



# California Regulatory Notice Register

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AUGUST 18, 2017

## PROPOSED ACTION ON REGULATIONS

### TITLE 2. DEPARTMENT OF TECHNOLOGY

*Conflict-of-Interest Code — Notice File No. Z2017-0804-02* ..... 1237

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Conflict-of-Interest Code — Notice File No. Z2017-0808-03* ..... 1237

#### *Adoption*

Multi-County: East Turlock Subbasin Groundwater Sustainability Agency

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Contra Costa, Alameda, Solano, and Napa Counties —  
Notice File No. Z2017-0808-01* ..... 1238

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Kern County — Notice File No. Z2017-0804-01* ..... 1241

### TITLE 13. CALIFORNIA HIGHWAY PATROL

*Basic Inspection of Terminals Inspection Selection — Notice File No. Z2017-0807-02* ..... 1244

### TITLE 13. CALIFORNIA HIGHWAY PATROL

*Inhalation Hazard Shipments; Routes and Safe Stop Places — Notice File No. Z2017-0802-01* ..... 1246

### TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

*Conflict-of-Interest Code — Notice File No. Z2017-0808-02* ..... 1248

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Proposition 65 Carcinogen Identification Committee (CIC) HID Notice — Coumarin* ..... 1249

(Continued on next page)

*Time-  
Dated  
Material*

# OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

2017 OAL Determination No. 3(S) — Summary Disposition

*Department Operations Manual (DOM) Supplement 54010.22; issued by California Department of Corrections and Rehabilitation, Mule Creek State Prison* ..... 1250

## SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State ..... 1251

Sections Filed, March 8, 2017 to August 9, 2017 ..... 1254

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. DEPARTMENT OF TECHNOLOGY**

**NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA DEPARTMENT OF TECHNOLOGY**

NOTICE IS HEREBY GIVEN that the **California Department of Technology**, 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 August 18, 2017 and closing on October 2, 2017. All inquiries should be directed to the contact listed below.

The Department 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.

The proposed changes to the conflict of interest code will bring the code into alignment with the Department's recent functional reorganization. The proposed amendment and explanation of the reasons can be obtained from the contact listed below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than October 2, 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 September 17, 2017.

The Department 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:

Jeff Pudoff  
 Human Resources Manager  
 California Department of Technology  
 10860 Gold Center Drive, Suite 470  
 Rancho Cordova, CA 95670  
 (916) 431-4095  
[jeff.pudoff@state.ca.gov](mailto:jeff.pudoff@state.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 codes of the following:

**CONFLICT- OF-INTEREST CODES**

**ADOPTION**

**MULTI-COUNTY:** East Turlock Subbasin  
 Groundwater Sustainability Agency

A written comment period has been established commencing on August 18, 2017, and closing on October 2, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cesar Cuevas, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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 October 2, 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, 1102 Q Street, Suite 3000, Sacramento, California 95811, 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, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

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

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on April 18, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than October 16, 2017.

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

#### **PUBLIC HEARING**

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

#### **WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to [Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on October 9, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov)  
 916.406.6650  
 916.651.2900 (FAX)

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

INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW

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

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

Anticipated Benefits from This Regulatory Action

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

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

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

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

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance

of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

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

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

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

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

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated .8 percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

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

AMENDED TEXT

The emergency rulemaking action established the quarantine area for ACP in Contra Costa, Alameda,

Solano, and Napa Counties by approximately 150 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 62,932 square miles.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

*The Department has made the following initial determinations:*

Mandate on local agencies or, school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

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

*Small Business Determination*

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

**ALTERNATIVES CONSIDERED**

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

**AUTHORITY**

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

**REFERENCE**

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Dean Kelch, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 403-6650, FAX (916) 651-2900, E-mail: [Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov). In his absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

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

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on April 7, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by

submission of a Certificate of Compliance no later than October 4, 2017.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to [Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on October 2, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

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

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

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

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

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Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the

impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated .8 percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

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

AMENDED TEXT

The emergency rulemaking action expanded the quarantine area for ACP in Kern County by approximately 39 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 62,782 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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



the affected area. There are zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre. Field-cleaning the fruit will cost the grower approximately \$150–320 per acre depending on the citrus variety. Field-cleaned fruit can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–400 per acre, and the fruit must remain within the quarantine area. There are zero citrus packinghouses located within this quarantine area.

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

*Small Business Determination*

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Dean Kelch, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 403–6650, FAX (916) 651–2900, E-mail: Dean.Kelch@cdfa.ca.gov. In his absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

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

**TITLE 13. CALIFORNIA HIGHWAY  
PATROL**

TITLE 13, CALIFORNIA CODE OF  
REGULATIONS, DIVISION 2, CHAPTER 6.5,  
ARTICLE 6,  
ADD SECTION 1233.2

**BASIC INSPECTION OF TERMINALS  
INSPECTION SELECTION  
(CHP-R-17-01)**

As a result of Assembly Bill 529 (Lowenthal, Chapter 500, Statutes of 2013), the Biennial Inspection of Terminals Program contained in Section 34501.12 of the California Vehicle Code (CVC) was re-branded as the Basic Inspection of Terminals (BIT) Program and changed from a time-based inspection system to a performance-based inspection selection system. In compliance with the requirements of Section 34501.12 CVC, the California Highway Patrol (CHP) proposes to adopt Title 13, California Code of Regulations (CCR) Section 1233.2 establishing a performance-based truck terminal inspection selection priority system incorporating the methodologies consistent with those used by the Federal Motor Carrier Safety Administration (FMCSA).

