists of a wide array of prey, including small mammals ranging from rabbits to bats, small to medium sized birds, amphibians, reptiles, fish, and invertebrates; however, mammals make up a majority of prey items (Hamer et al. 2001, Mazur and James 2000, Mazur et al. 2000). The broader range of prey selected by barred owls contributes to the smaller home ranges in comparison to northern spotted owls, which may result in higher densities of barred owls within the spotted owl range (Livezey et al. 2008).

Barred owls will negatively impact northern spotted owls at several levels. Barred owls are aggressive toward spotted owls (Van Lanen et al. 2011), and have attacked spotted owls on occasion (Leskiw and Gutiérrez 1998, Courtney et al. 2004). Spotted owls will reduce

their calls or not call at all if barred owls are in the vicinity (Cozier et al. 2006, Kroll et al. 2010, Dugger et al. 2011, Diller 2014, Sovern et al. 2014), making them more difficult to detect. Barred owls will displace northern spotted owls from their territories, forcing them out of their long-held territory (Olson et al. 2004, Kroll et al. 2010, Dugger et al. 2011, Diller 2014, Sovern et al. 2014, GDRC 2015, Weisel 2015, Dugger et al. 2016). Northern spotted owl activity centers will shift away from areas where barred owls are present even if they do not entirely abandon their territory (Kelly 2001, Gremel 2005, Diller 2014, Weins et al. 2014).

Competition between the two species has dramatically impacted northern spotted owl site occupancy in California. A recent analysis (Dugger et al. 2016) determined territory occupancy rates declined in all 11 demographic study areas across the entire northern spotted owl range, with a strong positive relationship between the presence of barred owls and territory extinction rates (Dugger et al. 2016). The primary cause of northern spotted owl population declines are competition with barred owl, largely as a result of a strong negative effect of barred owl on northern spotted owl apparent survival rates and a positive effect of barred owl on northern spotted owl territory extinction rates.

When analyzing northern spotted owl data through 2013, Dugger et al. (2016) indicated the primary cause of declines across the range are strong negative effect of barred owl on apparent survival rates and a positive effect of barred owl on territory extinction rates. Apparent survival and the rate population change rates declined on all 3 demographic study areas in California, with the exception of the Green Diamond Resource treatment area (i.e., the area where barred owls were removed). The Green Diamond Resource treatment area survival rate was 0.857 (SE=0.009) before removal, and 0.870 (SE=0.021) after removal (the highest across the entire range; Dugger et al. 2016). The rate of population change at the Green Diamond Resource treatment area was positive ( $\lambda=1.030$ , SE=0.040) after barred owls were removed (Dugger et al. 2016). When barred owls were removed from historical northern spotted owl territories on the Green Diamond Resource Company land, northern spotted owls were detected relatively soon afterward, and sometimes were the same spotted owls that held the territory previously (Diller 2014), suggesting these owls were displaced from their territory but remained in the vicinity to quickly reoccupy.

The literature is clear that barred owls are having a severe negative impact on northern spotted owl at a range-wide level (Dugger et al. 2016), including reduced survival and occupancy, reduced detection rates, increased territory extinction rates, displacement, and predation. Ecological similarities between barred owl

and northern spotted owl gives little evidence that nesting, roosting, or foraging habitat or food resources can be adequately partitioned to prevent competition; therefore, coexistence of both species is uncertain into the future, even with habitat management actions (Gutiérrez et al. 2007, Dugger et al. 2011, Wiens et al. 2014, Singleton 2015, Weisel 2015, Dugger et al. 2016). Barred owl removal experiments seem to be successful at positively impacting northern spotted owl demographics and are feasible at a local-scale (Diller et al. 2014), but broader long-term use of removal as a management tool needs further consideration (USFWS 2013). Protecting high-quality habitat (e.g., older structurally complex forests) on the landscape may provide some amount of refugia for spotted owls from competitive interactions with barred owls, and may allow managers and others time to further evaluate the feasibility of barred owl control measures (USFWS 2011, USFWS 2013).

Given the quick southerly expansion of barred owls into northern spotted owl habitat and the documented negative impacts of barred owl on spotted owl demographic rates, there is urgency on deciding a course of action to take regarding barred owl removal or other management actions. Without management actions, the northern spotted owl faces an uncertain future and declines will presumably continue to be severe and steep into the near future, much like has been documented in more northerly portions of the range in Washington and Oregon where barred owl have been established longer. Solutions that promote the coexistence of the northern spotted owl and the barred owl are needed.

#### Present or Threatened Modification or Destruction of Habitat

Although the rate of nesting and roosting habitat loss has declined since the northern spotted owl was listed under the federal endangered species act in 1990, assessments performed range-wide since the implementation of the Northwest Forest Plan (NWFP) show that habitat loss on federal and private lands is ongoing. Wildfire has been the leading cause of habitat loss on federal land, with the fire-prone California Klamath Province experiencing the largest losses due to wildfire (10.7%; 199,800 acres since 1993). Since the development of a reserve system under the NWFP, timber harvest on federal land has declined, with only 1.3% of nesting and roosting habitat lost to harvest in the last two decades (Davis et al. 2015). Conversely, timber harvest has been the primary cause of habitat loss on nonfederal lands since 1993 (Davis et al. 2015). Northern spotted owl densities in California forests have not plummeted to the extent they have for the species in Oregon and Washington in large part to protective regulations governing timber harvest on nonfederal lands in

California (i.e., Forest Practice Rules). In addition, there has been some amount of forest habitat recruitment since implementation of the Forest Practice Rules and NWFP, though the level and extent of succession is unknown (DFW, 2016 Status Review). Regardless of these protections, losses of nesting and roosting habitat due to timber harvest in California have continued. From 1994–2007, 5.8% of nesting and roosting habitat on nonfederal lands in California was removed by timber harvest (Davis et al. 2011). Regionally, the California Klamath and Cascades provinces have experienced net losses of nesting and roosting habitat since 1994 (Davis et al. 2011). However, due to habitat recruitment in the California Coast Province where habitat development through forest succession can occur relatively quickly (Thome et al. 1999, Diller et al. 2010), estimates for net change of nesting and roosting habitat in this province are positive (Davis et al. 2011).

At the scale of individual owl territories, the amount and spatial configuration of different habitat types are strongly linked to northern spotted owl site occupancy and demographic rates, and rates are generally positively associated with a greater amount of older forest, and in the case of the coastal redwoods, young-growth forests where key structural elements (snags, large decadent trees and hardwoods) are retained (see the Habitat Effects on Demographics section; Dugger et al. 2016). The amount of older forest in northern spotted owl territories is positively associated with occupancy rates (Dugger et al. 2011, Yackulic et al. 2012, Dugger et al. 2016), survival (Franklin et al. 2000, Olson et al. 2004, Dugger et al. 2005, Diller et al. 2010), and in some cases with fecundity (Dugger et al. 2005, Diller et al. 2010, Dugger et al. 2016). Although study design has varied across the major research studies in California and southern Oregon, some consistent patterns have arisen. In order to support productive spotted owl territories, a minimum amount of older forest must be retained in the core area. The definition of ‘older forest’ evaluated in studies has varied, but consistently has included late-seral forests with large trees and high canopy cover. Territories with the highest habitat fitness potential contain at least about 50% older forest in the core area, intermixed with other forest and nonforest cover types (Franklin et al. 2000, Dugger et al. 2005, Diller et al. 2010). Large amounts of nonhabitat (defined as nonforest or sapling cover types) in a northern spotted owl home range leads to declines in demographic rates. Results indicate that in order to support a northern spotted owl territory with high habitat fitness potential, no more than about 50% of a home range should consist of nonhabitat (Olson et al. 2004, Dugger et al. 2005). Spotted owl demographic rates also benefit from a mosaic of older forest interspersed with younger

forests or other vegetation types. Work done by Franklin and Gutiérrez (2012) suggests that some amount of fragmentation or habitat heterogeneity may be beneficial for dispersing owls, depending on the matrix of habitat types, by providing opportunities in more open habitat or along edges, while at the same time providing protection from predators in older forest components. (DFW, 2016 Status Review.)

