



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Yolo Subbasin Groundwater Agency
 Los Gatos-Saratoga Joint Unified School District
 Calaveras Mariposa Community Action Agency

A written comment period has been established commencing on December 1, 2017, and closing on January 15, 2018. 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 per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than January 15, 2018. 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 2. OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENT**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendments to its conflict-of-interest code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Office of Environmental Health Hazard Assessment proposes to amend its conflict-of-interest code to include employee positions that make or participate 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.

These amendments add the positions of Environmental Scientists, Industrial Hygienists, Public Health Medical Officers and members of the Scientific Guidance Panel to the code to reflect the current organizational structure of the Office. Copies of the proposed amendments to the code may be requested from the contact person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than **January 16, 2018**, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public

hearing, he or she must do so no later than **January 2, 2018**, by contacting the contact person set forth below.

The Office of Environmental Health Hazard Assessment has prepared a written explanation of the reasons for the proposed amendments and has made it available at the Office of Environmental Health Hazard Assessment website: <http://www.oehha.ca.gov>. Copies of the proposed amendments and the written explanation of the reasons may be obtained by contacting the contact person set forth below.

**IMPACT ON THE CREATION, ELIMINATION,
OR EXPANSION OF JOBS/BUSINESSES
IN CALIFORNIA**

This regulatory proposal will not affect the creation or elimination of jobs or businesses within the State of California, nor will it impact the expansion of existing businesses in the State. The proposed amendments are simply updates and clarifications to the existing Conflict-of-Interest Code.

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

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

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed amendments will not impose any mandatory requirements on small businesses, they simply clarify and update the existing code.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5(a)(13) requires that OEHHA must determine that no reasonable alternative considered by OEHHA or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

All inquiries concerning these proposed amendments and any communication required by this notice should be directed to:

Monet Vela
 Office of Environmental Health Hazard Assessment
 P.O. Box 4010, MS-23-11F
 Sacramento, California 95812-4010
 Phone: (916) 323-2517
 Fax: (916) 323-2610
 Street
 Address: 1001 I Street
 Sacramento, California 95814
 E-mail: monet.vela@oehha.ca.gov

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, section 407 of the Food and Agricultural Code, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of the code which she is directed or authorized to administer or enforce.

Existing law, Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code authorizes the Department of Food and Agriculture (Department) to implement the Equine Medication Monitoring Program (EMMP) to prevent the misuse of drugs and medications in equines.

Existing law, section 24006 of the Food and Agricultural Code states that administration of a prohibited substance is a violation of the chapter.

Existing law, section 24007 of the Food and Agricultural Code authorizes the Department to implement civil penalties for violations pertaining to the administration of a prohibited substance or non-steroidal anti-inflammatory drugs (NSAIDs) to a horse in violation of Chapter 8. In addition to civil penalties, the Department is authorized to suspend the owner, trainer or both from equine competitions.

Existing law, section 24009 of the Food and Agricultural Code makes it a violation to refuse to submit a horse in an event for examination or for failure to cooperate with the licensed veterinarian.

Existing law, section 24011.6 of the Food and Agricultural Code requires the Department to establish, by regulation, an approved therapeutic medications list and maximum detectable plasma levels.

Existing law, section 24013 of the Food and Agricultural Code authorizes the Department to adopt regulations necessary to carry out the provisions of the chapter. It also specifies that in making and adopting regulations, the Department must first consult with the advisory committee appointed pursuant to section 24013.5.

Existing regulations, section 1280.11 of Title 3 of the California Code of Regulations establishes the level of severity of a violation with a corresponding range of fines and penalties in the form of a "violations matrix" for failure to comply with the provisions of Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code, and any regulations adopted pursuant thereto.

This regulatory proposal amends the Department's existing "violations matrix" in section 1280.11 of Title 3 of the California Code of Regulations by proposing to increase the minimum violation penalties for specified violations of the EMMP codes and regulations to better protect horse welfare and safety at equine events and

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (hereinafter referred to as "Department") is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. 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. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning December 1, 2017 and ending at 5:00 p.m. on January 15, 2018.** Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, 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 407 and 24013, Food and Agricultural Code, and to implement, interpret or make specific sections 24002, 24003, 24004, 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24011.6, 24012, and 24015 of the Food and Agricultural Code, the Department is proposing to make various changes to Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

sales in the State of California and to better align EMMP penalties with the penalty guidelines of national equestrian oversight organizations.

The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with existing State regulations. The Department is the sole State authority over specified public equine events and sales pursuant to Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

Anticipated Benefits of the Proposal:

The California equine industry produces goods and services valued at approximately \$4.1 billion and includes approximately 698,000 horses, over 70 percent of which are involved in showing, sales, and recreation. This proposal benefits the equine industry by promoting the safety of the horse and rider in competition and horses at public sales by preventing any potential misuse of drugs or medications that could fraudulently mask a disease, condition, or injury of the horse which could place the rider and/or the horse in jeopardy. This proposal is necessary to make amendments to existing penalty and fine regulations and the existing violations matrix which serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Consistency and Compatibility with Existing State Regulations:

The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department’s existing State regulations regarding public equine events and sales. There are other State regulations dealing with the proper use of drugs and medications in equines under the California Horse Racing Board (Board) [Division 4 (commencing with section 1400) of Title 4 of the California Code of Regulations] which are separate and distinct from the Department’s equine program. The Department has no jurisdiction over horse racing in the State, yet works together with veterinarians of the Board to ensure a consistency of the programs within the State.

Documents Incorporated by Reference: None.

Technical, Theoretical, and Empirical Study, Report, or Similar Documents

- 1) United States Equestrian Federation, 2017 Guidelines for Drugs and Medications.
- 2) United States Equestrian Federation, Drug & Medications Penalty Guidelines, January 1, 2016.
- 3) United States Equestrian Federation Horse Welfare & Safety Penalty Guidelines Effective September 1, 2017.

- 4) Comparison of Proposed Equine Medication Monitoring Program (EMMP), United States Equestrian Federation (USEF) and California Horse Racing Board (CHRB) Penalty Matrices, November 2017.
- 5) Minutes from the September 27, 2017 Equine Medication Monitoring Program Advisory Committee meeting.
- 6) Brochure dated January 2017, “Information for Exhibitors and Consignors”.
- 7) Brochure dated January 2017, “Event Registration Instructions and Guidelines”.
- 8) Brochure dated January 2017, “Equine Medication Monitoring Program, Drugs and Medication Guidelines”.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17500 et seq. Require Reimbursement: None.

Business Impact:

The Department of Food and Agriculture (Department) has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

The Department has made an initial determination that this regulatory proposal will impact the equine industry in California. The proposal will impact persons required to register with the Department for any public horse event or sale held in California, and affect persons participating in public horse events and sales in accordance with Food and Agricultural Code sections 24001, 24012, and 24015. The Department’s proposal affects small equine businesses as it requires them to monitor drugs administered and report use of prohibited medications.

The Department is not aware of any cost impacts that representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action.

Cost Impacts on Representative Private Persons or Businesses:

The Department is not aware of any cost impacts that representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action. The proposed regulation does not impose any new fees or costs to persons or businesses. This proposal makes amendments to existing penalty and fine regulations and the existing violations matrix which serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

The anticipated compliance requirements as a result of this proposal are as follows:

- Paperwork/reporting requirement: There are no new fees or costs associated with the paperwork requirements and there are no new reporting requirements as a result of this proposal. Existing regulations require the use of various application, registration and reporting forms for participants and hosts of public equine events and sales in California.

Effect on Housing Costs: None.

Effect on Small Business:

The Department’s proposal affects small equine businesses as it requires them to monitor drugs administered and report use of prohibited medications.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

Impact on Jobs/New Businesses:

The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made a determination that this regulatory proposal:

Persons/Businesses affected by this proposal:

- The California equine industry produces goods and services valued at approximately \$4.1 billion, and includes approximately 698,000 horses in California, over 70 percent of which are involved in public events, shows, competitions, sales, and recreation.
- California hosts approximately 1,500 registered horse events annually, ranging from small backyard schooling shows to internationally recognized endurance events, shows and other types of competition, as well as public horse sales.

