



California Regulatory Notice Register

REGISTER 2017, NO. 43-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 27, 2017

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2017-1017-07 1597

Amendment

State Agency: Department of Food and Agriculture
Multi-County: Cuyama Joint Unified School District
Livermore Valley Joint Unified School District

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Conflict-of-Interest Code — Notice File No. Z2017-1017-03 1598

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Huanglongbing Interior Quarantine — Anaheim Area of Orange County — Notice File No. Z2017-0919-04 1598

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Huanglongbing Interior Quarantine — Riverside Area of Riverside and San Bernardino Counties — Notice File No. Z2017-0919-05 1601

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Huanglongbing Interior Quarantine — San Gabriel Area of Los Angeles County — Notice File No. Z2017-0919-03 1603

TITLE 4. CALIFORNIA HORSE RACING BOARD

Altering of Sex of Horse — Notice File No. Z2017-1013-03 1606

TITLE 4. CALIFORNIA HORSE RACING BOARD

Safety Helmets Required; Safety Vests Required — Notice File No. Z2017-1013-04 1610

TITLE 8. DIVISION OF WORKERS' COMPENSATION

Medical Provider Suspension Procedure — Notice File No. Z2017-1017-01 1613

(Continued on next page)

Time-Dated Material

TITLE 10. BUREAU OF REAL ESTATE APPRAISERS
Form Updates — Notice File No. Z2017-1017-02 1621

TITLE 14. FISH AND GAME COMMISSION
Tricolored Blackbird Incidental Take Regulations — Notice File No. Z2017-1017-11 1623

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE
General Licensure Requirements — Notice File No. Z2017-1013-01 1627

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE
*Habitat Restoration and Enhancement Act Consistency Determination No. 1653-2017-010-001-RI —
Armstrong Bridge* 1631

FISH AND GAME COMMISSION
Cascades Frog Candidacy Notice 1633

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Prospective Purchaser Agreement 1634

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Proposition 65 Listing Notice — Labor Code (LC) Set 29 1635

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Proposition 65 — Safe Use Determination (SUD) Acceptance Notice — Chlorothalonil 1636

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Proposition 65 Updated Chemical List — October 27, 2017 1636

RULEMAKING PETITION DECISIONS

COMMISSION ON TEACHER CREDENTIALING
*Notice of Decision on Petition from Mark Bell Concerning Adopting Private
School Regulations* 1657

DEPARTMENT OF PUBLIC HEALTH
*Notice of Decision on Petition to O’Melveny & Myers LLP Concerning Initiating Rulemaking to
Formalize Existing Guidance Regarding Pet Food* 1657

(Continued on next page)

DISAPPROVAL DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Administration of Death Penalty — Lethal Injection 1658

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISION

BOARD OF PHARMACY

Annual Notice Precedential Decision Index 1659

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1659

Sections Filed, May 17, 2017 to October 18, 2017 1661

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Department of Food and Agriculture

MULTI-COUNTY: Cuyama Joint Unified School District
Livermore Valley Joint Unified School District

A written comment period has been established commencing on October 27, 2017, and closing on December 11, 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 December 11, 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**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
CALIFORNIA DEPARTMENT OF FOOD AND
AGRICULTURE**

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture 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 October 27, 2017 and closing on December 11, 2017. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: updated to include new positions and current designated positions needed renaming and deletions and also makes other technical changes.

Any interested person may submit written comments relating to the proposed amendments by submitting them no later than December 11, 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 November 27, 2017.

The California Department of Food and Agriculture 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:

Teresa Swafford, Filing Officer
(916) 403-6616
Teresa.Swafford@cdfa.ca.gov

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

The Department of Food and Agriculture amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Huanglongbing (HLB) Disease Interior Quarantine as an emergency action that was effective on August 31, 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 February 27, 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. The written comment period closes at 5:00 p.m. on December 11, 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
 916.403.6650
 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 of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary 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 (Food and Agricultural Code [FAC] Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate the pest (FAC Section 5761).

Anticipated Benefits from This Regulatory Action

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 Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

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 pre-

vent the artificial spread of a serious insect pest which is a mandated statutory goal.

The specific anticipated benefits of the amendment of this regulation are:

The adoption of this regulation benefits the citrus industries (nursery and fruit) and the environment by establishing eradication authority enabling the removal of HLB-infested host material from the environment. By removing the sources of HLB inocula it is biologically feasible to confine HLB's devastating impacts to the smallest area possible.

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 adoption of this regulation is one step to mitigate the spread of HLB through its vector, the Asian citrus psyllid (ACP). This prevents the ACP from naturally spreading and increasing the chances of successfully containing the disease to the smallest area possible.

All eradication activities are conducted by the Department. Except for curry plants (*Murraya spp.*), any other host material infected with HLB will die, as there is no cure. Homeowners and others will benefit by having this host material removed at no cost to them.

California consumers benefit as the fruit from host trees infected with HLB is inedible. Confining HLB infestations to the smallest area possible ensures citrus fruit and other host fruits are available for consumption at reasonable prices.

The Department considered any other possible related regulations in this area; we find that these are the only regulations dealing in this subject area, and the Department is the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is consistent and compatible with existing state regulations. There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for HLB in the Anaheim area of Orange County by approximately 7 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against HLB within this additional area. The total area that would be under regulation is now approximately 532 square miles.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination

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

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 that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$2.19 billion per year citrus industry brings to the State's economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits

the general health and welfare of California residents. This amendment protects thousands of backyard gardeners throughout California who produce large quantities of fruit for their own use, and it supports the traditions, especially in the Asian culture, that many families have for growing and using citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental impacts caused by HLB [Gov. Code Sec. 11346.3(b)].

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 neither be more effective in carrying out the purpose for which the action is proposed nor would be as effective and less burdensome to affected private persons nor 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 3439(b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and 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/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Huanglongbing (HLB) Disease Interior Quarantine as an emergency action that was effective on August 22, 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 February 20, 2018.

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. The written comment period closes at 5:00 p.m. on December 11, 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
 916.403.6650
 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 of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary 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 (Food and Agricultural Code [FAC] Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate the pest (FAC Section 5761).

Anticipated Benefits from This Regulatory Action

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 Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth

the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

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 specific anticipated benefits of the amendment of this regulation are:

The adoption of this regulation benefits the citrus industries (nursery and fruit) and the environment by establishing eradication authority enabling the removal of HLB-infested host material from the environment. By removing the sources of HLB inocula it is biologically feasible to confine HLB's devastating impacts to the smallest area possible.

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 adoption of this regulation is one step to mitigate the spread of HLB through its vector, the Asian citrus psyllid (ACP). This prevents the ACP from naturally spreading and increasing the chances of successfully containing the disease to the smallest area possible.

All eradication activities are conducted by the Department. Except for curry plants (*Murraya spp.*), any other host material infected with HLB will die, as there is no cure. Homeowners and others will benefit by having this host material removed at no cost to them.

California consumers benefit as the fruit from host trees infected with HLB is inedible. Confining HLB infestations to the smallest area possible ensures citrus fruit and other host fruits are available for consumption at reasonable prices.

The Department considered any other possible related regulations in this area; we find that these are the only regulations dealing in this subject area, and the Department is the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is consistent and compatible with existing state regulations. There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

AMENDED TEXT

This emergency rulemaking action established the quarantine area for HLB in the Riverside area of Riverside and San Bernardino Counties by approximately 94 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against HLB within this additional area. The total area that would be under regulation is now approximately 525 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination

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

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 that the amendment of this regulation would have pertaining to

California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$2.19 billion per year citrus industry brings to the State's economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits the general health and welfare of California residents. This amendment protects thousands of backyard gardeners throughout California who produce large quantities of fruit for their own use, and it supports the traditions, especially in the Asian culture, that many families have for growing and using citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental impacts caused by HLB [Gov. Code Sec. 11346.3(b)].

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 neither be more effective in carrying out the purpose for which the action is proposed nor would be as effective and less burdensome to affected private persons nor 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 3439(b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and 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/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Huanglongbing (HLB) Disease Interior Quarantine as an emergency action that was effective on August 11, 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 February 8, 2018.

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. The written comment period closes at 5:00 p.m. on December 11, 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
916.403.6650
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 of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary 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 (Food and Agricultural Code [FAC] Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate the pest (FAC Section 5761).

Anticipated Benefits from This Regulatory Action

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 Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

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 specific anticipated benefits of the amendment of this regulation are:

The adoption of this regulation benefits the citrus industries (nursery and fruit) and the environment by establishing eradication authority enabling the removal of HLB-infested host material from the environment. By removing the sources of HLB inocula it is biologically feasible to confine HLB's devastating impacts to the smallest area possible.

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 adoption of this regulation is one step to mitigate the spread of HLB through its vector, the Asian citrus psyllid (ACP). This prevents the ACP from naturally spreading and increasing the chances of successfully containing the disease to the smallest area possible.

All eradication activities are conducted by the Department. Except for curry plants (*Murraya spp.*), any other host material infected with HLB will die, as there is no cure. Homeowners and others will benefit by having this host material removed at no cost to them.

California consumers benefit as the fruit from host trees infected with HLB is inedible. Confining HLB infestations to the smallest area possible ensures citrus fruit and other host fruits are available for consumption at reasonable prices.

The Department considered any other possible related regulations in this area; we find that these are the only regulations dealing in this subject area, and the Department is the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is consistent and compatible with existing state regulations. There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for HLB in the San Gabriel area of Los Angeles County by approximately 4 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against HLB within this additional area. The total area that would be under regulation is now approximately 431 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination

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

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 that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$2.19 billion per year citrus industry brings to the State's economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits the general health and welfare of California residents. This amendment protects thousands of backyard gardeners throughout California who produce large quantities of fruit for their own use, and it supports the traditions, especially in the Asian culture, that many families have for growing and using citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental impacts caused by HLB [Gov. Code Sec. 11346.3(b)].

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 neither be more effective in carrying out the purpose for which the action is proposed nor would be as effective and less burdensome to affected private persons nor 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 3439(b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and 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/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 4. CALIFORNIA HORSE RACING BOARD

**NOTICE OF PROPOSAL TO AMEND
RULE 1865, ALTERING OF SEX OF HORSE**

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1865, Altering of Sex of Horse. The proposed amendment to Rule 1865 provides that if the true sex of a horse is not reported to the racing office prior to the opening of wagering for the race in which the horse is entered, the stewards shall declare the horse from the race. (To "declare" a horse from a race means the horse is removed from the race.)

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, December 14, 2017**, or as soon after that as business before the Board will permit, at the **Los Alamitos Race Course, 4961 East Katella Avenue, Los Alamitos, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed actions described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory actions to the Board. The written comment period closes at **5:00 p.m., on December 11, 2017**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6026
Fax: (916) 263-6022
Email: HaroldC@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, 19460 and 19562, Business and Professions Code. Reference:

Sections 19420, 19562 and 19661, Business and Professions Code.

Business and Professions Code sections 19420, 19440, 19460 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19420, 19562 and 19661, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the CHRB. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations, and conditions prescribed by the Board. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this State. Business and Professions Code section 19661 states unless otherwise expressly provided, the Board may impose a monetary penalty of not more than one hundred thousand dollars (\$100,000) for a violation of any of the provisions of this chapter.

Rule 1865 provides that a trainer who enters a horse, or who causes a horse to be entered on his behalf, is responsible for ensuring that the true sex of the entered horse is listed on its certificate of registration on file in the racing office. If the true sex of a horse is not correctly identified in the official program for the race in which the horse is entered, the trainer of the horse shall be subject to a minimum fine of \$1,000. Despite concerted efforts by the CHRB and racing officials, violations of Rule 1865 continue — usually because the trainer fails to notify the racing office that a horse has been gelded. In many cases errors in reporting the true sex of the horse are not discovered, until the horse reaches the receiving barn about 45 minutes before the horse is scheduled to race. By the time the horse identifier at the receiving barn examines the horse and notifies the stewards of the sex change, it is too late to effectively notify the public.

It is widely acknowledged within the horseracing industry that gelding has its benefits. While male horses generally are not fully mature until two years of age, they may begin to reach sexual maturity around 12 to 14 months. At a little over one year old, male horses can start to show interest in fillies and become challenging for handlers. Colts can become fractious, fight their handlers, and lose focus if they think a filly is near. As a group, colts tend to be contrary which makes them difficult to train. A colt's behavior may not be safe for horsemen or the horse, and can become more problematic if it injures itself and requires stall rest and controlled exercise for an extended period of time. The injured colt is likely to chafe under the confining regimen.

In addition to behavioral problems, the gelding procedure may have practical health considerations. Sometimes gelding will help the horse lose some weight and keep it sounder. This can be significant because as the male horse matures, testosterone in its system predisposes it to build extra muscle mass and retain more fat; the growth pattern can outstrip the maturity of the horse's joints. Some male horses may have testicular abnormalities. Cryptorchidism, the failure of one or both testes to descend into a normal scrotal position from the abdominal cavity, is an example. Stallions can still produce normal amounts of testosterone. Such horses are called ridglings and should not be used for breeding.

Regardless of the reasons for gelding a racehorse, the proper identification of a gelding is most important to the wagering public when a horse has been gelded between starts. Some believe a gelding's performance improves significantly in the start after the horse has been gelded, because in its un-altered state the horse might not have been training as well and performing below his ability, refusing to put out an honest effort. When the true sex of a horse entered to race is not reported, horseplayers claim the misinformation cost them a valuable data point in evaluating the horse for wagering purposes. A recent incident of note involved a horse at Santa Anita Park Race Track. The stewards, the racing office and the wagering public were unaware the horse had been gelded until he was examined 30 minutes before he ran. The Pick 6, Pick 4, Pick 3 and Daily double pools had closed, so all the wagers were locked in. The horse won its race, and one person had a unique winning ticket that paid close to \$900,000. Had the wagering public been fully informed, those who consider gelding a factor might have made changes to their selections, and the payout of the wagering pool might have been different. The stewards initially considered scratching the horse; however, they determined that Rule 1865 did not grant them authority to scratch a horse in that situation. Currently, Rule 1865 only provides for a minimum fine of

\$1,000 for the trainer if the true sex of the horse is not correctly identified in the official program.

The proposed amendment to Rule 1865 adds a new subsection 1865(d)(2). The new subsection provides that if the true sex of a horse is not reported to the racing office prior to the opening of wagering for the race in which the horse is entered, the stewards shall declare the horse from the race. Declaring the horse from the race will provide some relief for the wagering public and an additional incentive for trainers to pay attention to the information provided to the racing office. Depending on the types of wagers they placed, persons who selected the horse that is scratched will have their wagers cancelled and refunded, or their selections replaced by the favorite or by an alternate they designated at the time they made their wagers. Trainers will have an incentive to pay close attention to their entries, as scratching the horse precludes any possibility of earning a share of the purse. The Board determined it would not allow the horse to run for purse only because that would provide the possibility of the horse placing, which would result in the trainer receiving a percentage of the purse winnings.