Habitat retention requirements and definitions in the Forest Practice Rules were developed in the early 1990s and were established to protect a combination of nesting, roosting, and foraging habitat in the area immediately surrounding the activity center (500 and 1,000 foot radii), the core use area (0.7 mile radius), and the broader home range (1.3 mile radius). After implementation and further analysis, the USFWS found that the cumulative effects of repeated harvest entries within many northern spotted owl home ranges in the northern interior region had reduced habitat quality to a degree that caused reduced occupancy rates and frequent site abandonment, and concluded that existing habitat guidelines in the Forest Practice Rules are not sufficient for avoiding take (USFWS 2009). Due to these concerns and based on the growing body of literature linking habitat characteristics to owl fitness, the USFWS provided revised guidance for avoiding take of northern spotted owl, including changes to definitions of nesting, roosting, and foraging habitat, and to the amount of each habitat type to be retained (USFWS 2008b, 2009). The current Forest Practice Rules allow for the use of northern spotted owl habitat descriptions provided by the USFWS and the habitat protection measures recommended by the USFWS (DFW Eval. of Supplemental Information 2016).

Depending on how the Forest Practice Rules and the USFWS 2008 Guidance are implemented, management could result in a reduction in habitat quality around northern spotted owl sites and could lead to declines in survival, productivity, and overall fitness (DFW Eval. of Supplemental Information 2016). However, implementation of the Forest Practice Rules has generally resulted in the protection of northern spotted owl habitat at known owl territories throughout the range in California and has not resulted in any known take of individual northern spotted owls. Despite these protections, timber harvest may be a threat to northern spotted owl habitat in some cases due to inconsistent implementation and interpretation. Conversely, timber harvest may play a role in enhancing owl habitat when applied at appropriate scales and with retention of sufficient nesting and roosting habitat (DFW, 2016 Status Review; DFW Eval. of Supplemental Information 2016).

### Wildfire and Salvage Logging

Wildfire and other natural disturbances have been the leading cause of habitat loss on federal land in the Northwest Forest Plan area and the leading cause of nesting and roosting habitat loss in California from 1993–2012. The majority of the nesting and roosting habitat lost from the California portion of the Northwest Forest Plan area has been attributed to wildfire, and most of that loss has occurred in the Klamath Province (DFW, 2016 Status Review).

The response of spotted owls to fire has been mixed. Occupancy by California spotted owls across a wide area in the Sierra Nevada has been observed to be similar in burned and unburned areas, at least in burn areas that experienced mixed–severity burns (DFW, 2016 Status Review). For high severity burn areas, there is some evidence of declines in occupancy (DFW, 2016 Status Review). Conversely, occupancy rates for northern spotted owls in southern Oregon declined following both mixed–severity and high severity fire events (DFW, 2016 Status Review). These occupancy declines resulted from both high territory extinction rates in burned areas and low colonization rates (DFW, 2016 Status Review). Northern spotted owls displaced by fire or occupying burned areas have also been shown to experience declines in survival rates (DFW, 2016 Status Review). Food limitation in burned areas may have been a contributing factor in these declines. Northern spotted owls in southern Oregon were also shown to avoid large areas of high severity burn or areas experiencing extensive salvage logging post–fire (DFW, 2016 Status Review).

Several variables complicate the interpretation of these studies, including variation in fire severity, fire size, fire history and pre–fire forest composition, post–fire salvage logging, and the timing and duration of research post–fire. Additionally, the key studies of northern spotted owl response to wildfires in southern Oregon were unable to separate the effects of severe burns from salvage logging, but observational studies and occupancy modeling conducted to date suggest that post–fire landscapes that are salvage logged experience declines in spotted owl occupancy (DFW, 2016 Status Review). The presence of snags has been suggested as an important component of prey habitat and as perch sites for foraging spotted owls (DFW, 2016 Status Review). Conditions that lead to increased prey availability, including increased shrub and herbaceous cover and number of snags, may be impacted by salvage logging (DFW, 2016 Status Review). The available information suggests that fires that burn at mixed severities or at small scales such that they create habitat heterogeneity

without removing important nesting and roosting habitat components at the territory scale may benefit owls (DFW, 2016 Status Review). However, uncharacteristically severe fires that burn at large scales are likely to have negative effects by eliminating required nesting and roosting habitat or reducing prey populations in northern spotted owl territories (DFW, 2016 Status Review).

In recent decades, fires have become more frequent and average fire size has increased (DFW, 2016 Status Review). In some cases, fires have also burned at uncharacteristically high severities, especially during dry and hot conditions that support fire (DFW, 2016 Status Review). Because climate change will likely increase the likelihood of conditions that support more frequent, large, and severe fires which are destructive to northern spotted owl habitat, habitat loss due to wildfires will likely continue to present a risk to owls in the future (DFW, 2016 Status Review).

#### Climate Change Impacts to Forest Composition and Structure

Most climate projection models indicate elevational and latitudinal shifts in forest habitats in the coming century (DFW, 2016 Status Review). In climate projection scenarios specific to California, the most notable response to increased temperatures was a shift from conifer-dominated forests (e.g., Douglas fir–white fir) to mixed conifer–hardwood forests (e.g., Douglas fir–tanoak) in the northern half of the state. The models show an expansion of conifer forests into the northeast portion of the state (e.g., Modoc Plateau), and an increase in dominance of oak forest at the expense of pine forest, a general decrease in large trees and basal area, shifts of redwood forests inland into Douglas–fir–tanoak forests, and advancement of conifer–dominated forests (e.g., redwood and closed–cone pine forests) along the north–central coast (DFW, 2016 Status Review).

Climate change variables will likely increase the severity and frequency of wildfires within the northern spotted owl range, which would convert older, complex forests to young uniform stands of less suitable habitat (DFW, 2016 Status Review).

Although climate projection models have uncertainties built–in, it is apparent that forests within California will likely experience some level of elevational and latitudinal shifts, changes in species composition, and alterations in fire regimes (DFW 2016 Status Review). The northern spotted owl relies heavily on specific forest structure components and tree species composition, and on associated prey habitat and abundance (DFW, 2016 Status Review). Implications of forest shifts and fire regime changes on owl habitat and demographic rates remains uncertain, and more research is needed to

elucidate whether these patterns will lead to negative impacts to northern spotted owls.