- The proposed regulation does not impose any new fees or costs to persons or businesses. This proposal makes amendments to the existing penalty and fine regulations and amends the existing violations matrix, which serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.
- This proposal will impact persons required to register with the Department any public horse events and sales held in California, and affect persons participating in public horse shows and sales in accordance with Food and Agricultural Code sections 24001, 24012, and 24015.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment:

The Department is not aware of any specific benefits this proposal will have on the health of California residents, worker safety, or the State’s environment.

The Department believes this proposal benefits the welfare of California residents by protecting the economic health of the affected equine industry. This proposal further benefits the equine industry by promoting the safety of the horse and rider in competition and horses at public sales to prevent any potential misuse of drugs or medications that could fraudulently mask a disease, condition, or injury of the horse that could place the rider in jeopardy. The proposal is needed to make amendments to existing penalty and fine regulations and the existing violations matrix which serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Equine industry organizations rely on the Department’s Equine Medication Monitoring Program (EMMP) for the enforcement of standard drugs and medication rules to ensure the safety of the rider and the welfare of the horse. The EMMP monitors horses in public events and sales through random blood or urine sample collection for chemical analysis. The intent is to ensure the integrity of public horse shows and sales through the control of performance and disposition enhancing drugs and permitting limited therapeutic use of drugs at horse shows and competitions. “Therapeutic drugs or medicines” means drugs or medicines that are used with a prescription from a licensed veterinarian for the treatment of a diagnosed illness or injury. “Prohibited substances” are drugs or medicines used for non-

therapeutic purposes, or any stimulant, depressant, tranquilizer, or anesthetic, including local anesthetic, sedative, analgesic, or corticosteroid, excluding dexamethasone, anabolic steroid, or masking agent administered within 24 hours before competition or 72 hours before public sale. The misuse of drugs and medicines in a performance horse can mask a serious injury, or respiratory problem, or other serious health issue which could place the rider and/or the horse in jeopardy.

The above determinations are based on the fact that the proposed regulations serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Occupations/Businesses Impacted:

This proposal will impact persons required to register with the Department, at any public horse events and sales held in California, and affect persons participating in public horse shows and sales in accordance with Food and Agricultural Code sections 24001, 24012, and 24015.

Business Reporting Requirement:

There are no new fees or costs associated with the paperwork requirements and there are no new reporting requirements as a result of this proposal. Existing regulations require the use of various application, registration and reporting forms for participants and hosts of public equine events and sales in California.

Comparable Federal Regulations:

This proposal does not duplicate or conflict with federal regulations because there are no federal regulations governing public equine events or sales. The Department of Food and Agriculture is the sole State authority over specified public equine events and sales pursuant to Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought the attention of the Department 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. This proposal is necessary to make amendments to existing penalty and fine regulations and the existing violations matrix which serve to ensure the Department fulfills its

mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department of Food and Agriculture's website as indicated below in this Notice.

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

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

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

CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:

Katie Flynn, BVMS, MRCVS
Equine Staff Veterinarian
Department of Food and Agriculture
Animal Health & Food Safety Services
Division/Administration
1220 N Street
Sacramento, CA 95814
Telephone: (916) 900-5039
E-mail: Katherine.flynn@cdfa.ca.gov

The backup contact person is:

Thamarah Rodgers, Legislation & Regulation
 Coordinator
 Department of Food and Agriculture
 Animal Health & Food Safety Services
 Division/Administration
 1220 N Street
 Sacramento, CA 95814
 Telephone: (916) 698-3276
 E-mail: thamarah.rodgers@cdfa.ca.gov

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will remove the triennial recertification mandate and will allow instructors to continue to provide training without interruption.

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

The benefits anticipated by the proposed amendments to the regulations will be to stay consistent with current practice, to be clear and concise, and to meet the needs of POST's clients.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

The specific benefits anticipated by the proposed amendments to the regulations will be to increase the effectiveness of law enforcement standards for peace officers in preserving peace, and the protection of public health and safety, and welfare of California residents.

Public Comments Due by January 15, 2018, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by email at cheryl.smith@post.ca.gov, by fax at (916) 227-6932 or by letter to:

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

Commission on POST
 Attn: Cheryl Smith
 860 Stillwater Road, Suite 100
 West Sacramento, CA 95605-1630

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code §13503 (authority of Commission on POST) and Penal Code §13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code §13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for Which Government Code §§ 17500-17630 Require Reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT PER GOVERNMENT
CODE § 11346.3(b)

The adoption of the proposed amendments of regulations will neither create, nor eliminate, jobs in the State of California, nor result in the elimination of existing businesses or create, or expand, businesses in the State of California.

The proposed amendments of regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California residents. There would be no impact that would affect worker safety or the state's environment.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESSES

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

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the Commission, 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 than the proposed action.

CONTACT PERSON

Questions regarding this proposed regulatory action may be directed to Cheryl Smith, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at cheryl.smith@post.ca.gov, or (916) 227-0544. The alternate contact is Mike Barnes at (916) 227-3454. General questions regarding the regulatory process may be directed to Christy Correa at (916) 227-4847, christy.correa@post.ca.gov, or by FAX at (916) 227-5271.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) named above.

**TITLE 11. COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**Public Comments Due by January 15, 2018,
at 5:00 p.m.**

Notice is also given that any interested person, or authorized representative, may submit written comments

relevant to the proposed regulatory action by fax at (916) 227-0476, email: shelley.spilberg@post.ca.gov or by letter to:

Commission on POST
 Attention: Shelley Spilberg, Ph.D.
 860 Stillwater Road, Suite 100
 West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, the Requalification and Basic Course Waiver regulations in Commission Regulation 1008 provides an alternative to repeating a Basic Course for individuals who have experienced a significant break in qualifying service or who are transferring from out of state with sufficient training and experience to ensure competency and proficiency.

At the October 26, 2017 meeting, the Commission approved the proposed editorial revisions to POST Regulations 1001, 1005, and 1008, and Procedures D-10 and D-11. The purpose of these changes is to improve presentation, clarity and readability, so as to avoid misinterpretation of their content and intent. During requalification appeal hearings over the past several years, the Commission has experienced difficulty in applying these regulations due to the manner in which they are written and organized. The circumstances surrounding the “6-Year Rule” and the “3-Year Rule” have caused considerable confusion. The “6-Year Rule” [Regulation 1008(b)] has been misinterpreted as allowing an individual three years from the date of completion of requalification training to obtain initial qualifying employment without consideration of the additional six-year time limit from the date of completion of the Basic Course. In the proposed revisions, these terms have been removed and replaced with clearer explanatory language.

A second example of misinterpretation resulting from the wording of current requirements involves

Commission Procedure D-11. The current regulation has led to the inaccurate belief that individuals who completed a California POST-certified Basic Course but who were never appointed as a peace officer in California were not eligible to apply for a Basic Course Waiver.

In addition to rewording, these requirements have been reorganized so that information on a given topic is contained in one location. Commission Procedure D-10 has been included in Regulation 1008: Basic Course Requalification Requirements; Procedure D-11 has been incorporated into Regulation 1005: Minimum Standards for Training; and the requalification course terminology in Procedure D-10(a) has been woven into Regulation 1001: Definitions.

By providing greater clarification and transparency, the proposed changes will enable the Commission, POST staff, law enforcement agencies, peace officers and other individuals and stakeholders to locate and more easily interpret requirements related to requalification training and Basic Course Waivers. However, the proposed editorial, formatting and organizational changes do not alter the content or substance of the current requirements.