Subsection 1865(d)(2), which sets a reporting deadline of the opening of wagering for the race in which the horse is entered, provides adequate time for the trainer to inform the racing office about the true sex of the horse, and for the information to be disseminated to the wagering public. The morning routine on the backside can begin as early as 4:00 a.m. The racing office generally opens at 7:00 a.m., and the totalizator* begins operating at 8:30 a.m. PST. As the first post time for a race meeting is generally between 12 noon and 2:00 p.m., the racing office will have time to disseminate the true sex of the horse. (*The totalizator is an automated system of wagering on races that dispenses and records wagering tickets, calculates and displays odds and payoffs. It also provides for cashing winning tickets.)

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

Board Rule 1865 requires that any alteration of the sex of a horse from the sex as recorded on the certificate of foal registration or the eligibility certificate or other official registration certificate of the horse shall be reported to the racing secretary and the official horse identifier if the horse is entered to race at any race meeting. The primary purpose of the regulation is to ensure that the public has full and correct information regarding horses entered in a race. If the true sex of a horse is not correctly identified in the official program for the race in which the horse is entered, the trainer of the horse shall be subject to a minimum fine of \$1,000.

However, Rule 1865 does not provide the stewards with the ability to scratch a horse from a race if, on the day of the race in which the horse is entered, it is discovered the true sex of the horse is not consistent with that recorded on documents held by the racing office. The proposed amendment to Rule 1865 adds a new subsection 1865(d)(2) to provide that if the true sex of a horse is not reported to the racing office prior to the opening of wagering for the race in which the horse is entered, the stewards shall declare the horse from the race.

The proposed amendments to Rule 1865 benefits California's horsemen and the public by providing an additional incentive to ensure that any alteration to the sex of a horse is reported as required under Rule 1865. Full information regarding the condition of a horse entered to race helps level the playing field for horsemen and provides valuable information to the wagering public. Full, accurate disclosure regarding horses entered to race assists the industry in providing transparency, which is essential in maintaining the integrity of the sport. The proposed amendment is consistent with current Board regulations in that the trainer is responsible for the condition of the horse entered to race, and the stewards have general authority and supervision over all licensees and other persons attendant on horses. The proposed amendment does not protect public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in government. The regulation promotes transparency in business by requiring that the true sex of the horse entered to race is disclosed to the public.

CONSISTENCY EVALUATION

During the process of developing the amendment to Rule 1865, the CHRB has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment of Rule 1865 will not have a significant statewide adverse economic impact directly af-

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

The following studies/relevant data were relied upon in making the above determination: none.

ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code section 11346.3(b) are as follows:

The proposed amendment will provide consistency and clarity with regards to the necessity for disclosing the true sex of a horse entered to race, and the consequences if such disclosure is not accomplished prior to the opening of wagering for the race in which the horse is entered. The proposed amendment will protect the interests of California horsemen and the public by ensuring full disclosure and transparency regarding the condition of horses entered to race.

The proposed amendment to Rule 1865 will impact horsemen who fail to report any alteration of the sex of a horse entered to race. However, the net economic effect of the proposed amendment will be neutral. Scratching a horse simply means the horse will not be running in the race. In most instances, wagers on a scratched horse will be refunded. In multi-race wagers, such as a Pick-4 or Pick-6, the scratched horse will be replaced with the favorite (some wagers allow the patron to designate alternate wagering interests).

The proposed regulations will not impact the state's environment.

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

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1865 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.

Effect on small businesses: none. The proposal to amend Rule 1865 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention

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

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6026
Fax: (916) 263-6022
E-Mail: haroldc@chr.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy and Regulations
Telephone (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are suffi-

ciently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1689. SAFETY HELMETS REQUIRED AND 1689.1. SAFETY VEST REQUIRED

The California Horse Racing Board (Board/CHRB) proposes to amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1689, Safety Helmets Required, and Rule 1689.1, Safety Vest Required. The proposed amendment to Rule 1689 provides that a racing association, fair or authorized training facility may not permit any person to be mounted in or riding on a jog cart unless that person is wearing a properly fastened safety helmet. In addition, the proposed amendment provides a definition of "jog cart" for purposes of clarity. The proposed amendment of Rule 1689.1 states that no driver or any person licensed by the Board shall

be mounted in or riding on a sulky or jog cart on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, December 14, 2017**, or as soon after that as business before the Board will permit, at the **Los Alamitos Race Course, 4961 East Katella Avenue, Los Alamitos, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed actions described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory actions to the Board. The written comment period closes at **5:00 p.m., on December 11, 2017**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6026
Fax: (916) 263-6022
Email: HaroldC@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, 19481 and 19562, Business and Professions Code. Reference: Sections 19460 and 19481, Business and Professions Code.

Business and Professions Code sections 19420, 19440, 19481 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19460 and 19481, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or

things having to do with the operation of such meetings, is vested in the CHRB. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations, and conditions prescribed by the Board. Business and Professions Code section 19481 provides that in performing its duties the Board shall establish safety standards governing the equipment for horse and rider in order to improve the safety of horses, riders and workers at the racetrack. Business and Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provision of this chapter, under which all horse races with wagering on their results shall be conducted in this state.

In 2010, Rule 1689 was amended to provide that a racing association, fair or authorized training facility may not permit any person to be mounted in or riding on a sulky unless the person is wearing a properly fastened safety helmet. In 2016, Rule 1689.1 was amended to state that no driver shall be mounted in or riding on a sulky on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest. A sulky is a light, two-wheeled horse-drawn vehicle for one person used primarily in harness racing. The regulations resulted in drivers wearing safety helmets and safety vests during races and when using a sulky when breezing. Breezing is a workout at an easy pace, in which the horse is volunteering the effort. However, the amendments created a loophole which allows drivers to ride in jog carts without wearing safety helmets or safety vests. A jog cart is distinctive from a sulky both in construction and use. Jog carts are used solely for training purposes and are never used for racing. Board Rule 1420, Definitions, defines sulky as a dual-wheeled racing vehicle; a jog cart could not be considered a racing sulky. In addition, subsection 1689.1(b) focused solely on drivers mounted in or riding on a sulky. The amendment neglected to add other classes of licensees who may drive a sulky when working or breezing a standard-bred horse. To address the disparities the Board proposes to amend Rules 1689 and 1689.1 to require the use of safety helmets and safety vests when a person is mounted in or riding on a sulky or jog cart. The proposed amendment to Rule 1689 will modify subsection 1689(a) to add “jog cart” to the subparagraph. The addition of the term is necessary as subparagraph 1689(a) lists those who are required to wear a safety helmet when engaged in specific activities or occupations on

the grounds of a facility under the jurisdiction of the Board. A new subparagraph 1689(a)(3) provides a definition of “jog cart.” The definition was added for the purposes of clarity, so persons affected by the proposed regulation will have a definite understanding of when a safety helmet is required. The proposed amendment of Rule 1689.1 adds “jog cart” to subparagraph 1689.1(b). The proposed amendment also adds “any person licensed by the Board” to the subparagraph. The changes to the subparagraph are necessary, as subparagraph 1689.1(b) lists those who are required to wear a safety vest when engaged in specific activities or occupations on the grounds of a facility under the jurisdiction of the Board. The modification of subparagraph 1689.1 provides clarity for any person who is mounted in or riding on a sulky or a jog cart by stating that a safety vest is required.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

Board Rules 1689 and 1689.1 require any person to wear a safety helmet and safety vest when mounted in or riding on a sulky on the grounds of a facility under the jurisdiction of the Board; however, the regulations do not provide the same requirements when any person is mounted in or riding on a jog cart. The proposed amendment to the regulations will address the disparity by requiring the use of safety helmets and safety vests when a person is mounted in or riding on a sulky or jog cart. The proposed amendments would ensure that all persons riding behind a horse in a jog cart abide by the same safety standards established for drivers in sulkies.

The proposed amendments to Rule 1689 and 1689.1 benefit California’s harness horsemen by ensuring the use of safety helmets and safety vests when a person is mounted in or riding on a jog cart on the grounds of a facility under the jurisdiction of the Board. The proposed amendments will help ensure the health and safety of California’s harness horsemen. Protecting the safety of persons working with standardbred race horses safeguards the viability of the state’s harness racing industry. The proposed amendments provide consistency with current Board regulations in that any person is currently required to wear a safety helmet and safety vest when mounted in or riding on a sulky; the addition of jog carts to the regulations will close an unintended loophole.

CONSISTENCY EVALUATION

During the process of developing the amendments to Rule 1689 and 1689.1, the CHRB has conducted a search of any similar regulations on this topic and has concluded that the regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment of Rule 1689 and 1689.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code section 11346.3(b) are as follows:

The proposed amendments will provide consistency and clarity with regards to the necessity for any person to wear safety helmets and safety vests when mounted in or riding on a jog cart on the grounds of a facility under the jurisdiction of the Board. The proposed amendments will protect the safety and welfare of California horsemen who use jog carts. The proposed amendments provide consistency with current Board regulations in that they close an unintended loophole with regards to the wearing of safety helmets and safety vests.

The proposed amendment to Rule 1689 and Rule 1689.1 will impact harness horsemen, trainers or any person who use jog carts on the grounds of facilities under the jurisdiction of the Board. However, the net economic effect of the proposed amendments will be neutral. Under Rule 1689 and Rule 1689.1 any person is currently required to wear safety helmets and safety vests when mounted in or riding on a sulky. The majority of horsemen who will use jog carts also drive sulkies, which means they currently own and use safety helmets and safety vests.

The proposed regulations will not impact the state's environment.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed actions.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1689 and Rule 1689.1 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.

Effect on small businesses: none. The proposal to amend Rule 1689 and Rule 1689.1 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6026
Fax: (916) 263-6022
E-Mail: haroldc@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy and Regulations
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based on, may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board’s website address is: www.chrb.ca.gov.

TITLE 8. DIVISION OF WORKERS’ COMPENSATION

**NOTICE OF RULEMAKING AFTER EMERGENCY ADOPTION
Workers’ Compensation — Provider Suspension Procedure**

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers’ Compensation (hereinafter “Administrative Director”), pursuant to the authority vested in him by Labor Code Sections 133, 5307.3, and 139.21 has adopted regulations on an emergency basis to implement the provisions of Labor Code section 139.21 as implemented by Assembly Bill 1244 (Chapter 852, stats. of 2016, effective January 1, 2017).

The regulations adopt Article 5.1 of Chapter 4.5, Subchapter 1 of Title 8, California Code of Regulations, sections 9788.1 through 9788.6. The regulations govern provider suspension procedure. The regulations implement, interpret, and make specific Labor Code section 139.21.

The emergency regulations listed below became effective on January 6, 2017 for a period of 180 days. They were readopted on July 6, 2017 for a period of 90 days. They were readopted for the second and final time on October 5, 2017 and will remain effective until January 4, 2018. The purpose of this rulemaking is to adopt the emergency regulations on a permanent basis.

PROPOSED REGULATORY ACTION

The Administrative Director proposes to adopt Article 5.1 of Chapter 4.5, Subchapter 1 of Title 8, California Code of Regulations, sections 9788.1 through 9788.6 relating to provider suspension procedure:
Adopt Section 9788.1 Notice of Provider Suspension

- Adopt Section 9788.2 Provider Request for Hearing
- Adopt Section 9788.3 Suspension Hearing
- Adopt Section 9788.4 Suspension Notification
- Adopt Section 9788.5 Amendment of the Order of Suspension or Determination and Order re: Suspension
- Adopt Section 9788.6 Service and Computation of Time

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, either orally or in writing, with respect to

the subjects noted above. The hearing will be held at the following time and place:

Date: Monday, December 11, 2017
Time: 10:00 a.m. to 5:00 p.m., or until conclusion of business
Place: Elihu Harris State Office Building — Auditorium 1515 Clay Street Oakland, California 94612

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other types of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the State Wide Disability Accommodation Coordinator, Kathleen Estrada, at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Workers' Compensation (hereinafter "DWC" or "Division"). The written comment period closes at **5:00 p.m., on Monday, December 11, 2017.** The Division will consider only comments received at the Division by that time. Equal weight will be accorded to comments presented at the hearing and to other written comments received by 5:00 p.m. on that date by the Division.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray
Regulations Coordinator
Division of Workers' Compensation, Legal Unit
P.O. Box 420603
San Francisco, CA 94142

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than **5:00 p.m., on Monday, December 11, 2017.**

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in him by Labor Code sections 133, 5307.3, and 139.21.

Reference is to Labor Code section 139.21.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Labor Code section 139.21(b)(1) provides: "The administrative director shall adopt regulations for suspending a physician, practitioner, or provider from participating in the workers' compensation system, subject to the notice and hearing requirements in paragraph (2)." These regulations cover the entire provider suspension procedure. This rulemaking only pertains to the provider suspension regulations.

On September 30, 2016, Governor Brown signed into law Assembly Bill 1244 (Gray, Chapter 852, Statutes of 2016). AB 1244 addressed medical fraud within the workers' compensation system and created a new suspension process for physicians, practitioners and providers who have either been convicted of one of the crimes enumerated in Labor Code section 139.21(a)(1), suspended due to fraud or abuse from the Medicaid or Medicare programs, or whose license, certificate, or approval to provide health care has been revoked or surrendered.

AB 1244 requires the Administrative Director to provide notice of the suspension, which becomes effective after thirty (30) days from the date the written notice is sent, unless the physician, practitioner, or provider stays the suspension by requesting a hearing within ten (10) days from the date the written notice is sent.

Assembly Bill 1244 was a comprehensive bill that, in addition to adding a provider suspension hearing procedure, also added a special lien adjudication process to address the liens of those physicians, practitioners, or

providers who are suspended on the basis of certain criminal convictions. Since the special lien proceeding is triggered by certain provider suspensions, the implementation and execution of the proceeding is dependent upon the existence and operation of the suspension process.

The Administrative Director is required to exercise due diligence to identify physicians, practitioners, or providers who have been suspended by accessing the quarterly updates to the list of suspended and ineligible providers maintained by the State Department of Health Care Services for the Medi-Cal program.

In addition, Labor Code section 139.21(b) directs the Administrative Director to adopt regulations for suspending a physician, practitioner, or provider from participating in the workers' compensation system subject to the following notice requirements:

The Administrative Director is required to provide physicians, practitioners, or providers written notice of their right to a hearing and the procedures to follow to request a hearing on the suspension. The notice shall state the suspension will take effect after thirty (30) days from the date the notice was mailed unless the physician, practitioner, or provider requests a hearing within ten (10) days from the date the notice was mailed. The request for a hearing shall stay the suspension until the hearing is completed. The hearing shall be held within thirty (30) days of the receipt of the request. If the Administrative Director finds that the criteria for suspension listed above is applicable, the physician, practitioner, or provider shall be immediately suspended from participating in the workers' compensation system.

The Administrative Director shall have the power and jurisdiction to conduct these hearings or may designate and appoint a hearing officer to conduct the provider suspension hearings. Any appointed hearing officer may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the deposition of witnesses to be taken in the manner prescribed by law for similar cases in civil cases in the superior courts of California.

Labor Code section 139.21(c) requires the Administrative Director to promptly notify the physician's, practitioner's, or provider's state licensing board of a suspension imposed pursuant to this section and shall update the qualified medical evaluator and medical provider network databases as appropriate.

Labor Code section 139.21(d) requires the Administrative Director to give notice of the suspension to the Chief Judge of the Division so that notice can be promptly given to district offices and all workers' com-

ensation judges. All suspensions shall be posted on the department's internet website.