#### Sudden Oak Death

Sudden oak death is an emerging plant disease caused by a non–native, fungus–like pathogen particularly impacting hardwoods (Davidson et al. 2003, Garbelotto et al. 2003, Goheen et al. 2006). The disease is expanding its distribution through a substantial portion of the northern spotted owl range in California (California Oak Mortality Task Force 2015). Its impact to northern spotted owl habitat includes large scale die–off of tanoaks and other affected hardwood species (e.g., live oak, California bay laurel), reduction of hardwood canopy closure, simplified canopy structure, and reduced primary prey species (i.e., woodrat) abundance (Rizzo and Garbelotto 2003, McPherson et al. 2006, Goheen et al. 2006, Tietje et al. 2006, Cobb et al. 2010, 2012).

The impact of sudden oak death on oak–tanoak forests within northern spotted owl habitat will not likely subside in the future (Brown and Allen–Diaz 2006, Meentemeyer et al. 2010, 2011), with high–risk areas noted in coastal forests of Santa Barbara County north through Humboldt County (Koch and Smith 2012). Ultimately, spread of sudden oak death will likely result in reduced nesting, roosting and foraging opportunities for northern spotted owls in most cases.

#### Marijuana Cultivation

Illegal and legal marijuana cultivation sites in remote forests on public and private land throughout California has been steadily increasing. Within the range of the northern spotted owl, Shasta, Tehama, Humboldt, Mendocino, and Trinity counties comprise the areas known for the most marijuana cultivation in California due to the remote and rugged nature of the land (making illegal cultivation difficult to detect), and habitat conditions favorable for growing marijuana (e.g., wetter climate, rich soils) (Gabriel et al. 2013, Thompson et al. 2013, National Drug Intelligence Center 2007, Bauer et al. 2015). Given the difficulties in detecting illegal marijuana cultivation sites and the lack of reporting for all legal cultivation sites, actual distribution and density of marijuana cultivation is likely larger and higher than current data suggests.

Activities associated with cultivation (e.g., removal of large trees, degradation of riparian habitat, use of rodenticides) may negatively impact northern spotted owl habitat, and in turn, owl fitness (e.g., survival, fecundity), although there is little data assessing this impact. Areas with higher prevalence of marijuana cultivation sites may also contain high numbers of northern spotted owl activity centers (National Drug Intelligence Center 2007). The level of impact likely depends on several factors, including the density of cultivation sites in

proximity to owl activity centers and how much owl habitat is affected and to what extent.

#### IV. FINAL DETERMINATION BY THE COMMISSION

The Commission has weighed and evaluated the information for and against designating the northern spotted owl as a threatened species under CESA. This information includes scientific and other general evidence in the Petition; the Department's Petition Evaluation Report; the Department's status review; the Department's supplemental report to respond to public comments; the Department's related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of the northern spotted owl is in serious danger or threatened by predation, competition, present or threatened modifications or destruction of the species' habitat, or other natural occurrences or human-related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A); Fish & G. Code, §§ 2062, 2067.) The Commission determines that there is sufficient scientific information to indicate that designating the northern spotted owl as a threatened species under CESA is warranted at this time and that with adoption and publication of these findings the northern spotted owl for purposes of its legal status under CESA and further proceedings under the California Administrative Procedure Act, shall be listed as threatened.

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40465-66-5 (monoammonium salt) 69254-40-6 (di-ammonium salt) 34494-03-6 (glyphosate-sodium) 81591-81-3 (glyphosate-trimesium)" (IARC, 2015b), because these salts dissociate to free glyphosate.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

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

**CHEMICAL LISTED EFFECTIVE JULY 7, 2017  
AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE CANCER:  
PENTABROMODIPHENYL ETHER MIXTURE  
[DE-71 (TECHNICAL GRADE)]**

**CHEMICAL LISTED EFFECTIVE JULY 7, 2017  
AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE CANCER: GLYPHOSATE**

On March 28, 2017, the Office of Environmental Health Hazard Assessment (OEHHA) posted a Notice on its website<sup>1</sup> that *glyphosate* (CAS No. 1071-83-6) would be added to the list of chemicals known to the state to cause cancer for purposes of Proposition 65<sup>2</sup> with a delayed effective date due to the pending case *Monsanto v OEHHA*.<sup>3</sup> Monsanto's challenge was unsuccessful in the trial court. Although the case has been appealed, no stay of the listing has been granted. Therefore, glyphosate is being added to the Proposition 65 list on July 7, 2017.

Effective **July 7, 2017**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding *pentabromodiphenyl ether mixture [DE-71 (technical grade)]* to the list of chemicals known to the state to cause cancer for purposes of Proposition 65<sup>1</sup>.

**In summary, glyphosate is listed under Proposition 65 effective July 7, 2017 as known to the state to cause cancer, as follows:**

The listing of *pentabromodiphenyl ether mixture [DE-71 (technical grade)]* is based on formal identification by the National Toxicology Program (NTP), an authoritative body<sup>2</sup>, 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.

Chemical	CAS No.	Endpoint	Listing Mechanism*
Glyphosate**	1071-83-6	Cancer	LC

The documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for pentabromodiphenyl ether mixture [DE-71 (technical grade)] is included in the "Notice of Intent to List Pentabromodiphenyl Ether Mixture [DE-71 (Technical Grade)]" posted on OEHHA's website and published in the May 5, 2017 issue of the California Regulatory Notice Register (Register 2017, No. 18-Z). The publication of the notice initiated a public comment period that closed on June 5, 2017. OEHHA received no public comments on pentabromodiphenyl ether mixture [DE-71 (technical grade)].

\*Listing mechanism: LC — "Labor Code" mechanism (Health and Safety Code section 25249.8(a) and Title 27 Cal. Code of Regs. section 25904)

\*\* The International Agency for Research on Cancer (IARC) indicates the following chemicals are "also relevant: 38641-94-0 (glyphosate-isopropylamine salt)

A complete, updated chemical list is published in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at

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

<sup>1</sup> The Notice was published in the California Notice Register on April 7, 2017.

<sup>2</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq.

<sup>3</sup> *Monsanto et al v OEHHA et al*, Fifth District Court of Appeals, case number F075362.

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

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

In summary, pentabromodiphenyl ether mixture [DE-71 (technical grade)] is listed under Proposition 65 as known to the state to cause cancer, as follows:

Chemical	CAS No.	Endpoint	Listing Mechanism*
<i>Pentabromodiphenyl ether mixture [DE-71 (technical grade)]</i>	---	Cancer	AB (NTP)

\*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**  
**July 7, 2017**

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.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
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
<u>Allyl chloride</u> <u>Delisted October 29, 1999</u>	<del>407-05-1</del>	<del>January 1, 1990</del>
Aloe vera, non-decolorized whole leaf extract		December 4, 2015
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-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

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
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
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
Benzotrichloride	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

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
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
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
p-Chloroaniline	106-47-8	October 1, 1994
p-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
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-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

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
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 79217-60-0	January 1, 1992
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
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[cd]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[a,h]acridine	226-36-8	January 1, 1988

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenzanthracenes	—	December 26, 2014
Dibenz[a,c]anthracene	215-58-7	December 26, 2014
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
Dibenz[a,j]anthracene	224-41-9	December 26, 2014
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]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
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
<del>Dienestrol</del> <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



<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl 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
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