There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

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

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code Sections 17500 – 17630 requires reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training 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: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT

ASSESSMENT PER GOV. CODE SEC. 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to provide economic relief to departments who are rehiring peace officers within a specified time frame after a voluntary separation from the department. There would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, 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 provisions of the law.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Shelley Spilberg, Ph.D., Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at shelley.spilberg@post.ca.gov, or (916) 215-4280. General questions regarding the regulatory process may be directed to Christy Correa at (916) 227-4847, christy.correa@post.ca.gov, or by FAX at (916) 227-5271.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon from the Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the [POST Website](#).

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) named above.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the In-

formative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by January 15, 2018, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by email at melani.singley@post.ca.gov, by fax at (916) 227-0476, or by letter to:

Commission on POST
 Attention: Melani Singley
 860 Stillwater Road, Suite 100
 West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The POST Peace Officer and Public Safety Dispatcher Selection Requirements are contained in Commission Regulations 1950-1960. The proposed changes to the regulations clarify the medical/psychological evaluation reporting requirements and the continuing professional education (CPE) requirements for screening psychologists; allow law enforcement hiring authorities the flexibility to conduct updated background investigations on interim chiefs provided specific requirements are met; align the public safety dispatcher and peace officer selection requirements; and update references to POST documents within the regulations.

Proposed changes to the regulations provide clarification and consistency with current requirements. Currently the medical/psychological suitability documentation required as part of the background file is called an "evaluation report." This terminology has led departments to believe that the report contains medical information. Changing the terminology from "evaluation report" to "suitability declaration" will clarify the pur-

pose of the document and ensure that departments understand that the document is not medical in nature, but rather a "clearance" document indicating suitability for the position. Obsolete date references are being removed from the continuing professional education (CPE) section of the psychological evaluator requirements and the language is being modified to provide further clarification of CPE requirements. There are no substantial changes to the requirements.

The dispatcher selection requirements are being modified to allow departments the discretion to adhere to POST requirements for dispatchers returning to the same department within 180 days of voluntary separation. The regulation is being changed to provide consistency with the same provision that was added to the peace officer selection requirements in January 2017.

The specific benefits anticipated by the proposed changes to the regulations will be to provide economic relief to departments by providing them discretion to determine the appropriate assessments for returning officers. It may also serve to allow departments to be more responsive and efficient in responding to staffing shortages, which could provide a benefit to public health and safety. There would be no perceived effect to benefits in worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

Document Incorporated by Reference: *Test Use and Security Agreement (Rev. 2017)*.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Document Incorporated by Reference: *Security Agreement (Rev. 2017)*.

There would be no impact that would affect worker safety or the State's environment.

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code Sections 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training 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: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SEC. 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to provide economic relief to departments who are rehiring peace officers within a specified time frame after a voluntary separation from the department.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, 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 provisions of the law.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Melani Singley, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at melani.singley@post.ca.gov, or (916) 227-4258. General questions regarding the regulatory process may be directed to Christy Correa at (916) 227-4847, christy.correa@post.ca.gov, or by FAX at (916) 227-5271.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon from the Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the [POST Website](#).

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) named above.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to

amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by January 15, 2018, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action at jennifer.hardesty@post.ca.gov, by fax at (916) 227-4547, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In May 2017, POST became aware that many agencies are requesting presenters have students attending a POST-certified basic course become familiar with body-worn cameras (BWCs) during their tenure in the course. Additionally, some agencies/presenters have considered requiring presenter staff to wear the BWCs throughout the course as well. The focus of these proposed regulation changes is to protect confidential POST-developed test material by requiring any BWC capable of recording be removed prior to the administration of either a comprehensive test or scenario test. This requirement will allow presenters to meet the needs of their agency or those agencies sending students through their program while maintaining the security of confidential test materials.

In February 2017, significant changes were made to the protocols to reflect the move to online testing. All references to written tests were either removed or

changed to scenario tests as these are the only confidential test materials a presenter has the ability to print. Some guidelines still require presenters to include information about the online comprehensive tests, so changes have been made to clarify which guidelines need to cover more than the scenario test materials.

Additionally, language was added to the protocols in February 2017 which restricted any instructor teaching a learning domain evaluated by a comprehensive test from proctoring any of the four POST-constructed comprehensive tests. The proposed changes will allow instructors to proctor a comprehensive test if the learning domain they teach is not evaluated by that test and the language as currently written does not allow for that flexibility.

The specific benefits anticipated by the proposed changes to the regulations will be continued confidentiality of specific POST-developed test material, which helps ensure only valid tests are administered to students attending the course and greater flexibility for presenters when scheduling proctors to administer a test. There would be no effect to benefits with regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

Document Incorporated by Reference: *POST Basic Courses Test Management and Security Protocols, 2018*.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code sections 17500 – 17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training 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: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT PER GOV. CODE
SECTION 11346.3(b)**

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to ensure the continued integrity of entry-level law enforcement training and testing. There

would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Jennifer Hardesty, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at jennifer.hardesty@post.ca.gov, or (916) 227-3917. General questions regarding the regulatory process may be directed to Christy Correa at Christy.correa@post.ca.gov or (916) 227-4847.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 13. CALIFORNIA HIGHWAY PATROL

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5 AMEND ARTICLE 3, SECTIONS 1212.5, 1218, ARTICLE 7.5, SECTION 1239 AND ARTICLE 8, SECTION 1264, AND ADD ARTICLE 6, SECTIONS 1231.3

MODIFIED LIMOUSINE BUS INSPECTION CONSISTENCY — WITH FEES (CHP-R-2017-14)

The Commissioner of the California Highway Patrol (CHP) finds that the adoption of these regulations is necessary to carry out the duties of the CHP. Section 34501 of the California Vehicle Code (CVC) requires the Department to adopt reasonable regulations that, in the judgement of the Department, are designed to promote the safe operation of vehicles described in Section 34500 CVC. Section 34500.4 CVC requires the CHP to adopt emergency regulations in order to implement an annual modified limousine terminal inspection, adopt a fee which will offset the cost of the inspection program to the CHP, to be collected by the California Public Utilities Commission, and adopt regulations consistent with the established annual bus terminal inspection program required by Section 34501 CVC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 2013, at least two limousines transporting passengers on a for-hire, pre-arranged basis, were engulfed by fire during the passenger transportation process, causing the loss of life and injury to passengers. As a result, Senate Bill (SB) 109, (Corbett, Chapter 752, Statutes of 2013) and SB 611 (Hill, Chapter 860, Statutes of 2014) were enacted to address the absence of regulations for modified limousine drivers and modified limousine operators. Under these earlier bills, the equipment requirements would have gone into effect on January 1, 2017; however, SB 812 (Hill, 2016) extended the date for the equipment retrofit for existing modified limousines out to January 1, 2018.

These regulations are critical to the protection of public and passenger transportation safety. Currently, modified limousines are largely unregulated relative to equipment requirements. The regulations will clarify new requirements that will protect users of these vehicles from catastrophic incidents like those that occurred in 2013. These requirements include installation of a

signaling device and replacement of cracked or broken glass within the passenger compartment of a modified limousine. These standards will meet a critical public safety need by ensuring a signaling device is installed for use by passengers in order to gain the attention of the driver given an emergency situation and by ensuring the removal and replacement of broken or cracked glass that may constitute an immediate safety hazard.

This rulemaking is initiated in order to fulfill statutory requirements contained in Section 34500.4 CVC. The rulemaking will adopt drivers' hours-of-service requirements applicable to drivers of modified limousines, establish the applicability of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service criteria, establish an annual modified limousine terminal inspection fee which will offset the cost of the inspection program to the CHP, establish annual modified limousine terminal inspection requirements consistent with the existing annual bus terminal inspection program, and include definition amendments in support of the aforementioned requirements. After conducting an evaluation, the CHP has determined these regulations concerning modified limousine terminal inspections are appropriate and required by Section 34500.4 CVC. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF PROPOSED REGULATION

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and safety to the environment by ensuring the safest modified limousines are operated on public roadways, thereby contributing to the safety of the motoring public. Items listed in the regulations serve to encourage motor carriers of modified limousines to adhere to safety requirements.