**AUTHORITY AND REFERENCE**

Section 2402 CVC authorizes the CHP to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Section 34501.12 CVC.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Title 13, CCR, Division 2, Chapter 6.5, Article 6, Section 1233.2, is added to codify motor carrier safety performance scoring and use of the scoring to select terminals for inspections required pursuant to Section 34501.12 CVC. Section 34501.12 CVC requires the CHP to incorporate scoring methodologies consistent with those in use by the FMCSA to assess motor carrier safety performance. Additionally, the section provides the CHP authority to utilize the FMCSA scoring system without regard to how the scoring system is used by the safety intervention processes, procedures, or policies of the FMCSA or any other agency charged with commercial vehicle operation oversight. Title 13, CCR, Section 1233.2, provides authority and direction regarding the use of the FMCSA safety performance scoring methodologies by the CHP as it relates to the BIT Program.

The performance-based inspection selection system utilizes the FMCSA Safety Measurement System (SMS) to assess on-highway safety performance of motor carriers. Violations detected during inspection and enforcement contacts with commercial vehicle operators are electronically uploaded to the SMS and used to determine which motor carrier terminals in California will be selected for inspection as required by Section 34501.12 CVC, under the BIT Program.

After conducting an evaluation, the CHP has determined Title 13, CCR, Section 1233.2, is the only regulation concerning BIT inspection selection. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**Anticipated Benefits of Proposed Regulation**

This addition would provide a nonmonetary benefit to the protection and safety of the motoring public, employees, and motor carrier operators and by encouraging compliance with FMCSA safety standards. The regulation further allows the CHP to focus limited inspection resources to proven noncompliant motor carrier operations.

**PUBLIC COMMENTS**

Interested persons may submit written comments on these proposed actions via facsimile to (916) 322-3154, by electronic mail to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or in writing to:

California Highway Patrol  
Enforcement and Planning Division  
Commercial Vehicle Section  
Attention: Officer Joseph Mosinski  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., on October 2, 2017.

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

The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment. All documents regarding the proposed action are also available through the CHP's Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

Any substantial changes to the original proposal will be available for at least 15 days prior to the CHP adopting this resulting regulation.

#### CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to Officer Joseph Mosinski or Mr. Cullen Sisskind, CHP, CVS, 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 non-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 AND ECONOMIC IMPACT/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will impose no 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 or eliminate jobs in the state of California, nor result in the elimination of existing businesses, nor create or expand businesses in the state of California; (5) will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states; and (6) will provide a nonmonetary benefit to the protection and safety of the motoring public, employees, and motor carrier operators and by encouraging compliance with FMCSA safety standards. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

#### COST IMPACTS ON 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 not identified any significant adverse effect on small businesses. The proposed regulations do not increase any requirements upon any small businesses. Businesses subject to state jurisdiction are currently required to comply with Section 34501.12 CVC. The adoption of this section establishes a performance-based selection system. There will be no impact on businesses in compliance with the safety standards set forth by the FMCSA.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative it considered or has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-

effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### AVAILABILITY OF FINAL STATEMENT REASONS

Once the Final Statement of Reasons for this proposed regulatory action is available, the public may request to review or receive copies of the statement. Requests should be directed to the CHP at the address above, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester's information is incomplete or illegible.

### TITLE 13. CALIFORNIA HIGHWAY PATROL

Amend Article 2.5, Section 1157.21

#### Inhalation Hazard Shipments; Routes and Stopping Places (CHP-R-2017-03)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Division 2, Chapter 6, Article 2.5, Section 1157.21, Stops, to update the list of safe stops for highway commercial vehicles transporting inhalation hazards.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Division 14.3, Transportation of Inhalation Hazards, commencing with Section 32100 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying routes to be used in the transportation of inhalation hazards. The CVC requires the CHP to keep information current in regulations, with maps clearly indicating designated routes and a list of locations of inspection stops, required inspection stops, and safe stopping places. The proposed amendments will not change any inhalation hazard routes and will only update the information of inspection stops, required inspection stops, and stopping places to be used

by carriers of inhalation hazards along the designated inhalation hazard routes.

The CHP's field commands conduct annual surveys on inhalation hazard routes and stops to determine if changes are necessary. After CHP field commands inspected the locations of listed business establishments serving as safe stopping places, business owners have expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place. Proposed changes have received consultation and concurrence from the State Fire Marshal.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health and welfare of California residents, worker safety, and the state's environment. 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 inhalation hazards is clarifying in nature, and all are 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., on October 2, 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 the initial statement of reasons for the proposed regulatory action, the information upon which this action is based, 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 either at the above address, by facsimile at (916) 322–3154, or by calling the CHP, CVS, at (916) 843–3400. All requests for information should include the following: the title of the rulemaking 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. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP’s Web site 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 the above–noted address. Copies will be posted on the CHP Web site.

#### 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 AND RESULTS OF ECONOMIC IMPACT ANALYSIS

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 Government Code (GC) Sections 17500–17630 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 business-

es 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 inhalation hazards 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 of 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 places. However, due to the very limited amount of highway commercial vehicles transporting inhalation hazards on the designated routes in the state, no foreseeable economic impact is projected for the small business to be removed from or added to the list.

#### ALTERNATIVES

In accordance with GC Section 11346.5(a)(13), 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 32102, CVC.

REFERENCE

FAX

This action implements, interprets, or makes specific Sections 32101, 32102, 32103, 32104, and 32105, CVC.