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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 <sub>1</sub>	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furfuryl alcohol	98-00-0	September 30, 2016
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
Glyphosate	1071-83-6	July 7, 2017
Goldenseal root powder		December 4, 2015
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
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	June 1, 2007
	140923-25-7	
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
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000

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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
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
alpha-Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012

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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
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
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	<del>October 1, 1989</del>
o-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

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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-n-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-n-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-n-butylamine	7068-83-9	December 26, 2014
N-Nitrosomethyl-n-decylamine	75881-22-0	December 26, 2014
N-Nitrosomethyl-n-dodecylamine	55090-44-3	December 26, 2014
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitrosomethyl-n-heptylamine	16338-99-1	December 26, 2014
N-Nitrosomethyl-n-hexylamine	28538-70-7	December 26, 2014
N-Nitrosomethyl-n-nonylamine	75881-19-5	December 26, 2014
N-Nitrosomethyl-n-octylamine	34423-54-6	December 26, 2014
N-Nitrosomethyl-n-pentylamine	13256-07-0	December 26, 2014
N-Nitrosomethyl-n-propylamine	924-46-9	December 26, 2014
N-Nitrosomethyl-n-tetradecylamine	75881-20-8	December 26, 2014
N-Nitrosomethyl-n-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

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Pentachlorophenol	87-86-5	January 1, 1990
<u>Pentabromodiphenyl ether mixture [DE-71 (technical grade)]</u>	—	<u>July 7, 2017</u>
Pentachlorophenol and by-products of its synthesis (complex mixture)	—	October 21, 2016
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
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

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Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium 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-para-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
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

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
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 phosphite	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
Tris(aziridiny)l-para-benzoquinone (Triaziuone)	68-76-8	October 1, 1989
<u>Delisted December 8, 2006</u>		
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
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



<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
<u>Delisted December 13, 2013</u>			
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
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 male	53404-19-6	May 18, 1999 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>			

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</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
Cocalne	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>			
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	July 15, 2016
2,4-Diamino-6-chloro-s-triazine (DACT)	developmental, female	3397-62-4	July 15, 2016

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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
Dichlorphenamide	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	male	2238-07-5	August 7, 2009
<u>Delisted April 4, 2014</u>			
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
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
2,4 DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
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

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
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

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
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
Meprobamate	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
Methyln-n-butyl ketone	developmental	591-78-6	December 4, 2015
Methyl chloride	male developmental	74-87-3	August 7, 2009 March 10, 2000
Methyl isobutyl ketone (MIBK)	developmental	108-10-1	August 7, 2009 March 28, 2014
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
<u>Delisted April 4, 2014</u>			
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
$\alpha$ -Methyl styrene	female	98-83-9	July 29, 2011
<u>Delisted April 4, 2014</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

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<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
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)	developmental	80-51-3	August 7, 2009
<u>Delisted December 13, 2013</u>			
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
Pertuzumab	developmental	380610-27-5	January 27, 2017
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
<u>Delisted April 4, 2014</u>			
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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Simazine	developmental, female	122-34-9	July 15, 2016
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30, 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
<del>1,3,5-Triglycidyl-s-triazinetriene</del> <u>Delisted December 13, 2013</u>	male	2451-62-9	August 7, 2009
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
Visomodegib	developmental, female, male	879085-55-9	January 27, 2017
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: July 7, 2017

**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# 2017-0511-02

**BOARD OF ACCOUNTANCY**

**Continuing Education — Preparation Engagements**

This action by the Board of Accountancy amends the continuing education requirements applicable to active licensees, new licensees, and licensees with converted or restored licenses to adopt specific course and hour requirements for licensees who, at their highest level of service, perform preparation engagements.

Title 16

AMEND: 80.1, 80.2, 87, 87.1

Filed 06/22/2017

Effective 10/01/2017

Agency Contact: Pat Billingsley (916) 561-1782

File# 2017-0516-02

**BOARD OF EDUCATION**

**No Child Left Behind**

This action without regulatory effect by the State Board of Education repeals 10 sections in title 5 of the California Code of Regulations. These regulations were authorized under section 1116(e)(2) of the federal No Child Left Behind Act (NCLB) which was codified in title 20 United States Code (U.S.C.) section 6316. NCLB has been repealed and replaced with the Every Student Succeeds Act which has repealed section 1116(e)(2) in its entirety. Additionally 20 U.S.C. 6316 was repealed by Public Law, title 1, section 1000(1) (2015).



**Title 5**

REPEAL: 13075, 13075.1, 13075.2, 13075.3, 13075.4, 13075.5, 13075.6, 13075.7, 13075.8, 13075.9

Filed 06/27/2017

Agency Contact: Hillary Wirick (916) 319-0644

File# 2017-0622-02

**BOARD OF STATE AND COMMUNITY CORRECTIONS**

**Construction Financing Program**

This emergency readopt action by the Board of State and Community Corrections amends twenty-six sections and adopts four sections in title 15 of the California Code of Regulations. The proposed regulations add eligibility requirements, matching fund requirements, a proposal process, and evaluation criteria for the construction financing program for adult local criminal justice facilities pursuant to Senate Bill 844.

**Title 15**

ADOPT: 1712.4, 1714.4, 1730.4, 1740.4 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792

Filed 06/28/2017

Effective 06/28/2017

Agency Contact: Lindsay Tu (916) 324-1959

File# 2017-0509-01

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

**Training Reimbursement Requests**

This action by the Commission on Peace Officer Standards and Training amends the timeframe for submission of Training Reimbursement Requests (TRR) to require submission of a TRR no later than sixty days following the end of the fiscal year in which the training was completed.

**Title 11**

AMEND: 1015

Filed 06/21/2017

Effective 08/01/2017

Agency Contact: Christy Correa (916) 227-4847

File# 2017-0523-09

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

**Training and Testing Specifications**

This regulatory action by the Commission on Peace Officer Standards and Training amends Learning Domain #12: Controlled Substances in the "Training and Testing Specifications for Peace Officer Basic Cour-

ses," which is incorporated by reference in three sections in Title 11 of the California Code of Regulations, to reflect new laws created by Proposition 64.

**Title 11**

AMEND: 1005, 1007, 1008

Filed 06/28/2017

Effective 08/01/2017

Agency Contact: Cheryl Smith (916) 227-0544

File# 2017-0519-04

**DEPARTMENT OF BUSINESS OVERSIGHT  
Broker-Dealer Finder Exemption Regulations**

This action by the Department of Business Oversight adopts four new sections to implement Corporations Code section 25206.1 that, as of January 1, 2016, established finders as a new exemption from the broker-dealer provisions of the Corporate Securities Law of 1968. This rulemaking adopts the Statement of Information form and procedures to be used by individuals registering or renewing their exemption as a finder, updating the Statement of Information, or withdrawing as a finder. This rulemaking also specifies the requirements for the maintenance of records as required by Corporations Code section 25206.1(f).

**Title 10**

ADOPT: 260.211.4, 260.211.5, 260.211.6, 260.211.7

Filed 06/21/2017

Effective 06/21/2017

Agency Contact: Inna Swickard (916) 323-7015

File# 2017-0515-04

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**Urinalysis Testing**

This rulemaking action by the Department of Corrections and Rehabilitation amends sections 3620, 3621, and 3622 in title 15 of the California Code of Regulations to no longer require a parolee's signature on CDCR Form 2249 (Rev. 10/15), Urinalysis Sample Control Log. This action also adds a requirement for Department staff to submit CDCR Form 2249 (Rev. 10/15), Urinalysis Sample Control Log, to the Unit Supervisor by the last working day of the month.