PUBLIC COMMENTS

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

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

Written comments will be accepted until 5:00 p.m. on January 15, 2018.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be re-

ceived by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in the event the requestor's information is incomplete or illegible.

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

Any person desiring to obtain a copy of the adopted text and final statement of reasons may request them at the above-noted address. Copies will also be posted on the CHP's website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the content of the proposed regulations, should be directed to Officer Joseph Mosinski or Mr. Cullen Siskind, CHP, CVS, at (916) 843-3400.

ADOPTION OF REGULATIONS

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The CHP has made the following determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The CHP estimates the annual cost to administer the inspection program to be \$42,089.37. This is based on similar inspection programs conducted by the CHP, including those for: tour buses, school buses, school pupil activity buses, and other buses without operating authority. This estimate takes into account duty hours accumulated during inspection categories such as maintenance program records, driver records, vehicle inspection, scheduling, and travel. Those hours are then factored with inspection personnel's hourly salary rates. The CHP estimates the average cost per modified limousine inspection to be approximately \$97.20. Pursuant to Section 34500.4 CVC, the CHP is required to establish an inspection fee in an amount sufficient to offset the cost to administer the inspection program. The CHP established a fee schedule based on the number of modified limousines operated by the motor carrier. This fee schedule has been determined by the CHP to be the most appropriate fee to meet the statutory requirements and considers the motor carrier's fleet size in the interest of fairness to the modified limousine industry. The modified limousine carrier inspection fee is consistent with the carrier inspection fee currently applicable to property transportation carriers subject to similar inspections. The California Public Utilities Commission (CPUC) provided the CHP a list of modified limousines as of March 9, 2017. The list identified 433 modified limousines subject to the proposed regulations. Utilizing the fee schedule, the CHP estimates the CPUC will collect approximately \$41,397.72 annually in fees directed to offset the cost to administer the inspection program. The remaining cost difference of \$691.65 to administer the inspection program will be absorbed within the CHP's existing budgets and resources with no increase in spending authority or inspection resources. Section 34500.4 CVC further requires the fee be collected by the CPUC and deposited into the Motor Vehicle Account in the State Transportation Fund. The CHP contacted the CPUC and requested an estimation of the additional cost they may incur through the collection process of the fees. The CPUC estimated their incremental fiscal impact to be minor and absorbable.

Cost to any local agency or school district which must be reimbursed in accordance with Sections 17500 through 17630 Government Code (GC): 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 CHP anticipates an annual cost between \$130.00 and \$1,600.00, inclusive, for each motor carrier who operates a modified limousine, to offset the cost to the CHP of the newly required annual modified limousine terminal inspection program. The cost to each motor carrier will vary based on the motor carrier's fleet size and may vary annually if the fleet size increases or decreases. The CHP anticipates the costs for compliance with additional safety regulations will be insignificant.

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

Significant effect on housing costs: None.

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CHP concludes this proposed regulatory action: (1) is unlikely to create additional jobs, nor eliminate any jobs in the State of California; (2) is unlikely to result in the elimination of existing businesses, nor create or expand businesses in the State of California; (3) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment. The application of these regulations is a response to existing statute.

STUDIES, REPORTS OR DOCUMENTS RELIED UPON

None.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or argu-

ments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY AND REFERENCE

The authority and references for the adopted and amended sections contained in this rulemaking are as follows:

Section 1212.5

Authority cited: Sections 31401, 34500.4, 34501, 34501.5, and 34508, CVC; and Section 39831, Education Code (EC). Reference: Sections 545, 31401, 34003, 34500.4, 34501, 34501.2, 34501.5 and 34508, CVC; and Section 39831, EC.

Section 1218

Authority and reference cited: Sections 34500 and 34500.4, CVC.

Section 1231.3

Authority and reference cited: Sections 34500, 34500.4, and 34501, CVC.

Section 1239

Authority cited: Sections 2402, 2410, 31401, 34500.4, and 34501, CVC.

Reference: Sections 260, 322, 2402, 2410, 2804, 12500, 12502, 12515(b), 14603, 15210, 15250, 15275, 15278, 23152, 24002, 24004, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34500.4, 34501, 34506, 34510, and 34520, CVC. Section 39831, EC.

Section 1264

Authority and reference cited: Sections 31401, 34500.4, 34501, and 34501.5, CVC.

TITLE 13. CALIFORNIA HIGHWAY PATROL

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5 AMEND ARTICLE 1, SECTION 1201; ARTICLE 3, SECTION 1217; ARTICLE 6, SECTION 1232; AND ARTICLE 8, SECTIONS 1242, 1268, AND 1269 ADD ARTICLE 8, SECTION 1267.1

MODIFIED LIMOUSINE SAFETY (CHP-R-2017-09)

The Commissioner of the California Highway Patrol (CHP) finds that the adoption of these proposed regulations is necessary to carry out the duties of the CHP. Section 34501 California Vehicle Code (CVC) requires the Department to adopt reasonable regulations that, in

the judgement of the Department, are designed to promote the safe operation of vehicles described in Section 34500 CVC including, but not limited to, equipment including fire extinguishers. Section 27375 CVC requires the CHP to establish by regulation, standards to ensure push-out side window emergency exits in modified limousines are operable and sufficient.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 2013, at least two limousines transporting passengers on a for-hire, prearranged basis, were engulfed by fire during the passenger transportation process, causing the loss of life and injury to passengers. As a result, Senate Bill (SB) 109, (Corbett, Chapter 752, Statutes of 2013) and SB 611 (Hill, Chapter 860, Statutes of 2014) were enacted to address the absence of regulations for modified limousine drivers and modified limousine operators. Under these earlier bills, the equipment requirements would have gone into effect on January 1, 2017; however, SB 812 (Hill, 2016) moved the date for the equipment retrofit for existing modified limousines out to January 2018.

These proposed regulations are critical to the protection of public and passenger transportation safety. Currently, modified limousines are largely unregulated relative to equipment requirements. The regulations will clarify new requirements that will protect users of these vehicles from catastrophic incidents like the ones that occurred in 2013. These requirements include push-out side window emergency exits, passenger doors, emergency exit maintenance, and fire extinguishers in modified limousines. These standards will meet a critical public safety need by ensuring that window exits are operable and sufficient in emergency situations for modified limousine passengers.

Existing law authorizes the Commissioner of the CHP to make and enforce regulations as necessary to carry out the duties of the CHP. Section 27375 CVC requires the CHP to establish by regulation standards to ensure push-out side window emergency exits in modified limousines are operable and sufficient.

This rulemaking is initiated in order to fulfill statutory requirements contained in Section 27375 CVC. It adopts criteria which will clarify requirements regarding the location, size, marking, latching, maintenance, inspection, and operability requirements for push-out side window emergency exits. The rulemaking also adopts criteria for passenger doors, emergency exit maintenance, and fire extinguishers in modified limousines.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting an evaluation, the CHP has determined these are the only regulations concerning modified limousine safety. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

This proposed regulatory action will provide a non-monetary benefit to the protection and safety of public health, employees, and safety to the environment because changes to the application of the regulation are a response to existing statute.

PUBLIC COMMENTS

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

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

Written comments will be accepted until 5:00 p.m. on January 15, 2018.

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

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in the event the requestor's information is incomplete or illegible.