(916) 358-2709

E-MAIL

CALPIAregs@calpia.ca.gov

**TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY**

**NOTICE TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA PRISON INDUSTRY AUTHORITY**

NOTICE IS HEREBY GIVEN that California Prison Industry Authority (CALPIA), pursuant to the authority vested in it by section 87300 of the Government Code proposes to amend its Conflict-of-Interest Code (COIC).

CALPIA proposes to amend its COIC 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. Amendments are also proposed to delete employee positions that no longer 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. A written explanation of why each position is added or removed is available along with the reasons for the disclosure categories.

Copies of the proposed code and written explanation (mentioned above) are available and may be requested from the Contact Person set forth below.

Any person may submit written comments to present statements, arguments, or contentions relating to the proposed action. To be considered before the COIC is amended, written comments must be received no later than October 2, 2017. Use one of the following to submit written comments:

MAIL OR HAND DELIVERED

CALPIA/Legal Services Unit  
560 East Natoma Street  
Folsom, CA 95630

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than September 6, 2017 by contacting the Contact Person identified in this notice.

The California Prison Industry Authority has determined that the proposed code will not:

1. Impose mandates on local agencies or school districts.
2. Impose costs or savings on any state agency.
3. Impose costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of the Government Code.
4. Result in any nondiscretionary costs or savings to local agencies.
5. Result in any costs or savings in federal funding to the state.
6. Result in any potential cost impact on private persons, businesses or small businesses.

**ALTERNATIVES DETERMINATION STATEMENT**

CALPIA must determine that no alternative considered by CALPIA 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.

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

The CALPIA has prepared, and will make available, the proposed changes to the text and the Statement of Reasons for each change. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file), is available to the public upon request directed to the CALPIA's contact person. The documents pertaining to this rulemaking action will also be made available on the CALPIA website <http://www.calpia.ca.gov>.

All inquiries should be directed to contact person:

**Diana, Legal Assistant**  
**California Prison Industry Authority**  
**560 East Natoma Street**  
**Folsom, CA 95630**  
**Telephone (916) 358-1711**

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

**Moira Doherty, Legal Analyst**  
**California Prison Industry Authority**  
**560 East Natoma Street**  
**Folsom, CA 95630**  
**Telephone (916) 358-1711**

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
 HEALTH HAZARD ASSESSMENT**

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

**Announcement of the Carcinogen Identification  
 Committee Meeting  
 Scheduled for November 2, 2017  
 and  
 Availability of Hazard Identification Materials  
 for Coumarin**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup> (Proposition 65). The Carcinogen Identification Committee (CIC) advises and assists OEHHA in compiling the list of chemicals known to the state to cause cancer as required by Health and Safety Code section 25249.8. The Committee serves as the state's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

Coumarin will be considered for possible listing by the CIC at a public meeting scheduled for **Tuesday, No-**

**vember 2, 2017.** The meeting will be held in the Sierra Hearing Room at the CalEPA Headquarters building, 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the meeting.

OEHHA announces the availability for public review of the hazard identification document entitled: "Evidence on the Carcinogenicity of Coumarin". The CIC will consider this document in making any listing decision on coumarin at its November 2, 2017 meeting. In preparing this document, OEHHA issued a request for information relevant to the evidence of carcinogenicity of coumarin. The data call-in period for coumarin opened on March 3, 2017 and closed on April 17, 2017. OEHHA considered information received from its request for information in preparing the hazard identification document.

Copies of the document are available from OEHHA's web site at [www.oehha.ca.gov/proposition-65](http://www.oehha.ca.gov/proposition-65). The document may also be requested from OEHHA's Proposition 65 Implementation Office by calling (916) 445-6900.

This notice marks the beginning of a 45-day public comment period on this document. **OEHHA must receive comments and any supporting documentation by 5:00 p.m. on Monday, October 2, 2017.** All timely filed public comments will be provided to CIC members in advance of the meeting. The public is also able to make oral comments at the meeting. Public comments at the meeting will be limited to five minutes per commenter, except for those commenters who make requests by October 2, 2017 and receive approval from the Chair for longer comments. If you would like to make public comments to the Committee exceeding five minutes, please submit a request with an estimate of the time you will need and the reason you are requesting additional time, to the Proposition 65 mailbox at [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov) or call the Proposition 65 Implementation Office at (916) 445-6900 by 5:00 p.m. on October 2, 2017.

Comments on the hazard identification document may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

Mailing Address:

Michelle Ramirez  
 Office of Environmental Health Hazard Assessment  
 P.O. Box 4010, MS-12B  
 Sacramento, California 95812-4010

<sup>1</sup> Health and Safety Code section 25249.5 et seq.

Street Address:  
1001 I Street  
Sacramento, California 95814

Fax: (916) 323-2265

Comments received during the public comment period will be posted on the OEHHA website in advance of the meeting. Electronic files submitted should not have any form of encryption because OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

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

pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f)

Petition challenging D.O.M. Supplement 54010.22; issued by California Department of Corrections and Rehabilitation, Mule Creek State Prison.

On 6/5/2017, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether Mule Creek State Prison’s “D.O.M. Supplement 54010.22; Correspondence Between Inmates/Parolees/Probationers” constitutes an underground regulation. The rule is contained in Mule Creek State Prison’s Department Operations Manual (D.O.M.) Supplement which was issued by the warden at the Mule Creek State Prison and is attached hereto as Exhibit A.