**Title 15**

AMEND: 3620, 3621, 3622

Filed 06/27/2017

Effective 10/01/2017

Agency Contact: Sherri Garcia (916) 445-2266

File# 2017-0609-01

**DEPARTMENT OF FINANCE  
Conflict-of-Interest Code**

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being

submitted for filing with the Secretary of State and printing.

Title 2  
AMEND: 3700  
Filed 06/21/2017  
Effective 07/21/2017  
Agency Contact: Jeanna Wimberly (916) 445-8918

File# 2017-0512-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Standards/Labeling; Inspection Protocol

This rulemaking action by the California Department of Food and Agriculture updates existing rules in title 3 of the California Code of Regulations regarding labeling, sampling, registration, inspection, and reporting of fertilizing materials.

Title 3  
ADOPT: 2320.5 AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324  
Filed 06/22/2017  
Effective 10/01/2017  
Agency Contact: Nick Young (909) 266-7994

File# 2017-0515-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This timely Certificate of Compliance by the Department of Food and Agriculture makes permanent the emergency action, 2016-1115-02E, that expanded the quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) in the Delano area of Kern County and the Stratford area of Kings County. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this established area, along with the many already existing regulated areas in the state.

Title 3  
AMEND: 3435(b)  
Filed 06/26/2017  
Effective 06/26/2017  
Agency Contact: Sara Khalid (916) 403-6625

File# 2017-0517-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Denial, Suspension, or Revocation of a Registration Certificate

In this File and Print Only action, the Department of Food and Agriculture (the "Department") is amending section 1358.7 in title 3 of the California Code of Regulations. Section 1358.7 sets forth procedures relating to the denial, suspension, or revocation of an egg handling or egg producer certificate of registration. This filing is

exempt from the Administrative Procedure Act pursuant to Food and Agricultural Code section 27561.5, subdivision (f).

Title 3  
AMEND: 1358.7  
Filed 06/28/2017  
Effective 06/28/2017  
Agency Contact: Nancy Grillo (916) 900-5033

File# 2017-0516-01  
DEPARTMENT OF MANAGED HEALTH CARE  
Essential Health Benefits

This certificate of compliance action makes permanent the emergency amendments to the Essential Health Benefits (EHB) coverage requirements of health care service plans based upon amendments to the base benchmark plan pursuant to SB 43. (See OAL Matter No. 2017-0117-01E.) California originally selected the Kaiser Small Group 30 (2012) plan as the base benchmark plan, but SB 43 amended the Code to select the Kaiser Small Group 30 (2014) plan as the new base benchmark plan. (Health & Saf. Code, § 1367.005, subd. (a)(2)(A).) The amendments bring the regulations into alignment with the Kaiser Small Group 30 (2014) plan pursuant to SB 43.

Title 28  
AMEND: 1300.67.005  
Filed 06/27/2017  
Agency Contact: Jennifer Willis (916) 324-9014

File# 2017-0523-01  
DEPARTMENT OF SOCIAL SERVICES  
CCL Elder and Abuse Reporting

This action without regulatory effect by the Department of Social Services amends one subdivision of Title 22 and the MPP to correctly identify a cross-reference to the Health and Safety Code.

Title MPP, 22  
AMEND: 81001  
Filed 06/21/2017  
Agency Contact: Kenneth Jennings (916) 651-8862

File# 2017-0615-01  
EDUCATION AUDIT APPEALS PANEL  
Audits of K-12 Local Education Agencies (LEAs) — FY 2017-18

This emergency rulemaking action by the Education Audit Appeals Panel amends the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting (Audit Guide) pursuant to Education Code section 14502.1. The revised Audit Guide is applicable to FY 2017-2018.

Title 5  
 AMEND: 19810  
 Filed 06/26/2017  
 Effective 06/26/2017  
 Agency Contact:  
 Timothy E. Morgan (916) 445-7745

File# 2017-0518-01  
 LANDSCAPE ARCHITECTS TECHNICAL  
 COMMITTEE  
 Fees

This rulemaking action by the California Architects Board (CAB) extends the temporarily reduced biennial Landscape Architects license renewal fee to June 30, 2019, so as to comply with Business and Professions (B&P) Code section 128.5. B&P Code section 128.5(b) requires that, if CAB has in reserve unencumbered funds in an amount equal to or exceeding its operating budget for the next two fiscal years, it shall reduce license or other fees during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount that is less than the agency's operating budget for the next two fiscal years.

Title 16  
 AMEND: 2649  
 Filed 06/23/2017  
 Effective 07/01/2017  
 Agency Contact: Tremaine Palmer (916) 575-7233

File# 2017-0517-04  
 STATE PERSONNEL BOARD  
 Cancellation or Withdrawal of Notice of Rejection

The State Personnel Board submitted this file and print action to amend California Code of Regulations, title 2, section 327, which pertains to cancelling or withdrawing a notice of rejection during a state employee's probation period.

Title 2  
 AMEND: 327  
 Filed 06/22/2017  
 Effective 07/01/2017  
 Agency Contact: Jeanne Wolfe (916) 651-0924

File# 2017-0512-01  
 STATE WATER RESOURCES CONTROL BOARD  
 Santa Clara River Lakes Nutrients TMDL

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to adopt section 3939.51 in Title 23 of the California Code of Regulations regarding amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The amendments incorporate a total maximum daily load (TMDL) for

nutrients in the Santa Clara River Lakes (Elizabeth Lake, Munz Lake, and Lake Hughes). The Los Angeles Regional Water Quality Control Board adopted the Basin Plan on September 8, 2016 in Resolution No. R16-006. The State Water Board approved the Basin Plan on March 7, 2017 in Resolution No. 2017-0011.

Title 23  
 ADOPT: 3939.52  
 Filed 06/22/2017  
 Effective 06/22/2017  
 Agency Contact: Stefanie Hada (213) 576-6804

File# 2017-0516-03  
 STATE WATER RESOURCES CONTROL BOARD  
 Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions

On May 2, 2017, the State Water Resources Control Board (SWRCB) adopted Resolution 2017-0027, which approved "Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California — Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions" to provide a consistent regulatory approach by setting mercury limits to protect the beneficial uses associated with the consumption of fish. Additionally, the SWRCB established three new beneficial use definitions for use by the SWRCB and Regional Water Boards in designating Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses to inland surface waters, enclosed bays, or estuaries in the state. The SWRCB approved one new narrative and four new numeric mercury water quality objectives to apply to inland surface waters, enclosed bays, and estuaries of the state that have any of the following beneficial use definitions: COMM, CUL, T-SUB, WILD, MAR, RARE, WARM, COLD, EST, or SAL with the exception of water with site-specific mercury objectives. These provisions will be implemented through National Pollution Discharge Elimination System permits, water quality certifications, waste discharge requirements (WDRs) and waivers of WDRs.