The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento, CA

95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are available through the CHP's website at: <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

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

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above-noted address. Copies will also be posted on the CHP's website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the content of the proposed regulations, should be directed to Officer Joseph Mosinski or Mr. Cullen Sis-skind, CHP, CVS, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The CHP has made the following 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 (GC) 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 CHP contacted various vendors to receive an approximate cost needed to install push-out emergency exit windows in a modified limousine. The estimates for the push-out emergency exit windows ranged from \$2,000.00 - \$5,000.00 depending on vehicle configuration and vendor. The estimated fiscal im-

pact to industry would range from \$3.4 to \$8.4 million. The CHP estimates the cost to outfit a modified limousine with the required fire extinguishers at approximately \$200 a vehicle. The estimated fiscal impact to industry would be approximately \$336,200. It is anticipated there will be a positive economic impact to small businesses that retrofit existing modified limousines and to businesses that sell and install the required fire extinguishers.

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

Significant effect on housing costs: None.

Verbiage included in Sections 1242(b), 1267.1, and 1269(c) of the Proposed Text restates or duplicates, in whole or in part, language contained in identified authoritative or reference sections requiring, necessitating, or permitting the promulgation of these regulations. Language contained in Section 1242 repeats verbiage contained in Section 28062 of the CVC and includes additional verbiage for the purpose of making clear the requirements associated with required fire extinguisher mounting locations in modified limousines. Language contained in Section 1267.1 restates verbiage contained in Section 37375 CVC in order to ensure clear understanding of the statutory requirements for doors installed in the passenger compartment of specified modified limousines. Language contained in Section 1269(c) restates verbiage contained in Section 37375 CVC in order to clarify and make specific requirements for side window emergency exits installed in the passenger compartment of modified limousines.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CHP concludes this proposed regulatory action: (1) is unlikely to create additional jobs, nor eliminate any jobs in the State of California; (2) is unlikely to result in the elimination of existing businesses, nor create or expand businesses in the State of California; (3) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment because changes to the application of the regulation are a response to existing statute.

STUDIES, REPORTS OR DOCUMENTS RELIED UPON

None.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY AND REFERENCE

The authority and references for the adopted and amended sections contained in this rulemaking are as follows:

Section 1201

Note: Authority cited: Sections 31401, 34501, 34501.5, 34508 and 34520, CVC; and Section 39831, Education Code, (EC). Reference: Sections 336, 378, 545, 546, 31401, 34501, 34501.5, 34508 and 34520, CVC; and Section 39831, EC.

Section 1217

Authority and reference cited: Sections 543, 27375, 31401, 34501, 34501.5 and 34508, CVC; and Section 38047, EC.

Section 1232

Authority cited: Sections 2807.2, 27375, 31401, 34501 and 34501.5, CVC. Reference: Sections 545, 2807.2, 27375, 31401, 34501 and 34501.5, CVC.

Section 1242

Authority cited: Sections 31401, 34501, 34501.5, 34501.8 and 34508, CVC; and Section 39831, EC. Reference: Sections 28062, 31401, 34501, 34501.5, 34501.8 and 34508, CVC; and Section 39831, EC.

Section 1267.1

Authority and reference cited: Sections 27375, and 34501, CVC.

Section 1268

Authority cited: Sections 27375, 31401, 34501 and 34501.5, CVC. Reference: Sections 322, 31401, 34501 and 34501.5, CVC.

Section 1269

Authority and reference cited: Sections 27375, 31401, 34501, and 34501.5, CVC.

GENERAL PUBLIC INTEREST

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**AIR TOXICS HOT SPOTS PROGRAM
NOTICE OF PUBLIC COMMENT PERIOD
AND WORKSHOPS ON
DRAFT REFERENCE EXPOSURE LEVELS
FOR HEXAMETHYLENE DIISOCYANATE
AND TOLUENE**

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing two documents for public review, summarizing the toxicity and derivation of Reference Exposure Levels (RELs) for Hexamethylene Diisocyanate (HDI) and Toluene. RELs are airborne concentrations of a chemical that are not anticipated to result in adverse non-cancer health effects for specified exposure durations in the general population, including sensitive subpopulations.

OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In implementing this requirement, OEHHA develops RELs for many air pollutants. The draft HDI and toluene RELs were developed using the most recent “Air Toxics Hot Spots Program Technical Support Document for the Derivation of Noncancer Reference Exposure Levels,” finalized by OEHHA in 2008.

The draft HDI and toluene REL documents are available today on the OEHHA website at <http://www.oehha.ca.gov>. **The posting of the document will commence a 60-day public review period that will end on January 30, 2018.** Public workshops will be held in Northern and Southern California at the following locations and times:

Northern California

January 8, 2018
1:30 p.m. – 4:30 p.m.
Training Room 1 East
Cal/EPA Building
1001 I Street,
Sacramento, CA 95812

Southern California

January 10, 2018

9:00 a.m. – 12:00 p.m.

Room CC-2

South Coast Air Quality Management District

21865 E. Copley Drive

Diamond Bar, CA 91765

After the close of the public comment period, the documents will be revised as appropriate by OEHHA, and peer reviewed by the state’s Scientific Review Panel on Toxic Air Contaminants.

Please direct your comments on the documents, in writing or by e-mail, and any inquiries concerning technical matters or availability of the documents to:

Dr. John Budroe

Chief, Air Toxicology and Risk Assessment Section

Air, Community, and Environmental Research Branch

Office of Environmental Health Hazard Assessment

1515 Clay Street, 16th Floor

Oakland, CA, 94612

E-mail: John.Budroe@oehha.ca.gov

Telephone: (510) 622-3145

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board website at <http://www.arb.ca.gov/srp/srp.htm>.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING

On **January 18, 2018**, at 10:00 a.m. in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from inter-

ested persons on any item concerning occupational safety and health.

BUSINESS MEETING

On **January 18, 2018**, at 10:00 a.m. in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

RULEMAKING PETITION DECISION

BOARD OF FORESTRY AND FIRE PROTECTION

Taiga Takahashi

Latham & Watkins LLP

12670 High Bluff Drive

San Diego, California 92130

Mr. Takahashi,

This is the California State Board of Forestry and Fire Protection’s (Board) response to your “Petition for Administrative Rulemaking to Amend the Program for Li-

censing, Certification, and Discipline of Certified Rangeland Managers,” dated October 16, 2017 (Petition).

The Petition requests that the Board adopt: new regulatory section Cal. Code Regs., title 14, section 1650.1; amendments to Cal. Code Regs., title 14, section 1650; amendments to an “unnamed section;” amendments to Professional Foresters Examining Committee (PFEC) Policy No. 8; and amendments to the Board’s California Public Records Act policy.

Pursuant to Government Code section 11340.6, a petition for the adoption, amendment, or repeal of a regulation must state all of the following “clearly and concisely:”

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

After careful review, the Board hereby accepts your Petition, in part, and has scheduled a hearing for December 8, 2017 (Hearing) at approximately 11:00 a.m. at the following location:

Resources Auditorium
1416 Ninth Street
Sacramento, California 95814

(Gov. Code, § 11340.7; Pub. Resources Code, § 759).

Specifically, at the Hearing, the Board will consider request numbers (1)–(2), (4), and (7), which the Petition describes as follows:

- 1. Adopt proposed new regulatory section Title 14 Cal. Code Regs., section 1650.1, to ensure enforcement of the requirement that licensees have “good moral character” and a “good reputation for honesty and integrity” as set forth in Pub. Res. Code section 769;
- 2. Adopt the proposed amendments to Title 14 Cal. Code Regs., section 1650, subsection (c)(2), to ensure better enforcement of the professional standards set by the independent society charged with administering the CRM certification program;
- 4. Adopt the proposed new regulation, Title 14 Cal. Code Regs., section 1650.1, subsection (f), to

oversee and maintain impartiality in all CRM disciplinary proceedings;

- 7. Adopt the proposed amendments to Title 14 Cal. Code Regs., section 1650, subsection (c)(4), to improve enforceability of the Professional Society Reporting Requirements, including the timely submission of annual reports by internal certification panels to the relevant professional societies and/or public agencies.