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

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

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

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

<sup>2</sup> Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

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

**OAL REGULATORY DETERMINATIONS**

**OFFICE OF ADMINISTRATIVE LAW**

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

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

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

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

Date: August 4, 2017  
To: Eugene Sinohue  
From: Chapter Two Compliance Unit  
Subject: **2017 OAL DETERMINATION NO. 3 (S) (CTU2017-0605-01)**  
(Summary Disposition issued



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

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

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

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

...

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

Similarly, the rule challenged by your petition was issued by Mule Creek State Prison and applies solely to the inmates of Mule Creek State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria concerning correspondence. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.<sup>3</sup>

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

/s/

Debra M. Cornez

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

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

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

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

**(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.**

[Emphasis added.]

Director

/s/

Elizabeth A. Heidig,  
Assistant Chief Counsel

Copy:

Scott Kernan, Secretary  
Tim Lockwood, A.D., RPMB

**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# 2017-0628-01  
BOARD OF BEHAVIORAL SCIENCES  
English as a Second Language

This rulemaking action by the Board of Behavioral Sciences (Board) adds section 1805.2 to title 16 of the California Code of Regulations. This section states the conditions under which the Board may grant additional time to complete examinations to those for whom English is a second language.

Title 16  
ADOPT: 1805.2  
Filed 08/08/2017  
Effective 10/01/2017  
Agency Contact: Rosanne Helms (916) 574-7897

File# 2017-0620-04  
BOARD OF OCCUPATIONAL THERAPY  
Continuing Competence Requirements

This action by the Board of Occupational Therapy updates continuing competency requirements and adopts the form entitled, “Fieldwork Education PDU Attestation” (Form FEA, 6/2016).

Title 16  
AMEND: 4161, 4162, 4163  
Filed 08/02/2017  
Effective 10/01/2017  
Agency Contact: Heather Martin (916) 263-2294

File# 2017-0726-01  
CALIFORNIA POLLUTION CONTROL  
FINANCING AUTHORITY  
California Capital Access Program for Small  
Businesses

This emergency action amends and clarifies the California Capital Access Program (CalCAP) small business loan program. The amendments adopt a recapture mechanism to recycle contributions from loss reserve accounts to support future CalCAP enrollments. The agency also adopts definitions and procedures implementing the CalCap Heavy-Duty Vehicle Air Quality Loan Program (CalCAP/ARB).

Title 4  
ADOPT: 8078.22, 8078.23, 8078.24, 8078.25,  
8078.26, 8078.27, 8078.28, 8078.29, 8078.30,  
8078.31, 8078.32, 8078.33, 8078.34, 8078.35  
AMEND: 8070, 8071, 8072, 8073, 8074, 8076,  
8078.3 REPEAL: 8078.1, 8078.2  
Filed 08/07/2017  
Effective 08/07/2017  
Agency Contact: Bianca Smith (916) 653-5408

File# 2017-0627-04  
COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING  
Extension of Time Limit for Course Completion

This regulatory amends section 1006 in title 11 of the CCR regarding training. The changes make students who are dismissed from a course due to sustained allegations of misconduct, ineligible for the extension of time to complete the course, which is provided by section 1006.

Title 11  
AMEND: 1006  
Filed 08/08/2017  
Effective 10/01/2017  
Agency Contact: Christy Correa (916) 227-4847

File# 2017-0630-05  
DEPARTMENT OF FOOD AND AGRICULTURE  
Noxious Weed Seed

This rulemaking action by the California Department of Food and Agriculture amends sections 3854 and 3855 of title 3 of the California Code of Regulations (CCR). The purpose of this action is to accurately categorize seeds of all plant species listed in section 4500 of title 3 of the CCR as either prohibited or restricted.

Title 3  
AMEND: 3854, 3855  
Filed 08/08/2017  
Effective 10/01/2017  
Agency Contact: Dean Kelch (916) 403-6650

File# 2017-0728-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency readopt action by the Department of Food and Agriculture (Department) maintains the changes adopted in OAL File No. 2017-0404-02E that expanded the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* by approximately 39 square miles in the Delano area of Kern County in response to the identification of one adult ACP on March 6, 2017. This action provides authority for the state to perform quarantine activities against ACP within these areas.

Title 3  
AMEND: 3435(b)  
Filed 08/03/2017  
Effective 08/03/2017  
Agency Contact: Dean Kelch (916) 403-6650

File# 2017-0621-02  
DEPARTMENT OF INSURANCE  
2017 Commercial Auto Rate Filing

This file and print action by the Department of Insurance amends the California Automobile Insurance Procedure based upon proposed rates calculated by the California Automobile Assigned Risk Plan. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10  
AMEND: 2498.5  
Filed 08/03/2017  
Effective 08/03/2017  
Agency Contact: Michael Riordan (415) 426-4226

File# 2017-0621-01  
OFFICE OF EMERGENCY SERVICES  
California Accidental Release Program for Petroleum Refineries

This rulemaking action by the Governor's Office of Emergency Services (OES) adopts new Article 6.5 to the California Accidental Release Prevention (CalARP) Program to set safety performance standards for oil refineries classified as Program 4 Facilities, who must ensure compliance through improvements in documentation, transparency, accountability, worker participation, and enforcement to protect the health and

safety of the public. OES also updates acronyms and cross-references in existing regulations to accurately reflect current Health and Safety Code provisions and new Article 6.5.