Title 23  
 ADOPT: 3010  
 Filed 06/28/2017  
 Effective 06/28/2017  
 Agency Contact: Zane Poulson (916) 341-5254

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN January 25, 2017 TO  
 June 28, 2017**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations

**CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 27-Z**

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**

06/22/17 AMEND: 327  
06/21/17 AMEND: 3700  
06/19/17 AMEND: 1859.2, 1859.82  
06/08/17 AMEND: 52.4, 548.49, 548.136  
05/31/17 ADOPT: 249.8  
05/26/17 AMEND: 11030, 11031, 11034  
04/10/17 ADOPT: 552.1  
03/27/17 ADOPT: 11017.1 AMEND: 11017  
03/22/17 AMEND: 58000  
03/21/17 ADOPT: 2299.01, 2299.02, 2299.03, 2299.04, 2299.05, 2299.06, 2299.07, 2299.08, 2299.09  
03/03/17 ADOPT: 599.829.1  
02/28/17 AMEND: 2270, 2271  
02/16/17 ADOPT: 59820  
01/31/17 ADOPT: 547.60.1 AMEND: 547.60  
01/30/17 AMEND: 58600

**Title 3**

06/28/17 AMEND: 1358.7  
06/26/17 AMEND: 3435(b)  
06/22/17 ADOPT: 2320.5 AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324  
06/19/17 AMEND: 3435(b)  
06/14/17 AMEND: 3435(b)  
06/08/17 AMEND: 3435(b)  
06/07/17 AMEND: 3435(b)  
06/05/17 ADOPT: 3591.28  
06/02/17 AMEND: 3435(d)  
06/01/17 AMEND: 3591.12  
05/30/17 AMEND: 3439(b)  
05/15/17 AMEND: 3435(b)  
05/15/17 AMEND: 3435(b)  
05/09/17 AMEND: 3435(b)  
05/08/17 AMEND: 1402.7, 1402.8  
05/08/17 AMEND: 3439(b)  
05/04/17 AMEND: 3435(b)  
05/04/17 AMEND: 3435(b)  
05/04/17 AMEND: 3591.15  
04/24/17 AMEND: 3435(b)  
04/24/17 AMEND: 3435(b)  
04/20/17 AMEND: 3435(b)  
04/18/17 AMEND: 3435(b)  
04/17/17 AMEND: 3435(b)  
04/17/17 AMEND: 3435(b)

04/07/17 AMEND: 3435(b)  
04/04/17 AMEND: 3435(b)  
03/30/17 AMEND: 3435(b)  
03/30/17 AMEND: 3435(b)  
03/28/17 AMEND: 3435(b)  
03/28/17 AMEND: 3406(c), 3591.5(b)  
03/24/17 AMEND: 3435(b)  
03/14/17 AMEND: 3061  
03/13/17 ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856  
03/07/17 AMEND: 3435(b)  
03/02/17 AMEND: 3435(b)  
02/28/17 ADOPT: 3070  
02/27/17 ADOPT: 751, 751.1, 754.3, 754.4, 820.1, 830, 830.1, 830.2, 830.3, 830.4, 831, 831.1, 831.2, 831.3, 831.4, 831.5, 837, 838, 1302, 1302.1, 1302.2, 1302.3, 1302.4 AMEND: 752, 752.1, 752.2, 752.3, 752.4, 752.5, 752.6, 753, 753.1, 753.2, 754, 754.1, 754.2, 755, 755.1, 755.4, 756, 756.1, 758, 820, 820.3, 820.4, 820.5, 820.55, 820.6, 820.7 REPEAL: 753.3, 755.2, 755.3, 756.2, 756.3, 757, 758.1, 820.1, 820.2  
02/24/17 AMEND: 3435(b)  
02/21/17 AMEND: 3435(b)  
02/16/17 AMEND: 3435(b)  
02/13/17 AMEND: 3435(b)  
02/13/17 AMEND: 3435(b)  
02/06/17 AMEND: 3435(b)  
02/02/17 AMEND: 3435(b)  
01/31/17 AMEND: 3435(b)  
01/30/17 AMEND: 3435(b)

**Title 4**

06/20/17 AMEND: 1696  
06/01/17 AMEND: 1433, 1845  
05/31/17 AMEND: 1632  
05/30/17 ADOPT: 5145, 5146, 5233 AMEND: 5000, 5020, 5031, 5033, 5050, 5051, 5054, 5061, 5062, 5063, 5106, 5144, 5170, 5191, 5192, 5194, 5200, 5220, 5230, 5240, 5250, 5255, 5258, 5260, 5300, 5342, 5350, 5370, 5400, 5450, 5560, 5600 REPEAL: 5221  
05/08/17 ADOPT: 8078.8, 8078.9, 8078.10, 8078.11, 8078.12, 8078.13, 8078.14  
05/04/17 AMEND: 10031, 10032, 10033, 10035, 10036  
05/02/17 ADOPT: 10325.5 AMEND: 10337  
04/20/17 AMEND: 1581, 1843  
04/10/17 AMEND: 10170.3, 10170.8, 10170.9, 10170.10, 10170.14  
03/14/17 ADOPT: 299 AMEND: 297, 300

02/28/17 ADOPT: 6000, 6010, 6011, 6012, 6013, 6014, 6020, 6021, 6022, 6023, 6024, 6030, 6040, 6041, 6042, 6043, 6050, 6051, 6052, 6053, 6060, 6061, 6062

02/15/17 ADOPT: 8078.8, 8078.9, 8078.10, 8078.11, 8078.12, 8078.13, 8078.14

02/09/17 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10330, 10335, 10337

02/07/17 AMEND: 10031, 10032, 10033, 10035, 10036

**Title 5**

06/27/17 REPEAL: 13075, 13075.1, 13075.2, 13075.3, 13075.4, 13075.5, 13075.6, 13075.7, 13075.8, 13075.9

06/26/17 AMEND: 19810

06/14/17 AMEND: 41908

06/05/17 ADOPT: 11517.6, 11518, 11518.5, 11518.10, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.55, 11518.60, 11518.65, 11518.70, 11518.75, 11518.80, 11519, 11519.5

06/02/17 ADOPT: 11534.1 AMEND: 11530, 11533, 11534

05/30/17 ADOPT: 71396

04/05/17 ADOPT: 75300 AMEND: 75200, 75210

03/14/17 AMEND: 15495 REPEAL: 15497.5

02/06/17 AMEND: 22000

02/02/17 AMEND: 851, 853.5, 853.7, 855, 856

**Title 8**

06/20/17 AMEND: 9789.39

06/05/17 AMEND: 1637

06/05/17 AMEND: 3220

05/23/17 ADOPT: 20169 AMEND: 20170, 20234, 20240, 20241, 20242, 20282, 20286, 20363, 20393, 20400, 20401, 20402, 20407, 20408

05/16/17 AMEND: 20335(c)

04/14/17 AMEND: 15203.2(d)