The Board denies request numbers three (3) and five (5), which seek changes to PFEC Policy No. 8 and Board policy regarding the California Public Records Act. The Petition was submitted pursuant to Government Code section 11340.6, which provides an interested person the ability to petition a state agency to request the adoption, amendment or repeal of a *regulation(s)*. PFEC Policy No. 8 and the Board’s policy regarding the Public Records Act are policies, not regulations. Accordingly, request numbers three and five are not proper requests under Government Code section 11340.6 and are therefore denied.

The Board also denies request number six (6) because it fails to clearly state what it seeks. (Gov. Code, § 11340.6, subd. (a).) Specifically, request number six asks the Board to “[a]dopt the proposed changes to “[unnamed section) [sic],” without specifying what regulation(s) it wants the Board to amend. Without more clarity, the Board is unable to understand the requested action, and therefore denies request number six. (*Id.*)

The Hearing will be publicly noticed on the upcoming Board Notice and Agenda, which will be promptly made available on the Board’s website. If you have questions or concerns pertaining to the upcoming Hearing, or would like to obtain a copy of the Petition, please contact Matt Dias, Executive Officer, State Board of Forestry and Fire Protection at 916.653.8007 or via email at: matt.dias@bof.ca.gov. The Board appreciates your continued participation and interest in the policy and regulatory development as they pertain to forestry and fire protection within the State of California.

Best Regards,

/s/

Matt Dias
Executive Officer
Board of Forestry and Fire Protection

**OAL REGULATORY
DETERMINATIONS**

OFFICE OF ADMINISTRATIVE LAW

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

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

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

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Date: November 13, 2017
 To: Rennie Norelli
 From: Chapter Two Compliance Unit
 Subject: **2017 OAL DETERMINATION
NO. 4 (S)
(CTU2017-0911-02)**
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation, Section 3490(a) of Title 15 of the California Code of Regulations promulgated by the California Department of Corrections and Rehabilitation

On September 11, 2017, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether Section 3490(a) of Title 15 of the California Code of Regulations, which was promulgated by the California Department of Corrections and Rehabilitation (CDCR), constitutes an under-

ground regulation. The challenged rule is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA). Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an “underground regulation” as defined in California Code of Regulations, title 1, section 250 (a):

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

Section 3490(a), as part of a new subchapter 5.5 in Title 15, was duly adopted by CDCR pursuant to Penal Code section 5058.3. It was submitted to OAL by the Secretary of CDCR as an emergency by operational necessity (OAL file number 2017-0324-01EON). It was approved by OAL and filed with the Secretary of State on April 13, 2017, and effective on April 13, 2017. The emergency regulation was thereafter readopted as an emergency by operational necessity by the Secretary of CDCR. It was approved by OAL and filed with the Secretary of State on September 19, 2017, and was effective on September 21, 2017 (OAL file number 2017-0831-01EON). A Certificate of Compliance must be transmitted to OAL by December 20, 2017, or the emergency regulations will be repealed by operation of law on the following day.

Therefore, Section 3490(a) of Title 15 was duly adopted pursuant to the APA. A rule that was duly adopted by a state agency pursuant to the APA and filed

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

with the Secretary of State does not constitute an underground regulation.²

For the reasons discussed above, we find that the rule challenged by your petition is not an underground regulation.

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

November 13, 2017

/s/

Debra M. Cornez
Director

/s/

Elizabeth A. Heidig
Assistant Chief Counsel

Original: Rennie Norelli

Copy: Scott Kernan, Secretary, CDCR
Timothy Lockwood, A.D., RPMB

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State,

² The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

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

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

(A) The challenged rule has been superseded.

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

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

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

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

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# 2017-1012-03

AIR RESOURCES BOARD

Email Address Correction for Oil and Gas Reporting Requirements

The Air Resources Board (ARB) submitted this action without regulatory effect to change an ampersand to the word "and" in an e-mail address that may be used for reporting required information to ARB set forth in California Code of Regulations, title 17, section 95673.

Title 17

AMEND: 95673

Filed 11/20/2017

Agency Contact: Bradley Bechtold (916) 322-6533

File# 2017-1106-05

BOARD OF EDUCATION

California High School Proficiency Examination

This action readopts the prior emergency action by the Board of Education that implemented the statutory fee waiver process and documentation requirements for foster youths taking the California High School Proficiency Exam. (See OAL File No. 2017-0523-02E.)

Title 5

ADOPT: 11526 AMEND: 11520, 11524, 11525

Filed 11/16/2017

Effective 11/29/2017

Agency Contact: Hillary Wirick (916) 319-0644

File# 2017-1003-02

BOARD OF FORESTRY AND FIRE PROTECTION

Oak Woodland Management Exemption, 2017

This regulatory action by the Board of Forestry and Fire Protection (Board), amends section 1038, in title 14 of the CCR, regarding the creation of an oak woodland management exemption from plan preparation and submission requirements of the Forest Practice Act. Specifically, Assembly Bill 1958, Chapter 583 (2015 - 2016), gives the Board discretion to exempt landowners from the requirements when they are engaged in timber operations that manage timberlands specifically for the growth, proliferation and perpetuation of California black oak and Oregon white oak. In this rulemaking, the Board is exercising that discretion and exempting landowners when certain conditions are met.

Title 14

AMEND: 1038

Filed 11/15/2017

Effective 01/01/2018

Agency Contact: Eric Hedge (916) 653-9633

File# 2017-1113-02
 BUREAU FOR PRIVATE POSTSECONDARY
 EDUCATION
 Out-of-State Private Postsecondary Institution
 Registration

This action by the Bureau for Private Postsecondary Education (Bureau) adopts new section 71396, in title 5 of the California Code of Regulations relating to the registration of out-of-state private postsecondary institutions, including an “Application for Registration or Re-Registration of Out of State Institutions” form that is incorporated by reference. This action is a readoption of emergency action 2017-0519-02E.

Title 5
 ADOPT: 71396
 Filed 11/21/2017
 Effective 11/27/2017
 Agency Contact: Kent Gray (916) 246-3907

File# 2017-1004-01
 BUREAU OF AUTOMOTIVE REPAIR
 Mobile Automotive Repair Advertising

In this resubmitted rulemaking action, the Bureau adopts three sections and amends one section to establish registration, advertising, and other standards for automotive repair dealers who engage in the business of mobile automotive repair and do not operate a currently registered place of business where the diagnosis or repair of motor vehicles is performed.

Title 16
 ADOPT: 3351.7.1, 3351.7.2, 3371.7.3 AMEND:
 3371.1
 Filed 11/16/2017
 Effective 11/16/2017
 Agency Contact: Brian Clark (916) 403-8560

File# 2017-1103-01
 CALIFORNIA DEPARTMENT OF TECHNOLOGY
 Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
 AMEND: 59640
 Filed 11/21/2017
 Effective 12/21/2017
 Agency Contact: Jeff Pudoff (916) 431-4095

File# 2017-1009-02
 CALIFORNIA HIGHWAY PATROL
 Inhalation Hazard Shipments; Routes and Stopping
 Places

The California Highway Patrol updated designated inspection stops, required inspection stops, and safe stopping places (stopping places) for vehicles transporting inhalation hazards along designated routes. The stopping places are listed in California Code of Regulations, title 13, section 1157.21. This action amends section 1157.21 by adding one safe stopping place, updating information on business names, access, services, and hours for five stopping places, and making editorial changes.

Title 13
 AMEND: 1157.21
 Filed 11/16/2017
 Effective 01/01/2018
 Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2017-1010-02
 CALIFORNIA HORSE RACING BOARD
 Authorized Medication

In this regular rulemaking, the California Horse Racing Board (the “Board”) is amending section 1844 in title 4 of the California Code of Regulations. Section 1844 is being amended to (1) provide that no clenbuterol may be present in the official urine test samples for any horse competing in a quarter horse race; and (2) make other changes to the Board-authorized list of drug substances and medications.