Finally, the proposed regulations repeat or rephrase various provisions of Labor Code section 139.21 added by Assembly Bill 1244. Duplication is necessary to satisfy the clarity standard of Government Code section 11349.1(a)(3) to establish comprehensive and detailed procedures for the suspension of physicians, practitioners, or providers from participating in the workers' compensation system. Rather than simply delegating to the Administrative Director authority to establish such programs, the Labor Code provisions provide for a hearing, but it is the regulations that specify the documents that must be filed or submitted by the parties, the timelines for filing, the nature of the review that will be conducted, and the required elements in a decision. Since this provider suspension procedure is entirely new to workers' compensation in this state, duplication is beneficial so that affected parties can analyze and review program procedures and the timeframes for exercising statutory rights in one set of documents.

The described regulations were adopted as emergency regulations, effective January 6, 2017. This rulemaking would make the regulations permanent. Changes to the regulations that have been made after the adoption of the emergency regulations are shown in italics below. These proposed regulations implement, interpret, and make specific subdivisions (a) through (d) of the Labor Code section 139.21 as follows:

Section 9788.1. Notice of Provider Suspension

- This new section sets forth the process for issuing the notice of suspension to a medical provider who has met one of the criteria set forth under Labor Code section 139.21(a)(1).
- The section adds a definition for the "suspension from participation" to ensure that the term's meaning, as used in the regulations, will be clear to the regulated public.
- The section states that a physician, practitioner, or provider is prohibited from seeking payment for goods or services related to an occupational injury or illness provided on or after the date of their suspension.
- The section lists the required elements of the notice of suspension, i.e., the basis for suspension, the timeframe for requesting a hearing, and the manner of service of the notice upon the provider.
- *The section replaces the word "mailed" with "served" and deletes the word "calendar" before the word "days".*

- *The section providing an optional service list of addresses of record has been deleted.*

Section 9788.2. Provider Request for Hearing.

- This new section provides the process for a medical provider served with notice of suspension to request a hearing with the Administrative Director.
- Within 10 days after the date the notice of suspension is *served*, the provider may request a hearing to contest the allegation that Labor Code section 139.21(a)(1) is applicable. *The word “calendar” is deleted before the word “days” and the word “served” replaces the word “mailed”.*
- The provider must state the legal and factual reason for the request for the hearing.
- The failure of the provider to request a hearing constitutes a waiver of their right to a hearing. If a request is not timely filed, *the Order of Suspension shall become effective 30 days after the date that the notice of suspension was mailed.* The Administrative Director shall serve the Order of Suspension 30 days after the date the notice of suspension was mailed together with the written notice required by section 9788.4. *The Order of Suspension shall be served upon the physician, practitioner, or provider by registered or certified mail.*
- The request for hearing must be in writing and state the provider’s mailing address. One original request and one copy must be filed with the Administrative Director, and one copy must be served on the *“Department of Industrial Relations Antifraud Unit at the address stated in the notice of suspension.”* The prior language which stated that one copy was served on the *“DWC Legal Unit at the same address as the Administrative Director”* is eliminated. The original and all copies shall have a proof of service attached.
- Any appeal from the Order shall be made to the Superior Court.

Section 9788.3. Suspension Hearing.

- The new section provides the hearing procedure for the medical provider to contest the notice of suspension. Within 10 days following receipt of the provider’s request for hearing, a notice of hearing will issue setting forth the date, time, and place of the suspension hearing.
- The notice of hearing shall be served on the respondent by registered or certified mail.
- The date of the hearing will be no later than 30 days after the receipt of the hearing request.

- The Administrative Director will designate a hearing officer to preside over an informal hearing, i.e., it does not need to be conducted according to the technical rules of evidence. However, oral testimony shall be taken only on oath or affirmation.
- Following the hearing, the designated hearing officer will issue a written recommended Determination and Order re: Suspension, which must include the basis for decision. The Determination must be served upon the Administrative Director within 10 days after the case is submitted to the hearing officer. The time requirement is directory, not jurisdictional.
- Following issuance of the Determination and Order, the Administrative Director will have 10 days *from the date of receipt* to adopt or modify the recommended Determination and Order. If the decision is modified, the Administrative Director must include a statement of the basis for the modification. The Determination must be served on the provider and is final on the day it is mailed. If the Administrative Director does not act within 10 days, *from the date of receipt of the recommended Determination and Order re: Suspension*, then the recommended Determination and Order re: Suspension of the hearing officer shall become the Determination and Order on the eleventh (11th) day. The word “calendar” is deleted before the words “day” or “days”.
- Appeals from the Determination and Order must be made by writ to a Superior Court of California.

Section 9788.4. Suspension Notification.

- This new section sets forth the list of individuals and entities that must be notified upon a provider suspension. The list includes: the Chief Judge of DWC, who shall correspondingly notify the DWC district offices and all DWC Administrative Law Judges; the special lien proceeding attorney designated under Labor Code section 139.21(f), if one is appointed; and the provider’s state licensing, certifying, or registering agency.
- In addition, the Administrative Director must update the DWC Qualified Medical Evaluator and Medical Provider Network databases to reflect the provider suspension and also post notification of the provider’s suspension on the department website.

Section 9788.5. Amendment of the Order of Suspension or Determination and Order re: Suspension.

This section has been added to provide that *“[I]f the Administrative Director becomes aware that a suspend-*

ed physician, practitioner, or provider would be subject to suspension under Labor Code section 139.21(a)(1) for a criminal conviction or other statutory basis that did not serve as the basis for the suspension in the original Order of Suspension or Determination and Order re: Suspension, the Administrative Director may issue an amended Order of Suspension or amended Determination and Order re: Suspension following written notice to the physician, practitioner, or provider pursuant to section 9788.1 and an opportunity for hearing pursuant to sections 9788.2 and 9788.3.”

Section 9788.6. Service and Computation of Time.

- This section has been added and provides:
 - “(a) In the case of service by mail, the notice or other paper shall be complete at the time of mailing.
 - (b) All documents shall be considered “filed” when the original is actually received by the DWC or the hearing officer designated to hear the case, where appropriate.
 - (c) A five day extension of time shall apply to any filing made in response to documents served by mail if the place of address is within the State of California, ten days if the place of address is outside the State of California but within the United States, and twenty days if the place of address is outside the United States.”

Objective and Anticipated Benefits of the Proposed Regulations:

The objective of the proposed regulations is to implement the requirement of creating a suspension process for medical providers: (1) found to have been convicted of any felony or misdemeanor involving fraud or abuse of the Medi-Cal program, Medicare program, or workers’ compensation system; (2) who have had their license, certificate, or approval to provide health care surrendered or revoked; or (3) who have been suspended, due to fraud or abuse, from participation in the Medicare or Medicaid programs. Aside from the emergency regulations, there currently is no suspension procedure for such medical providers, with the exception of the Administrative Director’s authority to revoke a physician’s status as a Qualified Medical Evaluator under Labor Code section 139.2.

Physicians, practitioners, or providers who have been suspended by the Administrative Director under section 139.21 will immediately be precluded from participating in the workers’ compensation system. This will prevent them from further harming California’s injured workers and provide deterrence to future abusive or fraudulent conduct.

Determination of the Inconsistency/Incompatibility with Existing State Relations:

After conducting a review for any regulations that would relate to or affect this area, the Administrative Director has determined that the Division of Workers’ Compensation (DWC) is the only agency regulating this area, and there are no regulations that are inconsistent or incompatible with what is being proposed.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Acting Administrative Director has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The estimated cost of these regulations to businesses and individuals is minimal, approximately \$16,800 in the first year and \$6,440 per year thereafter. Nearly all the costs of suspending physicians, practitioners, and providers, and providing them with appeal rights and hearings are prescribed by the express requirements of section 139.21. The regulations require that a request for hearing must be in writing, signed by the respondent or legal representative for the respondent, and contain a proof of service by mail. The original and one copy of the request must be served on the Administrative Director and one copy served on the Department of Industrial Relations’ Antifraud Unit. The statewide total cost to business of the regulations is the cost of mail service and paperwork handling to request hearings.

It is anticipated that this regulation will impact approximately 400 physicians, practitioners, or providers who will be suspended from participating in California’s workers’ compensation system in 2017 and 2018 and another 150 suspensions annually thereafter.

Based upon the experience during the current term of the emergency regulations, it is anticipated that

while some of the 400 physicians, practitioners, or providers will request a hearing because their income derived from workers' compensation cases is at stake, it is expected that most individuals and entities will not contest the notice of suspension. The required suspension mandated by Labor Code section 139.21 will be clear in many if not most cases, from the records of suspension and discipline from the Federal Medicare or Medi-Cal systems, the state medical board records of licenses revoked or surrendered, and court records of convictions for felonies or misdemeanors subject to the law, and leave no grounds to refute.

The Division anticipates that one in three of these individuals will choose to appeal their suspensions, which means that only 133 (33.3% of 400) will incur costs in the first year and only 50 (33.3% of 150) annually thereafter.

The Division estimates that a request for hearing will consist of five or fewer pages, as there is no detailed content required. The cost of first class mail for a five or fewer page request for hearing plus a large envelope is \$1.19. Being conservative, and assuming the cost as two dollars (\$2), total postage of an original plus one copy of the request for hearing to the Administrative Director and one copy to the Antifraud Unit, is under six dollars (\$6). Thus the total cost to businesses of mail service in the first year is estimated at \$798 (133 x \$6). Assuming an additional cost of \$50 in staff time for copying and mailing each appeal would add another \$6,650 to this total, bringing the regulation's overall total statewide cost to businesses to \$7,448 in the first year and \$2,800 (50 x \$56) thereafter.

- Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action will directly affect businesses statewide, including small businesses, and individuals, the Administrative Director concludes that the adverse economic impact, including the ability of California businesses to compete with business in the other states, will not be significant.
- Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

Labor Code section 139.21 and this regulation will impact approximately 400 physicians, practitioners, or providers who will be suspended from participating in California's workers' compensation system in 2017-18. This figure consists of individuals who have been identified through court records as having been convicted of crimes enumerated in section

139.21(a)(1)(A), plus many others who are on the U.S. Office of the Inspector General's Medicare provider suspension list or the California Department of Health Services' Medi-Cal suspension list and thus subject to suspension under 139.21(a)(1)(B), who have been identified through DWC billing and claim records as currently participating in the California workers' compensation system. The Division anticipates that the statute will result in another 150 suspensions annually based on the number of individuals participating in the workers' compensation system who currently are subject to criminal charges and the historical pattern of growth in the Medicare and Medi-Cal suspension lists.

These physicians, practitioners, and providers consist of individual health care professionals, interpreters, and other ancillary service providers, all or nearly of whom are "small businesses" within the meaning of Government Code section 11342.610.

Nearly all of the costs of suspending physicians, practitioners, and providers under Labor Code section 139.21 are prescribed by the statute itself, which sets forth the grounds for suspensions, the notice requirements, and the procedures for appealing a notice and holding a hearing on the appeal, the appointment of hearing officers, the hearing procedures and burden of proof, and the requirements for deciding an appeal and providing notice once the suspension is effective. The regulation's impacts are limited to some additional specific requirements related to the mailing and handling of appeal documents. It is not anticipated that these regulations will result in the elimination of businesses.

- Creation or Elimination of Jobs within the State of California

The Administrative Director has determined that the proposed regulations will not have a significant adverse impact on jobs within the State of California. AB 1244 mandates the adoption of regulations for promptly suspending a physician, practitioner, or provider from participating in the workers' compensation system if that individual meets the criteria specified above. Labor Code section 139.21(b)(1), provides: "The administrative director shall adopt regulations for suspending a physician, practitioner, or provider from participating in the workers' compensation system, subject to the notice and hearing requirements in paragraph (2)."

The suspension of physicians, practitioners, and providers from the workers' compensation system is prescribed by the express requirements of Labor Code section 139.2 itself, rather than the regulations. The statute sets forth the grounds for suspensions, the notice requirements, and the procedures for appealing a notice and holding a

hearing on the appeal, the appointment of hearing officers, the hearing procedures and burden of proof, and the requirements for deciding an appeal and providing notice once the suspension is effective. The regulations provide procedural clarification to the provider suspension process set forth in detail in the statute. Given the limited scope of the regulations it is not anticipated that the regulations will result in the elimination of business. The regulation's impacts are limited to clarifying the hearing and decision procedure, timelines at various stages of the process mandated by the statute, and requirements related to the mailing and handling of appeal documents.

- The Creation or Elimination of Businesses Within the State of California.

Businesses will not be created or eliminated by the regulations. The suspension of physicians, practitioners, and providers from the workers' compensation system is prescribed by the express requirements of Labor Code section 139.21 itself, rather than the regulations. The regulations provide procedural clarification to the provider suspension process set forth in detail in the statute. Given the limited scope of the regulations it is not anticipated that the regulations will result in the creation or elimination of business. The regulation's impacts are limited to clarifying timelines at various stages of the process mandated by the statute, and requirements related to the mailing and handling of appeal documents.

- The Expansion of Current Business Within the State of California

Businesses will not be expanded or eliminated by the regulations. The suspension of physicians, practitioners, and providers from the workers' compensation system is prescribed by the express requirements of Labor Code section 139.21 itself, rather than the regulations. The regulations provide procedural clarification to the provider suspension process set forth in detail in the statute. Given the limited scope of the regulations it is not anticipated that the regulations will result in the expansion or elimination of existing businesses. The regulation's impacts are limited to clarifying timelines at various stages of the process mandated by the statute, and requirements related to the mailing and handling of appeal documents.

Benefits of the Proposed Action: The objective of the proposed emergency regulations is to implement the requirement of creating an efficient

and fair suspension process for medical providers: (1) found to have been convicted of any felony or misdemeanor involving fraud or abuse of the Medi-Cal program, Medicare program, or workers' compensation system; (2) who have had their license, certificate, or approval to provide health care surrendered or revoked; or (3) who have been suspended, due to fraud or abuse, from participation in the Medicare or Medicaid programs. Currently, there is no suspension procedure for such medical providers outside of removal of their certification to act as a Qualified Medical Evaluator.

Physicians, practitioners, or providers who have been suspended by the Administrative Director will immediately be precluded from participating in the workers' compensation system. This will prevent them from further harming California's injured workers and provide deterrence to future abusive or fraudulent conduct.

Small Business Determination: The Administrative Director has determined that the proposed regulations affect small business.

CONSIDERATION OF ALTERNATIVES

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

Physicians and other providers of medical services to injured workers, who have been convicted of fraudulent activity, have been suspended by either the Medicare or Medicaid programs, or have had their license or certificate suspended or revoked, will be impacted by the suspension process and resultant prohibition from participating in the workers' compensation system.

The Administrative Director invites interested persons to present reasonable alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

The text of the emergency provider suspension procedure regulations, effective January 6, 2017, has been available for public review since that date on the Division's website.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, pre-rulemaking comments and the Economic Impact Statement (Form STD 399). Also included are studies and documents relied upon in drafting the proposed regulations.

In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division's website at www.dir.ca.gov. To access them, click on the "Proposed Regulations — Rulemaking" link and scroll down the list of rulemaking proceedings to find the Provider Suspension Procedure link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON FOR GENERAL QUESTIONS

Non-substantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: mgray@dir.ca.gov

The telephone number of the contact person is (510) 286-7100.

CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person above is unavailable, or for questions regarding the substance of the proposed regulations, inquiries should be directed to:

George Parisotto
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: gparisotto@dir.ca.gov

The telephone number of this contact person is (510) 286-7100.

FORMAT OF REGULATORY TEXT

Proposed Text Noticed for 45-Day Comment Period:

Deletions from the emergency regulatory text noticed for the 45-day comment period are indicated by single strike-through: ~~deleted language~~.

Additions to the emergency regulatory text noticed for the 45-day comment period are indicated by single underlining: added language.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Administrative Director makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly shown will be made available for public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Division's website at www.dir.ca.gov.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the Acting Administrative Director's mailing list.

If adopted, the regulations as amended will appear in California Code of Regulations, title 8, commencing

with section 9788.1. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.

TITLE 10. BUREAU OF REAL ESTATE APPRAISERS

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers (“Bureau” or “BREA”) is proposing to take the action described in the informative digest below. Any interested person may present statements or arguments relevant to the action proposed, orally or in writing, at a hearing to be held at:

Department of Consumer Affairs
1747 North Market Blvd.
1st Floor Hearing Room
Sacramento, CA 95834

Date: December 12, 2017
Time: 10:00 a.m.

Written comments including those sent by mail, facsimile, or email to the address listed under “Contact Person” in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on December 11, 2017, or must be received by the Bureau at the hearing.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 11313, 11314, 11340, 11350, and 11361 Business and Professions Code and to implement, interpret and make specific Sections 11320.5, 11340, 11341, 11345, 11350, 11360, and 11408 Business and Professions Code, the Bureau is considering revising sections 3526, 3561, 3563, 3567, 3568, 3569, 3570, 3575, 3602, 3603, 3641, and 3662 of Title 10 of the California Code of Regulations as described in this Notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 11314 provides the Bureau broad rulemaking authority to establish and amend licensing forms. The Bureau proposes to eliminate Experience Log Summary (REA 3003 Revised 03/16/10) and revise the following forms: Basic Education Attachment (REA 3002 Revised 01/01/2017); Log of Appraisal Experience (REA 3004 Revised 01/01/2017); Petition for Equivalency Credit (REA 3005 Revised 01/01/2017); Consent to Service of Process (REA 3006 Revised 01/01/2017); Application of Issuance of License (REA 3008 Revised 01/01/2017); Course Provider Accreditation (REA 3013 Revised 01/01/2017); Course Accreditation and Description (REA 3014 Revised 01/01/2017); Appraisal Management Company (AMC) Application (REA 5001 Revised 07/05/2017) to better serve applicants and comply with changes in the law. The revisions will also update the forms to comply with changes in law as well as make the forms easier to use. Eliminating the form will help streamline the application process by removing an unnecessary form. The aforementioned forms will be incorporated by reference.

INCORPORATION BY REFERENCE

The Bureau seeks to incorporate by reference the following forms: REA 3002 Rev. 01/01/2017; REA 3004 Rev. 01/01/2017; REA 3005 Rev. 01/01/2017; REA 3006 Rev. 01/01/2017; REA 3008 Rev. 01/01/2017; REA 3013 Rev. 01/01/2017; REA 3014 Rev. 01/01/2017; REA 5001 Rev. 07/05/2017.

ANTICIPATED BENEFITS

The revisions will update the forms to comply with changes in law as well as make the forms easier to use. Eliminating the form will help streamline the application process by removing an unnecessary form.

- **Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:** The proposed regulations do not affect worker safety or the state’s environment because the proposal has nothing to do with worker safety or the environment. Therefore, there is no benefit to the health and welfare of Californians.

CONSISTENCY OR COMPATIBILITY WITH
EXISTING STATE REGULATIONS

During the process of developing these regulations, the Bureau has conducted a search of any similar regulations on this topic and has determined that there is no reasonable interpretation of any state regulation that is inconsistent or incompatible with the proposed action.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to, or mandate imposed on, any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

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

As part of its Economic Impact Analysis, BREA has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services.

Impact on Jobs/New Businesses: None.

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

Effect on Housing Costs: None.

Effect on Small Businesses: The Bureau has determined that the proposed regulations will not affect small businesses because the form updates are not changing any requirement on small businesses.

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

Impact on Jobs/New Businesses: The Bureau has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs, new or existing businesses, or the expansion of businesses in the State of California.

Benefits: The benefits will be easier-to-use forms and compliance with changes in law.

Occupations/Businesses Impacted: The proposed regulation will not have an occupational/business impact.

Reporting Requirements: The proposed regulation does not set forth any new reporting requirements.

Comparable Federal Regulations: None.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action containing information upon which the proposal is based.

The proposed text, this notice, the statement of reasons, and any other relevant documents are on the Bureau's website at www.brea.ca.gov. Click the "Laws" tab at the top of the page. Under the heading "Rulemaking Notifications" find the documents associated with this rulemaking subject: "Form Updates."

AVAILABILITY AND LOCATION OF THE
STATEMENT OF REASONS, TEXT OF
PROPOSED REGULATION AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting the person named below or by accessing the website as provided above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, BREA may adopt the proposed regulation substantially, as described in this

notice. If BREA makes any modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before BREA adopts the regulations as revised. Please send requests for copies of any modified regulation to the attention of the contact person named below. BREA will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Upon its competition, copies of the Final Statement of Reasons may be obtained by contacting the person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Kyle Muteff, Legal Counsel
1102 Q Street, Suite 4100
Phone: 916-341-6126
FAX: 916-440-7406
kyle.muteff@brea.ca.gov

The backup person is:
Thu Tran
1102 Q Street, Suite 4100
Phone: 916-440-7876
FAX: 916-440-7406
Thu.Tran@brea.ca.gov

**TITLE 14. FISH AND GAME
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 265, 399 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 265, 399, 2080, 2084 and 2085 of said Code, proposes to add Section 749.9, Title 14, California Code of Regulations, regarding Incidental Take of Tricolored Blackbird During Candidacy Period.

The Fish and Game Commission (Commission) is the decision-making body that implements the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). As described in greater detail below, CESA authorizes the Commission to establish lists of threatened and endangered species, and to add or re-

move species from those lists if it finds, upon receipt of sufficient scientific information, that the action is warranted. Pursuant to Section 2084, Fish and Game Code, the Commission may authorize, subject to the terms and conditions it prescribes, the taking of any candidate species while the Department of Fish and Wildlife (Department) and Commission evaluate whether the species should be listed as threatened or endangered under CESA.

Historically, tricolored blackbirds nested in native flora in or adjacent to wetlands in the Central Valley and elsewhere across the State of California. Concomitant with the loss of wetlands during the 19th and 20th centuries, tricolored blackbirds have adapted to nest in varied substrates. For example, grain fields planted for winter silage on dairy farms provide attractive, nesting sites for the species; unfortunately, nesting occurs at about the same time the crops are scheduled for harvest.

For the past two decades, a patchwork of funding sources has been used to pay farmers for a lost crop when they agree to delay harvest until after tricolored blackbird nesting is complete. In some cases, particularly where funding was unavailable or farmers were not aware of the potential for funding to offset losses, harvest has occurred before the young fledged. Recently, the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) committed to provide multiple years of funding to support a program to delay harvest of fields in which tricolored blackbird colonies have nested. At the same time, Dairy Cares, an organization composed of dairy businesses across California, in coordination with other farming interests has initiated an active campaign to educate dairy farmers about tricolored blackbird and the NRCS-funded program. In 2016, through a coordinated effort including NRCS, farming interests, the Department, and Audubon California, dairy farmers enrolled in the NRCS program delayed harvest on fields where an estimated 67,000 tricolored blackbirds nested.

NRCS funds compensate a farmer for about 85 percent of the value of a crop lost by a harvest delay. Under the NRCS program, a colony is identified and the area inhabited by the colony is delineated by a biologist. Once the colony is delineated, a buffer is established and the farmer is allowed to harvest only those fields outside the colony site and buffer area. Delaying harvest protects the vast majority of the colony until the birds fledge, but it does not guarantee that no take will occur. The tricolored blackbird was designated as a candidate for listing, and is therefore subject to the regulatory protections provided by CESA. Promulgating a regulation to authorize incidental take provides farmers assurances that if they agree to follow the requirements imposed by NRCS, delay harvest, and protect the colony nesting in their field, they will not be penalized

in the event a small number of birds are taken incidental to their beneficial conservation actions in delaying harvest and otherwise lawful agricultural activities.

The harvest management programs administered by NRCS and the Department can be expected to protect tens of thousands of nesting tricolored blackbirds provided farmers are incentivized to participate. However, the designation of the tricolored blackbird as a candidate for listing under CESA could inhibit participation in the harvest management programs. This regulation, in combination with funding from NRCS, will provide farmers with a strong incentive to participate in the harvest management program.

Tricolored blackbird nesting can begin as early as February. The timing of this nesting relative to the listing determination requires that a regulation be in place to conserve nesting tricolored blackbirds and protect farmers that enroll in one of the harvest management programs in 2018. Such action will effectuate the purposes of Fish and Game Code Section 2084 and CESA more broadly. Absent this regulation, enrollment in the NRCS program may decline. Furthermore, farmers may elect to plant lower value crops that do not provide nesting habitat for tricolored blackbird, thereby decreasing available nesting habitat; farmers may harvest their crop early before onset of the nesting season, which would decrease the value of the crop and also decrease available nesting habitat; or farmers may risk harvesting their crop even if tricolored blackbird are present.

Without this regulation, prospective permittees, many of whom already have the necessary entitlements to proceed with their approved projects, would be subject to CESA's take prohibition without, by any reasonable measure, an ability to obtain the necessary state authorization during the candidacy period. As a practical matter, activities that result in the take of tricolored blackbird would be prohibited and could not be implemented pending final action by the Commission on the listing petition, an action whereby tricolored blackbird may or may not be listed as endangered or threatened under CESA. As a result, many projects that are planned or underway that provide great economic and other benefits to the permittees, their employees, their local communities, and the State of California would be postponed during the candidacy period or canceled entirely.

Proposed Regulations

Section 749.9 authorizes incidental take of the tricolored blackbird during candidacy for three categories of activities:

- (1) Actions to protect, restore, conserve or enhance habitat.
- (2) Actions to monitor tricolored blackbird breeding colonies.

- (3) Harvest of grain crops under a harvest management program to protect colonies.

- (a) Take Authorization.

- (1) Actions to Protect, Restore, Conserve, or Enhance Habitat.

Subdivision 749.9(a)(1) authorizes take of the tricolored blackbird incidental to otherwise lawful activity, where the purpose of the activity is to protect, restore, conserve, or enhance habitat for a species designated as an endangered, threatened, or candidate species under state or federal law. Without Section 749.9, subdivision (a)(1), take of the tricolored blackbird incidental to otherwise lawful activities to protect, restore, conserve, or enhance habitat for a species designated as an endangered, threatened, or candidate species under state or federal law would require authorization by the Department through an individual ITP which is a lengthy, complicated process. Ongoing and planned activities to protect, restore, conserve, or enhance habitat are critical during this candidacy period. The status of many listed species is precarious, and even the slightest delay in initiated or continued implementation of any related conservation actions could adversely affect or otherwise cause further decline of these species. In addition, any further decline in the status of listed species will lead to increased costs to the Department because more resources will be required to conserve species populations to the extent where protective measures are no longer necessary. Increased cost will also be shouldered by prospective permittees, who will be charged with funding mitigation and related monitoring required for impacts of their projects on the species.

Adoption of this regulation would minimize the hardships that would result from delays in ongoing or new lawful activities to protect, restore, conserve, and enhance the habitat of state or federally threatened or endangered species (including the tricolored blackbird). The Commission finds that impacts to activities to protect, restore, conserve, or enhance habitat of state or federally threatened or endangered species caused by designating the tricolored blackbird as a candidate species requires immediate action.

- (2) Actions to Monitor Tricolored Blackbird Breeding Colonies.

Section 749.9, subdivision (a)(2), authorizes take of tricolored blackbird incidental to efforts to monitor active tricolored blackbird breeding colonies, including entering colonies to perform walking transects. Only trained observers approved by the Department will be authorized to engage in such monitoring.

Without Section 749.9, subdivision (a)(2), the necessary monitoring would not occur to ensure the protection and immediate conservation of tricolored blackbird during the upcoming harvest of grain fields planted for silage. Department guidance suggests that walking survey transects through a portion of the colony could be used to estimate the nesting stage of breeding colonies and inform decisions necessary to comply with subsection (a)(3).

(3) Harvest of Grain Crops under a Harvest Management Program to Protect Colonies.

Section 749.9, subdivision (a)(3), authorizes take of tricolored blackbird incidental to harvest of grain fields and related agricultural activities where the individual participates in a harvest management program administered by the Natural Resources Conservation Service (NRCS), or harvest management program administered or approved by the Department. The harvest management program shall include the establishment of a buffer zone and harvest date as described under Topics 1 and 2 in the document “California Department of Fish and Wildlife (Department) Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015” (adopted on March 19, 2015 and available at

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=99310&inline>).

An individual seeking authorization for take incidental to harvest of grain fields and related agricultural activities shall receive written confirmation of participation in the harvest management program and must obtain specific authorization for the timing of harvest and related agricultural activities from NRCS, the Department, or a biologist authorized by the Department or NRCS before proceeding with any harvest activities that take tricolor blackbirds.

Without Section 749.9, subdivision (a)(3), enrollment in the NRCS program may decline, which is necessary to ensure the protection and immediate conservation of the tricolored blackbird during the upcoming harvest of grain fields planted for silage.

(b) Reporting.

Section 749.9, subdivision (a)(2), requires that any person, individual, organization, or public agency, or their agents, for which incidental take of tricolored blackbirds is authorized pursuant to subdivision (a)(1) or (a)(3), shall report observations and detections of tricolored blackbird colonies, including take, to the Department’s Wildlife Branch by August 1 during the candidacy period.

As discussed above, it is vital that during this candidacy period detections and observations of the tricolored blackbird are reported to the Department so the Department can base its recommendation to the Commission on whether listing tricolored blackbird is warranted on the most complete information possible.

(c) Additions, Modifications or Revocation.

Incidental take of tricolored blackbird from activities not addressed in this section may be authorized during the candidacy period by the Commission pursuant to Fish and Game Code Section 2084, or by the Department on a case-by-case basis pursuant to Fish and Game Code Section 2081, or other authority provided by law.

This subdivision is necessary to clarify that subdivision (a)(1)–(3) are not the only ways in which incidental take may be allowed and that other avenues for authorizing the take of tricolored blackbird are not precluded by the language.

Benefits of the Proposed Regulations

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of terrestrial organisms to ensure their continued existence.

Evaluation of Incompatibility With Existing Regulations:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to establish regulations for the incidental take of a candidate species (FGC Section 2084). Commission staff has searched the California Code of Regulations and has found that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Handlery Hotel, 950 Hotel Circle North, San Diego, California, on Thursday, December 6, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Thursday, February 8, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on January 25, 2018 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on February 2, 2018. All comments must be received no later than February 8, 2018, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Neil Clipperton, Nongame Bird Conservation Coordinator, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Clipperton can be reached at (916) 445-9753 or Neil.Clipperton@wildlife.ca.gov.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in

underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Assessment

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

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

- (a) The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Farmers that participate in the NRCS program were compensated for about 85 percent of the value of a crop lost by harvest delay. The late harvest silage crop may retain a portion of its full value after the tricolored blackbird have vacated the affected acreage.