04/04/17 AMEND: 5155

03/27/17 AMEND: 9701, 9702

03/20/17 AMEND: 4306

03/14/17 AMEND: 17304

02/24/17 ADOPT: 10770.7 AMEND: 10770

02/02/17 AMEND: 10134

01/30/17 AMEND: 344.30

**Title 9**

06/13/17 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717

03/15/17 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717

02/13/17 ADOPT: 4600, 4601, 4602

**Title 10**

06/21/17 ADOPT: 260.211.4, 260.211.5, 260.211.6, 260.211.7

04/17/17 ADOPT: 6520, 6522, 6528

03/22/17 ADOPT: 8300, 8310, 8320, 8330, 8340, 8350, 8360, 8370, 8380

03/22/17 AMEND: 2218.30

03/09/17 AMEND: 2911, 2912

02/28/17 ADOPT: 8200, 8210, 8220, 8230

02/21/17 AMEND: 2498.6

02/21/17 AMEND: 2498.6

02/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007

02/16/17 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

02/15/17 AMEND: 2498.4.9

02/09/17 AMEND: 2498.4.9

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06/28/17 AMEND: 1005, 1007, 1008

06/21/17 AMEND: 1015

06/01/17 AMEND: 50.10

06/01/17 AMEND: 50.13

05/31/17 REPEAL: 50.18

05/30/17 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2120, 2130, 2131, 2132, 2133

05/23/17 AMEND: 1001, 1005, 1008

05/23/17 AMEND: 50.19

05/23/17 AMEND: 50.20

05/18/17 AMEND: 50.23

05/18/17 AMEND: 50.12

05/18/17 AMEND: 50.14

05/16/17 AMEND: 50.8

05/16/17 AMEND: 50.15

05/16/17 AMEND: 50.21

05/16/17 REPEAL: 50.22

05/16/17 ADOPT: 50.22

05/15/17 AMEND: 50.5

05/15/17 REPEAL: 50.7

05/15/17 AMEND: 50.6

05/15/17 AMEND: 50.16

05/15/17 AMEND: 50.17

02/21/17 AMEND: 1084

02/01/17 AMEND: 1005, 1007, 1008

01/27/17 AMEND: 1001, 1005, 1007, 1008, 1009, 1018, 1080, 1083

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06/20/17 AMEND: 2775, 2775.1, 2775.2  
 06/19/17 AMEND: 205.00, 205.02, 205.04, 205.06, 205.08, 205.12, 205.14  
 06/12/17 AMEND: 156.00  
 05/15/17 AMEND: 16.06  
 04/19/17 AMEND: 26.01, 26.02  
 04/17/17 AMEND: 2222  
 04/06/17 AMEND: 1157.21  
 02/22/17 AMEND: 1153  
 02/21/17 ADOPT: 26.01, 26.02  
 02/21/17 AMEND: 553.70  
 02/16/17 ADOPT: 15.01 AMEND: 15.00  
 02/02/17 AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, 2467.8, 2467.9

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06/02/17 ADOPT: 1090.28, 1094, 1094.1, 1094.2, 1094.3, 1094.4, 1094.5, 1094.6, 1094.7, 1094.8, 1094.9, 1094.10, 1094.11, 1094.12, 1094.13, 1094.14, 1094.15, 1094.16(a)-(d)(5), 1094.17, 1094.18, 1094.19, 1094.20, 1094.21, 1094.22, 1094.23, 1094.24, 1094.25, 1094.26, 1094.27, 1094.28, 1094.29, 1094.30, 1094.31, 1094.32, 1094.33, 1094.34, 1094.35 AMEND: 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9] 929 [949, 969], 945.1, 1038, 1090.26, 1104.1, 1115.3  
 05/26/17 AMEND: 7.50  
 05/08/17 ADOPT: 18651.10, 18657.0, 18657.1 AMEND: 18600, 18601, 18611, 18612, 18613, 18614, 18614.1, 18616, 18619.1, 18619.2, 18619.3, 18619.4, 18619.5, 18620, 18621, 18622, 18623, 18624, 18625, 18626, 18627, 18631, 18632, 18633, 18634, 18641, 18642, 18643.0, 18643.2, 18643.3, 18643.4, 18643.5, 18643.6, 18643.7, 18650.1, 18650.2, 18650.3, 18650.4, 18650.5, 18650.6, 18650.61, 18650.7, 18650.8, 18650.9, 18651.0, 18651.1, 18651.2, 18651.3, 18651.4, 18651.5, 18651.6, 18651.7, 18651.8, 18651.9, 18653.0, 18653.1, 18653.2, 18653.3, 18653.4, 18653.5, 18653.6, 18655.1, 18655.2, 18655.3, 18655.5, 18655.51, 18655.6, 18655.7, 18655.8, 18656.0 REPEAL: 18615, 18643.1, 18655.4, 18655.9, 18658.0, 18658.1, 18658.2, 18658.3, 18659.0, 18659.1, 18659.2, 18659.3, 18659.4, 18659.5  
 05/03/17 ADOPT: 1265.00, 1265.01, 1265.02, 1265.03  
 05/01/17 AMEND: 27.80  
 05/01/17 AMEND: 28.20  
 04/18/17 AMEND: 1038  
 04/13/17 ADOPT: 3805.1  
 04/12/17 ADOPT: 111  
 04/03/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0  
 03/27/17 AMEND: 27.80  
 03/17/17 AMEND: 550, 550.5, 551, 552, 630, 702, 703  
 03/16/17 ADOPT: 18660.47, 18660.48, 18660.49, 18660.50, 18660.51 AMEND: 18660.5, 18660.20  
 03/14/17 REPEAL: 8600  
 03/07/17 ADOPT: 749.9  
 03/03/17 ADOPT: 16500  
 03/02/17 ADOPT: 748.6  
 03/02/17 ADOPT: 54.00, 54.01, 54.02, 54.03, 122.1, 122.2 AMEND: 29.80, 29.90, 121, 121.5, 122, 705  
 02/28/17 AMEND: 1.74, 5.05, 5.20, 5.35, 5.40, 5.60, 7.00, 7.50, 29.45, 43, 671  
 02/27/17 ADOPT: 715 AMEND: 702  
 02/17/17 AMEND: 895, 895.1, 898.2, 912.5, 913.4, 914.1, 915.3, 916.2, 916.5, 916.8, 916.9, 916.11, 919.2, 919.3, 919.5, 919.9, 919.11, 919.12, 921.1, 921.6, 926.3, 927.12, 953.9, 959.15, 961.1, 1020, 1024.5, 1036.1, 1037.3, 1037.5, 1051, 1051.1, 1051.4, 1051.5, 1052.3, 1052.4, 1052.5, 1054.3, 1055, 1055.2, 1056, 1056.1, 1056.2, 1056.3, 1090.5, 1090.10, 1090.17, 1092.16, 1092.18, 1092.27, 1100, 1153 REPEAL: 926.21  
 02/17/17 AMEND: 632  
 02/07/17 ADOPT: 28.47 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.49, 28.55

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06/28/17 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792  
 06/27/17 AMEND: 3620, 3621, 3622  
 06/08/17 ADOPT: 8106.2 AMEND: 8106.1  
 05/23/17 ADOPT: 3570, 3572, 3573, 3580 AMEND: 3560, 3561, 3562, 3563, 3564,