Title 4
 AMEND: 1844
 Filed 11/16/2017
 Effective 01/01/2018
 Agency Contact: Harold Coburn (916) 263-6026

File# 2017-1013-02
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

In this certificate of compliance, the Department of Food and Agriculture expands a quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) in the El Sobrante, Pleasant Hill, and Vallejo areas of Contra Costa, Alameda, Solano, and Napa Counties. This quarantine area of is being expanded by approximately 150 square miles in response to the identification of one adult ACP on March 16, 2017. This action provides authority for the State to perform quarantine activities against ACP within this area.

Title 3
 AMEND: 3435(b)
 Filed 11/21/2017
 Effective 11/21/2017
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1023-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Avocado

This rulemaking action repeals section 1408.22 of Title 3 of the California Code of Regulations which is in conflict with and superseded by Title 21 Code of Federal Regulations section 112.114 concerning the harvesting for sale of fruit which has dropped to the ground before harvest.

Title 3
 REPEAL: 1408.22
 Filed 11/21/2017
 Effective 11/21/2017
 Agency Contact: Laurel Rudolph (916) 900-5322

File# 2017-1025-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Melon Fruit Fly Eradication Area

The Department of Food and Agriculture (DFA) submitted this timely certificate of compliance action to make permanent the addition of Riverside County to the melon fruit fly eradication area established in California Code of Regulations, title 3, section 3591.15. Riverside County was added to section 3591.15 in OAL file no. 2017-0502-03E.

Title 3
 AMEND: 3591.15
 Filed 11/20/2017
 Effective 11/20/2017
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1116-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) by approximately 23 square miles in the Salinas and Spreckles area of Monterey County in response to the identification of three adult ACPs on November 1, 2017. The total area which would be under regulation would be approximately 63,254 square miles. This emergency action provides authority for the State to perform quarantine activities against ACP within these areas.

Title 3
 AMEND: 3435(b)
 Filed 11/20/2017
 Effective 11/20/2017
 Agency Contact: Kyle Beucke (916) 403-6741

File# 2017-1120-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture will expand the existing quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) in the San Jose area of Santa Clara County by approximately 52 square miles. The effect of this emergency action is to provide authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

Title 3
 AMEND: 3435(b)
 Filed 11/22/2017
 Effective 11/22/2017
 Agency Contact: Kyle Beucke (916) 403-6741

File# 2017-1003-04
 DEPARTMENT OF MOTOR VEHICLES
 Special Interest License Plates

This action by the Department of Motor Vehicles amends section 180.00 in title 13 of the California Code of Regulations relating to special interest license plates.

Title 13
 AMEND: 180.00
 Filed 11/15/2017
 Effective 01/01/2018
 Agency Contact: Randi Calkins (916) 657-8898

File# 2017-1013-08
 DEPARTMENT OF MOTOR VEHICLES
 Special Interest License Plates Program

This regulatory action by the Department of Motor Vehicles (Department) adopts and amends sections in title 13 of the CCR, regarding special interest license plates. This rulemaking establishes a set of general rules and requirements for all sponsors of specialized license plates.

Title 13
 ADOPT: 160.02, 160.04, 106.06, 161.00, 161.02, 161.04, 161.06 AMEND: 160.00
 Filed 11/20/2017
 Effective 01/01/2018
 Agency Contact: Tracy Brazil (916) 657-8919

File# 2017-1031-03
 DEPARTMENT OF PESTICIDE REGULATION
 Medical Supervision

In this action, as a change without regulatory effect, the Department of Pesticide Regulation amends section 6728 to update the name of the “State Department of Health Services” to the “California Department of Public Health” and to add Health and Safety Code section 105206 as a new Reference citation. Section 6728 deals with medical supervision in regards to general safety requirements for pesticide worker safety.

Title 3
 AMEND: 6728
 Filed 11/15/2017
 Agency Contact:
 Linda Irokawa–Otani (916) 445–3991

File# 2017–1106–01
 DEPARTMENT OF RESOURCES RECYCLING
 AND RECOVERY
 Processing Payments

This emergency rulemaking action adopts new subdivision (b) of section 2975 of Title 14 of the California Code of Regulations to establish fixed reasonable financial returns for urban and rural recycling centers for the 2018 calendar year.

Title 14
 AMEND: 2975
 Filed 11/16/2017
 Effective 11/16/2017
 Agency Contact: Adam Tauber (916) 323–6888

File# 2017–1011–03
 DEPARTMENT OF SOCIAL SERVICES
 CalWORKs Homeless Assistance Payments

The Department of Social Services submitted this timely certificate of compliance action to make permanent the amendments in the Manual of Policies and Procedures (MPP) in response to passage of Assembly Bill 1603 (Chapter 25, Statutes of 2016). AB 1603 made changes to the California Work Opportunity and Responsibility to Kids Homeless Assistance Program by removing the once–in–a–lifetime limit currently placed on homeless assistance and expanding the provision of temporary shelter assistance and permanent housing assistance to be available every 12 months. These amendments to the MPP were made in OAL file no. 2017–0419–01EFP. This action makes permanent the emergency amendments to the MPP.

Title MPP
 AMEND: 44–211
 Filed 11/16/2017
 Effective 11/16/2017
 Agency Contact: Oliver Chu (916) 657–3588

File# 2017–1117–03
 DEPARTMENT OF STATE HOSPITALS
 Incompetent to Stand Trial Admissions Process

The Department of State Hospitals (DSH) submitted this action to adopt a new article and nine new sections in title 9, division 1, chapter 16 of the California Code of Regulations. The regulations address admissions to state hospitals of court–ordered commitments under Penal Code section 1370, which are made when a criminal defendant is determined by a court to be incompetent to stand trial (IST). The regulations are intended to clarify the process for admitting IST individuals by providing uniform admissions procedures and classification criteria applicable to all counties.

Title 9
 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715,
 4716, 4717
 Filed 11/22/2017
 Effective 11/22/2017
 Agency Contact: Amy Whiting (916) 651–3247

File# 2017–1023–04
 FAIR POLITICAL PRACTICES COMMISSION
 Restrictions on Contributions

In this action, the Fair Political Practices Commission amends section 18535 dealing with restrictions on contributions between state candidates.

Title 2
 AMEND: 18535
 Filed 11/15/2017
 Effective 12/15/2017
 Agency Contact: Cesar R. Cuevas (916) 324–3854

File# 2017–1103–02
 FISH AND GAME COMMISSION
 Process Conform State Regulations to Federal Rules

This action by the Fish and Game Commission establishes, pursuant to Fish and Game Code section 7110, an automatic process to conform state recreational fishing regulations for salmon and pacific halibut in applicable state waters (zero to three miles offshore) to federal regulations.

Title 14
 ADOPT: 1.95
 Filed 11/20/2017
 Effective 01/01/2018
 Agency Contact: Sherrie Fonbuena (916) 654–9866

File# 2017–1017–02
 OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 Chemicals known to the State to Cause Cancer or Reproductive Toxicity

This file and print request by the Office of Environmental Health Hazard Assessment amends subdivision (b) of section 27001 to add three chemicals to the list of chemicals known to the state to cause cancer. This action is exempt from the rulemaking procedures of the APA and OAL review pursuant to Health and Safety Code section 25249.8, subdivision (e).

Title 27
AMEND: 27001
Filed 11/15/2017
Effective 10/27/2017
Agency Contact: Michelle Ramirez (916) 327-3015

File# 2017-1025-03
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Prop 65 Amendments to Article 6 Warnings

This rulemaking action by the Office of Environmental Health Hazard Assessment includes minor technical and clarifying updates to Article 6 (“Clear and Reasonable Warnings”) of Title 27 of the California Code of Regulations.