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

The Commission does not anticipate impact on the creation or elimination of jobs within the state. The proposed action is not anticipated to exert significant impact on the creation of new businesses or the elimination of existing businesses, or the expansion of businesses of

California because the proposed action does not introduce new costs. No impact on the Health and Welfare of California Residents, or Worker Safety are anticipated. The State's Environment should benefit by the improved management of tricolored blackbirds.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Commission has determined that the proposed regulation will likely provide cost savings to state agencies in an undetermined amount. In the absence of the proposed regulation, the Department would have to authorize take of the tricolored blackbird on a project-by-project basis, which is both time-consuming and costly for both the Department in processing and authorizing such take, as well as to state agencies seeking take authorization.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

The Commission has determined that adoption of the proposed regulation will likely provide cost savings to local agencies in an undetermined amount. In the absence of the proposed regulation, the Department would have to authorize take of the tricolored blackbird on a project-by-project basis, which is both time-consuming and costly to local agencies seeking take authorization. These delays and cancellations may cause great economic harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 28. DEPARTMENT OF
MANAGED HEALTH CARE**

DATE: October 27, 2017

ACTION: Notice of Rulemaking Action
Title 28, California Code of
Regulations

SUBJECT: General Licensure Requirements
for Health Care Service Plans; adding section
1300.49 to title 28, California Code of Regulations;
Control No. 2017-5220.

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care (Department) proposes to adopt the proposed regulation under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act)¹ clarifying that the Knox-Keene Act definition of a health care service plan (health plan) includes an entity that takes on global risk (both institutional and professional risk) for services provided to health plan subscribers and enrollees. The proposed regulation would also set out requirements for a restricted health plan license that allows an entity to take on a small proportion of global risk and standards for obtaining an exemption from health plan licensing requirements. The regulation defines relevant terms concerning financial risk. Changes to the regulation are noted by underline.

This rulemaking action proposes to add section 1300.49 to title 28, California Code of Regulations (the Regulations). Before undertaking this action, the Director of the Department (Director) will conduct written public proceedings, during which time any interested person, or such person's duly authorized representative, may present statements, arguments, or contentions relevant to the action described in this notice.

¹ The Knox-Keene Act is codified as Health and Safety Code section 1340 et seq.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing pursuant to Government Code section 11346.8(a). The written request for a hearing must be received by the Department’s contact person, designated below, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written statements, arguments, or contentions (hereafter referred to as comments) relating to the proposed regulatory action to the Department. Comments must be received by the Department, Office of Legal Services, no later than **5 p.m. on December 11, 2017**, which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Jennifer Willis, Senior Counsel. Comments may be transmitted by regular mail, fax, email or via the Department’s website:

- Website: <http://www.dmhc.ca.gov/LawsRegulations.aspx#open>
- Email: regulations@dmhc.ca.gov
- Mail: Department of Managed Health Care
Office of Legal Services
Attn: Regulations Coordinator
980 9th Street, Suite 500
Sacramento, CA 95814
- Fax: (916) 322-3968

Please note: if comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, including via the website, email, fax, or mail, should include the author’s name and a U.S. Postal Service mailing address so the Department may provide commenters with notice of any additional proposed changes to the regulation text.

Please identify the action by using the Department’s rulemaking title and control number, **General Licensure Requirements for Health Care Service Plans, Control No. 2017-5220** in any of the above inquiries.

CONTACTS

Inquiries concerning the proposed adoption of this regulation may be directed to:

Jennifer Willis
Attorney IV
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 324-9014
(916) 322-3968 fax
jennifer.willis@dmhc.ca.gov

OR

Emilie Alvarez
Regulations Coordinator
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 445-9960
(916) 322-3968 fax
emilie.alvarez@dmhc.ca.gov

AVAILABILITY OF DOCUMENTS

The Department has prepared and has available for public review the Initial Statement of Reasons, text of the proposed regulation and all information upon which the proposed regulation is based (rulemaking file). This information is available by request to the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Sacramento, CA 95814, Attention: Regulations Coordinator.

The Notice of Proposed Rulemaking Action, the proposed text of the regulation, and the Initial Statement of Reasons are also available on the Department’s website at <http://www.dmhc.ca.gov/LawsRegulations.aspx#open>.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Regulations Coordinator named above.

AVAILABILITY OF MODIFIED TEXT

The full text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days before the date the Department adopts the regulation. A request for a copy of any modified regulation(s) should be addressed to the Regulations Coordinator. The Director will accept comments via the Department’s website, mail, fax, or email on the modified regulation(s) for 15 days after the date on which the modified text is made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

Pursuant to Health and Safety Code section 1341, subdivision (a), the Department “has charge of the execution of the laws of this state relating in to health care service plans. . . including, but not limited to, those laws directing the department to ensure that health care service plans provide enrollees with access to quality health care services and protect and promote the interests of enrollees.”

Pursuant to Health and Safety Code section 1341.9, the Department is vested with all duties, powers, purposes, responsibilities, and jurisdiction as they pertain to health plans and the health plan business.

Health and Safety Code section 1343 gives the Director authority through the adoption of rules or orders to exempt from the Knox–Keene Act any class of persons or health plan contracts when certain conditions are met.

Health and Safety Code section 1344 grants the Director authority to adopt, amend, and rescind rules, forms, and orders necessary to carry out the provisions of the Knox–Keene Act, and to classify persons and matters within the Director’s jurisdiction and prescribe different requirements for different classes.

Health and Safety Code section 1345, subdivision (f)(1), defines a “health care service plan” as “any person who undertakes to arrange for the provision of health care services to subscribers or enrollees, or to pay for or to reimburse any part of the cost of those services in return for a prepaid or periodic charge paid by or on behalf of subscribers or enrollees.”

Health and Safety Code section 1349 makes it unlawful for any person to engage in business as a health plan in California, or to receive advance or periodic consideration in connection with a health plan from or on behalf of a person in California without first securing a license from the Director, unless the person is exempt from the licensure requirements under Health and Safety Code section 1343.

Health and Safety Code section 1375.1, subdivision (a)(2), requires a health plan to demonstrate that it is fiscally sound and has “assumed full financial risk on a prospective basis for the provision of covered health care services, except that a plan may obtain insurance or make other arrangements for the cost of providing to any subscriber or enrollee covered health care services. . . .”

Health and Safety Code section 1399.5 declares the Legislature’s intent to apply the provisions of the Knox–Keene Act to an entity that, in return for a prepaid or periodic charge paid by or on behalf of a subscriber or enrollee, provides, administers or otherwise arranges for the provision of health care services, unless

the entity is exempted under Health and Safety Code section 1343.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Purpose of the Regulation:

The purpose of this rulemaking action is to clarify licensure requirements for health plans. Specifically, the proposed regulation states that a person who accepts global risk (both institutional and professional risk) for services to subscribers or enrollees receives “advance or periodic consideration” from or on behalf of subscribers or enrollees, and shall seek a health plan license. The proposed regulation will also set out requirements for a restricted license for entities that do not market directly to consumers or employers but otherwise meet the statutory definition of a health plan. In addition, the regulation states specific criteria the Department may apply in considering a request for exemption from licensure requirements. Key terms defined by the regulation include global, professional, and institutional risk, as well as “risk.”

Summary of Existing Laws and Regulations:

Health and Safety Code sections 1345, subdivision (f), 1375.1, subdivision (a), and 1349 define a health plan and require health plans to assume full financial risk for the arrangement of health care services to subscribers and enrollees. “Full financial risk” is not defined. Health and Safety Code section 1343 authorizes the Director to exempt a class of persons or contracts from the Knox–Keene Act under certain conditions. Health and Safety Code section 1344 allows the Director to adopt rules, classify persons within the Department’s jurisdiction, and prescribe different requirements for different classes of persons. Health and Safety Code section 1399.5 declares the Legislature’s intent to apply the Knox–Keene Act to an entity that, in return for a prepaid or periodic charge paid by or on behalf of a subscriber or enrollee, provides, administers, or otherwise arranges for the provision of health care services, unless the entity receives an exemption from the Director.

Broad Objectives and Benefits of the Regulation:

Pursuant to Government Code section 11346.5(a)(3)(C), the broad objectives and benefits of this regulation are to clarify and make specific state law relevant to the licensure of health plans. The Department is proposing to adopt Rule 1300.49 to clarify that entities that take on global risk (risk for both institutional and professional services) receive “advance or periodic consideration” from or on behalf of subscribers and enrollees meeting the definition of a health plan and shall seek a health plan license pursuant to section 1349

of the Health and Safety Code. The objective is to clarify that entities accepting global risk and thereby meeting the definition of a health plan are required to either obtain a license or an exemption.

In addition, Rule 1300.49 would set out criteria for obtaining an exemption from the licensure requirement for entities that accept global risk. An exemption may be granted by the Director upon review and consideration of financial viability reports, the percentage of institutional risk taken on by the entity, the number of subscribers and enrollees involved, and the service area in which the entity operates.

Rule 1300.49 also clarifies the standards for obtaining a restricted license, under which the licensed full-service health plan the restricted licensee contracts with would retain financial responsibility for certain types of services provided to the full-service health plan's subscribers or enrollees.² The restricted licensee could accept prepaid or periodic payments for both institutional and professional services only from a licensed health plan, and could not market, solicit, or sell health plan contracts to individual members of the public or to employers. Additionally, Rule 1300.49 also adopts "DMHC Division of Financial Responsibility Form," (Form) as dated June 1, 2017, which requires restricted licensees to disclose whether the restricted licensee or full-service health plan is responsible for specific provisions of the Knox-Keene Act. The Form makes clear that restricted licensees are not exempt from any provision of the Knox-Keene Act and that subscribers and enrollees receiving services from these restricted licensees receive the full protection of the Knox-Keene Act. A restricted licensee would have to maintain its own provider network that ensures adequate access to all services delegated to the licensee under the DMHC Division of Financial Responsibility Form. "Limited licenses" obtained before financial solvency requirements were adopted in 2000 would remain in effect.

Finally, Rule 1300.49 would define key terms, including risk, global risk, institutional risk, and professional risk. The purpose of adding these definitions is to clarify and add transparency to existing health plan licensure requirements and to prevent confusion amongst impacted entities.

Evaluation of Consistency/Compatibility with Existing State Regulations:

The Department evaluated the proposed regulation for any other possible related regulations and has found

that the regulation is consistent with other regulations concerning licensure and financial solvency, including Rules 1300.51 and 1300.75 et seq. Therefore, the regulation is neither inconsistent nor incompatible with existing state regulations.

Forms Incorporated by Reference:

The "DMHC Division of Financial Responsibility Form," as dated June 1, 2017, is incorporated by reference pursuant to Title 1, California Code of Regulations, section 20(c)(3) and as cited to in the proposed regulation, section 1300.49, subdivision (c)(3).

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: None.
- Cost or Savings to any State Agency: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Cost impacts to representative private persons or businesses/Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: Although the proposed action will directly affect business statewide, the Department concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant. The proposed regulation makes specific existing state law and codifies current practice in regards to restricted licensees. On average, the Department receives five (5) applications per year from restricted licensee applicants. Applicants for licensure pay fees up to \$25,000 for review and processing of the application for licensure. It is anticipated that the first effective year of the proposed regulation will result in an aggregate impact of 5 restricted licensees seeking licensure x \$15,093 (the average cost of a restricted licensee application fee), or \$75,465 total for the first year. These restricted licensees will also be responsible for paying annual fees typically in the average amount of \$24,137.
- Effect on Housing Costs: None.

²A full-service health plan is one that provides or arranges for the provision of basic health care services as defined in Health and Safety Code section 1345, subdivision (a) or the essential health benefits pursuant to Health and Safety Code section 1367.005.

- The Department has determined the regulation does not affect small businesses. Health plans are not considered a small business under Government Code Section 11342.610, subdivisions (b) and (c).

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

(Government Code section 11346.3, subdivision (b))

Creation or Elimination of Jobs Within the State of California:

The proposed adoption of Rule 1300.49, subdivision (b), interprets, implements, and makes specific state law regarding the definition of a health plan. Additionally, the proposed regulation codifies current practice regarding the Department’s licensure of restricted licensees. On average, the Department expects that approximately five (5) entities per year will apply for a restricted license resulting in an aggregate impact of \$75,465 total for the first year. Additionally, it is expected that restricted licensees will pay, on average, \$120,685 in aggregate ongoing annual costs. Despite these costs, the Department determined that this amendment will not significantly affect the creation or elimination of jobs within the State of California.

Creation of New Businesses or Elimination of Existing Businesses Within the State of California:

The proposed regulation is designed to interpret and clarify state requirements regarding licensure of health plans. The regulation builds on current interpretations and clarifications of the rights and responsibilities of entities that take on financial risk for arranging health care services for health plan enrollees and subscribers. The regulation will not create new businesses or eliminate existing businesses.

Expansion of Businesses Currently Doing Business Within the State of California:

The proposed regulation is designed to interpret and clarify state requirements regarding licensure of health plans. It is not anticipated that the proposed regulation will directly result in expansion of businesses currently doing business in the State of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The proposed regulation is designed to interpret and clarify state requirements regarding licensure of health plans. The regulation’s clarification that assumption of global risk may require health plan licenses will benefit California enrollees and subscribers by triggering financial solvency requirements that help increase stability and transparency in the health care marketplace. The

regulation will not affect worker safety or the environment.

BUSINESS REPORT

The proposed regulation is intended to clarify and make specific the existing state law for health plans under the Knox–Keene Act. The provisions of the regulation are necessary for the health, safety or welfare of the people of the state.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which the above 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 provisions of law.

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

DEPARTMENT OF FISH AND
WILDLIFE

HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION NO.
1653–2017–010–001–R1

Project: Armstrong Bridge
Location: Mendocino
Applicant: Mendocino County Resource
Conservation District
Notifier: Patty Madigan

Background

Project Location: The Armstrong Bridge Project, (Project) is located on the Armstrong Family Ranch near the town of Yorkville California at a property owned by Nancy Armstrong–Frost, Assessor Parcel Number (APN), 049–450–37, and affects Rancheria Creek, tributary to Navarro River, in the County of Mendocino. Rancheria Creek supports populations of steelhead trout (*Oncorhynchus mykiss*), Coho salmon (*O. kisutch*), and Chinook salmon (*O. Tshawytscha*).

Project Description: Mendocino County Resource Conservation District (Applicant) proposes to enhance or restore habitat within Rancheria Creek to provide a net conservation benefit for steelhead trout, Coho salmon, and Chinook salmon. The proposed project will improve salmonid access to approximately two miles of upstream spawning and rearing habitat within Rancheria Creek. Passage improvements will be made by replacing an existing culvert that is a partial barrier to listed salmonids with a single span bridge.