Title 19

ADOPT: 2745.7.5, 2762.0.1, 2762.0.2, 2762.1, 2762.2, 2762.2.1, 2762.3, 2762.4, 2762.5, 2762.6, 2762.7, 2762.8, 2762.9, 2762.10, 2762.11, 2762.12, 2762.13, 2762.14, 2762.15, 2762.16, 2762.17, 2775.2.5 AMEND: 2735.1, 2735.3, 2735.4, 2735.5, 2735.6, 2735.7, 2740.1, 2745.1, 2745.2, 2745.3, 2745.4, 2745.6, 2745.7, 2745.7.5, 2745.8, 2745.10, 2745.10.5, 2745.11, 2750.1, 2750.3, 2750.4, 2755.2, 2755.6, 2760.8, 2765.1, 2770.1, 2770.2, 2770.5, 2775.2, 2775.3, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.5, 2780.6, 2785.1

Filed 08/03/2017

Effective 10/01/2017

Agency Contact: Stephanie Ogren (916) 845-8322

File# 2017-0626-01

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

The Office of Environmental Health Hazard Assessment (OEHHA) submitted this file and print action to add the Glyphosate and Pentabromodiphenyl ether mixture [DE-71 (technical grade)] to the list of chemicals known to the State to cause cancer in title 27, California Code of Regulations, section 27001(b).

Title 27

AMEND: 27001

Filed 08/02/2017

Effective 08/02/2017

Agency Contact: Michelle Ramirez (916) 327-3015

File# 2017-0727-03

OFFICE OF SPILL PREVENTION AND RESPONSE  
Certificates of Financial Responsibility

This second emergency re-adopt (2015-0825-03EFP, 2016-0822-02EFP) by the Office of Spill Prevention and Response amends sections 791, 791.6, 792, 793, 794, 795, 796, 797 and adopts section 798 of title 14 of the California Code of Regulations to implement changes to the statewide oil spill prevention and response program pursuant to Senate Bill 861 (Stats. 2014, ch. 931).

Title 14

ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797

Filed 08/07/2017

Effective 08/07/2017

Agency Contact: Christine Kluge (916) 327-0910

File# 2017-0727-04

OFFICE OF SPILL PREVENTION AND RESPONSE  
Oil Spill Contingency Plans — Inland Facilities/  
Definitions and Abbreviations

This emergency re-adopt by the Office of Spill Prevention and Response (Office) amends section 790 of title 14 of the California Code of Regulations (CCR) to modify existing definitions and abbreviations. It also adopts section 817.04 of title 14 of the CCR to establish contingency plan requirements for "Inland Facilities."

Title 14

ADOPT: 817.04 AMEND: 790

Filed 08/07/2017

Effective 08/07/2017

Agency Contact: Christine Kluge (916) 327-0910

File# 2017-0727-05

OFFICE OF SPILL PREVENTION AND RESPONSE  
Drills and Exercises

This emergency file and print action re-adopts drills and exercises to be performed at inland facilities.

Title 14

ADOPT: 820.02

Filed 08/07/2017

Effective 08/07/2017

Agency Contact: Christine Kluge (916) 327-0910

File# 2017-0727-06

OFFICE OF SPILL PREVENTION AND RESPONSE  
Statewide Oil Spill Response Organizations (OSRO)  
Ratings

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

Title 14  
 AMEND: 819, 819.01, 819.02, 819.03, 819.04,  
 819.05, 819.06, 819.07  
 Filed 08/07/2017  
 Effective 08/07/2017  
 Agency Contact: Christine Kluge (916) 327-0910

File# 2017-0627-01  
 STATE WATER RESOURCES CONTROL BOARD  
 LA Region Basin Plan Groundwater Management  
 Measures for Malibu Valley Basin

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to adopt section 3939.53 in Title 23 of the California Code of Regulation regarding amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The amendments incorporate salt and nutrient management measures for the Malibu Valley Groundwater Basin in Los Angeles County. The Los Angeles Regional Water Quality Control Board adopted the Basin Plan on July 14, 2016 in Resolution No. R16-005. The State Water Board approved the Basin Plan on April 19, 2017 in Resolution No. 2017-0022.

Title 23  
 ADOPT: 3939.53  
 Filed 08/09/2017  
 Effective 08/09/2017  
 Agency Contact: Ginachi Amah (213) 576-6685

File# 2017-0627-02  
 STATE WATER RESOURCES CONTROL BOARD  
 Los Angeles Region's Basin Plan Administrative  
 Update of Chapters 4 & 2

This action amends the Water Quality Control Plan for the Los Angeles Region (Basin Plan). On June 9, 2016, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R16-004 to administratively update Chapters 2 and 4 of the Basin Plan. The State Water Resources Control Board approved the amendments under Resolution 2017-0021 on April 19, 2017.

Title 23  
 AMEND: 3930  
 Filed 08/08/2017  
 Effective 08/08/2017  
 Agency Contact: Ginachi Amah (213) 576-6685

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN March 8, 2017 TO  
 August 29 2017**

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

**Title 2**

- 07/25/17 AMEND: 57700
- 07/12/17 ADOPT: 20060, 20061, 20062, 20063, 20064, 20065, 20066, 20067
- 07/01/17 ADOPT: 171, 171.2, 174, 193.1, 193.2, 194, 195, 195.1, 195.2, 195.3, 242, 249.1, 249.2, 249.3, 249.4, 249.5, 249.6, 249.7, 250, 250.2, 265, 265.1, 548.53 AMEND: 156, 171.1, 174, 193, 258, 548.40, 548.41 REPEAL: 157, 171, 194, 195, 196, 198, 199, 199.1, 200, 205, 206, 210, 250, 265, 548.70
- 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