Title 27
AMEND: 25600.1, 25600.2, 25601, 25602, 25603, 25607, 25607.2, 25607.5, 25607.6, 25607.7, 25607.12, 25607.13
Filed 11/20/2017
Effective 08/30/2018
Agency Contact: Monet Vela (916) 323-2517

File# 2017-1031-02
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This file and print request by the Office of Environmental Health Hazard Assessment amends subdivision (c) of section 27001 to add Perfluorooctane sulfonate (PFOS) and Perfluorooctanoic acid (PFOA) to the list of chemicals known to the state to cause reproductive toxicity. This amendment is exempt from the rulemaking procedures of the APA and is exempt from OAL review pursuant to Health and Safety Code section 25249.8.

Title 27
AMEND: 27001
Filed 11/15/2017
Effective 11/10/2017
Agency Contact: Michelle Ramirez (916) 327-3015

File# 2017-1010-03
PUBLIC EMPLOYEES’ RETIREMENT SYSTEM
Clarification of Combination Enrollments

This resubmittal action amends regulations governing state employee and annuitant health benefits plans limiting “multiple enrollment” options to (1) only those basic and supplemental plans offered by CalPERS at the time of enrollment; and (2) basic and supplemental plans that are provided by the same carrier where the member and other family members may not enroll in only one plan.

Title 2
AMEND: 559.502
Filed 11/21/2017
Effective 01/01/2018
Agency Contact: Anthony Martin (916) 795-9347

File# 2017-1006-01
STATE WATER RESOURCES CONTROL BOARD
Amendment to Statewide Once-Through Cooling Policy

Pursuant to Government Code section 11353, this regulatory action by the State Water Resources Control Board amends the concise summary in section 2922 of title 23 of the California Code of Regulations. On August 15, 2017, the State Water Resources Control Board adopted Resolution No. 2017-0047, amending the statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Policy). The Policy establishes uniform technology-based standards to implement federal Clean Water Act section 316(b), which requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. The Policy amendment provides a compliance deadline extension for Encina Power Station Units 2 to 5 from December 31, 2017 to December 31, 2018.

Title 23
AMEND: 2922
Filed 11/20/2017
Effective 11/20/2017
Agency Contact:
Maria de la Paz Carpio-Obeso (916) 341-5858

File# 2017-1109-01
STATE WATER RESOURCES CONTROL BOARD
Wastewater Operator Certification Fees

This emergency rulemaking by the State Water Resources Control Board amends sections 3682.2, 3682.3, 3702.1, 3702.2, 3702.3, 3702.4, and 3717 in title 23 of the California Code of Regulations. Sections 3682.2, 3682.3, 3702.1, 3702.2, 3702.3, and 3702.4 are being amended in response to the amendment of Water Code section 13628, subdivision (a), which changed the certification renewal period from two years to three years. Section 3717 is being amended to reduce various operator, provisional operator, and operator-in-training fees.

Title 23
 AMEND: 3682.2, 3682.3, 3702.1, 3702.2, 3702.3,
 3702.4, 3717
 Filed 11/16/2017
 Effective 11/16/2017
 Agency Contact: Wes Wilkinson (916) 341-5131

File# 2017-1109-02
 STATE WATER RESOURCES CONTROL BOARD
 Drinking Water Operator Certification Fees

The State Water Resources Control Board (SWRCB) submitted this deemed emergency action to adopt a definition of "State Water Board" in California Code of Regulations, title 22, section 63750.80 and to amend the certification fee schedule for the Drinking Water Operator Certification Program in California Code of Regulations, title 22, section 63850. Consistent with Health and Safety Code section 106890(c), SWRCB is extending existing reduced certification and certification renewal fees to all applicants holding two or more valid, unexpired certifications issued by SWRCB as a water treatment operator, distribution operator, or wastewater treatment plant operator. Additionally, SWRCB is amending the fee schedule in section 63850 to update or delete certain provisions that are outdated or no longer in use.

Title 22
 ADOPT: 63750.80 AMEND: 63850
 Filed 11/16/2017
 Effective 11/16/2017
 Agency Contact: Alice Webber (916) 449-5642

File# 2017-1106-06
 SUPERINTENDENT OF PUBLIC INSTRUCTION
 High School Equivalency Test

This emergency action readopts and amends regulations to implement the statutory fee waiver process and documentation requirements for homeless and foster youths taking the High School Equivalency Test.

Title 5
 ADOPT: 11534.1 AMEND: 11530, 11533, 11534
 Filed 11/16/2017
 Effective 11/29/2017
 Agency Contact: Hillary Wirick (916) 319-0644

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN June 21, 2017 TO
 November 22, 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

11/21/17 AMEND: 559.502
 11/21/17 AMEND: 59640
 11/15/17 AMEND: 18535
 10/26/17 ADOPT: 571.1
 10/23/17 AMEND: 11024
 10/23/17 AMEND: 59740
 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, 547.57.2, 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
 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

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06/22/17 AMEND: 327
 06/21/17 AMEND: 3700

Title 3

11/22/17 AMEND: 3435(b)
 11/21/17 AMEND: 3435(b)
 11/21/17 REPEAL: 1408.22
 11/20/17 AMEND: 3591.15
 11/20/17 AMEND: 3435(b)
 11/15/17 AMEND: 6728
 11/09/17 AMEND: 3435(b)
 11/07/17 ADOPT: 6690, 6691, 6692
 11/07/17 ADOPT: 2852.5 AMEND: 2850, 2851,
 2852, 2853, 2854, 2855, 2856
 11/06/17 AMEND: 3435(b)
 11/02/17 AMEND: 3435(b)
 10/23/17 AMEND: 3435(b)
 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

Title 4

11/16/17 AMEND: 1844
 11/02/17 AMEND: 10170.2, 10170.3, 10170.4,
 10170.9, 10170.10
 10/31/17 AMEND: 711
 10/31/17 AMEND: 10031, 10032, 10033, 10035,
 10036
 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

6482, 6484, 6486, 6490, 6492, 6494,
 6496, 6498, 6500, 6502, 6504, 6506,
 6508, 6510, 6600, 6602, 6604, 6606,
 6608, 6610, 6612, 6614, 6616, 6618,
 6620, 6622

Title 5

11/21/17 ADOPT: 71396
 11/16/17 ADOPT: 11526 AMEND: 11520, 11524,
 11525
 11/16/17 ADOPT: 11534.1 AMEND: 11530,
 11533, 11534
 11/13/17 REPEAL: 620, 621, 622, 623, 624, 625,
 626, 627
 11/07/17 ADOPT: 9517.1
 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

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

11/07/17 ADOPT: 999.224, 999.225, 999.226,
 999.227, 999.228, 999.229
 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

Title 8

10/26/17 ADOPT: 1711 AMEND: 1712, 1713,
 1717 REPEAL: 1711, 1721
 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

Title 13

11/20/17 ADOPT: 160.02, 160.04, 106.06, 161.00,
 161.02, 161.04, 161.06 AMEND: 160.00
 11/16/17 AMEND: 1157.21
 11/15/17 AMEND: 180.00
 11/13/17 ADOPT: 2774 AMEND: 2750, 2751,
 2752, 2753, 2754.1, 2755, 2756, 2757,
 2758, 2759, 2760, 2761, 2762, 2763,
 2764, 2765, 2766, 2767, 2767.1, 2768,
 2769, 2770, 2771, 2772, 2773
 11/13/17 AMEND: 225.00, 225.03, 225.09,
 225.12, 225.15, 225.30, 225.35, 225.39,
 225.42
 10/30/17 AMEND: 423.00
 10/25/17 AMEND: 26.01, 26.02
 10/23/17 AMEND: 1153
 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

Title 9

11/22/17 ADOPT: 4700, 4710, 4711, 4712, 4713,
 4714, 4715, 4716, 4717
 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

Title 10

10/26/17 ADOPT: 6408, 6410, 6450, 6452, 6454,
 6470, 6472, 6474, 6476, 6478, 6480,

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07/31/17 ADOPT: 1267.1 AMEND: 1201, 1217,
1232, 1242, 1268, 1269
07/27/17 AMEND: 1151.8.1
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