The Project is being completed with funding from the Natural Resources Conservation Service Environmental Quality Incentives Program (EQIP) and from the State Water Resources Control Board Timber Regulation and Forest Restoration Fund.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.15 acres and 150 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associates Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: 1) rock rip rap; 2) willow plantings; and 3) On-site streambed gravel.

Project Timeframes:

Start date: October 2017

Completion date: October 2021

Work window: June 15 to October 31

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage to 7.5 miles of spawning and rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B171750WNME, Electronic Content Management Identification (ECM PIN) No. CW-840165 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to steelhead trout and other fish and wildlife resources.

Receiving Water: Rancheria Creek, tributary to the Navarro River.

Filled or Excavated Area:

Permanent area impacted: None

Temporary area impacted: 0.15 acres maximum

Length temporarily impacted: 150 linear feet

Length permanently impacted: 0 linear feet

Dredge Volume: None

Project Size: 0.15 acres

Discharge Volume:

80 cubic yards of rock rip rap for bridge abutments

1,000 square feet of willow planting area

40 cubic yards of on-site streambed gravel

Project Location: Latitude 33.831455 N. and Longitude -123.224273 W, (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On October 3, 2017, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on October 3, 2017, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2017-1003-04) on October 13, 2017. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HRE as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a nonhabitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section

1653, subdivision (b)(4), were included in an attachment to the NOI, and contains the following categories: 1) Project Location and Description; 2) Administrative Measures; 3) Project Timing; 4) Specific Measures for Endangered, Rare, or Threatened Species That Could Occur at Specific Work Sites (steelhead trout and Foothill Yellow-legged Frog); 5) Cultural Resources; 6) Geology and Soils; 7) Hazardous Materials; 8) Hydrology and Water Quality; and 9) Liability. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Armstrong Bridge_NOI_102017*.

Monitoring and Reporting

Pursuant to Fish and Game Code section 1653 subdivision (g), the Applicant has submitted a Monitoring and Reporting Plan dated September 25, 2017 containing the following elements: 1) Effectiveness Monitoring; 2) Adaptive Management; and 3) Reporting Plan and Schedule.

Specific major tasks include:

Monitoring Protocols and Methodology: Photo-monitoring stations will be chosen to capture the majority of the area. Evaluation points will include bridge footings and bank stability. Seeded areas will be assessed to ensure that initial stabilization measures are working. Photo-monitoring will be performed after construction and the following summer/fall to document that site conditions continue to allow for fish passage per the design and that channel conditions have not changed substantially related to project objectives.

Reporting Plan and Schedule: The Applicant will provide an annual post-construction report by March 31 of the year following implementation. The report will discuss conservation benefits, quantify gains in riparian areas, and provide photo documentation of post-construction and current site conditions. A final report will be submitted at the end of the monitoring period that will include all the information gathered and document success based on the project goal and objectives.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- Success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as

provided in the applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: scott.monday@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c)).

By: /s/
 Scott Cantrell for
 Sandra Morey, Deputy Director
 Ecosystem Conservation Division
 California Department of Fish and Wildlife

Date: 10/10/17

CALIFORNIA FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Cascades Frog
(Rana cascadae)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its October 11, 2017, meeting in Atascadero, California, accepted for consideration the petition submitted to list Cascades frog (*Rana cascadae*) as a threatened or endangered species. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the Department of Fish and Wildlife’s (De-

partment) written report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

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

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the October 11, 2017 Commission meeting, are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

**Prospective Purchaser Agreement
Proposed CFA Restaurant No. 3798
Public Comment Period: October 27, 2017 –
November 27, 2017**

WHAT IS BEING PROPOSED?

The Department of Toxic Substances Control (DTSC) invites you to review and comment on a Prospective Purchaser Agreement. This agreement is with Chick Fil-A, Inc. regarding the Proposed CFA Restaurant No. 3798 located at 1011 North Western Avenue in Los Angeles, California 90029 (Site). Chick-fil-A, Inc. plans to construct a new building for the Chick-fil-A Restaurant. The Prospective Purchaser Agreement will require Chick-fil-A, Inc. to conduct additional investigation and remediation, if needed, at the Site to protect human health and the environment. The site will be beneficial to the neighborhood by improving environmental conditions, approximately 50 to 70 jobs will be created.

HOW DO I PARTICIPATE?

DTSC will consider public comments on the Prospective Purchaser Agreement that are postmarked or received by November 27, 2017. DTSC may withdraw its consent of the Prospective Purchaser Agreement if such comments disclose facts or considerations that indicate the Prospective Purchaser Agreement is inappropriate, improper or inadequate. **Comments should be addressed to both:**

Chia Rin Yen, Cleanup Program
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630
chiarin.yen@dtsc.ca.gov

Jennifer Daw
Chick-fil-A, Inc.
15635 Alton Parkway, Suite 350
Irvine, CA 92618
jennifer.daw@cfacorp.com

WHERE DO I GET MORE INFORMATION?

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

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

Information about proposed CFA Restaurant No. 3798 site can be found on the DTSC EnviroStor website: <http://www.envirostor.dtsc.ca.gov/public/profile-report?globalid=60002458>

Questions, Contact:

Chia Rin Yen
Project Manager
5796 Corporate Avenue
Cypress, CA 90630
(714) 484-5417
chiarin.yen@dtsc.ca.gov

Philip McPhaul
Public Participation Specialist
5796 Corporate Avenue
(818) 717-6566
Cypress, CA 90630
philip.mcphaul@dtsc.ca.gov

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

NOTICE TO INTERESTED PARTIES

**CHEMICALS LISTED EFFECTIVE
OCTOBER 27, 2017
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER:
N,N-DIMETHYLFORMAMIDE,
2-MERCAPTOBENZOTHAZOLE, AND
TETRABROMOBISPHENOL A**

Effective October 27, 2017, the Office of Environmental Health Hazard Assessment (OEHHA) is adding N,N-dimethylformamide, 2-mercaptobenzothiazole, and tetrabromobisphenol A to the list of chemicals known to the State of California to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹).

Health and Safety Code section 25249.8(a) incorporates California Labor Code section 6382(b)(1) into Proposition 65. Regulations describing the process for

listing chemicals via the Labor Code are set out in Title 27, Cal. Code of Regs., section 25904. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. An explanation of the carcinogenicity classifications used by IARC, and the *Monographs* development and peer review by the international working groups of scientific experts convened by IARC, may be found at the following URL: <http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf> (IARC Preamble).

The basis for the listing of N,N-dimethylformamide, 2-mercaptobenzothiazole, and tetrabromobisphenol A was described in a public notice published in the June 30, 2017, issue of the *California Regulatory Notice Register* (Register 2017, No. 26-Z). The title of the notice was "Notice of Intent to List Chemicals by the Labor Code Mechanism: N,N-dimethylformamide, 2-mercaptobenzothiazole, and tetrabromobisphenol A." The publication of the notice initiated a 30-day public comment period. We received three sets of comments on N,N-dimethylformamide, 2-mercaptobenzothiazole, and tetrabromobisphenol A. The comments relevant to these three chemicals and OEHHA's responses are posted with the Notice of Intent to List.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Chemical	CAS No.	Endpoint	Listing Mechanism*
N,N-Dimethylformamide	68-12-2	Cancer	LC
2-Mercaptobenzothiazole	149-30-4	Cancer	LC
Tetrabromobisphenol A	79-94-7	Cancer	LC

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

¹ Health and Safety Code, section 25249.5, et seq.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

NOTICE TO INTERESTED PARTIES

**ACCEPTANCE OF A REQUEST FOR A SAFE
USE
DETERMINATION FOR CHLOROTHALONIL
IN CERTAIN
FOODS RESULTING FROM PESTICIDAL USE
OF THE
CHEMICAL AND OPPORTUNITY FOR
PUBLIC COMMENT**

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 (commonly known as Proposition 65, codified at Health and Safety Code section 25249.5 *et seq.*). OEHHA has received a request for a Safe Use Determination (SUD) for chlorothalonil in certain foods resulting from pesticidal use of the chemical. The request is made by Syngenta Crop Protection, LLC pursuant to Title 27 of the California Code of Regulations, section 25204(b)(3).

This SUD request is limited to exposures to chlorothalonil from consumption of certain foods. Exposure to other listed substances, if any, which may be present in these foods will not be reviewed by OEHHA in the context of this request.

In accordance with the process set forth in section 25204(f)¹, interested persons may comment on the request in writing within a 30-day public comment period. A public hearing on this request for a SUD will be scheduled upon request. To request a hearing, send an e-mail to Michelle Ramirez at Michelle.Ramirez@oehha.ca.gov or to the address listed below by no later than November 10, 2017, which is 15 days before the close of the comment period. If requested, the hearing will be held on a date not less than 30 days after the notice is published. OEHHA will mail a notice of the hearing to the requester and the notice will also be posted on the OEHHA website at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

¹ All referenced sections are from Title 27 of the Cal. Code of Regulations.

In order for public comments to be considered, **OEHHA must receive written comments by 5:00 p.m. on Monday, November 27, 2017.** We encourage you to submit comments in electronic form, rather than in paper form. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form may 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

Fax: (916) 323-2265

Street

Address: 1001 I Street
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period. Electronic files submitted should not have any form of encryption.

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

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
October 27, 2017**

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

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
Aloe vera, non-decolorized whole leaf extract	—	December 4, 2015
2-Aminoanthraquinone	117-79-3	October 1, 1989
<i>p</i> -Aminoazobenzene	60-09-3	January 1, 1990
<i>ortho</i> -Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Anthraquinone	84-65-1	September 28, 2007
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloroacetic acid	71133-14-7	July 29, 2016
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1-Bromopropane	106-94-5	August 5, 2016
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chloral	75-87-6	September 13, 2013
Chloral hydrate	302-17-0	September 13, 2013
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol <u>Delisted January 4, 2013</u>	56-75-7	October 1, 1989
Chloramphenicol sodium succinate	982-57-0	September 27, 2013
Chlordane	57-74-9	July 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Clomiphene citrate	50-41-9	May 24, 2013
CMNP (pyrazachlor)	6814-58-0	August 21, 2015
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	—	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[cd]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
<u>Diaminotoluene (mixed)</u> <u>Delisted November 20, 2015</u>	—	<u>January 1, 1990</u>
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenzanthracenes	—	December 26, 2014
Dibenz[a,c]anthracene	215-58-7	December 26, 2014
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
Dibenz[a,j]anthracene	224-41-9	December 26, 2014
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
<i>p</i> -Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Dieldrin	60-57-1	July 1, 1988
Dienestrol <u>Delisted January 4, 2013</u>	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisononyl phthalate (DINP)	—	December 20, 2013
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
<u>N,N-Dimethylformamide</u>	<u>68-12-2</u>	<u>October 27, 2017</u>
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine (DMNM)	1456-28-6	February 8, 2013
N,N-Dimethyl-p-toluidine	99-97-8	May 2, 2014
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Emissions from combustion of coal	—	August 7, 2013
Emissions from high-temperature unrefined rapeseed oil	—	January 3, 2014
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine (Aziridine)	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furfuryl alcohol	98-00-0	September 30, 2016
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Glyphosate	1071-83-6	July 7, 2017
Goldenseal root powder	—	December 4, 2015
Griseofulvin	126-07-8	January 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malathion	121-75-5	May 20, 2016
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
Megestrol acetate	595-33-5	March 28, 2014
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyryn	110235-47-7	July 1, 2008
2-Mercaptobenzothiazole	149-30-4	October 27, 2017

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
α -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Mitoxantrone hydrochloride	70476-82-3	January 23, 2015
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furalazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
beta-Myrcene	123-35-3	March 27, 2015
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi- <i>n</i> -butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
<i>p</i> -Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi- <i>n</i> -propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethyl- <i>n</i> -butylamine	7068-83-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -decylamine	75881-22-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -dodecylamine	55090-44-3	December 26, 2014
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitrosomethyl- <i>n</i> -heptylamine	16338-99-1	December 26, 2014
N-Nitrosomethyl- <i>n</i> -hexylamine	28538-70-7	December 26, 2014
N-Nitrosomethyl- <i>n</i> -nonylamine	75881-19-5	December 26, 2014
N-Nitrosomethyl- <i>n</i> -octylamine	34423-54-6	December 26, 2014
N-Nitrosomethyl- <i>n</i> -pentylamine	13256-07-0	December 26, 2014

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
-Nitrosomethyl- <i>n</i> -propylamine	924-46-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -tetradecylamine	75881-20-8	December 26, 2014
N-Nitrosomethyl- <i>n</i> -undecylamine	68107-26-6	December 26, 2014
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
<i>o</i> -Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Parathion	56-38-2	May 20, 2016
Pentachlorophenol	87-86-5	January 1, 1990
Pentabromodiphenyl ether mixture [DE-71 (technical grade)]	—	July 7, 2017
Pentachlorophenol and by-products of its synthesis (complex mixture)	—	October 21, 2016
Pentosan polysulfate sodium	—	April 18, 2014
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Pioglitazone	111025-46-8	April 18, 2014
Pirimicarb	23103-98-2	July 2, 2008
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo- <i>p</i> -dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
d1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pulegone	89-82-7	April 18, 2014
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Sedaxane	874967-67-6	July 1, 2016
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene	100-42-5	April 22, 2016
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Teriparatide	52232-67-4	August 14, 2015
Terrazole	2593-15-9	October 1, 1994

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Testosterone and its esters	58-22-0	April 1, 1988
Tetrabromobisphenol A	79-94-7	October 27, 2017
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,1,2-Tetrachloroethane	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrachlorvinphos	22248-79-9	May 20, 2016
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
Triamterene	396-01-0	April 18, 2014
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroacetic acid	76-03-9	September 13, 2013
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridiny)l-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridiny)lphosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

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

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA)	female	80-05-7	May 11, 2015
Bisphenol A (BPA) <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental	53404-19-6	May 18, 1999
1-Bromopropane	male		January 17, 2003
2-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
Bromoxynil	female, male	75-26-3	May 31, 2005
Bromoxynil octanoate	developmental	1689-84-5	October 1, 1990
Butabarbital sodium	developmental	1689-99-2	May 18, 1999
1,3-Butadiene	developmental	143-81-7	October 1, 1992
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental, female, male	106-99-0	April 16, 2004
Butyl benzyl phthalate (BBP)	developmental	55-98-1	January 1, 1989
n-Butyl glycidyl ether <u>Delisted April 4, 2014</u>	developmental	85-68-7	December 2, 2005
	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, female, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron <u>Delisted June 6, 2014</u>	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1999
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Des-ethyl atrazine (DEA)	developmental, female	6190-65-4	July 15, 2016
Des-isopropyl atrazine (DIA)	developmental, female	1007-28-9	July 15, 2016
2,4-Diamino-6-chloro-s-triazine (DACT)	developmental, female	3397-62-4	July 15, 2016
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diffunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
<u>Delisted April 4, 2014</u>			
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental, male	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
2,4 DP (dichloroprop) <u>Delisted January 25, 2002</u>	developmental	120-36-5	April 27, 1999
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether <u>Delisted December 13, 2013</u>	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol (ingested)	developmental	107-21-1	June 19, 2015
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid <u>Delisted December 13, 2013</u>	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1990
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
HFlutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	developmental, male	684-16-2	August 1, 2008
LHexamethylphosphoramide	male	680-31-9	October 1, 1994
2,5-Hexanedione	male	110-13-4	December 4, 2015
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male	—	July 5, 2013
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meproamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyln-n-butyl ketone	developmental	591-78-6	December 4, 2015
	male		August 7, 2009
Methyl chloride	developmental	74-87-3	March 10, 2000
	male		August 7, 2009

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Methyl isobutyl ketone (MIBK)	developmental	108-10-1	March 28, 2014
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone <u>Delisted April 4, 2014</u>	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α -Methyl styrene <u>Delisted April 4, 2014</u>	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone)/ Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide) <u>Delisted December 13, 2013</u>	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Pertuzumab	developmental	380610-27-5	January 27, 2017
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
<u>Delisted April 4, 2014</u>			
Phenylphosphine	developmental male	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propazine	developmental, female	139-40-2	July 15, 2016
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5	April 1, 1990
		36791-04-5	February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Simazine	developmental, female	122-34-9	July 15, 2016
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Topiramate	developmental	97240-79-4	November 27, 2015
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene <u>Delisted December 13, 2013</u>	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 1999
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Visomodegib	developmental, female, male	879085-55-9	January 27, 2017
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: October 27, 2017

RULEMAKING PETITION DECISIONS
--

**COMMISSION ON TEACHER
CREDENTIALING**

**Division VIII of Title 5 of the California Code of
Regulations**

**Decision Regarding Petition Requesting the
Adoption of a Regulation**

Background

On September 8, 2017, the Commission on Teacher Credentialing (Commission) considered the petition of Mark Bell which requested that the Commission adopt a new regulation addressing the issuance of credentials based on private school experience. The petition requested that the Commission adopt a regulation that would define an accredited private school as one that has been recognized by the California Association of Independent Schools (CAIS).