**Title 3**

- 08/08/17 AMEND: 3854, 3855
- 08/03/17 AMEND: 3435(b)
- 07/31/17 AMEND: 3435(d)
- 07/26/17 AMEND: 3439(b)
- 07/25/17 AMEND: 3591.12, 3424(c)
- 07/24/17 AMEND: 3435(b)
- 07/20/17 AMEND: 3435(b)
- 07/17/17 AMEND: 3435(b)
- 07/12/17 ADOPT: 6190
- 07/10/17 AMEND: 3435(b)
- 07/06/17 AMEND: 3439(b)
- 07/06/17 AMEND: 3439(b)

**CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 33-Z**

|                |   |                |  |
|----------------|---|----------------|--|
| 07/06/17       | AMEND: 3435(b)  | 06/01/17       | AMEND: 1433, 1845  |
| 06/28/17       | AMEND: 1358.7   | 05/31/17       | AMEND: 1632  |
| 06/26/17       | AMEND: 3435(b)  | 05/30/17       | ADOPT: 5145, 5146, 5233 AMEND:   |
| 06/22/17       | ADOPT: 2320.5AMEND: 2300, 2300.1,<br>2303, 2304, 2307, 2308, 2312, 2315,<br>2319, 2320.1, 2320.2, 2322, 2323, 2324  |                | 5000, 5020, 5031, 5033, 5050, 5051,<br>5054, 5061, 5062, 5063, 5106, 5144,<br>5170, 5191, 5192, 5194, 5200, 5220,<br>5230, 5240, 5250, 5255, 5258, 5260,<br>5300, 5342, 5350, 5370, 5400, 5450,<br>5560, 5600 REPEAL: 5221 |
| 06/19/17       | AMEND: 3435(b)  | 05/08/17       | ADOPT: 8078.8, 8078.9, 8078.10,<br>8078.11, 8078.12, 8078.13, 8078.14  |
| 06/14/17       | AMEND: 3435(b)  | 05/04/17       | AMEND: 10031, 10032, 10033, 10035,<br>10036  |
| 06/08/17       | AMEND: 3435(b)  | 05/02/17       | ADOPT: 10325.5 AMEND: 10337  |
| 06/07/17       | AMEND: 3435(b)  | 04/20/17       | AMEND: 1581, 1843  |
| 06/05/17       | ADOPT: 3591.28  | 04/10/17       | AMEND: 10170.3, 10170.8, 10170.9,<br>10170.10, 10170.14  |
| 06/02/17       | AMEND: 3435(d)  | 03/14/17       | ADOPT: 299 AMEND: 297, 300   |
| 06/01/17       | AMEND: 3591.12  |                |  |
| 05/30/17       | AMEND: 3439(b)  | <b>Title 5</b> |  |
| 05/15/17       | AMEND: 3435(b)  | 07/18/17       | AMEND: 851, 853.5, 853.7, 855, 856   |
| 05/15/17       | AMEND: 3435(b)  | 06/27/17       | REPEAL: 13075, 13075.1, 13075.2,<br>13075.3, 13075.4, 13075.5, 13075.6,<br>13075.7, 13075.8, 13075.9   |
| 05/09/17       | AMEND: 3435(b)  | 06/26/17       | AMEND: 19810   |
| 05/08/17       | AMEND: 1402.7, 1402.8   | 06/14/17       | AMEND: 41908   |
| 05/08/17       | AMEND: 3439(b)  | 06/05/17       | ADOPT: 11517.6, 11518, 11518.5,<br>11518.10, 11518.15, 11518.20,<br>11518.25, 11518.30, 11518.35,<br>11518.40, 11518.45, 11518.50,<br>11518.55, 11518.60, 11518.65,<br>11518.70, 11518.75, 11518.80, 11519,<br>11519.5     |
| 05/04/17       | AMEND: 3435(b)  | 06/02/17       | ADOPT: 11534.1 AMEND: 11530,<br>11533, 11534   |
| 05/04/17       | AMEND: 3435(b)  | 05/30/17       | ADOPT: 71396   |
| 05/04/17       | AMEND: 3591.15  | 04/05/17       | ADOPT: 75300 AMEND: 75200, 75210   |
| 04/24/17       | AMEND: 3435(b)  | 03/14/17       | AMEND: 15495 REPEAL: 15497.5   |
| 04/24/17       | AMEND: 3435(b)  | <b>Title 8</b> |  |
| 04/20/17       | AMEND: 3435(b)  | 07/31/17       | AMEND: 3650  |
| 04/18/17       | AMEND: 3435(b)  | 07/31/17       | AMEND: 344.30  |
| 04/17/17       | AMEND: 3435(b)  | 07/27/17       | ADOPT: 5189.1  |
| 04/17/17       | AMEND: 3435(b)  | 07/18/17       | ADOPT: 9789.17.3 AMEND: 9789.12.2,<br>9789.17.1, 9789.18.12, 9789.19   |
| 04/07/17       | AMEND: 3435(b)  | 06/29/17       | ADOPT: 9788.1, 9788.2, 9788.3, 9788.4  |
| 04/04/17       | AMEND: 3435(b)  | 06/29/17       | AMEND: 344.18  |
| 03/30/17       | AMEND: 3435(b)  | 06/20/17       | AMEND: 9789.39   |
| 03/30/17       | AMEND: 3435(b)  | 06/05/17       | AMEND: 1637  |
| 03/28/17       | AMEND: 3435(b)  | 06/05/17       | AMEND: 3220  |
| 03/28/17       | AMEND: 3406(c), 3591.5(b)   | 05/23/17       | ADOPT: 20169 AMEND: 20170, 20234,<br>20240, 20241, 20242, 20282, 20286,<br>20363, 20393, 20400, 20401, 20402,<br>20407, 20408  |
| 03/24/17       | AMEND: 3435(b)  | 05/16/17       | AMEND: 20335(c)  |
| 03/14/17       | AMEND: 3061   | 04/14/17       | AMEND: 15203.2(d)  |
| 03/13/17       | ADOPT: 2852.5 AMEND: 2850, 2851,<br>2852, 2853, 2854, 2855, 2856  |                |  |
| <b>Title 4</b> |   |                |  |
| 08/07/17       | ADOPT: 8078.22, 8078.23, 8078.24,<br>8078.25, 8078.26, 8078.27, 8078.28,<br>8078.29, 8078.30, 8078.31, 8078.32,<br>8078.33, 8078.34, 8078.35 AMEND:<br>8070, 8071, 8072, 8073, 8074, 8076,<br>8078.3 REPEAL: 8078.1, 8078.2 |                |  |
| 07/26/17       | ADOPT: 7033.1 AMEND: 7030, 7033,<br>7034, 7035, 7037, 7040, 7042, 7045  |                |  |
| 07/26/17       | AMEND: 1581, 1843   |                |  |
| 07/26/17       | ADOPT: 8078.15, 8078.16, 8078.17,<br>8078.18, 8078.19, 8078.20, 8078.21   |                |  |
| 07/18/17       | ADOPT: 610  |                |  |
| 07/12/17       | ADOPT: 299 AMEND: 297, 300  |                |  |
| 07/12/17       | AMEND: 10325.5  |                |  |
| 06/20/17       | AMEND: 1696   |                |  |

**CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 33-Z**

04/04/17 AMEND: 5155  
 03/27/17 AMEND: 9701, 9702  
 03/20/17 AMEND: 4306  
 03/14/17 AMEND: 17304

**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

**Title 10**

08/03/17 AMEND: 2498.5  
 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

**Title 11**

08/08/17 AMEND: 1006  
 07/31/17 AMEND: 1005  
 07/31/17 ADOPT: 5470, 5471, 5472, 5473, 5474, 5474.1, 5474.2, 5475, 5476, 5477, 5478  
 AMEND: 5469 REPEAL: 5473  
 07/25/17 AMEND: 1009  
 07/18/17 AMEND: 1008  
 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

**Title 13**

07/31/17 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264  
 07/31/17 ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269  
 07/27/17 AMEND: 1151.8.1  
 06/29/17 AMEND: 1160.1, 1160.2, 1160.3, 1160.4  
 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

**Title 14**

08/07/17 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 08/07/17 ADOPT: 817.04 AMEND: 790  
 08/07/17 ADOPT: 820.02  
 08/07/17 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
 08/01/17 AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24  
 07/26/17 AMEND: 895.1, 896, 897, 898, 898.1, 898.2, 900, 901, 902, 902.1, 902.2, 902.3, 903.1, 903.2, 906, 907, 911  
 07/19/17 AMEND: 502  
 07/19/17 AMEND: 708.5  
 07/18/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0  
 07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1  
 07/13/17 AMEND: 13055  
 07/12/17 AMEND: 670.2  
 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
- Title 15**
- 07/18/17 ADOPT: 3087, 3087.1, 3087.2, 3087.3,  
3087.4, 3087.5, 3087.6, 3087.7, 3087.8,  
3087.9, 3087.10, 3087.11, 3087.12
- 07/19/17 AMEND: 502
- 07/19/17 AMEND: 708.5
- 07/18/17 ADOPT: 17403.3.1 AMEND: 17402,  
17403.0, 174405.0
- 07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1
- 07/13/17 AMEND: 13055
- 07/12/17 AMEND: 3000, 3753, 3754, 3763, 6766,  
3769.6
- 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
- 05/11/17 ADOPT: 3999.23
- 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  
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
- 04/03/17 ADOPT: 3999.22
- 03/22/17 AMEND: 8006
- 03/21/17 ADOPT: 8900 AMEND: 8901
- 03/14/17 AMEND: 8004, 8004.3
- Title 16**
- 08/08/17 ADOPT: 1805.2
- 08/02/17 AMEND: 4161, 4162, 4163
- 07/06/17 AMEND: 1398.3, 1398.4, 1398.6,  
1398.15, 1398.20, 1398.21, 1398.21.1,  
1398.23, 1398.28, 1398.37, 1398.44,  
1398.47, 1398.50, 1398.51, 1398.52,  
1399, 1399.23, 1399.90, 1399.91,  
1399.92, 1399.93, 1399.94, 1399.95,  
1399.96, 1399.97, 1399.98, 1399.99  
REPEAL: 1398.24, 1398.27, 1398.42
- 06/23/17 AMEND: 2649
- 06/22/17 AMEND: 80.1, 80.2, 87, 87.1
- 06/12/17 AMEND: 1399.546
- 06/08/17 ADOPT: 1746.5
- 06/07/17 ADOPT: 1399.407, 1399.407.1,  
1399.407.2, 1399.407.3
- 06/06/17 ADOPT: 1776, 1776.1, 1776.2, 1776.3,  
1776.4, 1776.5, 1776.6
- 06/05/17 AMEND: 1387, 1387.1
- 05/31/17 REPEAL: 3036.1, 3036.2, 3037.1,  
3037.2
- 05/30/17 AMEND: 1703
- 05/24/17 ADOPT: 1001.1, 1001.2
- 05/24/17 AMEND: 1399.395
- 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, 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  
 REPEAL: 1816.8, 1819.1, 1829, 1877, 1887, 1887.2, 1887.3, 1887.6, 1887.13, 1887.14

03/20/17 AMEND: 1732.05, 1732.2, 1732.5

03/20/17 AMEND: 1751, 1751.4

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).