	3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3		1886.30, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0
05/11/17	ADOPT: 3999.23		REPEAL: 1816.8, 1819.1, 1829, 1877, 1887, 1887.2, 1887.3, 1887.6, 1887.13, 1887.14
04/17/17	AMEND: 3000, 3030, 3190, 3269		
04/13/17	ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493	03/20/17	AMEND: 1732.05, 1732.2, 1732.5
	AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7	03/20/17	AMEND: 1751, 1751.4
04/03/17	ADOPT: 3999.22	03/14/17	ADOPT: 3063.4 AMEND: 472, 472.1, 472.2, 472.3, 472.4, 473, 473.1, 473.2, 473.3, 473.4, 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.3 (renumbered as 3063.2), 3063.4 (renumbered as 3063.3).
03/22/17	AMEND: 8006	03/02/17	AMEND: 1707.5
03/21/17	ADOPT: 8900 AMEND: 8901	02/23/17	AMEND: 1399.672
03/14/17	AMEND: 8004, 8004.3	02/09/17	AMEND: 9.1
03/07/17	AMEND: 3332, 3343	01/31/17	AMEND: 1744
02/22/17	AMEND: 3173.2		
02/09/17	AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379	<b>Title 17</b>	
01/26/17	ADOPT: 1027.5, 1030, 1058.5, 1122.5, 1208.5 AMEND: 1006, 1010, 1024, 1027, 1029, 1046, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1061, 1063, 1070, 1081, 1082, 1083, 1125, 1204, 1205, 1206, 1206.5, 1207, 1209, 1210, 1217, 1241, 1243, 1247, 1270, 1271 REPEAL: 1219	05/10/17	ADOPT: 51000, 51001, 51002
		05/09/17	ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063, 59064, 59065, 59066, 59067, 59068, 59069, 59070, 59071, 59072
<b>Title 16</b>		04/24/17	ADOPT: 51000, 51001, 51002
06/23/17	AMEND: 2649	04/17/17	AMEND: 60201
06/22/17	AMEND: 80.1, 80.2, 87, 87.1	04/17/17	ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78 AMEND: 6500.35, 6500.39, 6500.45, 6500.50, 6501, 6501.5, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67
06/12/17	AMEND: 1399.546	04/13/17	ADOPT: 95364.1 AMEND: 95362, 95366, 95367, 95369
06/08/17	ADOPT: 1746.5	03/23/17	AMEND: 95000
06/07/17	ADOPT: 1399.407, 1399.407.1, 1399.407.2, 1399.407.3	03/20/17	ADOPT: 59000, 59001, 59002, 59003, 59004, 59005, 59006, 59007, 59008, 59009, 59010, 59011, 59012, 59013, 59014, 59015, 59016, 59017, 59018, 59019, 59020, 59021, 59022
06/06/17	ADOPT: 1776, 1776.1, 1776.2, 1776.3, 1776.4, 1776.5, 1776.6	01/26/17	AMEND: 1215.1, 1216, 1216.1, 1218, 1219, 1219.1, 1219.2, 1220, 1220.1, 1220.2, 1220.3, 1220.4, 1221, 1221.1, 1221.4, 1221.5, 1222, 1222.1. REPEAL: 1215, 1217, 1217.1, 1217.2, 1217.3, 1217.4, 1217.5, 1217.6, 1217.7, 1217.8, 1218.1, 1218.2, 1219.3, 1221.2, 1221.3, 1222.2
06/05/17	AMEND: 1387, 1387.1		
05/31/17	REPEAL: 3036.1, 3036.2, 3037.1, 3037.2	<b>Title 18</b>	
05/30/17	AMEND: 1703	06/19/17	AMEND: 1703
05/24/17	ADOPT: 1001.1, 1001.2	06/14/17	AMEND: 5332
05/24/17	AMEND: 1399.395	05/24/17	ADOPT: 19195-1, 19195-2
05/24/17	AMEND: 1399.434, 1399.437 REPEAL: 1399.436		
05/10/17	AMEND: 426.10, 426.14, 426.50		
05/08/17	ADOPT: 1398.26.3 AMEND: 1398.25		
05/04/17	AMEND: 4130		
03/27/17	AMEND: 1105.2		
03/21/17	AMEND: 1803, 1812, 1813, 1814, 1816.1, 1816.2, 1822.50, 1822.51, 1822.52, 1829.1, 1829.2, 1829.3, 1846, 1850.6, 1850.7, 1854, 1856, 1877.2, 1877.3, 1886, 1886.10, 1886.20,		

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05/15/17 AMEND: 263  
05/15/17 AMEND: 1051  
05/03/17 ADOPT: 4001  
03/17/17 AMEND: 1703  
03/09/17 AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1598

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05/01/17 AMEND: 2020, 2021  
03/24/17 ADOPT: 920, 921, 922, 923, 924, 924.1, 924.2, 924.3, 924.4, 924.5, 924.6, 924.7, 924.8, 924.9, 924.10, 924.11, 924.12, 925, 925.1, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 946.1, 947, 948  
02/09/17 ADOPT: 2020, 2021, 2030 AMEND: 2000

**Title 20**

03/27/17 AMEND: 2909  
03/27/17 AMEND: 1602, 1606  
03/27/17 AMEND: 1606, 1607

**Title 21**

05/25/17 ADOPT: 1478.1, 1478.2 AMEND: 1476

**Title 22**

05/11/17 ADOPT: 100057.1, 100057.2 AMEND: 100057, 100059, 100059.1, 100059.2, 100061, 100062, 100063, 100064, 100069, 100070, 100072, 100073, 100074, 100075, 100079, 100080, 100081, 100083  
04/19/17 ADOPT: 69511, 69511.1  
04/18/17 REPEAL: 97770, 97771, 97772  
04/10/17 ADOPT: 64300, 64305, 64310, 64315  
03/27/17 AMEND: 51121  
03/16/17 AMEND: 20100.5  
03/09/17 AMEND: 64806

**Title 22, MPP**

06/21/17 AMEND: 81001  
05/09/17 AMEND: 87163, 87217, 87775  
05/02/17 AMEND: 80001, 80061, 81001, 81061, 82001, 82061, 82065, 87101, 87211

04/27/17 AMEND: 101216.4, 101417  
02/09/17 ADOPT: 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369, 85375, 89900, 89901, 89918, 89920, 89922, 89940, 89942, 89964, 89965, 89968.1, 89968.2, 89970, 89987, 89990 AMEND: 80001, 80020, 80022, 80028, 80065, 80068, 80070, 80072, 80087, 85000, 85068.2

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06/28/17 ADOPT: 3010  
06/22/17 ADOPT: 3939.52  
06/09/17 AMEND: 865 REPEAL: 864.5, 866  
05/18/17 AMEND: 3939.23  
05/16/17 ADOPT: 3939.51  
03/16/17 ADOPT: 3929.15  
03/08/17 ADOPT: 3949.12  
03/07/17 ADOPT: 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015  
02/27/17 ADOPT: 863, 864, 864.5, 865, 866  
01/30/17 AMEND: 3969.1

**Title 27**

05/11/17 REPEAL: 25607.30, 25607.31  
05/04/17 AMEND: 25705  
05/03/17 AMEND: 25805  
04/04/17 AMEND: 25805  
03/21/17 AMEND: 27000  
02/08/17 AMEND: 27001  
01/27/17 AMEND: 25204(f)

**Title 28**

06/27/17 AMEND: 1300.67.005  
03/21/17 AMEND: 1300.67.241

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06/19/17 AMEND: 40-188, 44-207, 44-316, 44-318, 80-310, 82-518, 82-812 REPEAL: 44-314  
05/01/17 AMEND: 44-211  
04/25/17 AMEND: 44-211  
04/04/17 AMEND: 40-105, 40-131, 40-161