Authority and Reference

Education Code section 44225 grants the Commission the authority to promulgate regulations, and section 44259.2 indicates that the term “accredited private school” be defined by the Commission.

Action Taken

The Commission moved to deny Mr. Bell’s specific request to define an accredited private school as one that has been recognized by CAIS. Instead, the Commission moved to begin the rulemaking process to amend Title 5 section 80457 and to schedule a public hearing based on an alternate definition of an accredited private school that meets the rigor and quality required for teacher preparation. The proposed regulatory language and public hearing information will be submitted to the Office of Administrative Law at a later date.

**Justification for Commission Action to Deny
Petition**

The Commission determined that the accrediting standards and requirements under CAIS do not meet the rigor required to serve as an acceptable accreditor for private school experience. CAIS is a private accreditor that does not adhere to the federal Title 34 regulations and standards for regional accreditors and historically has not been recognized by the Commission as an acceptable accreditor.

Further, the Commission has always upheld the policy that defines an “accredited private school” as one that is regionally accredited. Because the private school

teaching experience requirement outlined in Education Code section 44259.2 waives such a crucial component of teacher preparation, the Commission has always maintained that any private school experience must occur at a school that has met the rigorous requirements set forth by regional accrediting agencies, thus maintaining the highest standards for teacher preparation. The Commission plans to move forward with the regulatory process to define an accredited private school under these standards, allowing for public comment on this issue to take place in the near future.

Contact Person/Further Information

General or substantive inquiries concerning the petition may be directed to Erin Skubal by telephone at (916) 323–9596 or in writing to The Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. In addition, all the information on which this notification is based is available for inspection and copying.

DEPARTMENT OF PUBLIC HEALTH

VIA U.S. MAIL and E-Mail:

October 5, 2017

O’Melveny & Myers LLP

Times Square Tower

7 Times Square

New York, NY 10036–6537

**Re: Response to Petition Requesting the
Amendment to California Code of Regulations**

Dear Ms. Chanoine:

This letter is to notify you of the decision of the California Department of Public Health (the Department) regarding your letter dated September 5, 2017 (the petition). In your petition you asked the Department to initiate rulemaking to formalize existing guidance regarding pet food. Pursuant to Government Code section 11340.7(a), the Department will schedule the matter for public hearing and will update you when the date, time, and location are finalized. Additionally, pursuant to Government Code section 11340.7(b), the Department will further study the issue prior to making a final determination as to whether to initiate a new rulemaking action, anticipated by March 2018. Government Code section 11340.7(b) provides:

“A state agency may grant or deny the petition in part, and may grant any other relief or take any other action as it may determine to be warranted by the petition and shall notify the petitioner in writing of this action.” (Emphasis added.)

Petition

Pursuant to Government Code section 11340.6:

“ . . . any interested person may petition a state agency requesting the adoption, amendment, or repeal of a

regulation. . . This petition shall state the following clearly and concisely:

- (a) The substance or nature of the regulation, amendment, or repeal requested.
- (b) The reason for the request.
- (c) Reference to the authority of the state agency to take the action requested.”

Your petition did not propose any specific regulatory language or section number within the California Code of Regulations, but you requested formal action on the term “natural” on pet food labels. Employing a broad interpretation of Government Code section 11340.6, the Department has interpreted your request to be a rule-making petition.

In support of your petition, you stated a regulation would avoid uncertainty and inconsistent court rulings, citing three putative class action lawsuits against pet food manufacturers pending in California state and federal courts challenging the term “natural” on pet food labels. You state the plaintiffs allege the term “natural” on the defendants’ pet food products is deceptive and misleading to consumers because the products contain unnatural, artificial, and/or synthetic ingredients such as added vitamins and minerals.

You also state plaintiffs’ position is that the Department guidance is an unenforceable underground regulation. Specifically, Department labeling guidance in “Procedures for Obtaining a Pet Food” state that the Department “recognizes the Association of American Feed Control Officials, Inc. (AAFCO) OFFICIAL PUBLICATION as the definitive reference for pet food ingredients and labeling. Any pet food label that complies with AAFCO guidelines for pet food ingredients and labeling will be considered in compliance with California law.” You state your client Canidae Corporation, a named defendant in a lawsuit, followed this Department guidance.

Conclusion

Your petition asked the Department to initiate rule-making regarding “natural” on pet food labels. The Department will schedule and notify you of a public hearing. The Department also will further study the issue prior to making a final determination as to whether to initiate a new rulemaking action, anticipated by March 2018.

Under Government Code section 11340.7(d), any interested person has the right to obtain a copy of the petition submitted to the agency. To request a copy, please contact Linda M. Cortez with the Office of Regulations by phone at (916) 440-7807 or by email at regulations@cdph.ca.gov or by mail to California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814.

Sincerely,
/s/
Brett Braidman
Chief, Office of Regulations

DISAPPROVAL DECISION

DECISION OF DISAPPROVAL OF REGULATORY ACTION

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

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**State of California
Office of Administrative Law**

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

**Title 15, California Code of Regulations
Adopt sections: 3349.1, 3349.2, 3349.3, 3349.4,
3349.5, 3349.6, 3349.7, 3349.8, 3349.9
Amend section: 3349**

DECISION OF DISAPPROVAL OF REGULATORY ACTION

**Government Code Section 11349.3
OAL Matter Number: 2017-0825-03
OAL Matter Type: Regular Resubmittal (SR)**

SUMMARY OF REGULATORY ACTION

On August 25, 2017, the California Department of Corrections and Rehabilitation (Department) submitted to the Office of Administrative Law (OAL) proposed regulations to implement the lethal injection process. This action is a resubmittal of previously disapproved action, OAL matter number 2016-1104-02S. On October 9, 2017, OAL notified the Department of the disapproval of this regulatory action.

DECISION

The reasons for the disapproval were because the Department's resubmission did not meet the Clarity and Necessity standards of Government Code section 11349.1. This Decision of Disapproval of Regulatory Action details the reasons for OAL's action. The Department will have 120 days from receipt of this written decision to remedy the issues set forth herein and resubmit this regulatory action to OAL.

CONCLUSION

For the reasons set forth above, OAL disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Department may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval.

Any changes made to the regulation text to address the clarity issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR prior to adoption by the Department. Additionally, any supplement to the ISR or other document the Department may create or otherwise propose to add to the record in order to address the necessity or clarity issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11347.1 prior to adoption by the Department. The Department must resolve all issues raised in this Decision of Disapproval before resubmitting to OAL. OAL reserves the right to conduct a complete review for compliance with the procedural and substantive requirements of the APA. A copy of this Decision will be emailed to the Department on the date indicated below.

If you have any questions, please contact me at (916) 323-8916.

Date: October 12, 2017

Kevin D. Hull
Senior Attorney

For: Debra M. Cornez
Director

Original: Scott Kernan, Secretary
Copy: Josh Jugum

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

BOARD OF PHARMACY

ANNUAL NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX

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

For additional information, contact:

Lori Martinez
California State Board of Pharmacy
1625 N. Market Blvd., Suite N219
Sacramento, CA 95834
Telephone: (916) 574-7917
Fax: (916) 574-8617
E-mail: Lori.Martinez@dca.ca.gov

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2017-0901-01
AIR RESOURCES BOARD
Innovative Technology Regulation

In this regular rulemaking, the Air Resources Board (ARB) is adopting three sections and amending one

section to provide flexible certification for three categories of engines, including heavy-duty engines meeting optional low NOx emission standards, heavy-duty engines meeting optional low carbon dioxide emission standards, and engines to be installed in heavy-duty hybrid trucks or buses. These regulations also provide certification and installation procedures for hybrid after-market conversion systems for trucks and buses.

Title 13
 ADOPT: 2208, 2208.1, 2208.2 AMEND: 1956.8
 Filed 10/16/2017
 Effective 10/16/2017
 Agency Contact: Bradley Bechtold (916) 322-6533

File# 2017-1009-04
 BOARD OF EDUCATION
 California Assessment of Student Performance and Progress

In this emergency re-adopt, the Board amends various sections in Title 5 of the California Code of Regulations. The amendments modify regulations governing the California Assessment of Student Performance and Progress (CAASPP) examination to align state standards with standardized testing guidelines of the Smarter Balanced Assessment Consortium.

Title 5
 AMEND: 851, 853.5, 853.7, 855, 856
 Filed 10/18/2017
 Effective 10/31/2017
 Agency Contact: Hillary Wirick (916) 319-0860

File# 2017-0918-03
 CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE
 Bond Purchase and Compliance Expansion

This resubmittal of OAL File No. 2017-0622-03C is a regular rulemaking by the California Debt Limit Allocation Committee (“CDLAC”) that adopts three sections, amends 32 sections, and repeals one section in title 4 of the California Code of Regulations. Government Code section 8869.84, subdivision (c), states, “[CDLAC] shall prepare application forms and announce procedures for receipt and review of applications from state and local agencies desiring to issue private activity bonds.” The allocation system provides tax-exempt private activity bond allocation to state and local agencies. The changes in this rulemaking affect (1) issuer accountability, (2) high-cost projects, (3) cash flow bond financing, and (4) coordination with the United States Department of Housing and Urban Development. Lastly, CDLAC is adopting, amending, and

repealing a total of 23 documents incorporated by reference.

Title 4
 ADOPT: 5145, 5146, 5233 AMEND: 5000, 5020, 5031, 5033, 5050, 5051, 5054, 5061, 5062, 5063, 5106, 5144, 5170, 5191, 5192, 5194, 5200, 5220, 5230, 5240, 5250, 5255, 5258, 5260, 5300, 5342, 5350, 5370, 5400, 5450, 5560, 5600 REPEAL: 5221
 Filed 10/13/2017
 Effective 10/13/2017
 Agency Contact: Felicity Wood (916) 651-8484

File# 2017-0908-03
 CALIFORNIA GAMBLING CONTROL COMMISSION
 Playing Books for TPPPS and Gambling Businesses

In this resubmitted rulemaking action, the California Gambling Control Commission (Commission) proposes various changes in Title 4 of the California Code of Regulations. The proposed modifications allow playing books for all sessions of play by Third-Party Providers of Proposition Player Services (TPPPS) and Gambling Businesses to be maintained electronically. The regulations also propose to separate playing book approvals from contract approvals and registration processes. The regulations further create an approval process that would be uniformly applied to both TPPPS and Gambling Businesses and would require only initial and amended playing book form approvals.

Title 4
 ADOPT: 12250, 12260, 12261, 12262, 12263, 12264, 12285, 12287, 12290 AMEND: 12003, 12200, 12200.7, 12200.9, 12200.10A, 12200.11, 12200.18, 12220, 12220.18, 12560, 12562 REPEAL: 12200.13, 12200.16, 12200.21, 12220.13, 12220.16, 12220.21
 Filed 10/18/2017
 Effective 01/01/2018
 Agency Contact: Josh Rosenstein (916) 274-5823

File# 2017-1010-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Melon Fruit Fly Eradication Area

This emergency regulatory action by the Department of Food and Agriculture amends section 3591.15 of title 3 of the California Code of Regulations to add Santa Clara County as an eradication area for melon fruit fly, *Bactrocera cucurbitae*.

Title 3
 AMEND: 3591.15
 Filed 10/16/2017
 Effective 10/16/2017
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1013-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Huanglongbing Disease Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture expands the quarantine area for Huanglongbing (“HLB”) disease in the Anaheim area of Orange County. The quarantine area is being expanded by approximately 6 square miles in response to the confirmation on September 25, 2017, of the presence of HLB from suspect citrus tissue samples collected in the Anaheim area. This emergency action provides authority for the state to perform quarantine activities against HLB within this additional area. The total area which is now under regulation is approximately 597 square miles.

Title 3
 AMEND: 3439(b)
 Filed 10/16/2017
 Effective 10/16/2017
 Agency Contact: Kyle Beucke (916) 403-6741

File# 2017-0830-01
 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 AB 587 Fee and Tax Waiver Program

This certificate of compliance action makes permanent emergency regulations establishing the AB 587 fee and tax waiver program for manufactured and mobile home owners who have not registered their homes with the Department of Housing and Community Development (HCD), as required by law, due to accumulated and unpaid fees, taxes, and penalties. By statute, HCD and local tax assessors waive/abate amounts due under the program.

Title 25
 ADOPT: 5535, 5535.5, 5536, 5536.5
 Filed 10/12/2017
 Effective 10/12/2017
 Agency Contact: Ruth Ibarra (916) 263-3262

File# 2017-0906-04
 DEPARTMENT OF REHABILITATION
 BEP Late Penalty Fees & Monthly Operating Report

The Department of Rehabilitation submitted this action to amend 13 sections in title 9 of the California Code of Regulations and an incorporated by reference monthly reporting form (DR 478) and form instructions (DR 478A) that govern the Business Enterprises Program for the Blind.