**Title 17**

07/24/17 REPEAL: 1050

07/17/17 ADOPT: 95665, 95666, 95667, 95668, 95669, 95670, 95671, 95672, 95673, 95674, 95675, 95676, 95677

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

04/24/17 ADOPT: 51000, 51001, 51002

04/17/17 AMEND: 60201

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

04/13/17 ADOPT: 95364.1 AMEND: 95362, 95366, 95367, 95369

03/23/17 AMEND: 95000

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

**Title 18**

06/19/17 AMEND: 1703

06/14/17 AMEND: 5332

05/24/17 ADOPT: 19195-1, 19195-2

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

**Title 19**

08/03/17 ADOPT: 2745.7.5, 2762.0.1, 2762.0.2, 2762.1, 2762.2, 2762.2.1, 2762.3, 2762.4, 2762.5, 2762.6, 2762.7, 2762.8, 2762.9, 2762.10, 2762.11, 2762.12, 2762.13, 2762.14, 2762.15, 2762.16, 2762.17, 2775.2.5 AMEND: 2735.1, 2735.3, 2735.4, 2735.5, 2735.6, 2735.7, 2740.1, 2745.1, 2745.2, 2745.3, 2745.4, 2745.6, 2745.7, 2745.7.5, 2745.8, 2745.10, 2745.10.5, 2745.11, 2750.1, 2750.3, 2750.4, 2755.2, 2755.6, 2760.8, 2765.1, 2770.1, 2770.2, 2770.5, 2775.2, 2775.3, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.5, 2780.6, 2785.1

07/06/17 AMEND: 2021

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

**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**

07/14/17 AMEND: 51255, 51356

07/10/17 AMEND: 51490.1

07/03/17 AMEND: 97700.1, 97700.2, 97700.3, 97700.4, 97700.5, 97700.6, 97700.7, 97700.8, 97700.13, 97700.15, 97700.17, 97700.18, 97700.19, 97700.20, 97700.21, 97700.23, 97700.25, 97700.26, 97700.27, 97700.29, 97700.31, 97700.32, 97700.33, 97700.35, 97700.41, 97700.43, 97700.45, 97700.47, 97700.49, 97700.51, 97700.53, 97700.55, 97700.57, 97700.59, 97700.61, 97700.63, 97700.65, 97720, 97722, 97724, 97726, 97730, 97731, 97732, 97734, 97735, 97737, 97740, 97743, 97745, 97747, 97750, 97752, 97755, 97757, 97759, 97760

05/11/17 ADOPT: 100057.1, 100057.2 AMEND: 100057, 100059, 100059.1, 100059.2,



|   |   |
|---|---|
| 100061, 100062, 100063, 100064,<br>100069, 100070, 100072, 100073,<br>100074, 100075, 100079, 100080,<br>100081, 100083   | 05/16/17 ADOPT: 3939.51<br>03/16/17 ADOPT: 3929.15<br>03/08/17 ADOPT: 3949.12   |
| 04/19/17 ADOPT: 69511, 69511.1<br>04/18/17 REPEAL: 97770, 97771, 97772<br>04/10/17 ADOPT: 64300, 64305, 64310, 64315<br>03/27/17 AMEND: 51121<br>03/16/17 AMEND: 20100.5<br>03/09/17 AMEND: 64806   | <b>Title 25</b><br>07/18/17 ADOPT: 5535, 5535.5, 5536, 5536.5<br>07/12/17 ADOPT: 6932 REPEAL: 6932  |
| <b>Title 22, MPP</b><br>06/21/17 AMEND: 81001<br>05/09/17 AMEND: 87163, 87217, 87775<br>05/02/17 AMEND: 80001, 80061, 81001, 81061,<br>82001, 82061, 82065, 87101, 87211<br>04/27/17 AMEND: 101216.4, 101417  | <b>Title 27</b><br>08/02/17 AMEND: 27001<br>05/11/17 REPEAL: 25607.30, 25607.31<br>05/04/17 AMEND: 25705<br>05/03/17 AMEND: 25805<br>04/04/17 AMEND: 25805<br>03/21/17 AMEND: 27000   |
| <b>Title 23</b><br>08/09/17 ADOPT: 3939.53<br>08/08/17 AMEND: 3930<br>06/29/17 ADOPT: 1030, 1032, 1040, 1041, 1042,<br>1043, 1044, 1045, 1046<br>06/28/17 ADOPT: 3010<br>06/22/17 ADOPT: 3939.52<br>06/09/17 AMEND: 865 REPEAL: 864.5, 866<br>05/18/17 AMEND: 3939.23 | <b>Title 28</b><br>06/27/17 AMEND: 1300.67.005<br>03/21/17 AMEND: 1300.67.241   |
|   | <b>Title MPP</b><br>07/17/17 ADOPT: 31-137<br>06/19/17 AMEND: 40-188, 44-207, 44-316,<br>44-318, 80-310, 82-518, 82-812<br>REPEAL: 44-314<br>05/01/17 AMEND: 44-211<br>04/25/17 AMEND: 44-211<br>04/04/17 AMEND: 40-105, 40-131, 40-161 |