Title 9
 AMEND: 7211, 7212.2, 7212.4, 7213.2, 7213.3, 7213.6, 7214.1, 7215.1, 7218, 7220, 7220.3, 7221, 7225
 Filed 10/18/2017
 Agency Contact: Shelly Risbry (916) 558-5498

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 17, 2017 TO
 October 18, 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
 10/10/17 AMEND: 10500
 10/09/17 AMEND: 59780
 10/04/17 ADOPT: 280, 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.55.1, 547.55.2, 547.56, 547.57, 547.57.1, 547.52.2, 547.57.3, 547.57.4, 547.58, 547.58.1, 547.58.2, 547.58.3, 547.58.4, 547.58.5, 547.58.6, 547.58.7, 547.58.8, 547.58.9 AMEND: 281, 282 REPEAL: 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.56, 547.57
 09/22/17 AMEND: 1859.2, 1859.81
 09/21/17 AMEND: 59620
 09/20/17 ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4
 08/31/17 AMEND: 10000, 10001, 10002, 10005, 10007, 10008, 10009, 10010, 10011, 10015, 10017, 10021, 10022, 10025, 10026, 10030, 10031, 10033, 10035, 10038, 10039, 10041, 10042, 10044, 10046, 10049, 10050, 10051, 10053, 10054, 10057, 10063, 10065
 08/30/17 AMEND: 59590
 08/16/17 AMEND: 604
 08/14/17 AMEND: 11034
 08/14/17 ADOPT: 2298.1, 2298.2, 2298.3, 2298.4, 2298.5, 2298.6, 2298.7, 2298.8, 2298.9, 2298.9.1 REPEAL: 2297.1, 2298
 08/10/17 AMEND: 1897
 07/25/17 AMEND: 57700

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

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

Title 3

10/16/17 AMEND: 3591.15
10/16/17 AMEND: 3439(b)
09/28/17 AMEND: 3439(b)
09/28/17 AMEND: 3435(b)
09/27/17 AMEND: 3435(b)
09/21/17 AMEND: 1430.142
09/19/17 AMEND: 3406(c), 3591.5(b)
09/14/17 AMEND: 3439
09/12/17 AMEND: 3435(b)
09/07/17 AMEND: 3435(b)
09/05/17 AMEND: 3435(b)
09/05/17 AMEND: 3435(b)
08/31/17 AMEND: 3439(b)
08/30/17 AMEND: 2320.1
08/22/17 AMEND: 3439
08/17/17 AMEND: 3435(b)
08/16/17 AMEND: 3435(b)
08/16/17 AMEND: 3439(b)
08/11/17 AMEND: 3439(b)
08/10/17 AMEND: 3435(b)
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)
07/06/17 AMEND: 3435(b)
06/28/17 AMEND: 1358.7
06/26/17 AMEND: 3435(b)

06/22/17 ADOPT: 2320.5AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324
06/19/17 AMEND: 3435(b)
06/14/17 AMEND: 3435(b)
06/08/17 AMEND: 3435(b)
06/07/17 AMEND: 3435(b)
06/05/17 ADOPT: 3591.28
06/02/17 AMEND: 3435(d)
06/01/17 AMEND: 3591.12
05/30/17 AMEND: 3439(b)

Title 4

10/18/17 ADOPT: 12250, 12260, 12261, 12262, 12263, 12264, 12285, 12287, 12290 AMEND: 12003, 12200, 12200.7, 12200.9, 12200.10A, 12200.11, 12200.18, 12220, 12220.18, 12560, 12562 REPEAL: 12200.13, 12200.16, 12200.21, 12220.13, 12220.16, 12220.21
10/13/17 ADOPT: 5145, 5146, 5233 AMEND: 5000, 5020, 5031, 5033, 5050, 5051, 5054, 5061, 5062, 5063, 5106, 5144, 5170, 5191, 5192, 5194, 5200, 5220, 5230, 5240, 5250, 5255, 5258, 5260, 5300, 5342, 5350, 5370, 5400, 5450, 5560, 5600 REPEAL: 5221
10/09/17 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
10/05/17 AMEND: 1632
09/07/17 AMEND: 12101, 12200, 12200.6, 12200.9, 12200.13, 12202, 12220.6, 12222, 12309, 12342, 12354, 12359, 12464, 12465, Appendix A to Chapter 7 of Division 18, 12492
09/05/17 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.14, 10091.15
08/24/17 AMEND: 10170.3, 10170.4, 10170.8, 10170.9, 10170.10, 10170.14
08/07/17 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
07/26/17 ADOPT: 7033.1 AMEND: 7030, 7033, 7034, 7035, 7037, 7040, 7042, 7045
07/26/17 AMEND: 1581, 1843
07/26/17 ADOPT: 8078.15, 8078.16, 8078.17, 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
 06/01/17 AMEND: 1433, 1845
 05/31/17 AMEND: 1632
 05/30/17 ADOPT: 5145, 5146, 5233 AMEND:
 5000, 5020, 5031, 5033, 5050, 5051,
 5054, 5061, 5062, 5063, 5106, 5144,
 5170, 5191, 5192, 5194, 5200, 5220,
 5230, 5240, 5250, 5255, 5258, 5260,
 5300, 5342, 5350, 5370, 5400, 5450,
 5560, 5600 REPEAL: 5221

Title 5

10/18/17 AMEND: 851, 853.5, 853.7, 855, 856
 09/12/17 AMEND: 18117, 18246
 09/01/17 AMEND: 40756.1, 40805.1
 09/01/17 AMEND: 40500
 08/31/17 REPEAL: 40530, 40531, 40532
 08/31/17 ADOPT: 40050.4, 40517, 40518, 41023
 08/22/17 AMEND: 27300, 27301, 27400, 27401,
 27600, 27601, 27602
 08/17/17 AMEND: 19810
 08/10/17 AMEND: 76000, 76020, 76210, 76130,
 76200, 76210, 76212, 76215
 07/18/17 AMEND: 851, 853.5, 853.7, 855, 856
 06/27/17 REPEAL: 13075, 13075.1, 13075.2,
 13075.3, 13075.4, 13075.5, 13075.6,
 13075.7, 13075.8, 13075.9
 06/26/17 AMEND: 19810
 06/14/17 AMEND: 41908
 06/05/17 ADOPT: 11517.6, 11518, 11518.5,
 11518.10, 11518.15, 11518.20,
 11518.25, 11518.30, 11518.35,
 11518.40, 11518.45, 11518.50,
 11518.55, 11518.60, 11518.65,
 11518.70, 11518.75, 11518.80, 11519,
 11519.5
 06/02/17 ADOPT: 11534.1 AMEND: 11530,
 11533, 11534
 05/30/17 ADOPT: 71396

Title 8

10/09/17 AMEND: 1646(a)
 10/02/17 ADOPT: 1535.1, 5205, 8359.1 AMEND:
 5155
 09/28/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
 09/27/17 AMEND: 5191(b)
 09/26/17 AMEND: 5189.1(t)(2)
 09/14/17 AMEND: 336
 07/31/17 AMEND: 3650
 07/31/17 AMEND: 344.30
 07/27/17 ADOPT: 5189.1
 07/18/17 ADOPT: 9789.17.3 AMEND: 9789.12.2,
 9789.17.1, 9789.18.12, 9789.19

06/29/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
 06/29/17 AMEND: 344.18
 06/20/17 AMEND: 9789.39
 06/05/17 AMEND: 1637
 06/05/17 AMEND: 3220
 05/23/17 ADOPT: 20169 AMEND: 20170, 20234,
 20240, 20241, 20242, 20282, 20286,
 20363, 20393, 20400, 20401, 20402,
 20407, 20408

Title 9

10/18/17 AMEND: 7211, 7212.2, 7212.4, 7213.2,
 7213.3, 7213.6, 7214.1, 7215.1, 7218,
 7220, 7220.3, 7221, 7225
 08/17/17 ADOPT: 4020, 4020.1
 06/13/17 ADOPT: 4700, 4710, 4711, 4712, 4713,
 4714, 4715, 4716, 4717

Title 10

10/05/17 ADOPT: 9000, 9001, 9002, 9003, 9004,
 9005, 9006, 9007
 09/21/17 AMEND: 2498.6
 09/21/17 ADOPT: 6854, 6856, 6864
 09/20/17 AMEND: 2498.5
 09/20/17 AMEND: 6902, 6903, 6904
 08/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004,
 9005, 9006, 9007
 08/03/17 AMEND: 2498.5
 06/21/17 ADOPT: 260.211.4, 260.211.5,
 260.211.6, 260.211.7

Title 11

10/05/17 AMEND: 78.4
 10/05/17 AMEND: 78.6
 10/05/17 ADOPT: 78.7
 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: 50.12

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 43-Z

- 05/18/17 AMEND: 50.14
- Title 13**
- 10/16/17 ADOPT: 2208, 2208.1, 2208.2 AMEND: 1956.8
- 09/11/17 AMEND: 1
- 09/07/17 AMEND: 430.00, 431.00
- 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
- Title 14**
- 10/04/17 AMEND: 18419
- 09/29/17 AMEND: 29.80, 122
- 09/26/17 AMEND: 300
- 09/19/17 AMEND: 1094.16
- 09/11/17 ADOPT: 4325
- 09/07/17 AMEND: 913, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, 913.7, 913.8, 913.10, 913.11, 914, 914.1, 914.2, 914.3, 914.5, 914.6, 914.7, 914.8, 914.9, 915, 915.1, 915.2, 915.3, 915.4, 916, 916.1, 916.2, 916.3, 916.4, 916.5, 916.6, 916.7, 916.8, 916.9, 916.10, 916.11, 916.11.1, 916.12, 953.7, 953.8, 953.9, 953.12, 954.4, 1038
- 09/05/17 AMEND: 29.15
- 08/31/17 AMEND: 1122
- 08/29/17 AMEND: 119, Form FG 2025 (11/2005), Appendix A
- 08/29/17 AMEND: 670
- 08/28/17 ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.7
- 08/22/17 ADOPT: 870.17 AMEND: 870.15 REPEAL: 870.17, 870.19, 870.21
- 08/10/17 AMEND: 7.50
- 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
- Title 15**
- 10/09/17 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
- 10/04/17 AMEND: 3000, 3030, 3190, 3269
- 10/04/17 AMEND: 18419
- 09/25/17 ADOPT: 3570, 3572, 3573, 3580 AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3
- 09/19/17 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
- 08/31/17 AMEND: 8001
- 08/23/17 AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379
- 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

Title 16

10/10/17 AMEND: 1358
 10/06/17 ADOPT: 1993.4 AMEND: 1993.2 REPEAL: 1993.3
 10/02/17 AMEND: 1914
 09/21/17 ADOPT: 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, 1379.09
 09/19/17 ADOPT: 1702.1, 1702.2, 1702.5 AMEND: 1702
 08/30/17 AMEND: 1107
 08/29/17 AMEND: 425
 08/24/17 AMEND: 1021, 1022
 08/22/17 ADOPT: 1399.730, 1399.731, 1399.732
 08/14/17 REPEAL: 901, 902, 903, 914
 08/10/17 ADOPT: 4176
 08/10/17 AMEND: 1105.1(b)(c)(d)(e)
 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

Title 17

09/18/17 ADOPT: 95803, 95835, 95859, 95871, 95944, 95945, Appendix D, Appendix E AMEND: 95802, 95811, 95812, 95813, 95814, 95830, 95831, 95832, 95833, 95834, 95840, 95841, 95841.1, 95851, 95852, 95852.1, 95852.2, 95853, 95856, 95857, 95858, 95870, 95890, 95891, 95892, 95893, 95894, 95895, 95910, 95911, 95912, 95913, 95914, 95920, 95921, 95922, 95941, 95943, 95972, 95973, 95974, 95975, 95976, 95977, 95977.1, 95978, 95979, 95980, 95980.1, 95981, 95981.1, 95983, 95985, 95987, 95990, 96014, Appendix C
 09/06/17 AMEND: 6540
 09/06/17 AMEND: 6508
 09/01/17 ADOPT: 95160, 95161, 95162, 95163 AMEND: 95101, 95102, 95103, 95104, 95105, 95111, 95112, 95113, 95114, 95115, 95117, 95118, 95121, 95122, 95129, 95130, 95131, 95132, 95133, 95150, 95153, 95156, 95157, Appendix A, Appendix B
 08/21/17 AMEND: 100010, 100020, 100030, 100040, 100050, 100070
 07/24/17 REPEAL: 1050
 07/17/17 ADOPT: 95665, 95666, 95667, 95668, 95669, 95670, 95671, 95672, 95673, 95674, 95675, 95676, 95677

Title 18

09/28/17 ADOPT: 25137-15
 06/19/17 AMEND: 1703
 06/14/17 AMEND: 5332
 05/24/17 ADOPT: 19195-1, 19195-2

Title 19

08/31/17 REPEAL: 2575, 2575.1, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3
 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		89965, 89968.1, 89968.2, 89970, 89987, 89990 AMEND: 80001, 80020, 80022, 80028, 80065, 80068, 80070, 80072, 80087, 85000, 85068.2
07/06/17	AMEND: 2021	09/07/17	AMEND: 81001, 81010, 81020, 81022, 81026, 81064.1, 81068.1, 81068.2, 81068.4, 81068.5, 81069, 81071, 81075, 81077.2, 81077.4, 81077.5, 81087, 81088, 81090, 81092, 81092.3, 81092.4, 81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81094
Title 20		08/28/17	AMEND: 80044, 84001, 84002, 84061, 84063, 84065, 84072.1, 84165, 84300.1, 84322, 84322.2, 84365, 86001, 86022, 86061, 86065
10/05/17	AMEND: 1602, 1606, 1607	08/24/17	AMEND: 83001, 83064, 83072, 83087, 84001, 84065, 84072, 84079, 84087, 84272, 86001, 86065, 86072, 86072.1, 86087, 88001, 88022, 89201, 89372, 89379, 89387, 89405
09/11/17	AMEND: 1604, 1606	06/21/17	AMEND: 81001
08/22/17	AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606	Title 23	
Title 21		10/05/17	ADOPT: 2910 REPEAL: 2910
05/25/17	ADOPT: 1478.1, 1478.2 AMEND: 1476	08/09/17	ADOPT: 3939.53
Title 22		08/09/17	ADOPT: 3939.53
09/11/17	AMEND: 64431, 64432, 64447.2, 64465, 64481	08/08/17	AMEND: 3930
09/08/17	AMEND: 97210, 97240, 97241, 97246	06/29/17	ADOPT: 1030, 1032, 1040, 1041, 1042, 1043, 1044, 1045, 1046
08/28/17	REPEAL: 97759	06/28/17	ADOPT: 3010
08/16/17	AMEND: 100393(a)(1)	06/22/17	ADOPT: 3939.52
08/16/17	AMEND: 10100	06/09/17	AMEND: 865 REPEAL: 864.5, 866
07/14/17	AMEND: 51255, 51356	05/18/17	AMEND: 3939.23
07/10/17	AMEND: 51490.1	Title 25	
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	10/12/17	ADOPT: 5535, 5535.5, 5536, 5536.5
Title 22, MPP		07/18/17	ADOPT: 5535, 5535.5, 5536, 5536.5
09/28/17	AMEND: 35000	07/12/17	ADOPT: 6932 REPEAL: 6932
09/18/17	ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190	Title 27	
09/15/17	ADOPT: 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369, 85375, 89900, 89901, 89918, 89920, 89922, 89940, 89942, 89964,	08/23/17	ADOPT: Appendix B to 25903 AMEND: 25903, Appendix A to 25903
		08/23/17	ADOPT: Appendix B to 25903 AMEND: 25903, Appendix A to 25903
		08/02/17	AMEND: 27001
		Title 28	
		06/27/17	AMEND: 1300.67.005
		Title MPP	
		07/17/17	ADOPT: 31-137
		06/19/17	AMEND: 40-188, 44-207, 44-316, 44-318, 80-310, 82-518, 82-812 REPEAL: 44-314